

Police Regulations, Bengal.

CHAPTER 1.

Organization.

1. In these Regulations, unless there is anything repugnant in the subject or context—

(i) the word “Superintendent” means Superintendent of Police and includes an Additional Superintendent and any officer, not below the rank of Inspector, temporarily discharging the duties of the Superintendent of Police when the latter is incapacitated or absent from Headquarters;

(ii) the word “officers” includes men;

(iii) the words “Subordinate police officer” mean an officer below the rank of deputy Superintendent of Police;

(iv) the words “Unarmed Police” mean subordinate police officers who are not in the Eastern Frontier Rifles or in the Special Armed Force;

(v) the words “Reserve Office” mean that branch of a Superintendent’s office that is located in the Police Lines (vide regulation 892) ; and the words “Superintendent’s office” mean the remainder of his office;

(vi) the words “Armed Inspector” mean the Inspector in charge of the Special Armed Force and the Reserve office;

(vii) the words “Reserve Officer” mean the senior Sub-Inspector employed on clerical duties in the Reserve office;

(viii) the words “escort commander” mean the officer in charge of an escort;

(ix) the words “Court officer” mean the officer in charge of the Court police office;

(x) the words “Office Inspector” mean the Inspector attached to the Superintendent’s office;

1A. The expression “Provincial Government” mean the Governor acting or not acting in his discretion, and exercising or not exercising his individual judgment, according to the provision in that behalf made by and under the Government of India Act, 1935 [vide section 3 (43 a) of the General Clauses Act, 1897 (X of I 897)]. Special reference is drawn to section 56 of the Government of India Act, 1935.

2. The province of Bengal excluding the city and suburbs of Calcutta General forms a general police district as defined in section 1 of the Police Act, Police 1861 (V of 1861), with the exception of the Chittagong Hill Tracts, District. which have been constituted a separate general police district by the Chittagong Hill Tracts Regulation, 1900 (Regulation I of 1900).

3. The Regulations deal only with the Bengal Police. The Eastern application. Frontier Rifles (Bengal Battalion) are governed, by the Eastern Frontier Rifles Regulations.

4. The province is divided into the following police administrative areas:—

(i) the Range, consisting of a group of districts;

(ii) the District, which is normally divided into sub-divisions. Railway Police districts are not normally so divided;

(iii) the Sub-division, containing one or more police circles;

(iv) the Circle consisting of a group of police-stations;

(v) the Police-station, which is divided into union. The police station as defined in section 4(1) (s) of the Code of Criminal Procedure, 1898, is the unit of investigation. Outposts exist in certain police stations, as subordinate police posts, but they are not investigating centers.

5. The subordinate police posts referred to in regulation 4(v)

(i) the outpost, established in a rural area of a police-station for any special reason, such as remoteness or difficulty of access from. the police-station;

(ii) the town outpost, established at a convenient point in a municipal area for the facility of town patrols.

6. Police officers stationed in Bengal may be—

(i) superior administrative officers, viz., the Inspector-General or a Deputy Inspector-General ; or they may be attached to —

(ii) the District Police;

(iii) the Railway Police;

(iv) the Police Training College;

(v) the Criminal Investigation Department, which includes the Intelligence Branch ; or

(vi) the Inspector-General's staff.

7. (a) The administration of the police throughout the general police district is, under section 4 of the Police Act, 1861, vested in the Inspector-General. The areas and posts shown in regulations 4 and 5 are controlled by officers as follows: —

(i) The Range—a Deputy Inspector-General.

(ii) The District—e Superintendent. In certain districts he is assisted by one or more Additional, Assistant or Deputy Superintendents. There are also Superintendents in charge of Railway Police districts.

(iii) The Subdivision—a Sub divisional Police Officer, who may be either an Assistant or a Deputy Superintendent. Sub-divisional Police Officers are posted only to important subdivisions.

(iv) The Circle—an Inspector.

(v) The Police-station——a Sub-Inspector.

(vi) The Outpost (land or floating)—an Assistant Sub-Inspector.

(vii) The Town outpost—a head constable.

(b) Officers of the ranks mentioned in (i) to (iv) above are known as “Gazetted officers”.

Note. —In every district there may be, in addition to Circle Inspectors, all or any of the following Inspectors: —

An Inspector In charge of the Court office.

An Inspector In charge of the Town Police.

(iii) An Inspector In charge of the Special Armed Force and the Reserve office at district Headquarters. (An Inspector may also be employed at other stations where there is a detachment of the emergency force.)

(iv) An inspector employed in the District Intelligence Branch.

(v) An Inspector employed in the Detective Department.

(vi) An Inspector employed in the Superintendent’s office. In a Railway Police district there may be, in addition to Circle Inspectors an Inspector (1) In charge of the court staff and (2) In charge of the platform staff.

8. A table showing all ranks of police officers in order of precedence is given in Appendix I.

9. (a) The Criminal Investigation Department is administered by a Deputy Inspector-General, whose special duties are described in Chapter IX of the Regulations.

(b) The control of the Police Training College vests in the Principal, who is of the rank of Superintendent. The Police Training College Manual defines the special duties of the post.

(c) The Inspector-General has as staff two Superintendents who hold the title of Assistant Inspector-General.

10. (a) No alteration in the Jurisdiction or the number of administrative areas shall be made without the orders of the Provincial government, except that the Inspector-General may alter the distribution of police-stations between circles in the same sub-division.

(b) The procedure to be observed in proposing alterations in the constitution, site or nomenclature of police-stations is described in Appendix II.

11. (a) The Inspector-General is competent to sanction the permanent establishment of subordinate posts, provided that if any increase in personnel is involved he shall obtain the prior sanction of the Provincial Government.

(b) Subject to the condition that no extra expense is involved, temporary outposts may be established by a Superintendent without reference to the Deputy Inspector-General. When, however, it is necessary to hire accommodation, the previous sanction of the Deputy Inspector-General for the extra expenditure shall be obtained. Superintendents shall submit to the Deputy Inspector-General on the 1st April each year a statement showing the number of, and the period for which such posts were created with brief reasons in each case.

12. The force allotted to each district is organised broadly to provide staff for police-stations (including subordinate police posts), Courts, Town Police, Special Armed Force and special posts, such as the District Intelligence Branch, Detective Department (where such exist) and certain posts involving clerical duties. Details are given in each case in the appropriate chapter.

CHAPTER II

Relations with other departments.

Relations of police officers with other servants of the Crown, local authorities and the public.

13. (a) The Commissioner as the local head of the administration, shall exercise supervision and control over the action of the District Magistrate in police matters.

(b) Any order received from the Commissioner either direct or through the District Magistrate shall be promptly executed by the Superintendent, who shall, however, report it through the Deputy Inspector-General of the Range to the Inspector-general if it is of an unusual nature.

14. (a) The Deputy Inspector-General of a Range shall keep in close touch with Commissioners and District Magistrates in regard to the maintenance of peace and the prevention and detection of crime in their respective charges, and shall do all in his power to establish harmonious co-operation between the police and the magistracy.

(b) He shall ordinarily communicate with the Commissioner by demi-official or unofficial notes and with District Magistrates through Superintendents but he shall make a point of having personal discussions with them at intervals, e.g., when he visits their Headquarters.

15. (a) The Superintendent is the immediate head of the police force of the district and is responsible for all matters concerning its internal economy and management and for its efficiency and discipline. He is also responsible, subject to the general control of the District Magistrate, for the criminal administration of the district, and for the proper performance by officers subordinate to him of all preventive and executive duties.

(b) The District Magistrate has no authority to interfere in the internal organisation and discipline of the police force, but it is his duty to bring to the notice of the Superintendent all cases in which the conduct and qualifications of a police officer affect the general administration of his district.

(c) The District Magistrate may call for the papers relating to the conduct or character of any police officer of his district and may send them on to the Deputy Inspector-General of the Range for the information of the Inspector-General and Commissioner. He may direct an enquiry to be made into any case of misconduct of a police officer. The Superintendent shall submit to the District Magistrate the papers regarding all serious cases of misconduct and of cases likely to affect the relations of the police with the public.

(d) All orders of the District Magistrate relating to the police except those passed in his judicial capacity, shall be addressed to the Superintendent, or in the event of his absence from Headquarters to the officer In charge during his absence. The Superintendent as the local head of the police under the District Magistrate is bound to carry out his orders except in regard to the internal economy organisation and discipline of the force, and matters of a purely departmental nature.

(e) Should any difference of opinion on any question relating to the police administration arise between the Superintendent and the District Magistrate, it is the duty of the Superintendent to carry out the Magistrate's instructions. The Magistrate shall in such cases forth with refer the matter to the Commissioner and the Superintendent shall similarly make a reference to his Deputy inspector-General. The Commissioner and the Deputy Inspector-General shall consult together and, if possible, arrive at an agreed decision. If they are unable to agree, the matter shall be referred to the Provincial Government through the inspector-General.

(f) The District Magistrate, in the exercise of his power of control, shall abstain from any action likely to weaken the authority of the Superintendent or to deprive him of responsibility. For this reason he shall avoid, as far as possible, the issue of executive orders until he has consulted the Superintendent.

(g) No circular or general order dealing with questions of law or procedure other than purely departmental matters may be issued by a Superintendent until it has been approved by the District Magistrate.

16. (a) The Superintendent shall remain in constant personal communication with the District Magistrate whenever possible, and consult him on all important matters. It is incumbent on him to afford the District Magistrate all possible assistance in the criminal administration of the district, and in such matters he shall, as far as possible, accede to his wishes. Should any question arise on which they do not agree the District Magistrate shall give the Superintendent written orders and the Superintendent will carry them out; but the District Magistrate shall refer the point under dispute, if the Superintendent so desires, to the Deputy Inspector-General when the matter will be settled as laid down in regulation 15 (e).

(b) The Superintendent shall keep the District Magistrate fully informed of all matters coming to his knowledge affecting the peace of the district, and when he is on tour the police officer In charge of Headquarters shall send direct to the District Magistrate all important information which would not reach him soon enough through the Superintendent.

(c) Whenever he is about to leave the station, the Superintendent shall report his intention to the Magistrate, specifying, as far as possible, the places at which he may be found from day to day; and the Magistrate, for reasons to be recorded by him, may require the Superintendent to remain at Headquarters.

17. Correspondence between District Magistrates and Superintendents shall be carried on by means of unofficial notes or memoranda. The original file shall be sent for action, when possible, and formal letters shall on no account be written.

18. All orders on the police, except judicial orders, issued by the office of the District Magistrate shall ordinarily be sent through the Superintendent. This includes orders relating to tours by the District Magistrate and other officers and the provision of supplies by the police. Similarly, orders issued by the Sub-divisional Magistrate shall be sent through the Sub-divisional Police Officer, or if there be no Sub-divisional Police Officer, through the Circle Inspector.

19. The District Magistrate shall exercise constant supervision over the prevention and detection of crime, for the proper conduct of which he is ultimately responsible. An important part of his duty is' to inspect the police-stations of his district at regular intervals. It is not necessary for him to examine the details of the working of the department, but he should give special attention to—

- (i) the general diary and the manner in which it is written up;
- (ii) the recording of vital statistics;
- (iii) the proper working of the Arms Act;
- (iv) the methods of collecting crop statistics;
- (v) the working of the rural police;

(vi) the general state of crime in the police-station and any reasons for its increase or decrease;

(vii) whether the Sub-Inspector appears to have a proper knowledge of his duties, whether he is in touch with the respectable inhabitants of his charge, has acquired local knowledge, and takes an interest in his work;

(viii) Whether the police-station officials appear to be working properly and have a proper knowledge of their duties and the neighborhood;

(ix) whether the police-station has been regularly and properly inspected.

20. (a) If the District Magistrate observes in any police officer of or below the rank of Inspector marked incompetence or unfitness for the locality in which he is stationed, or unfitness for his particular duties, he may draw the attention of the Superintendent to the fact and request him to consider the advisability of transferring him to another locality or to other duties. He shall; however, bear in mind that not only are transfers detrimental to police work, but the officer transferred may do as badly or even worse in another place. Unsatisfactory work is as a rule met by punishment and a transfer should not be recommended unless it is likely to improve the criminal administration of the district as a whole.

(b) If the Magistrate observes in any police officer above the rank of Inspector incompetence or unfitness he may communicate with the Inspector-General, who after paying careful attention to the views of the District Magistrate, shall determine what measures should be taken and shall inform the Magistrate of the action which he takes in the matter.

21. (a) Except as provided in the Code of Criminal Procedure or any other Act, or in any rules made or approved by the Provincial Government, for the time being in force, subordinate Magistrates have no power to interfere in police work. But Magistrates having jurisdiction and empowered to take cognizance of police cases are reminded of their responsibility for watching the course of police investigations in the manner laid down in Chapter XIV of the Code of Criminal Procedure.

(b) The district Magistrate should take care that his sub-ordinate Magistrates do not abuse the power given to them by sections 155 and 202 of the Code of Criminal Procedure of ordering a police investigation in non-cognizable cases. Such orders should be made only in exceptional cases, and when the Magistrate requires information of specific matter of fact, and not, as is often the custom, as a routine preliminary to the granting of a summons. The subordinate police may often not be averse from this abuse of procedure, and it is incumbent on the Superintendent to watch the working of these sections, so far as they affect the police, and to bring to the notice of the District Magistrate any tendency on the part of Magistrates to misuse them.

22. (a) Except where it is provided otherwise in these Regulations or by any law for the time being in force, Sub-divisional Magistrates shall have only the same powers in respect of the police as other subordinate Magistrates; but it is the duty of every Sub-divisional Magistrate to inspect all police-stations within his jurisdiction once annually. At such inspection Sub-

divisional Magistrates shall follow the instructions laid down for District Magistrates in regulation 19 and may give orders affecting the preparation and trial of cases; but they are not empowered to issue executive orders to the police, and shall confine themselves to bringing to the notice of the District Magistrate any matter which appears to call for intervention.

(b) A Magistrate in charge of a sub-division can only nominate the officer in charge of a police-station to investigate a case within the limits of such officer's police-station; but should such Magistrate intimate his opinion that for funicular reasons a special officer should conduct the investigation, the Sub-divisional Police Officer or the Circle Inspector shall, if possible, comply with his wishes.

(c) The Sub-divisional Police Officer shall remain in constant personal communication with the Sub-divisional Magistrate regarding matters of general police administration and should discuss with him all important matters. In sub-divisions (other than the sadar sub-division where there is no Sub-divisional Police Officer, the Circle Inspector shall similarly remain in constant personal touch with the Sub-divisional magistrate wherever possible and keep him informed of all important matters concerning the criminal administration of his circle. A Circle Inspector whose circle Headquarters are not situated at the sub-divisional Headquarters, shall take every opportunity of keeping the Sub-divisional Magistrate informed of such matters whenever he visits the sub-divisional Headquarters or when the Sub-divisional Magistrate visits his Headquarters. Each officer (Sub-divisional Magistrate and Sub-divisional Police Officer or Sub-divisional Magistrate and Circle inspector) shall arrange to have a copy of his tour programmed sent to the other and to keep him informed of any subsequent modification made in it.

23. The Sub-divisional Police Officer shall consult the Sub-divisional Magistrate in all matters affecting the criminal administration and the maintenance of peace in the sub-division. His relations with the Sub-divisional Magistrate shall generally be similar to those between the Superintendent and the District Magistrate.

24. (a) When an allegation of misconduct is made against a police officer—

(i) in a complaint before a Magistrate, or

(ii) in an information lodged with a police officer and forwarded by him to the District or Sub-divisional Magistrate under regulation 244(c),

the Magistrate concerned should decide whether there will be an inquiry under the appropriate section (159 or 202) of the Code of Criminal Procedure.

(b) If he decides that an inquiry is necessary, he should direct it to be made by a Magistrate or by a Police Officer.

(c) If the alleged occurrence appears to be obviously trivial though cognizable, it should be sufficient to order a local investigation by a police officer of superior rank. The Superintendent should be asked to arrange for such investigation to be held at once.

(d) If there is no apparent reason to doubt the truth of the complaint and no preliminary inquiry is thought necessary, the Magistrate should fix the earliest possible date for the trial.

25. (a) Whenever an allegation of misconduct on the part of a police officer comes to the notice of a Magistrate otherwise than under regulations 24, 26 or 28, he may, if he considers it necessary, take cognizance of the case under section 190 (1) (c) of the Code of Criminal Procedure.

(b) (i) A police officer of superior rank shall at once report to the Superintendent any allegation of serious misconduct which comes to his by notice otherwise than under regulations 24, 26 or 28, and the Superintendent shall in turn report it at once to the District Magistrate.

(ii) The Superintendent shall personally consult the District Magistrate as to the action to be taken, if they are both at Headquarters. If either is absent from Headquarters, the Superintendent shall himself hold a departmental inquiry locally or, if he cannot himself hold it, shall direct it so to be held by a police officer of rank superior to that of the accused such officer shall if the accused is a head constable or officer of higher rank, be a gazetted officer.

(iii) If the District Magistrate considers it necessary in view of the rank of the accused, the gravity of the alleged offence or the extent to which such allegations are prevalent in the district he should instruct a Magistrate to co-operate with the Police Officer holding the departmental inquiry or should order a magisterial inquiry to be held instead.

26. (a) A Magistrate trying a case should not notice in a final order or judgement (except, if necessary, as a matter demanding inquiry) any misconduct that he suspects on the part of a police officer, unless—

(i) it has been established after the officer has been given reasonable opportunity to explain it, or

(ii) reference to it is necessary for the elucidation of the case.

(b) When such Magistrate finds it necessary to criticise the conduct of any police officer, he should record the important points clearly in a separate note and send it forthwith to the District Magistrate.

(c) Any favourable comments should similarly be made in a note forwarded to the District Magistrate.

(d) The District Magistrate shall take action on such criticisms or comments in the manner prescribed in regulations 27 and 28 (b) (1).

27.(a) The District Magistrate shall send immediately to the Superintendent a copy of any comments, whether favourable or unfavourable, that have been made on the conduct of a police officer (i) in a judgement by a Magistrate, a Judge, or a Court of superior status, or (ii) in a note submitted under regulation 26 (b) by a Magistrate trying a case.

(b) The Superintendent shall cause all favourable comments to be entered in a manuscript register of comments by courts and in the case of unfavourable comments, shall take such action as is suitable bearing in mind the requirement of regulation 28 where such comments are made by a Court of Sessions or Court of superior status.

28. (a) When a Court of Sessions or a Court of superior status has in a judgment criticised the conduct of a police officer and has recorded its opinion that a special inquiry is necessary—

(i) the District Magistrate may institute criminal proceedings forthwith if, in his opinion, there is sufficient evidence already available;

(ii) otherwise, he should move the Provincial Government through the Commissioner to appoint a commission of two officers for publicly conducting such an inquiry ; and

(iii) in either event a preliminary departmental inquiry shall be held immediately by a police officer of superior rank with the object of collecting, collating and preparing all the available evidence for the criminal prosecution or the special inquiry.

(b) When such court has not recorded its opinion that a special inquiry is necessary, or when a Magistrate has in a judgement criticised the conduct of a police officer—

(I) it will be at the discretion of the District Magistrate to order—

(i) the institution of criminal proceedings; or

(ii) a magisterial inquiry or a departmental inquiry by a police officer of superior rank; or

(iii) disciplinary action by the Superintendent under the ordinary departmental rules.

He shall send the Superintendent a copy of his order.

(II) The Inspector-General may, if he considers it necessary, move the Provincial Government for the appointment of a special commission of inquiry.

29. When an order is passed for a magisterial inquiry into an allegation against a police officer—

(a) it should be held at the place of occurrence;

(b) the Magistrate, deputed to hold it should, if possible, proceed there not later than the following day;

(c) such Magistrate should be an Assistant Magistrate or a Deputy Magistrate of the first class if the officer concerned is of or above the rank of Sub-Inspector and is accused of committing a cognizable offence or of having demanded or accepted a bribe;

(b) no concurrent departmental inquiry should be made but the Superintendent shall depute a police officer to attend and to arrange for the production before the Magistrate of any police witnesses and of such other evidence as may be available;

(e) no police officer connected with an investigation in the course of which there is alleged to have been ill-treatment by the police should have any concern with the conduct of the inquiry into such allegation.

30. Police officers shall treat all courts and Magistrates with due respect. They shall not make reflections on them in public or insert disparaging criticisms of their acts in departmental reports or similar documents which are or may be published ; but, if a Superintendent has reason to believe that there has been a failure of justice or that police officers have received unfair treatment, he may bring the case to the notice of the District Magistrate either by a formal application presented by the Court officer for action under section 435 of the Code of Criminal Procedure or by an unofficial note or report, the language of which shall be temperate and respectful.

30A. The District Magistrate should consider such application referred to .in regulation 30, note or report and take such action as he thinks fit but he should not transmit to the Magistrate concerned any unofficial notes or reports on the subject.

31. (a) The Superintendent shall keep in close touch with the Public Prosecutor or Government Pleader whom he shall consult freely whenever an important or difficult legal question arises which affects the Police Department.

(b) A Subdivisional Police Officer (or a Circle Inspector in a subdivision where there is no Subdivisional Police Officer) shall similarly consult the Public Prosecutor or Government Pleader (if any) of the subdivision.

(c) No fee is payable for his advice to a Public Prosecutor or Government Pleader thus consulted.

32. (a) Without the help of panchayats and members of union boards, who employ and control the village police, the police administration cannot work successfully all police officers must therefore show consideration and courtesy towards them.

(b) Officers posted to police-stations shall make themselves acquainted with the panchayats and members of union boards in their jurisdictions, and shall seek their assistance in all matters affecting the prevention and detection of crime.

(c) Officers of superior rank shall in the course of their tours interview panchayats and members of union boards, organise co-operation meeting and generally do their utmost to promote friendly co-operation between them and the police.

33. (a) No police force can work successfully unless it wins the respect and good-will of the public and secures its co-operation. All ranks, therefore, while being firm in the execution of their duty, must show forbearance, civility and courtesy towards all classes. Officers of superior

rank must not only observe this instruction themselves but on all occasions impress their subordinates with the necessity of causing as little friction as possible in the performance of their duties.

(b) Rudeness, harshness and brutality are forbidden ; and every officer of superior rank must take immediate steps for the punishment of any offenders who come to his notice.

(c) No officer should be recommended for promotion who habitually disregards the above instructions.

(d) Every officer, especially an officer of or above the rank of Deputy Superintendent, shall be easily accessible, both at headquarters and when on tour, to Indian gentlemen, whether officials or non-officials, and to other respectable persons and shall encourage them to communicate their opinions to him freely.

(e) Officers responsible for training a probationary Assistant Superintendent shall impress upon him the necessity for showing courtesy towards Indian gentlemen and teach him how to conduct himself towards them.

34. (a) All serving officers shall keep in touch with retired police officers living in their respective jurisdictions and shall attempt to maintain friendly relations with them. In particular, Circle Inspectors and officers in-charge of police-stations shall seek their co-operation whenever their knowledge or experience is likely to prove useful.

(b) An index of such retired officers shall be maintained in the office of the Superintendent, who shall endeavour to sustain their interest in police work by extending to them such courtesies as invitations to conferences, ceremonial parades at headquarters and the like.

CHAPTER III.

Direction and Control.

1-POWERS AND DUTIES.

35. (a) The Inspector-General is authorised to issue, without reference to the Provincial Government, standing or general orders. either on matters of routine or to simplify or explain previous orders, but shall issue no standing order that deals with a point of law until it has been approved by the Legal Remembrancer. All such orders shall be published as Police Orders in the Police Gazette, and the approval of the Provincial Government shall be obtained subsequently for the incorporation of any of them in the Police Regulations.

(b) The Inspector-General may exercise the full powers of a Justice of the Peace, with which he is vested under section 5, Police Act, 1861, throughout the province, only for the preservation or detection of crime,

must or the apprehension or detection of offenders, so far as may be necessary in the absence of a Magistrate.

36. (a) The Deputy Inspector-General of a Range is responsible for maintaining the strictest discipline and the highest possible standard of these by efficiency in the police force under him. He shall ensure; and every making frequent inspections and by keeping in close touch with his punishment Superintendents.

(b) He shall be ready to assist and to control the Superintendents who under him, and shall point out to them the proper method of carrying out their duties whenever he observes neglect, want of system or of divergence from orders but he shall subsequently refer any difference of opinion to the Inspector-General if a Superintendent so requests. He shall seek to encourage, instruct and advise them rather than to find fault: and he shall be careful neither to supersede them in their proper functions nor to interfere unduly in their relations with their subordinates.

(c) He is responsible for seeing that in the districts within his Range all necessary measures are taken by the police for the prevention and detection of crime and that the investigation of important cases is properly supervised, that the procedure is uniform, and that districts co-operate harmoniously with one another and also with districts of other Ranges.

(d) Subject to the provisions of regulation 685, he is empowered to strengthen the police in, or to withdraw police from, any district in his Range as a temporary measure : and he can also alter temporarily the strength of the force allotted to any duty head in the allotment statement in the provided that the total strength of the Range is not thereby increased.

(e) He may not, without the previous sanction of the Inspector-General, issue any circular orders to, or prescribe any return or form to be prepared or submitted by Superintendents in his Range.

37. (a) The powers and duties of a Superintendent are given in the various chapters.

(b) A Superintendent shall without delay or demur carry out any instructions given to him by the Deputy Inspector-General of the Range.

38. It should be the aim of every Superintendent that his subordinates should, on the one hand, feel confident of being given due credit for good work and of receiving a fair hearing and loyal support in all difficulties and, on the other, realise the impossibility of earning his good opinion or of gaining promotion except by honest work.

He shall keep in constant touch with his officers. He shall be accessible to them and encourage those who are called by duty to headquarters to report in person on the state of their charges and

to discuss their difficulties with him personally. He shall attend office at regular hours when at headquarters and dispose of his official business there. When enquiries are being made into minor offences he should dispense with written explanations, if possible, and pass short concise orders.

39. (a) The Additional Superintendent is in subordinate alliance with the Superintendent and holds a position similar to that of a second in command of a regiment. The two officers shall work in constant co-operation and keep each other informed of all matters of importance in the administration of the district when one of them is absent from headquarters the other shall do his current work.

(b) Subject to any restriction imposed by these regulations, the Superintendent may at his discretion employ an Additional Superintendent on any duty and may delegate to him the power to dispose of any particular item of work which is relatively less important and of which the Superintendent can be relieved without in any degree whatsoever diminishing his authority or responsibility.

The Superintendent shall, if necessary, consult the Deputy Inspector-General when determining the duties ordinarily to be performed by the Additional Superintendent.

(c) The Superintendent and the Additional Superintendent shall meet constantly to discuss Intelligence Branch work in order to keep each other posted in all its phases.

(d) The Superintendent shall lay down a definite line of action for the control of crime throughout his charge and he shall communicate this to his Additional Superintendent who shall give him every support in seeing that it is followed.

(40). (a) Although the Superintendent may delegate to the Additional Superintendent the maintenance of the cash account and the of the cash balance he shall himself that the Additional Superintendent is exercising a careful scrutiny.

(b) The Superintendent is the principal touring officer and shall tour throughout his district though he may allot a portion of this work to the Additional Superintendent.

(c) The Superintendent may not delegate to an Additional Superintendent responsibility for any of the following

(i) the drill, discipline and general control of the police force under him;

(ii) the control over expenditure whether of cash or of other property of the Police Department throughout his charge;

(iii) the work of the District Intelligence Branch, except in a district where an Additional Superintendent is specially sanctioned for that Branch;

(iv) the maintenance in his office of the District Crime Note Book or other system of control of crime against property, and

(v) except in Mymensingh district, the general control of crime throughout any part of his district.

(d) Except in Mymensingh the territorial distribution of work between the Superintendent and the Additional Superintendent is prohibited.

(e) An Additional Superintendent may write confidential reports under regulation 76 upon officers with whom he is in close contact; but they shall be subject to the Superintendent's control and remarks.

41. (a) The Superintendent shall personally deal with the following matters

(i) proceedings against Inspectors;

(ii) the posting, transfer and promotion of all officers of and above the rank of Assistant Sub-Inspector;

(iii) important correspondence with higher authorities, such as, applications for additional grants, changes in the jurisdiction of police-stations, etc.;

(iv) the maintenance of the District Note Book prescribed in regulation 1104;

(v) holding orderly room at least once a week as laid down in regulation S93; and, generally,

(vi) all matters of importance.

(b) The Superintendent shall himself pass orders about the major punishment of Sub-Inspectors.

(c) The Superintendent shall personally, as often as is possible—

(i) supervise important cases (vide regulation 55);

(ii) hold the monthly kit inspection at headquarters;

(iii) make inspections of police-stations and of police offices in the district, and shall, so far as possible, deal with important confidential matters.

42. A superintendent is expected to take a share in the actual investigation of important cases but should take the investigation out of the hands of his subordinates only in very exceptional circumstances. He shall personally investigate all serious cases in which Europeans are involved or in which racial feelings have been or are likely to be aroused.

43. (a) Whenever there has been any outbreak of rioting, the Superintendent shall, if necessary, reinforce the local investigating staff and arrange the work so that officers investigating cases arising from the riots can devote undivided attention to them.

(b) He shall also see that investigations are completed without unnecessary delay. Charge sheets shall be framed at once against any persons regarding whom evidence is immediately available, supplementary charge sheets being drawn against other persons regarding whom evidence is obtained later. In no circumstances shall a charge sheet against any person or persons regarding whom satisfactory evidence is forthcoming be delayed while evidence against other persons is sought.

(c) He shall also, if necessary, reinforce the prosecuting staff and, if police officers are not available for this purpose, move the District Magistrate to apply to the Legal Remembrancer for the retention of legal practitioners as public prosecutors. It is essential that the prosecuting staff detailed for such cases should be sufficient to give undivided attention to them.

(d) He shall also see that prosecuting officers move the Magistrates for early trial of such cases, and that they communicate the dates of hearing to the investigating staff, so that all necessary witnesses appear before the courts on those dates.

(e) The District Magistrate should consider whether an additional or special Magistrate is required to deal with cases arising out of the occurrence, and whether local arrangements can be made: if not, the Commissioner and the Provincial Government should be informed by wire. It is important that a capable Magistrate should take up the riot cases and deal promptly with them.

(f) Applications for bail made in any court by any person under trial or appealing against conviction in such cases shall be opposed, if there is reason to believe that he is likely to use his liberty to commit further offences or to instigate others to do so. The Public Prosecutor must be supplied with all relevant facts necessary for this purpose, e.g. that the appellant has previously been convicted of similar offences, that charges for similar offences are pending against him or that there is reasonable ground for believing that he will engage in further unlawful activities.

(g) If the District Magistrate desires that any application made under section 526 of the Code of Criminal Procedure should be opposed, he shall immediately send to the Legal Remembrancer clear and full instructions for the counsel who will oppose it. If it is important that the trial of the case, regarding which the application is made, should not be delayed, the District Magistrate shall also furnish the Legal Remembrancer with reasons for moving the High Court to treat the application as urgent.

(h) The Superintendent is responsible for furnishing the District Magistrate with all relevant facts required under clauses (f) and (g).

(i) Close co-ordination of the work of the police and the magistracy is essential in all matters relating to such cases, and the District Magistrate and the Superintendent are jointly responsible for securing this co-ordination.

44. (a) With the written permission of the Deputy Inspector-General of the Range an Assistant or Deputy Superintendent in any district may, under the control of the Superintendent and subject to any written order recorded by him which does not conflict with any law or rule in force, perform any of the duties of a Superintendent under the Police Act, 1861, or under any rule or order made or approved by the Provincial Government under that Act.

(b) The functions and departmental status of Assistant Superintendents and of Deputy Superintendents are generally the same; but the object for which Deputy Superintendents are appointed is to give the Superintendent as much relief as possible whereas the chief consideration in the case of Assistant Superintendents is their training and their duties shall therefore be arranged so as to give them experience of all branches of police work and to fit them as early as possible for the charge of a district (vide regulation 790).

45. Assistant and Deputy Superintendents posted at headquarters should not be employed only for routine work in the Superintendent's office: they should in addition be used freely, under the Superintendent's directions, for the supervision of important investigations and enquiries and may also, when the Superintendent thinks it necessary, be used for additional inspections of police-stations in the interior. The Superintendent shall define clearly, in a district order, the duties which they shall perform and the sphere of action, if any, allotted to them.

46. (a) The two main objects for which an Assistant or Deputy Superintendent is posted as a Subdivisional Police Officer are to prevent and detect crime and to insure that close supervision is exercised over investigations. For this reason—

(i) he shall in every important case, and particularly in every special report case, visit the spot and supervise the investigation as prescribed in regulations 54 and 55.

(ii) he should secure the local knowledge which is essential for the prevention and detection of crime by touring in the villages and getting into close touch with the people. He should ascertain from them whether the chaukidars are doing their duty, whether any particular class of crime is prevalent, and whether real efforts have been made to arrest absconders where these are many. He should take with him the Village Crime Note Book and test the entries in it by enquiries from respectable villagers; and he should particularly enquire whether there are any new Criminal gangs at work. It is open to him to recommend deserving village headmen for rewards.

(b) The Subdivisional Police Officer shall promptly take up the investigation of any charge brought against the police, unless or until an investigation or enquiry into it is taken up by the Superintendent or by a Magistrate.

(c) He shall occasionally visit important fairs and invariably attend annual fairs and festivals to see that order is preserved. He should see that arrangements for the preservation of order at large gatherings are carefully thought out beforehand.

(d) He shall inspect all police offices, stations and posts in the subdivision at least once a year and see that all recent orders, whether contained in circulars or passed inspection notes or otherwise, have received attention. Such inspections do not take the place of those of the

Superintendent, and he should be present when the Superintendent is inspecting to assist and to learn how inspections should be made. He shall in addition visit police-stations whenever necessary for general supervision of police work.

(e) At Chaukidari parades which he should attend as often as possible he should distribute rewards, enquire whether the Chaukidars are regularly paid, and see that they are suitably rewarded for good work and that the station officers are making proper use of them. He should endorse his opinion on all reports regarding rewards and punishment of Chaukidars, all of which should pass through him.

(f) When a Subdivisional Police Officer is at his headquarters, he shall attend the Magistrate's court during the trial of important cases; visit the sub-treasury guard and town police beats at least twice a week at night to see that the police are at their posts and are alert; and once a month examine arms and ammunition and hold kit inspections.

(g) When at his headquarters he should examine the case diaries and the final report forms but shall be careful not to delay the submission of the latter to the Magistrate.

(h) He shall see any mufassil diaries that the Circle Inspector forwards to him as being of special interest and all case diaries of special and misconduct report cases, which he shall scrutinise carefully. He is at liberty, and is expected at his discretion to call for diaries in any other cases.

(i) He is not given any clerical staff but an intelligent Assistant Sub-Inspector should be deputed to assist him in his clerical duties. He shall not correspond officially with the Superintendent but shall forward official papers in original, keeping a carbon copy of any important paper in a letter book.

(j) A Subdivisional Police Officer need not keep a separate index of crime, but he shall periodically inspect the indices maintained in the offices of his Inspectors to ascertain which officers delay in taking up investigations and in submitting diaries and to see that Inspectors take suitable action against such delays.

(k) He shall keep a tour diary, which shall be submitted to the Superintendent, and a note book, and at the close of each fortnight he shall write to the Superintendent a letter reviewing the situation in his subdivision, and giving all facts and information of interest about what is going on, with his own comments and opinions thereon. The letter should be full and clear but concise, and should not be in a crystallised or official form.

(l) He shall bring to the notice of the Superintendent important cases in which the retention of the Public Prosecutor or Government Pleader appears to be desirable.

47. (a) The Inspector-General shall inspect every district once in two years;
- (b) A Deputy Inspector-General shall inspect every district in his Range once a year and every subdivision once in two years.
- (c) The Deputy Inspector-General, Criminal Investigation Department, shall inspect crime work in districts as ordered from time to time by the Inspector-General with reference to the incidence of organised crime.
- (d) The Deputy Inspector-General in-charge of the Intelligence Branch, Criminal Investigation Department, or his Special Superintendent, shall inspect the working of the arrangements for the collection of intelligence in every district once in two years.
- (e) The Superintendent, or, subject to regulation 41 (c) (iii), an Additional Superintendent, shall make a thorough inspection at least once a year of every office, police-station or subsidiary post in the district.
- (f) Whenever the Superintendent thinks it necessary for the better supervision of the work or in view of the incidence of crime, he should pay additional visits to police-stations or have them inspected under regulation 45 by an Assistant or a Deputy Superintendent.
- (g) The Superintendent shall also make once a year, for each subdivisional headquarters and for each circle, a general inspection of the progress of work in each circle, and shall examine particularly how far the Subdivisional Police Officer or Circle Inspector has supervised investigations locally, what local knowledge he has acquired and what steps he has taken for the prevention and detection of crime.
- (h) The Superintendent shall visit all Railway police-stations within his district once a year. He shall have access to all registers and files but any notes recorded by him in the inspection register shall ordinarily be confined to crime and 'criminals, co-operation between Railway and District Police and any particular cases in which the District Police are directly interested.
- (i) Annual inspections should be made by Subdivisional Police Officers as provided by regulation 46 (d).
- (j) A Circle Inspector shall thoroughly inspect every police-station and subsidiary post, including guards, within his circle once a year if he is working under a Subdivisional Police Officer and once in each half year if he is not.
- (k) Similarly, a Court Inspector or a Circle Inspector under regulation 189 U) shall inspect his Court office once every year.
- (l) Inspections by the Armed Inspector are governed by regulations 896 and 898.

(m) In addition to the inspections prescribed above, other inspections may usefully be made on particular points and to see whether orders have been carried out.

48. The inspection by Superintendents, Subdivisional Police Officers and Inspectors should be so arranged that they do not follow each other at unduly short intervals.

49. A thorough inspection of a police-station can never be made in a few hours and seldom in a day. In the cold weather a stay of three or four days should be made within the limits of each police-station; during the hot weather and rains the inspection of a police-station near which there is no proper accommodation may be spread over several visits. In dry districts Superintendents should try to finish their inspections before the cold weather so as to, be free then to examine in the interior the matters enumerated in regulation 51 (a).

50. Statistics are of great value to inspecting officers, and specially to Superintendents, indicating as they do the officers whose work needs special scrutiny, and the areas and kinds of crime on which they should concentrate their energies. But to go further than this and to use them as the chief means of appraising work is deceptive, and teaches subordinate officers to believe that credit can only be gained by the maintenance of a high ratio of convictions to cases and a low return of crime. In the inspections of small areas, such, as police-stations specially, the award of praise or blame on the basis of percentages and comparisons of figures is dangerous, and may be unfair. An officer's merits can be gauged effectively only by a careful scrutiny and testing of work actually done.

51. (a) The chief object of an inspection is to see that the police are working properly for the control and prevention of crime; and inspecting officers should therefore pay particular attention to the following

- (i) the conduct of investigations;
- (ii) the collection of information about criminals;
- (iii) the local progress of crime;
- (iv) the application of preventive measures;
- (v) the employment of the village police; and
- (vi) co-operation with panchayats, union boards and the public.

(b) Registers, records, clothing, equipment, furniture and buildings should be examined in order to see that they are in good order, that rules, are observed, that economy is practised and money well spent, that correspondence and orders receive prompt attention, that registers and papers are duly classified and that old papers are not allowed to accumulate.

(c) All inspecting officers must realise that they are responsible not only for issuing necessary orders but for seeing that they are carried out; they shall invariably ascertain and state whether the remarks made at the preceding inspection have received due attention. If they have been neglected, the officers at fault should be brought to account.

(d) Inspections should be helpful. The object of an inspection is not merely to look for faults and defects, but to obtain a clear idea of the position as regards crime and criminals and to give the officer inspected the benefit of the wider view and greater experience of the inspecting officer.

(e) An officer can dispose of many matters more effectively on the spot during an inspection than at headquarters by written orders. The Superintendent shall keep a file of such matters for each police-station and deal with them when he inspects the station.

(f) An inspecting officer should see that the inspections of officers subordinate to him have been regular and to the point, and should mention this in his inspection note. The Deputy Inspector-General of a Range in particular shall record a note regarding the inspections made by the Superintendent and shall comment on any irregularity or defect in this respect when he forwards the annual report of the district.

(g) The Deputy Inspector-General of a Range shall report in his inspection note upon the drill, discipline and training of the Special Armed Force and of those officers of the Unarmed Police who are from time to time brought into headquarters. He shall test the proficiency of the Superintendent and of Assistant and Deputy Superintendents in drill and in the work of the Reserve office. He shall not merely hold one general inspection parade but pay special attention to the individual work and training of all the officers in the Special Armed Force.

(h) In making his inspections, the Superintendent shall be careful to observe the extent of the supervision and control exercised by the Circle Inspector and the nature of his inspections. The inspector has a small area under his charge, and possesses every advantage in knowledge of the language, the people, and the details of his work. Serious defects in the state of discipline or in the character of the work done imply a failure of duty on his part, unless he can show that he has already done his best to correct what is wrong. This responsibility shall always be brought home to him.

(i) As the area under a Circle Inspector is smaller than that under a Superintendent or an Assistant or Deputy Superintendent and his duties keep him less at headquarters, his inspections shall be more detailed and thorough than theirs. It is his duty at an inspection not to criticise but to help, to instruct and to act: he should therefore when inspecting a police-station—

(i) first, acquaint himself with the local circumstances by examining the available records; and

(ii) next, help the officer in-charge in dealing with the problems disclosed by the examination. In doing so he shall be careful himself to avoid the mistake of thinking that all crime against property is committed by local criminals only, and he shall be on the look out for foreigners also. The register of unidentified persons and other records will enable him to ascertain what foreigners have been convicted or suspected of crimes within his charge.

(iii) Inspectors and officers of higher rank should frequently examine the staff of police posts including court offices as to their knowledge of regulations 237, 327, 328 and 329. Prisoners who may be in the hajat when a police post or court office is visited should, if time permits, be given the opportunity of making representations regarding their treatment if they wish to do so.

When inspecting police posts and court offices, officers by an inspection of the records and otherwise should ascertain as far as possible whether the rules mentioned above have been followed and should note the result in their inspection notes. They should, in particular, when occasion offers, make enquiries to ascertain whether prisoners while in hajat have been properly treated.

52. (a) Inspection notes should be brief and to the point, without elaborate reviews of crime, long complimentary or condemnatory remarks or lengthy dissertations of any kind. They should be mainly a record, for the future guidance of subordinates, of errors and omissions detected and of orders issued.

(b) Defects should be noted one by one, under serial numbers, and brief remarks made about each.

(c) The inspecting officer must not merely record in writing the defects which he has noticed: he must also explain them carefully to the officers whose work is being inspected, and make them understand how an improvement can be secured.

(d) At the end of his inspection notes, the inspecting officer shall record the fact that he has taken action under clause (c) and shall summarise, for the benefit of the officer who next inspects, the remarks which he has made under clause (b)

NOTE. —(i) Instructions for the guidance of Deputy Inspector-Generals inspecting districts are contained in the Inspection Manual.

(ii) Detailed instructions for the inspection of the various offices, stations and posts in a district are contained in the appropriate chapters of the Regulations.

III—SUPERVISION OF CASES

53. The expression “important case” includes any case relating to Cases alleged offence-

(i) which is a special report case (Vide Appendix XV);

which is likely to lead to a breach of the peace or to other offences, e.g., a riot not in itself important, may be likely to provoke reprisals;

(iii) in which persons of importance are involved;

(iv) which is of an unusual or striking nature either in itself or because of its modus operandi;
or

(v) in which a police officer is involved;

and any case of a class which has been declared in writing by a superior officer to be important.

54. (a) An officer supervising the investigation of a criminal case should satisfy himself that—

(i) the investigation is being pushed through without delay;

(ii) the investigation is thorough, i.e., that clues are not overlooked or important lines of enquiry neglected;

(iii) investigating officers do not work mainly for confessions or rely too much on any that are made, and that they use no sort of pressure and offer no sort of inducement to obtain confessions;

(iv) the subordinate police are working honestly;

(v) the public are properly treated; and

(vi) the prescribed procedure is followed.

(b) He shall on no account put pressure on investigating officers by injunctions to detect particular case or cases generally.

(c) The methods to be adopted by supervising officers are—

(i) visits to the place of occurrence at various stages of the investigation and personal examination, if necessary, of witnesses;

(ii) careful scrutiny of case diaries and other papers connected with the investigation; and

(iii) examination of crime registers and other records at the police stations.

(d) When a supervising officer discovers mistakes or omissions on the part of an investigating officer, he should point them out to him and should not call for a written explanation unless it appears likely to be necessary to inflict punishment.

(e) A Superintendent, an Assistant or a Deputy Superintendent, and (for his own circle only) a Circle Inspector have power to order an officer attached to any police-station to investigate a case that, under section 156 of the Code of Criminal Procedure, should be investigated by the officer in-charge of another police-station; but the power should be exercised sparingly and its exercise by an officer subordinate to a Superintendent should at once be reported to the Superintendent.

55. (a) A Superintendent shall supervise the investigation of important special report cases and of all cases in which the conduct of subordinate police officers appears unsatisfactory. If, for special reasons, he is unable himself to supervise the investigation of any such case, he may depute an Assistant or Deputy Superintendent to do so.

(b) A Superintendent, Assistant or Deputy Superintendent who is supervising a case need not visit the place of occurrence unless such visit is likely to be of practical value.

(c) A Circle Inspector shall supervise every case within his circle; and he shall visit the place of occurrence and test the evidence in every such Case that is of importance. In selecting cases for testing on the spot he should direct his attention particularly to cases of house-breaking, riot and grievous hurt and to other cases which have been reported as false or non-cognizable.

56. (a) Officers who have supervised investigations of important cases should be encouraged to give evidence in court regarding any important facts which have come to their notice during the investigations.

(b) An officer supervising an investigation shall keep a personal diary in the form prescribed for Inspectors in regulation 197 and shall note in the manner in which he supervised the investigation, any questions which he has put to a witness, any identification which took place in his presence and any other matters on which he may need to refresh his memory before giving evidence.

(c) An officer who while supervising a case has himself taken part in an investigation shall, under section 172 of the Code of Criminal Procedure, keep a case diary showing where and at what times he made the investigation and stating any new or material fact which has come to his notice.

(d) The diaries mentioned in this regulation shall be kept in the officer's personal custody.

IV—TOURING

57. An officer is considered to be absent on tour on any day on which he proceeds on duty more than five miles from his headquarters.

58. (a) A Superintendent shall spend at least 120 days on tour during the year.

(b) A Circle Inspector, being essentially a touring officer, shall ordinarily spend at least 180 days in the year on tour in his circle. In a district where there is no Assistant or Deputy Superintendent at headquarters, the Superintendent may, at his discretion, reduce this minimum for the Inspector in-charge of the headquarters circle.

59. (a) Where a horse or pony can be used, each Circle Inspector and each Sub-Inspector who is posted at a police-station shall keep a serviceable horse or pony for the purpose of touring, but, where there are good roads communicating with all parts of the subdivision or police-station, he may keep a bicycle instead.

(See regulation 210.)

(b) A police officer may travel by bullock-cart only during the rains, and at such times and in such places as render journeys by horse, bicycle or boat impossible.

60. (a) A police officer of or above the rank of Inspector shall invariably record in the inspection register any visit to or call at a police-station and give a brief description of the particular work which he has done or is doing in its jurisdiction: he shall also enter in the Village Crime. Note Book or other appropriate register any information of interest that has come to his knowledge and has not before been recorded.

(b) Flying visits and superficial inspections made by a Superintendent, Assistant or Deputy Superintendent or Inspector shall not be regarded as the annual or half-yearly inspections prescribed by regulation 47. At the time of regular inspection, the inspecting officer shall not confine himself to an examination of registers and books. In order not to be dependent solely on the reports of his subordinates, he should visit places of importance within their jurisdiction and should endeavour to secure the good-will of the leading men in the villages, such as, headmen, panchayats or union board members and their cooperation in the prevention and detection of crime.

(c) During such visits he should make enquiries from respectable persons regarding—

- (i) the work of the rural police;
- (ii) the local repute of persons under surveillance;
- (iii) persons likely to resort to crime for any reasons;
- (iv) local party factions;
- (v) the incidence of crime and any concealment of cases;
- (vi) the probable resorts of absconders; and
- (vii) any other matters bearing on the criminal administration.

61. (a) A Superintendent, Assistant or Deputy Superintendent or Circle Inspector shall during his tours attend and supervise as many chaukidari parades as possible, he shall ascertain if the rural police are properly instructed as to their powers and duties and if the officer in-charge has their confidence and is successful in obtaining from them timely information regarding crime, the likelihood of riots and the movements of bad characters; and he shall see that the rural police—

(i) are properly questioned, and are given full information about bad characters, stolen property, “hue and cry notices”, absconders and other necessary matters, and that they understand the information;

(ii) have been recommended suitable rewards or punishments for any good work or any failure to perform their duties; and

(iii) are properly equipped and regularly paid; or that, if not the necessary action has been taken.

(b) He shall take every suitable opportunity of presenting, with as much publicity as possible, rewards to chaukidars who have done good work or given valuable information.

62. (a) Every Superintendent, Assistant or Deputy Superintendent shall keep a tour diary in which he shall show, (i) when absent from headquarters on inspection or other duty, the manner in which his time has been employed and the matters of interest to the police that have come to his notice, and (ii) when at headquarters, all night rounds (with the time) supervisions of investigations and inspections of offices there.

(b) The diary shall be written, in half-margin on foolscap paper, from day to day (or at short intervals) and not at the end of the tour. Brief notes showing what the officer did or observed shall be recorded for each day of the tour.

(c) Tour diaries of Assistant and Deputy Superintendents shall be forwarded to the Superintendent in the first week of the month following that to which they relate. The Superintendent shall take action on all matters that require attention, and shall forward extracts of any subjects of special interest or importance to the Deputy Inspector-General.

(d) The tour diary of the Superintendent shall be sent in duplicate through the District Magistrate to the Deputy Inspector-General of the Range, who will return the original with his remarks to be filed in the Superintendent's office. The duplicate copy, which should contain a copy of the Deputy Inspector-General's remarks, if any, shall be retained in his office for periodical inspection and check.

63. (a) Before leaving headquarters, the Superintendent shall invariably record a written order appointing an Additional, Assistant or Deputy Superintendent or an Inspector to be officer in-charge and to perform the current duties of his office during his absence. Should the officer so appointed also leave headquarters before the Superintendent's return, he shall record a similar written order.

(b) If an Inspector is thus appointed under clause (a), he may perform such of the duties of a Superintendent under the Police Act, 1861, or under any rule made or approved there under by the Provincial Government, as the Superintendent may make over to him.

64. (a) A touring officer shall invariably leave in his headquarters office particulars of the places at which he may be found from day to day while on tour. If necessary these particulars may be left in a sealed cover, to be opened only in an emergency.

(b) A Circle Inspector, before leaving headquarters for more than two days, shall, whenever practicable, issue to all officers in-charge of police-stations in his circle a programme of his proposed tour, noting all the post offices to which covers should be addressed, so that the officers may send papers to him direct.

65. (a) Superintendents and Assistant Superintendents should Superintendents in themselves take an active and personal interest in the prosecution of cases of all kinds.

(b) it will often be useful for the Superintendent to be present at the trial of important police cases before a Magistrate or in a Sessions Court; and no such case should go to the Sessions for

trial which he has not personally mastered and carefully discussed with the Public Prosecutor and the investigating officer.

66. Although any police officer conducting a prosecution with the permission of a Magistrate is authorised by section 495 (2) of the Code of Criminal Procedure to withdraw from the prosecution he should not do so without the orders of the Superintendent.

66A. As a general rule a Public Prosecutor appointed for the conduct of a police case shall refer to the District Magistrate before exercising the power conferred upon him by section 494 of the Code of Criminal Procedure to withdraw from the prosecution; and the District Magistrate shall consult the Superintendent before agreeing to the withdrawal of any case committed to the Sessions.

67. (a) If the Superintendent is of opinion that in any case a Magistrate has awarded a strikingly inadequate punishment or has improperly discharged an accused person, he shall direct the Court and Inspector to prefer a motion before the District Magistrate or, if the Magistrate was a first class Magistrate, shall request the District Magistrate to instruct the Public Prosecutor to move the Sessions Judge for a direction for a further enquiry or for commitment of such person to the Sessions Court or for a reference to the High Court for enhancement of sentence, as the case may be.

(b) If the Superintendent, after taking the advice of the Public Prosecutor, considers that it would be desirable to apply for the enhancement of any sentence or that an appeal against an acquittal, is necessary in the interests of justice and would be successful, he shall send to the District Magistrate a full note on the case to enable him to decide whether he shall address the Provincial Government or not.

(c) Action under clause (a) and (b) should be taken promptly. The report mentioned in clause (b) must reach the District Magistrate within fourteen days of the order or sentence in respect of which action is desired, and the Superintendent should therefore arrange for the immediate communication of such order or sentence to him.

(d) A further enquiry cannot be ordered in the case of a person who has been discharged after proceedings have been taken against him under section 110 of the Code of Criminal Procedure.

VI—CASE DIARIES.

68. (a) Only the following police officers may see case diaries:—

the investigating officer;

the officer in-charge of the police-station:

(iii) any police officer superior to such officer in-charge;

(iv) the Court officer;

- (v) the officer or clerk in the Superintendent's office specially authorised to deal with such diaries; and
- (vi) any other officer authorised by the Superintendent.

(b) The Superintendent may authorise any person other than a police officer to see a case diary.

(c) Every police officer is responsible for the safe custody of any case diary which is in his possession.

(d) Every case diary shall be treated as confidential until the final disposal of the case, including the appeal, if any, or until the expiry of the appeal period.

(e) A case diary shall be kept under lock and key, and, when sent by one officer to another, whether by post or otherwise, shall be sent in a closed cover directed to the addressee by name and superscribed "Case diary". A case diary sent to the Court office shall be addressed to the senior Court officer by name.

(f) A cover containing a case diary shall be opened only by the officer to whom it is addressed, except as prescribed in clauses (g) and (h) if such officer is absent, the date of receipt shall be stamped upon the cover by the officer left in charge during his absence and the cover shall be kept till his return or forwarded to him.

(g) Covers containing case diaries received in the Superintendent's office shall be opened as prescribed in regulation 1073, and made over directly to the officer or clerk specially authorised to deal with case diaries. Such officer or clerk shall take action under clause (i) and personally place the diaries before the Superintendent or other officer dealing with the case.

(h) Covers containing case diaries received in the Court office may be opened by any officer specially authorised in writing by the Court officer or by a superior officer.

(i) When an officer opens a cover containing a case diary, he shall stamp or write on the diary the date, if any, which has been stamped on the cover under clause (f) or, if there is no such date on the cover, the date on which he received it, and shall, after perusing the diary, file it with any other diaries relating to the same case which are in his possession.

A Circle Inspector and a Court officer shall stamp or write such date on every page of the diary and on every enclosure received with it, such as statements recorded under section 161, Code of Criminal Procedure, maps and the brief.

(j) Every Investigating Officer shall be provided with a deed box, and every Circle Inspector, Sub-divisional Police Officer and Court officer with a suitable receptacle, in which to keep case diaries under lock and key.

69. (a) The Police Gazette and the Criminal intelligence Gazette are issued each week to all offices shown in the distribution list which is compiled in the office of the Inspector-General.

Complaints about non-delivery of any issue should be addressed to the Officer in-charge, Publication Branch, Bengal Government Press, Alipore, Calcutta, ally such complaint from an office under the control of a Superintendent should be sent to the Superintendent in the first instance.

(b) All police officers are expected to acquaint themselves with any matters concerning them that may appear in these gazettes. Every officer who receives a gazette should therefore be careful to communicate to such of his subordinates as are unable to read it those matters that concern them; and inspecting officers shall test their subordinates in their knowledge of such matters.

(c) Superintendents are required to instruct their subordinates how to make an intelligent use of the Criminal Intelligence Gazette. It should be impressed upon all officers that they must not confine their interest to items concerning their own police-station, subdivision or district; and they should be encouraged to sent to their Superintendents for communication to the Criminal Investigation Department any information they may acquire on any subject mentioned in the gazette.

(d) The Police Gazette is intended for official use only but a police officer may subscribe for copies for his own use; applications should be made to the office of the Inspector-General from which the rates of subscription can be ascertained.

(e) The Criminal Intelligence Gazette is a confidential document and is not for sale.

70. The following matters shall be published in the Police Gazette:— Part I.—(i) Orders by the Governor of Bengal.

(ii) Extracts from the Calcutta Gazette, the Gazette of India and the official Gazettes of other provinces excluding items published in Part V.

Part II.—(i) Arrival and departure notices of officers of the Indian Police and Bengal Police Service and officiating Deputy Superintendents.

(ii) Orders of the inspector-General and Deputy Inspector-Generals and district orders relating to officers of and above the rank of Sub- Inspector.

(iii) The chain of acting arrangements in the cadre of Deputy Superintendents (published once a month).

(iv) Statements of extraordinary and compassionate pensions and gratuities sanctioned (published once a quarter).

(v) Changes in the allotment and strength of the force.

(vi) Results of the departmental examinations of officers of the subordinate ranks and of the examination of clerks in accounts and office procedure.

Part 111.—All awards to officers of and above the rank of Sub- Inspector with brief particulars of the reason in each case of—

- (i) money rewards or rewards in kind in lieu of cash;
- (ii) commendations and good service marks awarded by the Inspector-General or Deputy Inspector-Generals.

Part IV.—Miscellaneous notices and extracts from the Puce Gazettes of other provinces.

Part V.—Notifications regarding the forfeiture and proscription of various publications under different Acts.

Part VI.—Government Orders (other than those published in Part I) and Police Orders.

71. (a) All matters to be published in the police Gazette shall be included in the weekly return due in accordance with Appendix XII.

(b) The following detailed instructions for the compilation of these returns shall be strictly followed by all concerned:—

I. —General instructions.

(i) Each return, headed with the name of the district and the words ‘For insertion in the Police Gazette’ shall be forwarded to the Inspector- General, without any covering letter.

(ii) Each return shall contain all items for publication which have occurred in the week to which it relates. If there is nothing to report, a blank return shall be forwarded.

(iii) The returns shall be typed on one side only of each sheet of paper.

(iv) The rank and full name of every officer shall be given. Names shall be spelt in accordance with Appendix IX.

(v) The returns shall be accurately worded, in strict conformity with similar notifications previously published.

(vi) Each return shall be edited by a gazetted officer before despatch.

II.—Instructions regarding matter for publication in Part II.

(i) District orders shall be grouped under the headings “Promotions and confirmations”, “Leave”, “Reductions and reversions” and “Transfers and casualties”.

(ii) District orders relating to officers of and above the rank of Sub-Inspector only shall be included. Those relating to other ranks officiating as Sub-Inspectors shall be excluded.

(iii) All orders regarding appointments and promotions shall be accompanied by complete information regarding the chain of arrangements, with dates, and shall indicate The vacancies (permanent or officiating) against which they are made.

(iv) Order relating to casual leave shall be excluded.

(v) Orders granting leave or an extension of leave shall be included; in the latter case, the number and date of the paragraph in the Police Gazette notifying the original grant or the last extension shall be quoted.

(vi) Orders regarding the return from leave of subordinate police officers shall be excluded, unless any portion of the leave previously gazetted is cancelled or an extension is granted to cover a short period overstayed.

(vii) Orders relating to the permanent appointment, promotion, leave and reversion of clerks of the Superintendets' office borne on the Range cadre shall be included.

(viii) The numbers and dates of all district orders shall always be quoted.

72, (a) The following matters shall be published in the main body of the Criminal Intelligence Gazette:—

Part I. —A statement of all new cases of dacoity specially reported in the week ending on the Saturday preceding publication.

Part II. — Notices regarding identifiable property lost and stolen and seized on suspicion by the police.

Part III. —Notices regarding the loss and recovery of arms and ammunition.

Part IV. —Notices regarding—

(i) absconders and notorious criminals lost sight or wanted by the police, who are believed to have left their home districts. Such notices shall specify, (1) the names and address of the principal relatives and associates of the absconding persons, (2) the places of their probable resort and (3) the grounds that will render their arrest legal, if traced;

(ii) suspicious individuals arrested by the police, who may be wanted elsewhere.

Part V.—Notices regarding suspicious Europeans and loafers other than those whose activities come within the control of the Intelligence Branch.

Part VI.—Notices regarding foreigners, strangers, preachers and mendicants, other than those whose activities come within the control of the Intelligence Branch.

Part VII.—A statement of wandering gangs.

Part VIII.—Persons dealt with under the Goondas Act, 1923 (Bengal Act I of 1923).

Part IX.—Suspensions and cancellations of motor driving licences.

Part X.—

Miscellaneous notices.

Notices regarding deserters.

Notices regarding missing persons.

Departmental notices and instructions.

Brief accounts of clever detections and other good work, and of interesting cases.

Part XI.—(a) Important rulings in criminal cases.

(b) Special and illustrated supplements shall be published with the gazette, as required. These shall contain photographs of prisoners, swindlers and other criminals. Separate special supplements shall be published for—

(i) histories of gang cases and of criminal gangs.

(ii) all matters appertaining to the administration of the Criminal Tribes Act, 1924.

(iii) An Excise Supplement compiled by the Excise Department and containing information on excise matters, shall also be published from time to time with the gazette.

(c) Extracts from the police and Criminal Intelligence Gazettes of other Police forces shall be published in Parts II to VI inclusive, X and XI, as appropriate.

73. (a) All matters to be published in the Criminal Intelligence Gazette shall be included in the weekly return due in accordance with Appendix XII. No return shall be forwarded when there are no items for publication.

(b) Each return shall be headed with the name of the district, followed by the words “For insertion in the Criminal Intelligence Gazette “, and shall be typed on one side only of each sheet of paper.

(c) The return shall, if necessary, be compiled in two portions of which one shall contain matter for insertion in Part III and the other all other matter. The latter portion shall be forwarded to the Assistant to the Deputy Inspector-General, Criminal Investigation Department, and the former to the Special Assistant, Intelligence Branch. No covering letter shall accompany either portion.

(d) The following detailed instructions for the compilation of these returns shall be strictly followed: —

- (i) No statement for Part I shall be prepared.
- (ii) Notices of lost and stolen property for Part II shall be included only if the property is believed to have left the district.
 - (iii) Part LII shall be compiled in accordance with the issued by the intelligence Branch.
- (iv) The statement of wandering gangs shall be compiled in B. P. Form. 87 and attached to the return.
- (v) The returns shall be accurately worded, in strict conformity with similar notifications previously published.
- (vi) Personal descriptions shall, whenever possible, be given in the form shown in Appendix X.
- (vii) Each return shall be edited by a gazetted officer before dispatch.

74. (a) The Police and Criminal Intelligence Gazettes shall, after all action laid down in regulation 69 has been taken, be filed in the following manner: —

- (i) Parts I to V inclusive of the Police Gazette shall be kept together and filed in half-yearly bundles maintained in proper chronological order. Each half-yearly bundle, when complete with its printed index, shall be bound or securely sewn.
- (ii) Government orders and Police orders published in Part VI of the Police Gazette shall be separated into yearly files, Government orders being kept in one file and Police orders in another. A manuscript index for each file shall be kept until the printed index is received, when the orders in each file, with their respective index shall be bound or securely sewn together.
- (iii) Parts I to X inclusive of the Criminal Intelligence Gazette shall be kept together and treated as in (i) above.
- (iv) Parts XI of the Criminal Intelligence Gazette and the special, illustrated, Criminal Tribes Act and Excise supplements shall be separated into five half-yearly files. The contents of the file of the Criminal Tribes Act supplements shall be bound or securely sewn together as soon as the half-year is complete, and the contents of each of the other files shall similarly be bound or sewn, as soon as the printed index is received.

(b) These instructions apply to all offices, stations and posts to which the gazette are issued.

VIII-CONFIDENTIAL REPORTS.

75. (a) Early in January the Superintendent shall submit to the Deputy Inspector-General a confidential report in B. P. Form No. I on each Additional, Assistant or Deputy Superintendent who has served under him during all or part of the previous year.

(b) The Deputy Inspector-General shall forward to the Inspector General, (i) these reports with his remarks; and (ii) a similar report on each officer who has served as a Superintendent under him during all or part of the previous year, after embodying in them the remarks made by the District Magistrate and the Divisional Commissioner under regulation 75A.

75A. Early in January the District Magistrate shall submit to the Divisional Commissioner his general remarks on the work of each Superintendent or Additional, Assistant or Deputy Superintendent who has served in the district (during all or part of the previous year). He shall pay attention to the point mentioned in the prescribed form, and shall in particular give his opinion on the office's general efficiency and his relation with the public. The Divisional Commissioner shall add his own remarks and forward the reports to the Deputy Inspector General of the Range.

76. (a) The Superintendent shall maintain, bound in a book of convenient size, confidential reports for each Inspector, Sergeant, Sub-Inspector and officiating Sub-Inspector in B. P. Form No. 2.

(b) The head of each office shall similarly maintain confidential character rolls for each clerk in B. P. Form No. 3.

(c) Subject to clause (d) entries shall be made in such book—

(i) in January;

(ii) when the Superintendent or the head of the office is transferred.

(iii) when the officer or clerk is transferred from the district or Range;

(iv) when the officer or clerk ceases to officiate in any higher appointment, unless the Superintendent or the head of the office considers him to be likely again to officiate in it during the same calendar year, in which case no entry shall be made until 152

year has ended; and

(v) when a higher authority, such as a Deputy Inspector-General, the Inspector-General or the Provincial Government orders.

remarks to be entered.

(d) Ordinarily the Superintendent or the head of the office shall not make an entry in such book, except under clause (C) (v) above, unless he has been at least six months in the district or in-charge of the office or has already formed a definite opinion regarding the work or character of the officer or clerk.

(e) Until one book is completed, another shall not be opened for any officer or clerk.

(f) Confidential reports shall be kept by the Superintendent, and confidential character rolls by the Superintendent or the head of the office, under lock and key. They may be called for and

inspected by the Inspector-General, Deputy Inspector-General, Divisional Commissioner or District Magistrate. A Sub-divisional Police Officer shall be shown the books of the officers serving under him.

(g) When an officer or clerk is transferred permanently to another district or Range, his confidential report book or character roll shall be sent to the Superintendent of the district, or to the head of the office, to which he is transferred.

77. (a) The following shall be entered against item 12 of B.P. Form No. 2:-

(i) particulars of any case in which the officer has been criminally subordinate convicted, or in which, having been put upon his trial, he has been finally discharged for want of evidence, but not of any in which he has been fully and honourably acquitted;

(ii) particulars of any civil suit in which the decision adversely affects his character as a police officer; and

(iii) particulars of any case in which there has been a judicial comment leading to an entry in the officer's service-book.

(b) Any remark by a District Magistrate or a Commissioner relating to the officer's personal character, shall be entered against item 14 of B.P. Form No. 2 unless it has been included in his service-book.

(c) All remarks in confidential report or character roll shall be well considered and moderate in tone. Sweeping condemnations and imputations based on mere rumour, which cannot be substantiated, shall be avoided. Any strongly unfavourable opinion shall be justified by reference to the circumstances and facts bearing upon it; and the officer recording such opinion should consider whether it would not be best to draw up proceedings and call upon the officer or clerk concerned to answer the charges made.

78. (a) The loss of any confidential report book or character roll in a district shall be reported immediately to the Deputy Inspector-General, and the Superintendent shall have a searching enquiry made into such loss. He shall report the result to the Deputy Inspector-General.

(b) If the confidential reports are those of an Inspector or of an officer whose name is on the provincial list of those approved for promotion to Inspector's rank, the Deputy Inspector-General shall reconstruct the book from the copies of the remarks submitted under regulation 79 by Superintendents and, if necessary, by reference to Superintendents under whom the officer has served during the past ten years.

(c) If the case does not fall under clause (b) the Superintendent shall open a new book with a signed statement regarding the loss and the result of the enquiry made.

79. (a) On the 1st February each year there shall be submitted to the Inspector-General-

(i) through the Deputy Inspector-General concerned, by the Principal of the Police Training College, the Superintendent of each Railway Police district, the Assistant to the Deputy Inspector-General in the Criminal Investigation Department and each Special Superintendent in the Intelligence Branch; and

(ii) through the District Magistrate and the Deputy Inspector-General concerned, by every other Superintendent, copies of all remarks made under regulation 76 in the confidential report book of each Inspector (and of each officer whose name is on the provincial list of those approved for promotion to Inspector's rank) serving under him. For this purpose loose sheets of Bengal Form No, 5243 should be obtained from the Forms Department.

(b) In the case of officers employed in the District Intelligence Branch copies of these remarks shall be forwarded by the Superintendent concerned through the District Magistrate to the Deputy Inspector-General, Criminal Investigation Department and Intelligence Branch. The Special Superintendent concerned in the Intelligence Branch will record his remarks before copies are forwarded to the Deputy Inspector-General of the Range under clause (d).

(c) The District Magistrate may make remarks on the copies before forwarding them to the Deputy Inspector-General concerned.

(d) The Deputy Inspector-General, Criminal Investigation Department and Intelligence Branch, shall forward the copies received by him under clause (a) (i) to the Inspector-General and those under clause (b) to the Deputy Inspector-General of the Range concerned with his own remarks.

(e) The Deputy Inspector-General of the Range shall forward all copies received by him under clauses (a) (i) and (ii) and (d) to the Inspector-General with his own remarks after taking notes of the remarks for record in his office.

80. When an officer makes an unfavorable remark in any confidential report or character roll, he should always state specifically whether the defect remarked upon has already, in any other connection, been brought to the notice of the officer or clerk concerned.

81. In order that an officer may be in a position to rectify his shortcomings, unfavourable remarks recorded in his confidential reports or character rolls or on other occasions should be communicated to him. Officers considering whether remarks should be communicated should observe the following principles:

(i) when a report is built up on the individual opinions of the different departmental superiors in gradation, it is only the opinion as accepted by the highest authority which need be considered from the point of view of communication;

(ii) remarks should not be communicated to the officer—

(1) if the highest authority to whom they have been submitted suspends judgement on them;

(2) if they are in reply to enquiries whether the officer who has not been well reported on previously has improved and is fit for promotion or whether an officer is fit for a particular appointment, unless the authority for whom the reply is ultimately intended considers that facts or allegations contained in them should be communicated to such officer;

(iii) any remarks on an officer's report which show that he has taken steps to remedy defects to which his attention has been drawn in a previous year, shall be communicated to him;

(iv) remarks made about any officer of and above the rank of Deputy Superintendent, other than an officer on deputation to the Calcutta Police or another department, should not be communicated to such officer except by, or under the orders of, the Inspector-General: and remarks on an Inspector, Sergeant, Sub-Inspector should not be communicated to him except by, or under the orders of, the Superintendent or head of the office concerned; remarks regarding an officer of and above the rank of Assistant Superintendent should be seen by the Governor before those remarks are communicated to the officer concerned but the Governor's acquiescence in the communication to the officer should not be regarded as implying his endorsement of them in his individual judgement; and

(v) the manner and method of communication (e.g., whether the communication should be verbal or written and whether it should be made direct to the officer concerned or through an intermediate authority or through his immediate superior) should be such as to secure the maximum benefit to the officer having regard to his temperament, and this will be decided by the authority under whose orders the remarks are communicated.

81A. Regulation 81 above will apply also to clerks.

CHAPTER IV

Privileges and General Instructions

I-PRIVILEGES, ETC.

82. The following police officials are eligible for presentation to His Excellency the Viceroy at a levee: —

(i) all officers of the Indian police,

(ii) all officers of the Bengal Police Service drawing not less than the maximum pay of the time-scale, and

(iii) all title-holders.

83. (a) European and Anglo-Indian officers of the police force are eligible for enrolment in the Auxiliary Force, but they cannot hold any rank but that of a private without the sanction of the Provincial Government.

When presenting themselves for enlistment in the Auxiliary Force they shall produce a written statement from the Provincial Government to the effect that there is no objection to their being called out for training and for when an emergency arises. Such a statement will specify the appointment they hold and will be valid only for so long as they hold the appointment. If such a statement is not produced, they will be regarded as though they were members of the Auxiliary Force (Indian) Reserve class and will only be called out with the specific sanction of the Provincial Government.

The enrolment is subject to the condition that the officer concerned must be exempted from liability for service under section 18 of the Auxiliary Force Act, 1920. With regard to annual training, the military authorities recognise that servants of the Crown must obtain leave to attend such training and that refusal of leave must be considered a sufficient ground for exemption from embodiment for training. They have, therefore, agreed that the names of servants of the Crown for whom permission to attend camp is required should be sent by direct route to the Provincial Government at least two months before the commencement of the camp.

(b) Members of the Auxiliary Force are exempted from certain local taxes in accordance with the terms of section 34 of the Auxiliary Force Act, 1920.

(c) No police officers may join the Indian Territorial Force.

(d) Leave of enrolled officers for attending drill, musketry or camps of exercise is governed by regulation 824.

84. (a) An Inspector may be granted interviews with His Excellency the Governor and with the Hon'ble Ministers with the prior sanction of the Inspector-General during their visits to districts.

(b) He has also the privilege of an introduction to his Excellency the Governor and the Hon'ble Ministers on their arrival at a railway or steamer station.

(c) He is also entitled to invitations to Durbars held by Divisional Commissioners at the headquarters of districts.

85. Sub-Inspectors when appearing before officers superior to them in rank are, by virtue of their office, entitled to the courtesy of a chair, except when appearing on strictly formal official occasions, such for example as—

- (i) at orderly room,
- (ii) in court,
- (iii) when making an official report, and
- (iv) when putting up registers or papers for signature or order.

86. (a) Subject to the provisions of regulation 87 police officers shall always be ready to assist beneficent public activities, provided that no interference with their duties and functions as police officers is thereby caused. An officer below the rank of Superintendent shall invariably

obtain the consent of the Superintendent under whom he is serving before accepting any office in any local body or committee, and, if at any time the Superintendent so directs, shall forthwith resign such office. In like manner, the Inspector-General or Deputy Inspector General may require any Superintendent serving under him to resign any such office.

(b) Inspectors may be appointed by nomination as members of Local Boards. subject to the condition that such appointments do not involve the exclusion of any local representatives who may be likely to be more useful members.

(c) Inspectors and Sub-Inspectors may be appointed to Union, Dispensary and School committees within their respective jurisdictions, but may not be appointed as Municipal Commissioners.

87. (a) Police officers of all ranks are prohibited from collecting subscriptions worn the public for any purpose whatsoever.

(b) They are permitted to become members of puja committees organised by the public, provided that they do not as such take part in collecting subscriptions and to celebrate pujas with subscriptions raised from members of the force or other officials. They may accept invitations from members of the public, or invite the public, to pujas.

88. (a) A police officer is exempted by section (1) (b) of the Indian Arms Act, 1878 (XI of 1878), from the prohibitions and directions contained in that Act 'u respect of arms and ammunition which is required to bear as part d his equipment in the course of his public duty, whether they are supplied by the Provincial Government or are his private property. No license therefore, is required by any police officer in respect of a revolver or pistol owned by him as part of his equipment [see regulation 101 (c)].

(b) A retired police officer, who has been permitted to wear uniform on certain occasions after retirement, must obtain a licence for any revolver or pistol which formed part of his equipment, but is ixempt from the payment of a licence fee for it.

(c) A police officer of or above the rank of Sub-Inspector or a Sergeant may, under item 803), Schedule I, Indian Tariff Act, 1934 (XXII of 1934), import free of customs duty a revolver of pistol together with ammunition upto a maximum of 100 rounds per revolver or pistol on the certificate of the Inspector-General that the weapon and ammunition are imported by the officer, as part of his equipment. If the officer who desires to avail himself of this privilege, is in India, he shall apply to the Inspector-General for such certificate to be issued direct to the arms dealer or contractor from whom standardised revolvers and ammunition are obtained. A certificate will not be used as a rule to an officer on probation or at all to an officer who is merely officiating as a Sub-Inspector or Sergeant.

(d) A register shall be maintained in the Superintendent's office in B.P. Form No. 4 of all arms in respect of which officers in the district are exempt as laid down in. clauses (a) and (b) and, when any such officer is transferred to another district, a copy of the relevant entry in the register shall be sent to the Superintendent of that district.

(e) If any police officer ceases to be exempt as laid down in clauses (a) and (b), owing to retirement, discharge, dismissal or any other reason, the Superintendent shall see that the arms and ammunition in respect of which such officer was exempt are deposited until a licence for them is produced or are otherwise legally accounted for.

89 (a) Police officers may not carry canes or sticks other than regulation lathis while on duty, unless ordered to do so by an officer of or above the rank of Inspector. Such orders shall be given only if the officer considers that the occasion does not require the use of lathis and the use of canes is subject to the same restrictions as other forms of force.

(b) The use of private firearms by police officers below the rank of Sub-Inspector, when on duty, is prohibited.

90. By section 168 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932) every police officer resident in a municipality is exempt from municipal taxation in respect of one horse.

91. Police officers proceeding on duty are exempted from the payment of bridge, ferry and roads tolls.

92. (a) All vessels, whether owned by Government or otherwise, which are being used exclusively by officers of the Crown or subordinates, whether civil or military, travelling on duty, or are being used exclusively for Government work, are exempted from toll or demurrage on canals or canalised rivers, Vessels carrying materials for works belonging to departments other than the Irrigation Department are, however, not exempted.

(b) Every such vessel shall be furnished with a pass, which in the case of officers shall specify the nature of the vessel and the names of occupants, and in the case of vessels used for Government work, the nature of the work and approximate quantity of the cargo. This pass shall be shown at all toll stations, and collectors may inspect the boats.

(c) When a boat travelling on police duty of an urgent nature is obliged to pass a toll station without halting, a report in explanation shall be sent as early as possible to the supervisor of canals.

93. All ranks of the police and clerks who are not compulsory subscribers to the General Provident Fund under the General Provident Fund (Superior Civil Services) Rules or the General Provident Fund (Bengal Services) Rules may become voluntary subscribers to the fund, in accordance with those rules.

94. (a) All officers below the rank of Inspector are entitled, when making journeys on duty by railway or steamer or omnibus service to receive warrants on which tickets are issued for such journeys. Detailed instructions regarding the custody, issue and use of these warrants are continued in Appendix. III

NOTE.—Sub-Inspectors should not use railway warrants except when in charge of escorts or when they are in need of ready Cash to pay their own fares.

(b) Officers of the Railway Police are supplied by the railway administration with tokens, badges of passes, according to their rank, enabling them to travel free, when on duty, over any railway system within the Railway Police district in which they are serving.

95. Head constables, naiks, constables and launch-ratings other than serangs and drivers will be allowed, when granted leave, free third class railway and steamer warrants to and from their homes, subject to the conditions set forth in S. R.. 137A of the Fundamental Rules.

NOTE.—(i) Free railway and steamer warrants shall be allowed only when the officer or rating has applied for them before leaving his station to go home.

(ii) The grant of warrants under this regulation will be noted, in red ink, in the service book or roll of the officer or rating immediately under the entry recording the granting of the leave, with the numbers of the warrants and the names of the stations to which they were issued.

96. A head constable, naik or constable invalided out of the service, or summarily discharged on medical grounds as unfit for service, is entitled to a free warrant for a single ticket by railway and steamer to his home.

97. Save as provided in regulations 105, 886 and 887, police officers of all ranks and launch-ratings are forbidden directly or indirectly—

(i) to seek or obtain interviews, except in the course of their duty, with Ministers or Secretaries to Government without the prior sanction of the Inspector-General;

(ii) to approach members of the Legislature with a view to having any grievance made the object of a question or interpellation in the Legislature; or

(iii) to approach any officer or another department, any non-official, or any association for support in pressing the claims, or obtaining redress of the grievances, of individuals, or to obtain from any such officer, non-official or association any certificate or letter of recommendation other than (i) a certificate under regulation 1048 or (ii) a formal letter bringing to the notice of a Superintendent specific services rendered to, or under the official cognisance of, the writer.

97A. Regulation 97 will apply also to clerks

98. Police officers of all ranks are prohibited from bringing civil suits against persons residing in the district in which they are employed or against any police officer for acts done in connection with the discharge of his official functions without the sanction of the Superintendent, who shall

report the facts of each case, as it occurs, to the Inspector-General through the District Magistrate and the Deputy Inspector-General.

99. (a) The Provincial Government recognises its obligation to protect police officers who in the course of the lawful discharge of duty have become involved in litigation, either civil or criminal, when it appears to the Provincial Government that they have acted in good faith but the Provincial Government does not bind itself to undertake their defence or afford assistance when this is not the case.

(b) When the Provincial Government declines to defend, it rests with the officer concerned to take such measures as he considers necessary at his own expense, but the Provincial Government will defray his reasonable costs in the event of his being acquitted, and it being shown that his conduct throughout has been free from blame. If though acquitted of the offence charged, his conduct should appear to be blame-worthy, he shall receive only such portion, if any, of the expenses incurred by him as the Provincial Government may deem fit to pay.

100. All police officers against whom any criminal prosecution or civil Suit is instituted shall at once inform the Superintendent or corresponding superior officer.

101. In the case of a civil suit or a criminal prosecution by or against a police officer in connection with the discharge of his official functions, the following course shall be followed:—

(i) A police officer wanting redress for some wrong which he has suffered in connection with the discharge of his official functions shall, whether he proposes to institute a civil suit or criminal prosecution on his own responsibility and at his own cost or whether he desires that the suit or prosecution should be instituted in his name under the orders and at the cost of the Provincial Government, submit through his official superiors a full report on the whole case to the Legal Remembrancer before taking any steps in the matter. On receipt of such report, the Legal Remembrancer will submit the case with his remarks for the orders of the Provincial Government.

(ii) If any suit is instituted against a police officer for anything done in his official capacity without the notice required by section 80 of the Code of Civil Procedure, 1908, having been duly served on him, he shall, as a rule, move the court to dismiss it on the ground that it has been instituted contrary to the provisions of that section. An alleged extortion of money for an officer's own benefit, and not for the benefit or supposed benefit of the case he is investigating does not come within the wording of section 80 and no notice is necessary in such cases.

If, however, such notice is given, he shall at once report to his superior officers all the circumstances necessary to the forming of an opinion on the case, stating whether he proposes to deal with the matter on his own responsibility and at his own cost or whether he desires that the suit should be taken up in his name under the orders and at the cost of Provincial Government. The superior officer receiving such report shall without delay, after making any enquiry that may be necessary, submit a full report with a statement of the action proposed to be taken for the orders of the Provincial Government through the Legal Remembrancer, and before the receipt of such orders all steps in the matter shall, if possible, be avoided. But, subject to the sanction of the

Provincial Government, nothing herein shall prevent the police officer concerned from entering into an arrangement for the amicable settlement of the case.

(iii) An officer preparing a report under the above rule or moving the court to dismiss the suit shall be entitled to the assistance of the Government Pleader.

(iv) Section 197 of the Code of Criminal Procedure lays down a special procedure in regard to criminal prosecutions against certain classes of officers, while section 42 of the Police Act, 1861, sets a limit within which action against a police officer is to be taken and indicates the procedure in regard to this. In those cases there will always be ample time to obtain the orders of the Provincial Government as to the defence of the officer, and this shall be done. In the case of criminal prosecutions against other classes of police officers it may frequently be impossible to obtain the orders of the Provincial Government before the commencement of the proceedings in court. In that case it would rest with the District Magistrate after consulting the Superintendent, to decide whether the defence shall be undertaken by the Provincial Government or not. In the event of disagreement between the District Magistrate and the Superintendent concerning the defence of the accused police officer, the District Magistrate shall instruct the Public Prosecutor to appear for the accused officer in the initial proceedings and request the court to postpone the case pending a decision by the Provincial Government as to whether he should be defended at the cost of provincial Government or not. In such cases a full report shall be sent to the Provincial Government as early as possible stating the course the District Magistrate has decided to adopt.

(v) Immediately upon the institution before a union court or union bench of a suit or case against a police officer, the officer in charge of the police station concerned shall send the necessary intimation to the Superintendent. If at any time it is necessary to obtain copies of the record of the case, the Superintendent shall apply for copies as prescribed in rule 7 of the rules framed by the Provincial Government under the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), and issued with Judicial Department notification No.5649J., dated the 13th August 1926, and payment according to the scale therein laid down shall be made from contingencies.

(vi) when the Provincial Government undertakes the conduct of a case, civil or criminal, instituted by or against a police officer, the head of the department in respect of a civil suit or the Magistrate in respect of a criminal case may deal with it in consultation with the officer concerned in accordance with the regulations herein laid down or he may, with the sanction of the Legal Remembrancer, delegate his duties to the officer concerned on condition that the said regulations are strictly observed. In the latter case, the officer concerned shall conduct the case at a reasonable cost which must not exceed Rs. 250 without the previous sanction of the Legal Remembrancer. The Provincial Government will not be bound to pay any expenses unless these rules are complied with. If in a case in which the Provincial Government has undertaken the defence of an officer the decision of the first court is against him, the question whether an appeal should be filed at the cost of the Provincial Government or whether the damages awarded to the plaintiff or the fine imposed should be paid by the Provincial Government shall be decided by the Provincial Government either on the application of the officer concerned who should move his immediate superior in the matter or on the representation of his superior officer.

(vii) All applications for the defence of police officers at the cost of the Provincial Government in civil suits and criminal cases shall be submitted to the Inspector-General through the District Magistrate and the Deputy Inspector-General by the Superintendent concerned. A similar procedure should be followed in the case of applications for expenses in cases and suits in which police officers are complainants.

(viii) In cases against officers of the Criminal Investigation Department or the Railway Police, the Magistrate of the district in which the case is instituted shall be considered the District Magistrate for the purposes of this regulation.

102. In all cases of criminal prosecutions brought against police officers for acts done in the performance of their public duties, Public Prosecutors are bound to defend them and are entitled to fees provided that the Provincial Government has sanctioned the defence being undertaken by the Provincial Government at its expense. The sanction of the Provincial Government shall, in the first instance, be obtained by parties. the departmental head of the officer through the Legal Remembrancer before any action is taken in this behalf unless there be no time for such reference.

103. Where no appearance is entered on behalf of the Provincial Government and the action is dismissed, or the accused discharged or acquitted, the case will be dealt with as is laid down in clause (b) of regulation 99, allowance being made for the expenses (if any), realizable under the order of the Court.

104. (a) It is to be distinctly understood that charges, the payment of which may be applied for under these rules, shall be moderate and that the Provincial Government does not bind itself to pay unnecessary expenses which the officer concerned may choose to incur. In petty cases, an appearance in person or with departmental aid, e.g., -of the Court Inspector o; Sub-Inspector will be often quite sufficient and where this is so, the employment of a pleader is superfluous. Requests for the payment of counsel shall be entertained only under very exceptional circumstances and if counsel is not engaged on the other side, ordinarily counsel shall not be employed at the expense of the Provincial Government on behalf of the police officer.

(b) If the officer wins the case and the costs or damages or compensation are awarded to him, the expenditure incurred by the Provincial Government up to the limit of such costs, damages or compensation shall be refunded by him.

The following general principles are laid down for the guidance of Superintendents in scrutinising the calims of police officers for the cost of their defense in civil or criminal cases brought against them in the discharge of duty

I. Criminal Proceedings. - (i) In trial before a Magistrate. —One pleader at a fee not exceeding that ordinary allowed to the Public Prosecutor of the district and subject to the usual restriction of half fee for a half-day's work. A junior pleader or a mukhter would also be allowed in heavy

cases where elaborate notes have to be taken of the evidence, and the evidence carefully analysed.

(ii) In appeals and revisions before the District Magistrate or Additional District Magistrate and before the Sessions Judge. —One senior pleader as above.

(iii) In a sessions trial. —One senior and one junior pleader on the fees generally allowed to them when employed by the Provincial Government in sessions cases.

(Charges incurred in connection with preliminary enquiries, etc., in which the attendance of the officer concerned is optional, will ordinarily be disallowed.)

II. Civil Proceedings. —(i) in suits before a Munsif or Subordinate Judge. —One pleader at a fee not exceeding that ordinarily allowed to the Government Pleader of the district, subject to the restriction referred to above, and, in addition, in exceptionally heavy cases, one junior pleader.

(ii) In appeals. —One senior pleader as above.

III. Incidental Expenses. —(i) Fees for standing surety, but only in exceptional circumstances.

(ii) Actual travelling and diet expenses of defence witnesses.

(iii) Actual and necessary travelling expenses and necessary charges for board and lodging limited to daily allowance of the officers concerned, whether on duty, leave or under suspension.

(iv) Reasonable charges on account of pleader's clerk's remuneration cost of certified copies, court-fees, process-fees, etc.

(v) Reasonable charges in connection with applications for transfer, provided the Superintendent has been previously consulted and has approved of the course adopted by the officer concerned.

IV. Cost of defence in cases of Enquiry by Commission.—In cases of Enquiry by a Commission, whether such Commission is appointed under the Public Servants' Enquiries Act or under any other rules or orders, the Public Prosecutor shall ordinarily be engaged to put the case before the Commission; if his services are not available, some other pleader may, with the previous sanction of the Legal Remembrancer, be engaged. It will be open to the officer whose conduct is under investigation to be represented by a pleader; but any claim by the officer to be reimbursed the reasonable expenses of his defence will be considered only if he is honourably acquitted of the charge in respect of which the enquiry has been ordered. In such cases, no officer shall be entitled to receive, on account of lawyer's fees, any sum greater than the amount paid by the Provincial Government to the Public Prosecutor or other pleader engaged for his services in putting the case before the Commission.

III- GOVERNMENT SERVENT'S CONDUCT RULES AND OTHER GENERAL INSTRUCTIONS

105. (a) A subordinate police officer who wishes to make a representation about his promotion, transfer or leave or about any other matter may not interview—

(i) a Deputy Inspector-General without the permission of the Superintendent of the district where he is serving (or, if he is on transfer, of the district from which he is transferred), or

(ii) the Inspector-General without the permission both of such Superintendent and of the Deputy Inspector-General.

(b) Such permission shall not ordinarily be refused.

105A. Regulation 105 will apply also to clerks.

106. The Government Servants' Conduct Rules applicable to the services recruited by the Secretary of State shall be binding on all officers of the Indian police, and those applicable to services under the control of the Provincial Government are binding on all other servants of the Crown.

107. (a) Every person to whom these regulations apply is prohibited from being an accredited correspondent of any news agency or of any newspaper or other periodical.

(b) The rules framed by Government relating to broadcasting by wireless are binding on all persons to whom these regulations apply.

108. An officer is entitled to form and to hold his own opinion on public matters: but he is not at liberty to attack what he knows or believes to be a policy or procedure deliberately approved by Government, or to make public (whether in writing or in speech or otherwise) any opinion on matters of Government policy which are, or are likely to be, the subject of public discussions. If a decision of Government does not commend itself to any officer who has to carry it out, he has, after making proper representations to his official superior, no other course open to him but to acquiesce loyally and silently or to resign his position in the service.

109. (a) All police officers, from the highest to the lowest, are absolutely forbidden, except in the ordinary course of business with a bank or firm of standing, to borrow money from, or otherwise place themselves under a pecuniary obligation to, any person or persons subject of their official authority, or residing, possessing land or carrying on business within the local limits of such authority. Any such act shall be considered as tantamount to an act of corruption, and dismissal shall be the only punishment. This prohibition extends to lending money at interest whether directly or through relatives or other agents, to their subordinates or to any person or persons possessing land, with or without security, within the local limits of their authority. The prohibition contained in the government of India, Home Department, Resolution No. 2 B.-87-103, dated the 16th January, 1890, shall be held applicable to loans whether on the security of a mortgage or unsecured to estates administered under a Court of Wards or an Encumbered Estates Act. (Vide India Government No. 2276-319-2, dated the 30th September 1899.)

(b) A gazetted officer is forbidden to borrow money from a cooperative society unless he is specially permitted by the Provincial Government to do so.

NOTE.—See Government Servants' Conduct Rules,

110. Police Officers are prohibited from bidding for or purchasing anything at a Government sale, without the previous sanction of the Deputy Inspector-General.

111. (a) When a servant of the Crown receives orders of transfer to a district in which the operations of a company in which he holds shares are conducted, he shall at once report the possession of such shares to the Inspector-General through his official superiors.

(b) A servant of the Crown may not acquire by purchase shares in any company, the operations of which are conducted in the district in which he is employed for the time being.

(c) When a servant of a Crown acquires by succession inheritance, bequest or gift shares in a Company, the operations of which are conducted in the district in which he is employed, he shall at once report such acquisition to the Inspector-General through his official superiors.

112. (a) Subject to clause (b), every officer, whether gazetted or subordinate, shall submit to the authority shown in the table below: —

(i) on appointment, a declaration of all immovable property in India held by him or by his wife or by any member of his family living with him or in any way dependent on him; and

(ii) in the first week of March each year, an annual statement in B.P. Form No. 5 either of alterations or of the fact that there is no alteration.

Rank or designation.	Authority to whom submitted.
(1) Officers of Indian Police and Provincial Police service and clerks in the office of the Inspector-General.	(1) Officers of Indian Police and Provincial Police service and clerks in the office of the Inspector-General.

(2) Inspectors, Sub-Inspectors, Sergeants and Assistant Sub-Inspectors and clerks in the Offices of Superintendents.	(2) Inspectors, Sub-Inspectors, Sergeants and Assistant Sub-Inspectors and clerks in the Offices of Superintendents.
--	--

Superintendent of the district in which they serve (including Principle, Police Training College).

(3) Clerks in the offices of the Deputy Inspectors-General.	(3) Deputy Inspectors-General.
---	--------------------------------

(b) No declaration or statement is required (1) from any launch-rating; or (2) from a head constable or constable but any such officer promoted to the rank of Assistant Sub-Inspector or Sub-Inspector shall submit the declaration prescribed above, and continue, thereafter, to submit annual statements.

(c) A Police Officer is forbidden to purchase land or other immovable property elsewhere than in his home district, whether in his own name or in the names of his wives, children, relatives, dependants or servants or in any way benarni or to sell land or other immovable property held elsewhere than in his home district, without the previous sanction of the Inspector-General. In applying for such sanction, an officer shall give full particulars of the land or other immovable property and of the reasons for the purchase or sale.

113. The employment of subordinates as if they were an officer's personal servants, for procuring supplies, making themselves generally useful, doing work of a menial nature and the like, is prohibited as being an indefensible abuse of authority and as being likely to place the officer in a false position and expose him to misrepresentations. Superintendents and Deputy Inspectors-General are explicitly required to report any contravention of this regulation to the Inspector-General.

114. If any loss, destruction or damage of property which belongs to the Crown or for which the Provincial Government is responsible takes place owing to any default, negligence or disobedience of orders on the part of any police officer, clerk or launch-rating, he may be ordered to make good the value of it.

115. (a) No Superintendent, Assistant Superintendent or Deputy Superintendent shall on account of leaving his district without the permission of the Deputy Inspector-General, except on duty of the most urgent nature or as authorised by clause (c).

(b) No other police officer shall have the circle, police-station or place to which he is posted, except on duty or with the express permission of an officer authorised to give it or when he is relieved.

(c) A Superintendent may leave his district for the purpose of attending a co-operation conference or meeting held within or without the province under these regulations but shall give prior notice to the Deputy Inspector-General of the Range.

116. Every police officer of or below the rank of Inspector shall, when visiting on duty the headquarters of any district, report to the Superintendent, either personally or in writing.

If he belongs to another district he shall state what is the reason for the visit and whether he requires assistance from the local police.

117. Every police officer wherever he may be, whether within or without the district to which he is posted shall be subordinate to and is bound to carry out any legal order given by any police officer or superior rank.

118. The first and most important duty of the police is the prevention of crime and the maintenance of law and order. The great mass of crime consists of offences against property,

against which the police can afford a large measure of protection, either directly by regular and efficient patrolling, or indirectly by the exercise of a proper surveillance over bad characters. To obtain a knowledge of the persons addicted to crime and to maintain adequate supervision over them should be the aim of every member of the force.

119. The successful detection of such crime as the police cannot or do not prevent is also of the greatest importance. But an officer will be judged not by this percentage of successes in the investigation and prosecution of offences, which is to some extent a matter of fortune, but by his display of method and intelligence in detection, his general efficiency and keenness, his management of his subordinates, and above all by his knowledge and control of the local charge committed to him.

120. It is the duty of every officer to see that all cognizable crime is reported and registered. The public will best be encouraged to give full information if the police exercise a wise discretion under section 157 of Code of Criminal Procedure and avoid investigation in trivial cases. If offences against property, and even attempts to commit them are concealed, a valuable indication as to the movements of bad character is thereby lost. A rise in the percentage of uninvestigated offences, therefore, is by no means to be feared in itself, provided that inspecting officers satisfy themselves that offences are not being minimized.

IV. —CO-OPERATION, CONFERENCES AND MEETINGS.

121. All police officers shall assist one another, to the best of their ability, in the execution of their duties whenever such assistance is actually demanded or appears to be required.

122. Close co-operation at all times between officers whose jurisdictions form a common field for the depredations of a criminal or of a gang is essential. As an aid to such co-operation, periodical conferences shall, and special co-operation meetings may, be convened by different officers according to the succeeding regulations.

123. (a) Every Deputy Inspector-General in Charge of a Range shall hold a Range conference annually at some convenient place within the Range, and all Superintendents serving in the Range shall attend. The Superintendents of district adjoining the Range and of Railway Police district traversing the Range may also be invited to attend if the Deputy Inspector-General considers their presence desirable. Each Deputy Inspector-General shall fix the date for his Range conference in consultation with the Deputy Inspector-General in charge of adjacent Ranges.

(b) Each Superintendent within the Range shall forward to the Deputy Inspector-General, not less than two months before the date of the conference, a list of subjects to be discussed and the names of any Superintendents of other Ranges with whom he desires to discuss any subjects. The Deputy Inspector-General shall circulate a complete list of the agenda to the Deputy Inspector-General, Criminal Investigation Department, and to all others who will attend, at least one week before the conference.

(c) The Deputy Inspectors-General, Criminal Investigation Department, may attend, or direct his Assistant to attend, any of these conferences, if it is considered desirable.

124. (a) (i) The Superintendent shall hold quarterly conferences with all gazetted police officers in the district. The conferences may be held at district headquarters or elsewhere at his discretion.

Note—The Superintendent should invite the District Magistrate to attend these quarterly conferences whenever there are questions which his presence might help to answer.

(ii) The Superintendent shall fix the dates on which such conferences will be held.

(iii) At such conferences the action to be taken against crime in the district and the work of the officers serving under the Inspectors shall invariably be discussed. No agenda shall be circulated but the Superintendent may allow, at his discretion, discussion of any other matter. Officers attending the conference should, if possible, inform him, at least fifteen days before the date fixed for the conference, of any matter which they wish to suggest for discussion.

(b) Each circle inspector should hold a conference once a quarter to be attended by Officers-in-charge of police-stations, and by such other officers as he may summon, within his circle: if he thinks the presence of any officer not serving within his circle to be advisable, he should report the matter to the Superintendent. At each such conference the resolution of the last district conference shall be explained and police matters of local interest shall be discussed.

125. A special co-operation meeting for the purpose of discussing any emergency, may be held at any time and any place within his jurisdiction.—

(i) by a Deputy Inspector-General of a Range, with other Deputy Inspector-General or which Superintendents and other officers;

(ii) by a Superintendent, with officers serving in his own district or, with the previous sanction of the Deputy Inspector-General Range, with other Superintendents,

(iii) by a Sub-divisional Police Officer with serving in his Sub-division or with the previous sanction of the Superintendent, with other officers;

(iv) by a Circle Inspector, with the previous sanction of the Superintendent, with other inspectors of the same or neighbouring district and with officers serving under himself or them.

126. (a) A conference or co-operation meeting shall be presided over by the senior Officer present.

(b) The minutes of conference and meeting shall be recorded by or under the direction of the Presiding Officer, in such a way that matters of general interest are kept separate those of purely local interest.

(c) Extracts regarding matters of general interest shall be sent to all officers who attended the conference or meeting, and extracts of matters of local interest to the Officers concerned.

(d) Copies of the minutes of special meetings convened with the sanction of a Deputy Inspector-General shall be sent to that officer and copies of the minutes of any special meeting convened by a Sub-divisional Police Officer or by an Inspector shall be sent to the Superintendent of the district in which it was held.

(e) The fact that he has attended a conference or meeting shall be noted (1) by an Inspector in his personal diary and (2) by a Sub Inspector in the mufassil or general diary according to the place where the meeting was held.

127. (a) Sub-divisional Police Officers and Circle Inspectors (except those of the Railway Police) shall attend the quarterly meetings held by Sub-divisional Magistrates in accordance with Government Order No. 420-46P1., dated the 25th February 1936. They shall point out any areas in which crimes are excessively prevalent or on the increase, which are the homes of dangerous characters or which, for any other reason, demand the special attention of the union board and rural police. They shall also discuss any failure to pay or equip the rural police properly, any case contemplated under section 110 of the Code of Criminal Procedure and any other matters of interest both to the Police and the Magistracy.

(b) The copies of the minutes of these meetings received by the Superintendent shall be kept in a separate file in the office.

128. (a) All Officers whose jurisdictions adjoin or are near to Calcutta shall keep in close touch with officers of the Calcutta Police and co-operate with them whenever necessary.

(b) Superintendents of districts (including Railway districts) round Calcutta, and the Assistant to the Deputy Inspector-General, Criminal Investigation Department, shall detail officers to attend the monthly meeting held at the Headquarters of the Calcutta Police.

(c) Any Investigating Officer of the Bengal Police, who has to pursue enquiries in Calcutta, shall ordinarily introduce himself to the Officer-in-charge of the police-station where the inquiries are to be made, but, if he needs the help of the Detective Department of the Calcutta Police, he shall first report himself to the Assistant Commissioner of that department.

(d) The Superintendent of Police, Chittagong, may proceed to Akyab in Burma to attend co-operation meetings with the Superintendent of Police, Akyab. Such meetings should be held in Burma and Bengal in alternative years.

128A. Co-operation between neighbouring police-stations and districts should not stop at the or-state There shall be close co-operation between officers of neighbouring police-station, circle Sub-divisions and districts including those of bordering states and provinces.

129. (a) All ranks of the police shall render to and receive from all officers and men of the Excise Department full co-operation in the prevention and detection of offences under the Excise, Opium and like Acts. For the purpose of this regulation, co-operation shall be deemed to include the grant of facilities for the examination of documents and records, and for attendance at chaukidari parades and co-operation conference or meetings of police officers.

(b) Copies of the preliminary reports of searches, arrests and seizures made by the police under the Bengal Excise Act, 1909, shall be sent to the Collector or the Excise Officer in whose jurisdiction the searches, arrests or seizures are made. The forms of such preliminary reports may be obtained from the Excise Department.

130. Any Police Officer duly empowered in his respect by the District Magistrate shall periodically visit and inspect the premises of the holder of a license under the Poisons Act, 1919, where poisons are kept for sale, and inspect the stock found therein and the registers maintained under the Act. The result of each inspection shall be noted in registers of the shop and also in the register or personal diary of the officers any serious breach of the conditions of license being specially reported to the Superintendent without delay.

V.—ASSEMBLIES AND PROCESSIONS.

(i) Powers

131. The duties and powers of the police in respect of the control of assemblies and processions are set forth in section 30, 30A, 31 and 32 of the Police Act, 1861.

132. (a) In regulations 135, 137 and 138 the word “Superintendent” includes an Assistant Superintendent and [Subject to clauses (b) and (c) of this regulation], a Deputy Superintendent or an Inspector.

(b) Every Deputy Superintendent has been appointed to perform, in the district where he is appointed as such all the duties of a District Superintendent under sections 30 and 30A of the Police, Act, 1861.

(c) Every Circle Inspector has been appointed to perform in the Subdivision or circle to which he is posted as an Inspector, all the duties of a District Superintendent under sub-sections (3) and (4) of section 30 of that Act subject to the limitation that, whenever possible, he shall obtain the order of a superior officer in the matter.

(ii) Action to be taken before the assembly or procession is held.

133. Circle Inspectors and Officers-in-charge of police-stations shall cause timely information to be sent to the Superintendent or Sub-divisional Police Officer of any projected gathering, procession, festival or other event that is likely to make the exercise of their powers under section 30 of the Police Act, 1861, advisable.

At each police-station a record of dates, routes and orders in force for processions and assemblies during festivals and on other occasions shall be maintained. Such record shall contain as per as possible the prevailing practice with regard to routes, hours and conduct of all such processions and assemblies. It will be the duty of Officer- in-charge of police-stations to see that these rules and orders are adhered to and that no deviation is allowed except for urgent and strong reasons. Immediately after each occasion an entry shall be made in the register recording whether the function passed off uneventfully or whether any unusual incident occurred which might indicate the necessity for a revision of the orders.

134. If a Police Officer considers that an assembly or procession should be prohibited, he should move the appropriate Magistrate to issue an order under section 144 of the Code of Criminal Procedure. No Police Officer as such has power to prohibit it.

135. If any Superintendent considers it necessary to call upon any person or class of person under section 30(2) of the Police Act, 1861, to apply for a license in respect of an assembly or procession—

(I) he shall obtain from the District or Sub-divisional Magistrate a statement in writing that, in the judgment of such Magistrate, the assembly or procession is likele, if held during a certain period and uncontrolled, to cause a breach of the peace,

(ii) he shall cause a general or speacial notice in B .P. Form No. 6 or 7 to be issuesd directing the persons concerned to apply for a license; and

(iii) he shall specify in such notice the length of the period during which a license shall be necessary for any such assembly or procession, if the notice is intended to cover more than a particular occasion, e.g, the Muharram festival.

136. (a) The license to be issued under section 30(3) of the Police Act, 1861, shall be in B. P. Form No. 8 and shall be prepared as directed in regulations 138 and 139,

(b) The officer issuing the license may alter or omit any of the conditions printed in the form and may impose any other conditions to suit the needs of any particular occasion or locality.

137. (a) Under section 30(1) of the Police Act, 1 861, a Superintendent may issue directions regarding the conduct of an assembly or procession whether it is licensed or not and whether there has been a notice requiring, or an application requesting a license or not.

(b) Unless he proposes to take action under regulation 134, he should issue such directions whenever any person gives notice of his intention to convene or collect an assembly or to direct or promote a procession regarding which no notice has issued requiring an applicarion for a license.

(C) Directions under section 30(1) of the Police Act, 1861, should, whenever possible, be given in writing, in B. P. Form No. 9; but disobedience of verbal directions also, by any person who is aware of them, is punishable under section 32 of that Act.

(d) The Superintendent may alter or omit any of the directions printed in B.P. Form No. 9 and may issue any other directions to suit the needs of any particular occasion or locality.

138. (a) When a Superintendent issues licenses in B. P. Form No. 8 or directions in B. P. Form No. 9 he shall satisfy himself that they include, in addition to the particulars indicated in the form, any special conditions or directions necessary for the preservation of the peace.

(b) He shall not allow persons taking part in an assembly or procession to carry weapons, or instruments capable of being used as weapons of offence, other than those which, in his opinion, are required for purposes of display or are a necessary feature of the assembly or procession.

(c) The police should check the indiscriminate use of fireworks on all occasions private or public and the Superintendent should therefore specify among the conditions of a license or in the direction issued under section 30(1) of the Police Act, 1861, the number and type of fireworks, if any, that may be let off in any assembly or procession, after consulting if necessary the Municipal Commissioners.

139. Licenses and any directions issued in B.P. Form No. 9 shall be in triplicate: one copy shall be given to the licensee or the person to whom the directions are addressed, one retained in the Superintendent's Office, and one sent to the police-station concerned, where it shall be retained in a special file for 3 years.

140. If, notwithstanding the issue of a notice under section 30 (2) of the Police Act, 1861, an assembly or procession is held without a license, a prosecution under section 32 of that Act will lie against any conveners or collectors of the Assembly or any directors or promoters of the procession who have disobeyed the notice to apply for a license, but not against any other person merely because he is a member of the assembly or takes part in the procession.

(iii) Action to be taken during and 4cr assemblies and processions.

141. (a) It is the duty of police officers who are present at an assembly or procession to give reasonable orders under section 31 of the Police Act. 1861, and to note the name and address and the actions of any person who disobeys and such orders or any orders issued under section 30 (1) of that Act whether the orders are verbal or in writing.

(b) Since an offence under section 32 of the Police Act, 1861, is non-cognizable, a police officer has no power forthwith to arrest a person who commits such offence unless—

(i) an arrest is justified under section 57(1) of the Code of Criminal Procedure;

(ii) the action which is an offence under section 32 of the Police Act, 1861, is also a cognizable offence under some other section of any law; or

(iii) a Magistrate is present and issues orders of arrest under section 64 of the Code of Criminal Procedure.

142. An order to disperse may be given under section 30A(1) of the Police Act, 1861, only if an assembly or procession has violated the conditions of a license issued in B. P. Form No. 8. It is not a substitute for an order under section 127(1) of the Code of Criminal Procedure, and, before force can be used to disperse an assembly or procession which has disobeyed it, a second order to disperse must normally (Vide regulation 143) be given, under section 127(1) of the Code of Criminal Procedure. When, therefore, there is no time for more than one order to disperse, such order should be given under section 127(1) of the said Code.

The advantage of giving an order under section 30A(1) of the Police Act, 1861, are—

(i) that an assembly or procession which disobeys it becomes at once an unlawful assembly and sections 127 and 128 of the Code of Criminal Procedure then become applicable even though the circumstances would otherwise not permit their use, and

(ii) that the members of such an assembly or procession may be arrested without warrant as being guilty of an offence under section 143 of the Indian Penal Code.

143. An assembly or procession, whether licensed under section 30(3) of the Police Act, 1861, or not, may be dispersed by force only under section 128 of the Code of Criminal Procedure, that is to say only—

(i) if it has duly been ordered to disperse under section 127(1) of the Code of Criminal Procedure and has not dispersed; or

(ii) if it has conducted itself in such a manner as to show a determination not to disperse.

144. (a) A prosecution will lie under section 32 of the Police Act, 1861, against—

(1) any person who violates the conditions of a license issued under section 30(3) of that Act; and

(2) any member of an assembly or procession, whether licensed or otherwise; who-

(i) knowingly disobeys directions issued by a Superintendent under section 30(1) of that Act; or

(ii) disobeys the reasonable orders of a police Officer under section 31 of that Act.

(b) A prosecution will lie—

(i) under section 143 of the Indian Penal Code against any person who is a member of a licensed assembly or procession which neglects or refuses to obey an order under section 30A(1) of the Police Act, 1861, and thereby becomes an unlawful assembly; and

(ii) under section 145 of the Indian Penal Code, against any person who joins or continues in an unlawful assembly after it has been duly ordered to disperse under section 127 of the Code of Criminal Procedure.

VI—EMPLOYEMENT OF ARMED PARTIES AND USE OF FIREARMS BY THE POLICE DURING RIOTS AND DISTURBANCES.

145. (a) If an Officer-in-charge of a police-station learns that a serious riot or other disturbance has broken out or is about to break out or that any crime is being or is about to be committed by an armed gang or that any persons against whom he is about to proceed will be armed with deadly weapons, he may arm some of his constables with the muskets issued to the police-station. He shall himself take command of such constables and proceed with them and with such other force as may be necessary to the place of the disturbance or crime. He may however, for special reasons, which he shall record in the general diary, devolve such command upon a junior Sub-Inspector, an Assistant Sub-Inspector or a Head constable on whom he thinks it safe to rely: he shall give such officer upon whom he devolves the command as clear and specific orders as circumstances permit as to the duties to be performed by the armed constables. In the event of there being no officer-in-charge at a police-station, if reliable information is received by the senior constable of apprehension or existence of a serious disturbance, such constable shall proceed to the place himself with such force as can be spared, armed with muskets and ball ammunition. He must bear in mind that if he meets with resistance he can act in the exercise of the right of private defence, though he has not the power to disperse an unlawful assembly by force.

(b) The police Officer who leads or sends out armed constables under clause (a) above should, whenever possible, inform the nearest Magistrate and give him an opportunity of accompanying the party. If the departure or despatch of an armed force is, however, on no account to be held up to the possible deterioration of the situation, solely with a view to obtaining the accompanying presence of a Magistrate.

146. (a) The Special Armed Force may be employed to restore order during riots and disturbances by order of the Superintendent, who should consult the District Magistrate, if there is time to do so. The Superintendent should himself be in charge of the party whenever possible, but if he should be temporarily engaged elsewhere or the outbreak be so serious as to require him to be at a central post to co-ordinate the whole scheme of meeting and quelling the disturbance, the command of the whole or any part of the Special Armed Force must devolve on such officers as the Superintendent can spare and shall detail for the purpose. If it is necessary to call out the armed police in a subdivision where there is a detachment of the emergency force, similar responsibility must rest on the subdivisional Police Officer or Inspector-in-charge subject to the orders of the Subdivisional Magistrate.

(b) When an armed party is sent out under clause (a), the District Magistrate or Subdivisional Officer as the case may be shall, if time permits, be asked to depute a Magistrate to accompany him. If time does not allow this the officer ordering out the party shall invite the nearest Magistrate available to do so. The departure or despatch of an armed party must, however, on no account be held up, to the possible deterioration of the situation, solely with a view to obtaining the accompanying presence of a Magistrate.

(c) In all cases when armed parties are sent out, they should keep together in compact bodies under competent officers, fully instructed. They should be given a specific task to perform and must be fully instructed as to their powers and responsibilities. The Special Armed Force should never be given the routine duty of marshalling or escorting a procession. The Superintendent, the Sub divisional Police Officer or the Circle Inspector will obtain as clear a picture as possible of the situation the armed forces have to meet and ensure, preferably by personal instruction, that each party sent out fully comprehends its objective and understands its duties and powers.

(d) In cases where no serious opposition is expected part of the force should be armed with bamboo lathis 5 feet 7 inches in length and from 4 to 3 ½ inches in circumference at the two ends. When it is necessary to clear or guard a road, the force so armed should be formed in double rank the first rank holding the lathis at the “engage” position (See Bayonet exercises) and the rear rank holding the lathis in both hands well separated over the heads of the front rank men, so as to guard their heads. It is advisable in all such cases to have a small reserve armed with muskets to meet unforeseen developments. Superintendents should take care to have a sufficient number of lathis ready for such occasions at stations and in the lines.

147. (a) The unarmed Police are expected to be able, with the lathis prescribed in regulation 146 (d) or the canes allowed under regulation 89 (a) to maintain and enforce order among assemblies, processions and large crowds if these are not armed with weapons of offence. There may however be exceptional circumstances in which it is desirable to employ members of the Special Armed Force for this purpose otherwise than under regulation 146.

(b) The Special Armed Force thus employed may be armed entirely with muskets or lathis or partly with muskets and partly with lathis.

148. (a) Members of the Eastern Frontier Rifles, being enrolled under the Police Act, 1861, may be required, under section 128 of the Code of Criminal Procedure by a Magistrate or an Officer-in-charge of a police-station or police Officer of higher rank, to disperse an unlawful assembly: and they are bound under section 149 of that Code to interfere for the purpose of preventing the commission of a cognizable offence.

(b) If the assistance of a detachment of the Eastern Frontier Rifles is required during any disturbance, a requisition should ordinarily be made to the Inspector-General.

(c) If in a case of emergency the assistance of a detachment of the Eastern Frontier Rifles is requisitioned under section 128 of the Code of Criminal Procedure, the officer making the

requisition shall at once inform the inspector-General who shall at once report to the Provincial Government the action taken.

149. The Commandant, Assistant Commandants, Subadars and Jamadars of the Eastern Frontier Rifles have been given powers of an Officer-in-charge of a police-station for the purpose of dealing with unlawful assemblies or any assembly of five or more persons likely to cause a disturbance of the public peace. These powers shall not be exercised by the Commandant in the presence of a Superintendent or an Additional Superintendent of a district, by the Assistant Commandants in the presence of officers of and above the rank of Subdivisional Police Officer and by the Subadars and Jamadars in the presence of an Inspector of the District Police or the Officer-in-charge of police-station. The powers will be exercised only when it becomes necessary to take action under section 127 and 128 of the Code of Criminal Procedure.

if, while the officers of the Eastern Frontier Rifles mentioned above are acting under this regulation it becomes practicable for them to communicate with an officer of the District Police in whose presence they may not exercise their powers they shall do so and shall thence-forward obey the instructions of the District Police Officers concerned as to whether they shall or shall not continue to exercise their powers.

150. (a) The ammunition served out to any armed party shall be ant ball ammunition. No other sort of ammunition shall be issued under any circumstances.

(b) Police Officers should not ordinarily take privately owned guns with them when they go to suppress a riot, but if privately owned guns are taken the use of any kind of ammunition other than ball is strictly forbidden.

Note.— Ordinary spherical ball only should be used in private weapons—explosive bullets are strictly prohibited.

151. When a Magistrate is present with an armed party, employed for the suppression of a riot or the dispersal of an unlawful assembly.—

(i) he should not interfere with the disposition of the force by the police officer in command;

(ii) he is responsible for deciding when force is to be used and when fire shall be opened;

(iii) he shall, when the necessity arises, direct the Officer in command to use force or open fire, but shall not, after giving such direction fetter the discretion of such officer in making his disposition for carrying out that order;

(iv) he shall give the warning prescribed by regulation 153 (c)(ii);

(v) he shall have authority to direct the police officer in command to issue the order to cease fire under regulation 155(d); and

(vi) he shall submit the reports prescribed by regulation 156(c) when firearms have been used.

152. The following precautions shall be observed by a police Officer in command of an armed party employed for the suppression of a riot or the dispersal of an unlawful assembly: —

(i) he should so dispose it that it has as effective a field of fire as circumstances permit;

(ii) he shall not bring it so close to a mob as to risk either its being overwhelmed by a sudden rush or its being forced to inflict heavy casualties;

(iii) if, in order to minimise injuries from missiles, the party is extended, he shall not allow it to extend so far as to affect his ability to exercise strict fire control;

(iv) he should order bayonets to be fixed;

(v) he shall give orders to the party to load, when he thinks fit. Loading without such orders is strictly forbidden;

(vi) for the purposes of fire control he shall ordinarily divide his force into sections of not more than ten men each and place each section under a responsible commander;

(vii) if the party is, or is likely to be, attacked from two directions he shall post the men in two ranks, each facing one of those directions, with sufficient space between such ranks to enable him to move between the ranks and to control the firing; and

(viii) generally he should follow the riot drill instructions as closely as circumstances permit.

153. (a) The use of firearms is permitted for the following purposes only: -

(1) In exercise of the right of private defence of person or property. (Sections 96—106, Indian Penal Code;)

(ii) For the dispersal of unlawful assemblies. (Sections 127-128. Criminal Procedure Code;)

(iii) To effect an arrest in certain circumstances. (Section 46, Criminal Procedure Code.)

(b) Use of firearms in the exercise of the right of private defence.

-It is essential that all ranks should appreciate and fully understand the right of private defence born of person and property. They may be entitled by law to protect themselves and Crown property, e.g., their weapons, ammunition, motor transport, etc., against attack. Such attack may be met by force. This force should not inflict more harm than is necessary for protection but may extend to the causing of death. If then these circumstances are fulfilled a police officer of any rank even that of a constable is entitled to open fire. But not only has every member of the police force the right to defend himself and Crown property he has also the right and in fact it is his duty to protect other persons and the property of other persons against unlawful acts. Here again, he is entitled to use force to the extent of voluntarily causing death if he sees a private person being

attacked in such a way that death or grievous hurt is likely to be caused to that person or there is grave apprehension that he may be kidnapped or wrongfully confined. Similarly, with regard to property he may intervene to the same extent to prevent robbery, house breaking by night, mischief by fire, that is arson, theft, mischief or house trespass in circumstances likely to cause apprehension of death or grievous hurt to any person if the right of private defence is not exercised.

In these circumstances a single constable acting alone may fire in accordance with what has been laid down above. If, however, he is one of a party of police, fire shall not be opened except under the orders of the senior officer present. By "present" it should be clearly understood that this relates to the senior officer in the immediate proximity of the incident. In the event of widespread attacks taking place in one area it may not be possible for the senior most police officer in that area to witness all that is going on and in such circumstances it must be the discretion of the senior police officer in a limited area who may witness an attack on person or property of the nature described above to give the order to open fire. So long as the police force is in close formation, only the Officer-in-charge of the unit may give the order to fire, but if either under orders or as a result of the action of the opponents the police force is divided into smaller bodies then the senior officer of each small contingent even down to an isolated constable may assume the responsibility of opening fire, independent of orders by individuals on their own initiative is forbidden except when it is justified as being in the exercise of the right of private defence. The responsibility of proving that circumstances invoked the right of private defence will rest upon the individual who fires or gives the order to fire, but provided the action is taken in good faith, that individual has no need to be apprehensive of the outcome or any enquiry.

(c) Use of firearms to disperse an unlawful assembly.—(i) An order to fire upon a crowd should be regarded as an extreme measure to which recourse should be had only in the last resort when it is absolutely necessary for the defence of life or property or when a Magistrate, an officer-in-charge of a police-station or police officer superior in rank to such officer considers it impossible to disperse a mob by any other means.

(ii) Before an order is given to fire upon a crowd the Magistrate or, if no Magistrate is present, the police officer in command shall give full and sufficient warning to the rioters that they will be fired upon if they do not disperse immediately.

(iii) All ranks engaged in the suppression of a riot or in the dispersal of a riotous assembly must await the orders of a Magistrate, an officer-in-charge of a police-station or a police officer superior in rank to such officer before firing.

(d) Use of firearms to effect arrest. —Under section 46 of the Code of Criminal Procedure when a person forcibly resists arrest or attempts to evade arrest, subject to the important restriction that this section gives no right to cause the death of a person who is not accused of an offence punishable with death or with transportation for life, a Police officer may use all means necessary, including the opening of fire, to effect arrest (See regulation 154 below).

154. (at Before a police officer fires or gives orders to tire, he shall give such warning of his intention as is possible.

NOTE: In the event of the exercise of the right of private defence it may not always be possible to give warning without the offender being enabled to fulfill his design against which the right is being exercised.

(b) Firing should always be controlled and directed at a specified target.

(c) No greater hurt than is unavoidable should be inflicted.

(d) Firing should cease as soon as its object is achieved.

155. (a) The police officer in command shall give the order to use force or to fire when so directed by a Magistrate under regulation 151 (iii) or, if no Magistrate is present when he himself considers it to be necessary.

(b) He shall direct the firing in such a way as to secure immediate effect with a minimum of injury. Firing over the heads of the crowd or in any direction except on members of the crowd is strictly forbidden, as being likely both to cause injury to innocent persons at a distance and to embolden the participants in the disturbance by having no visible effect. Before he gives the actual order to fire, he should specify the range, the target and the number of rounds to be fired.

(c) He is responsible that no greater volume of fire is used than the circumstances demand. He should normally order firing by specified individuals or by files: but he may order firing by sections, or volleys by not more than half the party at a time, if the attitude of the mob makes this imperative for the protection of his officers or for the protection of the life and property of others.

(d) He shall give the order to cease fire as soon as the mob shows the slightest inclination to retire or disperse. The Magistrate, if any is present, has authority to direct him to give such order.

156. When the Police have used firearms, whether against an unlawful assembly or against a small group or against individuals the following action shall be taken:—

(a) the police officer in command shall as soon as possible have the dead, if any, sent to a mortuary and the wounded to hospital;

(b) he shall cause the empty cartridge cases to be picked up and checked with the number of rounds issued; and

(c) as soon as action has been taken under clause (a), the Magistrate, if one is present, and the police officer in command shall each draw up, first:—

(i) a concise but accurate report of the occurrence, and subsequently;

(ii) an accurate account in minute detail of all the relevant facts, with a note of the number of rounds issued –and expended;

(d) copies of the concise report shall be sent by express telegram and of the detailed account by the quickest possible means other than a telegram:—

(i) by the Magistrate, if one is present, to the District Magistrate, Superintendent, Commissioner and Chief Secretary, and

(ii) by the police officer in command to the District Magistrate. Superintendent, Deputy Inspector-General and Inspector- General.

157. (a) Whenever the police have used firearms, a full executive enquiry to ascertain whether the firing was justified and whether these regulations were obeyed, shall be held as soon as it can possibly be arranged—

(i) by the Commissioner, if a District Magistrate, at~ Additional District Magistrate, a Superintendent, an Additional Superintendent or the Commandant, Eastern Frontier Rifles was concerned in firing;

(ii) by the District Magistrate or an Additional District Magistrate, if a Sub divisional Magistrate, an Assistant Superintendent or Deputy Superintendent or an Assistant Commandant, Eastern Frontier Rifles, was so concerned; and otherwise,

(iii) by the District Magistrate, Additional District Magistrate, Sub divisional Magistrate or Magistrate selected by the District Magistrate.

(b) If a District Magistrate or a Commissioner so directs or if a Range Deputy inspector-General or the Superintendent of the district concerned so desires a police officer of rank superior to that of the police officer concerned in the occurrence and not below the rank of Inspector shall be associated with the enquiry. Such officer shall have the right to examine witnesses and his opinion on the case shall be submitted together with the Magistrate's or Commissioners report.

(c) The executive enquiry shall be independent of any enquiries made by the police or by a Magistrate under the Code of Criminal Procedure but evidence recorded in such enquiries may be used.

(d) The report prescribed in regulation 156 shall be laid before the officer holding the enquiry.

(e) The representation of parties by legal practitioners shall not be allowed at the enquiry: but any police officer whose conduct is at issue shall be allowed to examine and cross-examine witnesses and to make statements orally or in writing.

(f) On completion of the enquiry, the officer who has held it shall at once send a report to the Provincial Government through the usual channel and make over a copy to the Superintendent or

the Deputy Inspector-General of the Range, as the case may be, for submission to the Inspector-General.

158. No police officer is authorised to requisition military aid for dispersing an unlawful assembly. The duties of a Magistrate who requisitions military aid are given in Appendix IV.

159. Appendix V contains directions to be followed in obtaining arrest of an offender who has escaped to the United Kingdom, a colony or some other British possession.

160. A set of rules containing hints for the detection of counterfeit coins will be found in Appendix Vi. Any officer requiring to test suspected coins shall subject them to the tests described therein.

161. On receiving information that anybody of troops is about to march through a district, the District Magistrate shall forthwith inform the Superintendent and intimate to him the places where the troops will encamp and the date on which they will arrive at each such place.

161A. (a) The Superintendent shall then detail a police party of the strength and composition shown below to meet the troops as they enter the district and to remain with them until they leave the district or until the party is relieved by a similar police party from the next district on the line of march. The Superintendent shall furnish the officer in command of the party with an official letter of introduction to the officer commanding the troops, to which shall be attached a copy of clause (e).

(b) When the troops are British the police party shall be commanded by a European Officer, or if no such officer is available, by an Indian Inspector who can speak English. In other cases, an Indian Officer shall command.

(c) The police party' shall be composed as follows:—

(I) For every British cavalry, infantry or mechanised regiment—One European Officer, two head constables and

(ii) For every British battery of artillery—One European Officer, one head constable and six constables.

(iii) For every Indian regiment—One Sub-Inspector, one head constable and six constables.

(d) The duties of the police party are as follows: —

(I) the police officer in command shall report himself to the officer commanding the troops and make over the letter of introduction mentioned in clause (b);

(ii) the police officer shall place himself under the orders of the officer commanding the troops and shall report to him morning and evening;

(iii) the police officer shall take charge of any Indian prisoners, and shall take care that no person of bad character or wandering gypsy is allowed near the camp or line of march: he shall also forward to the nearest police-station any requisition for supplies received from the officer commanding the troops; and

(iv) on relief, the police officer in charge of the party shall report himself to the officer commanding the troops and obtain his permission to return to his headquarters.

(e) Officers-in-charge of police-stations along the line of march shall supply any requisitions received from the officer in command of the police party accompanying the troops, and shall maintain a watch over all bad characters living in the neighborhood of encampments or the line of march.

162. The "Instructions for dealing with substances or objects suspected of being explosive" which have been issued in a separate pamphlet to all Superintendents, Circle Inspectors and Officers-in-charge of police-stations, shall be followed by any officer who may have to deal with such substances or objects.

163. (a) Any police officer below the rank of Sub-Inspector when detailed on any duty and any officer of the rank of Sub-Inspector when detailed on escort duty shall, unless the Superintendent direct otherwise, obtain from the officer detailing him a command certificate in B. P. Form No. 10.

Exception. —No command certificate shall be necessary when an Assistant Sub inspector in charge of an outpost goes out on night rounds.

(b) When several officers are detailed on the same duty, only one command certificate, containing all their names, shall be issued to the senior officer among them.

(c) An officer to whom a command certificate is given shall carry it with him, endorse upon it, if he is literate, the action which he takes upon the orders given to him, and on his return hand it to the officer who issued it.

(d) The officer who issued the certificate shall bring to the notice of the Inspector concerned any instance of delay in carrying out the orders.

(e) A command certificate returned by an Officer-in-charge of a party detailed from the Special Armed Force for escort duty shall be attached to the escort requisition until the charges have been billed for.

(1) Command certificates, after action has been taken on them, shall be filed with the appropriate counterfoils, to facilitate check by inspecting officers.

164. All officers of the subordinate ranks are liable to perform any of the ordinary fatigue duties performed by corresponding ranks of the Indian Army. These include repairs to rifle and revolver ranges and butts, loading, unloading and handling Crown property, pitching and striking

tents, care and maintenance of parade and other police grounds, construction and destruction of field works, the maintenance of fire fighting apparatus, demolitions to prevent the spread of fire and the saving of property from damage by fire or flood.

165. (a) When a fire alarm is sounded—

(i) all ranks shall fall in as quickly as possible. Head constables and constables shall not wait to put on uniform, but shall wear their belts;

(ii) the senior officer present shall detail such number of men as he considers necessary for duty, issue any fire fighting equipment available and move the party to the scene of the fire as quickly as possible; and

(iii) the senior officer present shall divide the party into squads to form a cordon round the fire, to assist in measures against the fire and to guard the place selected for depositing salvaged property.

166. (a) The following whistle calls shall be used: —

(1) the rally, a succession of short blasts; and

(ii) the alarm, alternate long and short blasts.

(b) The rally shall be used when it is necessary to summon officers within earshot, e.g., to call beat constables to a particular point. On hearing the call, all ranks shall move as quickly as possible to the point where it is being blown.

(c) The alarm shall be used only in emergency, when the caller is in danger or for calling officers out of the barracks in case of fire or in like circumstances. On hearing the call, all ranks shall forthwith fall in and await orders at the place where it is being blown.

167. (a) A list of miscellaneous duties of which the police have been wholly or partially relieved under orders of the Provincial Government, is given in Appendix VII.

(b) Every police officer is bound to give reasonable assistance to any officer of the Crown unable to obtain means of transport or necessary supplies of provisions, but he shall not, for this or any other purpose, compel persons to act as bearers, coolies or boatmen who are not accustomed to act as such, or impress bullocks or carts kept exclusively for private or agricultural purposes.

(c) Though the police may be utilised for serving notices of demand of taxes assessed on account of additional police appointed under section 15 of the Police Act, 1861, they shall not be employed for the

collection of such taxes except when this course is absolutely unavoidable; and every case in which they are so employed shall be reported to the Deputy Inspector-General.

168. A list of the miscellaneous Acts and Rules that confer powers on the police, with particulars of the ranks which may exercise those powers, is contained Appendix VIII.

VIII— GENERAL INSTRUCTIONS RELATING TO ATTENDANCE IN OFFICE, RECORDS AND CORRESPONDENCE.

169. All officers of and above the rank of Inspector shall, when at their headquarters, attend their offices during the recognised local office hours and transact their official business there.

170. (a) The prompt and proper disposal of all communications received is an important duty of all officers in charge of offices, stations and posts.

(b) Instructions regarding the opening and disposal of mail received in Superintendents' offices are given in regulations 1073 and 1074.

(c) in any other office, station or post in a district—

(i) the senior officer for the time being in charge shall personally open, initial and date all incoming letters, and shall pass orders regarding their distribution and the action to be taken on each;

(ii) when a communication is delivered by hand the officer who takes delivery shall endorse on the cover, or, if there is no cover, on the papers themselves, the actual time of receipt to the minute, and shall forthwith place the cover or papers before the senior Officer-in-charge who shall endorse on each paper the actual time at which he receives it and shall take other action as under clause (a); and

(iii) the papers shall then be handed to the officer who is in charge of the register of letters received for distribution to the officers concerned after making the necessary entries in that register.

171. In all reports, records, indices, Village Crime Note Books and other similar documents prepared wholly or partly in English, proper names of persons and places shall be written or typed in Block Capitals.

172. In every report, record, index or other document prepared wholly or partly in English-

(a) the names of places shall be spelt according to the spelling given in the "List of Police-Stations" of the province concerned, or, if not included in such list, according to the principles therein adopted for the spelling of similar names; and

(b) Indian personal names shall be spelt according to the list given in Appendix IX or, if not included in it, according to the principles therein adopted for the spelling of similar names. As it is impossible to maintain an index correctly unless the spelling is standardised, arbitrary methods adopted by individuals for spelling their own names shall be disregarded for police purposes.

173. Whenever the time is stated in a report, record, index or other document the hour shall be shown by the twenty-four hour clock system, each day consisting of twenty-four hours beginning and ending at midnight. Four figures shall invariably be used, the first two to denote the hour and the last two to denote the minutes past the hour. Thus 00.00 denotes midnight, 08.05 denotes five minutes past eight in the morning, 19.37 denotes thirty-seven minutes past seven in the evening and 23.59 denotes one minute to midnight.

174. Personal descriptions shall invariably be recorded in all police documents in accordance with the form and instructions given in Appendix X so far as the necessary particulars can be collected.

175. (a) Every police officer shall, when signing any official report, letter or other documents, write his signature clearly and legibly: if his signature is likely to be difficult to decipher, he shall write his name in block capitals beneath it.

(b) All signatures and initials shall be dated.

(c) No police officer shall use a rubber or other stamp instead of writing his signature or initial.

176. (a) The usual channel through which a police officer shall communicate with any officer of higher rank is his immediate departmental superior; and direct communication with any officer of higher rank is forbidden except in emergencies or in matters regarding which there is a special rule or practice to the contrary. [See regulation 888 (a).]

(b) If in an emergency an officer communicates directly with an officer of higher rank, he shall also send a copy of the communication through the usual channel, together with a statement of his reasons for communicating direct.

(c) Regulation 888 (e) governs the withholding by a police officer of communications for a higher authority received from or through his immediate departmental subordinate.

(d) All communications for submission to the Provincial Government shall go through the usual channel.

(e) When a communication is to be forwarded through the Magistrate and Commissioner, it shall unless there is provision to the contrary be sent by the Superintendent through the District Magistrate to the Deputy Inspector-General of the Range, who shall forward it through the Commissioner to the Inspector-General.

177. Orders and replies shall be written neatly in proper sequence across the page on clean sheets of paper cut to foolscap size. When there is no room left for writing on the sheet used, fresh sheets shall be attached and serially numbered.

A reply to any letter, half margin communication or communication on a form shall be headed with the word "Reply."

178. In all departmental correspondence, a half-margin memorandum shall be used when the reply can be given in a few words. The office orders leading up to such reply shall be entered on a separate paper known as an action slip and not on the memorandum itself. No docket is required, the only record necessary being the entries in the receipt and despatch registers.

179. All official communications sent by officers of the Bengal Police to any police officer under any other Government or administration shall be in English or in the language of the place of destination.

180. (a) The Inspector-General and District Magistrates may correspond direct with British officials in the United Kingdom and the colonies regarding criminal cases actually under investigation or any British matter connected with police intelligence but they should first communicate with the Director, Central Intelligence Bureau, who may be in a position to supply the information desired; and they should send him a copy of any direct communications with officials in the United Kingdom. Copies of all such correspondence with officials in the United Kingdom or colonies should be submitted to the Provincial Government to be forwarded to the India Office for information.

(b) All other communications to officials of countries outside India shall be forwarded through the Provincial Government.

181. (a) All official communications or documents sent through the post shall be enclosed in official covers; those addressed to destinations within the British Empire shall be stamped with service stamps and those to foreign countries with ordinary postage stamps.

(b) The unnecessary use of several service postage stamps of low value, when fewer stamps of higher denomination might be used, shall be avoided.

(c) It is forbidden to use official stationery or service stamps for private correspondence or to enclose private correspondence with official communications. Officers shall not send communication on private matters, such as their leave, change of appointment, etc., by service messages, or in service-paid letters. Should a reply to such a communication be required by telegram, the cost of the reply shall be prepaid. Any infringement of this regulation should be brought to the notice of the official superiors for disciplinary action.

182. Heavy packages of official returns, files and similar matter shall if they conform with the rules in the Post and Telegraph Guide be sent through the post as "book packets" or "parcels," according to weight. Book packets may not contain letters, but a parcel may contain one letter, to the addressee of the parcel, or, if it consists of several files, one letter per file.

183. (a) Official letters, book packets and parcels on which postage has not been prepaid or sufficiently paid shall, if duly superscribed "On His Majesty's Service" or "On Service" and inscribed by the sender, be received by the addressee who shall pay the charges due.

(b) Letters and other postal packets sent by private individuals or associations without prepayment of postage or with postage insufficient paid shall ordinarily be returned unopened to the post office of delivery.

184. (a) Official telegrams shall invariably be marked "State" by the sender in the space provided on the form.

(b) Telegrams shall usually be marked "ordinary" but in an emergency, "express" telegrams may be sent; and when there is a great emergency, police officers may send telegrams marked "special police."

(c) Special police telegrams, which take precedence over almost all other classes of telegrams, are received for despatch and delivery at all telegraph offices during business hours and during closed hours on payment of late fees.

(d) The charges for all State telegrams shall be paid by service stamps. Special police and express State telegrams will be received by telegraph offices for despatch without prepayment, but the charges must be paid into the office concerned within 24 hours.

NOTE.—(i) it should be borne in mind that some offices do not deliver "late fee" telegrams, in such cases the accepting office is bound to inform the sender.

(ii) Police officers not below the rank of Sub-Inspector in the district of Chittagong and those attached to the Central and District Intelligence Branches are authorised to send "Special Police" telegrams to Burma on payment of the usual charges for such telegrams.

185. All telegrams shall be worded as briefly as possible provided that the meaning is clear; the abbreviated address, if any, of the addressee shall always be used.

186. When a telegram, is repeated in another telegram, the designation of the original sender and the place and date of despatch shall precede the message. Thus, a telegram repeating a telegram from the Superintendent of Police, Midnapore, despatched from Tamluk on 1st October, should be worded as follows:—Superintendent Police, Midnapore, telegraphs from Tamluk' under date 1st October., "Begins Ends,"

187. If any officer who is not authorised to do so wishes to communicate by telegram with any authority outside India in respect of the detection or apprehension of an offender, he shall telegraph to the Deputy Inspector-General, Criminal Investigation Department, who may take action through the Director, Central Intelligence Bureau.

188. The Provincial Government has decided that Indian gentlemen appointed to be or to act as District Magistrates or District and Sessions Judges or Additional Judges, Superintendents or Additional Superintendents should be addressed as "Mr.' and "Esquire". This mode of address should also be adopted in the case of all Indian gentlemen who are members of the covenanted Civil Service or of any Imperial Service, irrespective of their official rank.

CHAPTER V.
Circle Inspectors.

189. (a) A Circle Inspector shall be in charge of a circle as defined in regulation 4 and shall be responsible for the supervision, control and general efficiency of all police work and for the prevention and detection of crime therein. Under section 551 of the Code of Criminal Procedure he may exercise the same power throughout his circle as an Officer-in-charge of a police-station within the limits of his station. He shall reside in his circle and keep himself informed of what is going on in his charge. He shall be responsible for the peace of the circle and for the proper performance of their duties by his subordinates, and in cases of failure or neglect it shall be his duty to initiate proceedings against defaulters in cases calling for major punishment. In proceedings against Sub-Inspectors and Officers of lower ranks (exception cases of serious misconduct) he may record the evidence and defence and after giving his finding submit the proceedings to the Superintendent for orders.

(b) One of his chief duties shall be to secure full and hearty cooperation between the officers of bordering Police-station, and by frequent meetings to impress on them that crime cannot be adequately dealt with without such co-operation. He shall also see that lists of criminals, both active and suspected, are sent to bordering police-stations.

(c) He shall from a study of the crime maps of the Police-stations within his circle, and from an intelligent use of his index of crime, or note book of crime against property, ascertain the criminal areas in his circle and pay particular attention to them. He shall carefully study the diaries of all cases occurring in those areas, and satisfy himself that the Sub-Inspectors are concentrating their attention on them. Where necessary, he shall arrange for the proper patrolling of such areas both by the regular and the rural police and shall satisfy himself, by frequent surprise visits, that his Sub-Inspectors and their subordinates are patrolling effectively. He shall also make prolonged visits to such areas, ascertain, whenever possible, the criminals who are responsible, and then frame a definite line of policy to be adopted, both for the prevention of crime in future by seeing that surveillance is effective and not nominal, and by instituting such other measures as the circumstances of the case indicate.

(d) He shall see that warrants, proclamations and attachment orders are issued against absconders and that necessary steps are taken for their arrest.

(e) He shall not ordinarily conduct investigations, but shall supervise, taking up cases only for very special reasons, such as mismanagement by the ordinary investigating officer or the unusual importance or intricacy of the facts. He shall take special note of the progress of important cases and be ready to assist in any investigation where his assistance is required. He shall see that each case is fully and properly investigated and that all possible steps are taken to ensure detection. In respect of the control he shall exercise over investigations, he shall act in direct subordination to the Sub-divisional Police Officer and the Superintendent.

(f) Where there is no Court Inspector he shall be responsible for the work of the Court Police.

(g) Except in a town where there is a separate Town Inspector, all Town Police in his circle are subject to his supervision and control. He is responsible that systematic arrangements are made for watch and ward, that these arrangements are properly supervised and that the officers are given an adequate number of nights in bed.

Note.— An Inspector in charge of a town shall have the same responsibilities as an Inspector in charge of a circle in respect of supervision and control over the Town Police.

(h) He should avoid being captious as regards petty faults which can be corrected by advice and guidance; and he should endeavour by all legitimate means to gain the confidence and respect of his subordinates. He should in particular keep a watch on the work of junior and experienced officers and try to train them in the right path: he shall instruct them in the modus operandi of different classes of criminals, in the avoidance of the errors to which in his experience young officers are prone in preventive and detective work, and in the importance of local knowledge.

(i) He must realize that he is responsible for the investigation of cases and that he must therefore not only take notice of but also himself correct all faults which he observes either from reading the diaries or when supervising enquiries on the spot. It is not enough for him merely to note an error for the information of the Superintendent, it is for him also to take action to correct it. **He should also render all assistance possible to investigating officers by suggestions and advice, culled from the storehouse of his greater experience.**

Except in cases in which it may appear necessary to take immediate action or inflict punishment, he shall avoid calling for written explanations, but shall point out to investigating Officers the mistakes and omissions they have made.

(J) He shall be entirely without reserve towards the Superintendent and shall keep him informed of all matters connected with the police work of his circle.

(k) He shall maintain close contact with Court Officers, whether the latter work in subordination to him or not. Whenever necessary, he shall discuss with them the evidence in any case, and shall be responsible for seeing that they are properly instructed on all relevant points. He shall bring to the notice of the Superintendent important cases in which the retention of the Public Prosecutor or Government Pleader appears.

Note.— Where the Circle Inspector and the Court Officer have a common Headquarters, the Superintendent shall arrange that their Offices are situated as near to each other as possible.

(l) In selecting cases for testing on the spot, he should particularly direct his attention to cases of house-breaking, and to riot, grievous hurt and other cases which have been reported as false or noncognizable.

(m) He shall test by local enquiries the realization of fines and the enquiries as to absconders and serveilles.

(n) He shall pay particular attention to the matter of surveillance over bad characters, in order to ascertain whether the right men are being looked after and shall satisfy himself, by local enquiry whenever necessary, that all active criminal, whether convicted or suspected, are under surveillance, and that the surveillance is effective and not merely nominal.

(o) He shall look into the working of the Arms and Excise Acts.

(p) He shall inspect the premises of all licensed dealers in arms and ammunition within his circle and examine their stocks and accounts once a quarter.

(q) He shall inspect every large petroleum installation or storage shed at least once every year and shall forward a copy of his inspection report to the District Magistrate.

(r) When visiting the mufassil he shall make notes of all items of intelligence which he considers should be entered in the Village Crime Note Book and shall satisfy himself that they are entered therein.

(s) In forwarding the final memorandum to the Sub-divisional Police Officer he shall record his recommendations, if any, regarding surveillance and any remarks he may consider necessary on the conduct of the police, the failure of the case in court, the inadequacy of the sentence, etc. In Sub-divisions where there is no Sub-divisional Police Officer the Memorandum shall be submitted direct to the Superintendent.

(t) He shall see that references to the Criminal Intelligence Bureau are made by investigating officers in all appropriate cases. The fact that a reference has been made shall be noted by him in column 1 of the Index of Crime (B. P. Form No.14), and this register will be examined by the Range Deputy Inspector-General at the time of inspection.

(u) He may depute a station Officer to undertake the duties of, or an investigation in the jurisdiction of, another station Officer, but he shall use this power only in an emergency, reporting all cases to the Superintendent.

(v) He may move Assistant Sub-Inspectors, Head Constables or Constables from one Police-station to another for patrol or other emergent purposes.

(w) Circle Inspectors have been appointed (by Government of Bengal Order No.3135P1., dated the 22nd July 1937) to be Superior Officers for the purposes of sections 158 and 173(2) of the Code of Criminal Procedure and shall exercise the powers under those sections in the manner laid down in these regulations.

190. Each Circle Inspector shall be allowed an Assistant Sub Inspector to assist him in the routine duties of his office. He shall be employed on office duties, such as copying and despatching orders, forwarding covers to the Inspector while on tour, etc., and shall not ordinarily accompany the Inspector when he leaves his Headquarters on duty. Each Circle Inspector shall also be allowed the services of an orderly.

191. (a) The Circle Inspector shall personally read in full general diaries (immediately on their receipt), case diaries and mufassil diaries and shall himself comment or pass orders on each subject.

(b) He should encourage his subordinates by judicious comments on the general diaries to make the entries full and complete.

(c) His orders and comments shall be communicated to the Officer concerned in B. P. Form No. 15.

(d) (i) He shall file the general diaries in his office after extracting all information required for his daily report.

(ii) He shall, when the case is disposed of, send the case diaries together with the Court Officer's final Mimorandum to the Superintendent's office to be filed there.

(iii) He shall file the inufassil diaries in his office after taking necessary action on them.

192. (a) Circle Inspectors shall prepare daily a report in B. P. Form No. 16, from first information reports and general diaries received. This report shall be submitted through the Sub-divisional Police Officer to the Sub-divisional Magistrate, and then forwarded to the Superintendent for submission to the District Magistrate. The District Magistrate after recording his remarks and orders on the reports shall return them to the Superintendent for record.

(b) Where the above procedure is likely to involve delay, either by the absence of the Sub-divisional Magistrate on tour of where the Inspectors Headquarters are not the Headquarters of the Sub-division, the reports shall be duplicated by the pen-carbon process and one copy sent direct to the Superintendent.

(c) This report shall show all cases and unnatural deaths reported all general matters of importance that have been reported by the subordinate police, or have come to the Inspector's notice by any other means, outbreaks of cholera, small-pox or other diseases, the prevalence of cattle disease, the state of the weather and of the crops, the nature of any assistance rendered by Panchayats or Union Boards to the police in matters not connected with the investigation of cases such as the prevention of crime or the giving of important information which may have enabled the police to deal effectively with crime or other matters, matters relating to the public safety, and in short, any matter which it is desirable for the Magistrate to know.

(d) When the Circle Inspector is on tour, the duty of writing the daily report may be delegated to the Court Officer, but this course shall be adopted only when the preparation of the report by the Inspector on tour would involve considerable delay.

(e) The Officer preparing the daily report in the absence of the Circle Inspector shall send on all important papers to the Circle Inspector and shall not dispose of them himself.

193. A Circle Inspector shall maintain and keep in his personal Circle custody a confidential note book as prescribed for Superintendents in regulation 1104.

194. For the more effective control over criminal investigation in his circle, a Circle Inspector shall keep an index of crime in accordance with the instructions contained in Appendix XI.

195. Circle Inspectors shall submit in B. P. Form No. 17 progress reports in such cases and at such intervals as the Superintendent may direct. These reports shall show clearly what progress has been made in the investigation; the steps taken to obtain a clue; the arrest or release on bail of any person; the search of houses, and the finding of stolen property. If the real name and residence of an accused person is not known, the fact and the action taken with a view to ascertain them shall be noted. Particulars as to the action taken against absconders shall also find entry.

196. The Circle Inspector shall scrutinise every final report before submitting it to the Magistrate for orders. [See regulation 275(b).]

197. A Circle Inspector shall keep a diary in B. P. Form No. 18, a copy of which shall be sent daily to the Superintendent. This diary shall contain information not only regarding police matters but also information regarding all events of public interest occurring in the Subdivision. Results of local enquiries to test investigations of subordinates shall be entered in the diary, but not details of the investigation of current cases.

NOTE.—(i) When a Circle Inspector travels by bullock cart he shall note the fact in his diary. [See regulation 59 (b)I.]

Inspectors in charge of towns shall submit daily personal diaries in the same way as Inspectors in charge of circles.

(iii) Court and Detective Department Inspectors and Armed Inspectors when deputed on duty outside their headquarters shall also submit to the Superintendent personal diaries in B. P. Form No. 18. Similarly, Sergeants (except when engaged on ordinary duties in the Special Armed Force), Sub-Inspectors and Assistant Sub-Inspectors of the Reserve and Court offices shall submit such diaries to their Inspectors.

198. A list of reports and returns due to and from the office of the Circle Inspector is given in Appendix XII.

199. A list of registers and files to be maintained in the office of the Circle Inspector is given in Appendix XIII.

200. The regulations regarding inspection, supervision and touring by Circle Inspectors will be found in Chapter III.

CHAPTER VI.

The Police-station.

1. —GENERAL DUTIES OF THE STAFF.

201. (a) The term “Officer-in-charge of a Police-station” as defined in clause (p) section 4, of the Code of Criminal Procedure, distinctly excludes constables. A constable unavoidably left to perform the routine work of a police-station during the absence of the Officer-in-charge or those next in rank, who are above the rank of constable, does not come within the meaning of “Officer-in-charge of a Police- station”.

(b) If an Officer-in-charge of a Police-station is unable through illness to attend at the station, he shall make over charge to the Officer next in rank, and report the fact in the general diary.

202. (a) When an Officer takes over permanent charge of a Police-station or outpost he shall report to the Superintendent the hour of taking over charge. He shall examine the Crown property, cash and registers, also the articles in the malkhana and, if correct, will submit a certificate in the following form:—

“I have carefully examined all the current registers and files, and satisfied myself of their correctness as far as lay in my power. The amount of cash in hand this day, Tk. (), has been received by me in full, and is on the following accounts (here give details).

“I have also received Crown property which I have checked with the authenticated list (here the relieving Officer will make any remarks he may wish to).”

As regards the articles in the malkhana he shall certify that he has compared the register and received all the articles mentioned. If any discrepancy is found, he shall modify the certificate accordingly, and the Officer making over charge will submit his explanation.

(b) In the case of temporary absence, as for instance when an Officer-in-charge of a Police-station proceeds to Headquarters to give evidence, it will be sufficient if the two officers concerned note in the general diary the fact of having made over and assumed charge.

203. (a) A Police-station should be a pattern of order and cleanliness both inside and out. There should be a place for everything, and the Officer-in-charge shall be held responsible that everything is in its place. The bedding in the constables’ barracks shall be neatly rolled up when not in use. No clothes shall be hung from the roof and no rubbish accumulated under the charpoys. The compound shall be kept tidy and free from jungle by the constables, and hollows and depressions which hold water shall be filled up.

(b) The Officer-in-charge shall inspect the constables barrack every day, and shall see that the above rule is observed. He shall also see that the Assistant Subdnspectors, head constables and constables under him mend any holes that may have been made in their mosquionets and that they look after their clothnig with due care. The result of such inspections shall be briefly noted in the general diary.

204. All Gazetted Touting Officers of other departments, while travelling on bona fide duty, may be allowed to occupy the inspection rooms and bungalows attached to Police-stations whenever available, subject to the following conditions which must be strictly observed. The Inspector-General reserves the right to withdraw the concession in respect of any particular Officer, should circumstances require it at any time.

(i) The building or room must at once be vacated if required by a Police Officer.

(ii) It is not to be used as an office for holding investigations or departments.
other purposes.

(iii) The room or rooms must be left in good and clean condition, for which purpose the Officers must provide their own servants.

(iv) The Officer requiring the use of an inspection room must ascertain before hand from the Officer-in-charge of the Police- station if it is available or not and be guided accordingly.

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

(i) an intimate knowledge of the area committed to his charge and of its inhabitants, and the enlistment of their sympathy and co-operation;

(ii) the regular and early reporting of facts as to crime and criminals, suspicious characters and strangers by chaukidars;

(iii) the active surveillance of registered criminals and suspects,

(iv) the careful maintenance and study of the surveillance register and Village Crime Note-Book;

(v) the efficient use of patrols;

(vi) prosecution for bad livelihood; and

(vii) generous co-operation with Officers-in-charge of neighbouring Police-stations.

(b) An Officer-in-charge of a Police-station shall neglect none of these means, and by constantly moving about within the limits of his jurisdiction and by visits to respectable residents shall assure himself that he receives regular and complete information and is in touch with the active

criminals. An Officer who takes these precautions will have little difficulty in tracing the perpetrators of specific offences, but without them his success in investigation will be spasmodic and uncertain.

(c) Though he need not write up personally those registers which he is not required by rule or law or by special order of the Superintendent write with his own hand, the Sub-Inspector in charge-of a Police-station is responsible and shall satisfy himself by frequent inspection that all registers and records are properly maintained and kept up to date.

(d) Officer-in-charge of Police-stations shall collect and communicate intelligence on all matters of public importance passing in their jurisdictions, even though such matters may have no connection with any criminal offence.

206. If a second or third Sub-Inspector is posted to a Police- station, he can, subject to the general responsibility of the Officer-in- charge, relieve the latter of those portions of his work and those investigations which may be made over to him.

207. (a) The object of posting an Assistant Sub-Inspector to a Police-station is to relieve the investigating Sub-Inspector of all clerical and routine duties. To ensure this relief Superior Officers should make Assistant Sub-Inspectors definitely responsible for these duties and punishable for omissions. The Sub-Inspectors will of course exercise general supervision but should not be held responsible unless there is gross neglect all round pointing to an entire absence of supervision.

(b) Assistant Sub-Inspectors shall be responsible for all returns and registers except the First Information Report, Case Diary, General Diary and Village Crime Note-Book. The first three cannot by law be made over to them unless they happen at the time to be Officers-in-charge. Ordinarily entries in the Village Crime Note-Book will be made by the Investigating Officer or the Officer who acquires information which is required to be entered, but the Senior Sub-Inspector will be responsible for its proper maintenance.

(c) When the Officer in charge and the Junior Sub-inspectors, if any, are absent or ill, the Senior Assistant Sub-Inspector is competent under section 4(p), Code of Criminal Procedure, to assume charge of the station and to exercise any of the functions of an Officer-in-charge. Except in unavoidable emergencies, however, he will not be employed in investigation. Even when the Sub-Inspector is absent, he shall, as a rule, on receipt of information of a cognizable case, do no more than take such preliminary steps (e.g., recording the first information report, and arranging for the pursuit of thieves) as may be necessary. Then, if the Sub-Inspector is within the limits of the Police-station, the Assistant Sub-Inspector shall send the complainant and the parties at once to him with a copy of the first information report. Only if the Sub-inspector is ill or absent from his jurisdiction, shall the Assistant Sub-Inspector take up the investigation himself.

(d) When he can be spared from the station, he may and shall be freely deputed to pay night visits to surveilles, to enquire into their mode of living to realize fines, to enquire into simple cases of unnatural death to take command of patrols and parties of police detailed for guard, escort or similar duty.

208. (a) Constables at Police-stations may be employed in the execution of warrants, for escorts and guards, for the patrolling of dangerous roads or other areas where the prevention or detection of crime necessitates it, for the regulation of crowds and traffic, and under orders of a superior, in the suppression of riots and disturbances. They are not intended to perform duties requiring the exercise of much judgment and discretion. They may be deputed to collect definite information under the special orders of the Sub-Inspector and to visit villages where the chaukidar has shown himself to be untrustworthy. In such cases, the nature of the information to be collected and the places to be visited shall be recorded on the command certificate. The command certificates issued in connection with patrols shall be filed separately for future reference. A constable may also accompany a Sub-Inspector on investigations to call witnesses and to effect arrests, and on visits to surveill'ees at all hours, when in the case of the absence of any registered person he may be sent to ascertain if he is at any particular place.

(b) Constables may occasionally be employed on clerical duties of an unimportant nature. They shall not be permanently employed on such duties and constables if required for this purpose shall be taken in turn from the roster, performing also patrol and other outdoor duty in proper rotation. A particular constable may be detailed to perform the clerical duties of an Assistant Sub-Inspector when the latter is sick or absent outside the Police-station jurisdiction.

209. (a) Whilst engaged in the interior on duty, whether in connection with investigations or other matters, all officers of and above the rank of Assistant Sub-Inspector shall submit a mufassil diary in B. P. Form No. 18 direct to the Circle Inspector, who shall peruse it personally and check delays and irregularities on the part of his subordinates.

(b) The mufassil diary shall not overlap, or contain abstracts of case diaries, but it shall indicate the time occupied in investigating a case and shall give a reference to the case diary of the case. [See regulation 197.]

210. (a) Where a horse or pony can be used, Sub-Inspectors posted at police-station shall keep a serviceable animal, on which a fair day's journey can be made. Where roads are suitable and local conditions favourable, a bicycle may be used instead of a pony. Station Officers shall not ordinarily use the railway for journeys on duty.

(b) For rules regarding travelling by bullock-cart, see regulation 59(b).

211. (a) A verification roll received at a police-station in respect of a candidate for service under the Crown shall be tested by a local enquiry made by an officer not below the rank of Assistant Sub Inspector. (See regulation 750.)

(b) On receipt of verification rolls the file of "discharge slips" kept at police-stations shall also be examined and the result reported.

212. (a) Officer-in-charge of police-stations are responsible that every change or addition to the law which directly concerns the police, and every circular order, knowledge of which is likely to be useful, to the officers under them is read out and explained to head constables and constables repeatedly, until thoroughly understood. The Assistant Sub Inspectors and constables must also be fully instructed in the names, characteristics and haunts of notorious bad characters, and particulars and descriptive-rolls of all absconded offenders and other persons of whom the police are in search.

(b) Chaukidars shall be instructed as to the offences for which they can arrest, the articles that are excisable, what quantities of these latter a person can legally keep, the reward a person giving information will get, and so on. They shall also be informed of any particular individual, gang or place which requires special watching and shall be instructed in the best methods of surveillance and shadowing.

213. Under section 24, Police Act, 1861, any police officer may lay any information before a Magistrate and apply for a summons, warrant, search-warrant or such other legal process as may by law issue against any person committing an offence. Prosecutions for non-cognizable offences, however, or for an offence under section 353, Indian Penal Code, when the public servant assaulted is a police officer, shall not be instituted without the previous permission of the Superintendent or in emergent cases of the Circle Inspector, unless the obtaining of previous permission will involve detrimental delay in instituting the case.

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

215. (a) In order to enable the police of one district to gain a personal knowledge of the bad characters of the bordering stations of another district, the Superintendent shall depute a constable for a period of not more than six or less than three months from each of his border police-stations to the border police-station of the adjoining district, in exchange for a constable of that police-station.

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

(c) This order also applies to all police-stations which adjoin districts of Bihar, Orissa and Assam and the State of Cooch Behar and interchange of constables with such districts should be made in the same manner as with districts in the province.

(d) The Officer-in-charge of the police-station to which the constable is deputed, shall before the latter returns to his own district, sign a certificate that the constable knows and can identify the bad characters under surveillance in that police-station.

216. Assistant Sub-Inspectors or constables may be deputed from the sanctioned strength of a police-station to important railway or steamer station situated within the jurisdiction. They may be deputed in inform or plain clothes according to the object with which they are deputed and it is in either case essential that they should be well acquainted with the local suspects and surveilles. Their powers of arrest are defined in sections 54 and 151, Code of Criminal Procedure. If they are deputed primarily with the object of regulating traffic at steamer stations they should be in uniform and have power under section 31, Police Act, 1861, to control the flow of passengers, etc. When deputed to railway stations where members of the Railway Police are already on duty they should ordinarily be in plain clothes, should not interfere with the regulation of traffic which is the duty of the Railway Police, and if in plain clothes should when possible effect any arrest that is necessary through one of the uniformed railway Police Officers.

Officers deputed for steamer or railway station duty should carry a note-book in which to record facts of interest from a police point of view which come to their notice and should show the entries to the Officer-in-charge of the police-station as soon as they come off duty. When on duty in plain clothes, they should take no notice of superior officers unless the latter specifically address them. When deputed to railway stations they shall be provided with a special platform pass which will entitle them (i) to admission to the platform, (ii) to send a telegram regarding the departure of any known suspect or criminal, and (iii) in cases of emergency to obtain from the station-master a ticket for a journey over the railway without prepayment. On the completion of duty at the station the platform pass should be handed over to the relief, or if there is no relief, to the Officer-in-charge of the police-station.

In December each year the Superintendent shall inform the Traffic Manager of the number of platform passes required during the following year. On receipt of the passes from the railway authorities, the Super-intendent shall countersign each one before issue to the police-station.

217. Assistant Sub-Inspectors and constables deputed to railway or steamer stations should be instructed to keep a special lookout for any of the following:-

(i) The arrival of bands of youths or suspected gangs of criminals by ghassi or other boats, steamer and train.

(ii) Youths and other respectable persons carrying their own baggage instead of employing coolies.

(iii) Luggage of extraordinary weight and length.

(iv) Wounded persons.

(v) Persons who appear to be taking precautions to conceal their presence or identity.

(vi) Opium smugglers, Muzaffarpur Sonars, Bhamptas, Barwars, suspected prisoners and other professional criminals.

218. Police deputed to steamer stations which are junctions with the railway shall assist and work in co-operation with the Railway Police. The Senior Officer so deputed shall report himself daily to the Officer-in-charge of the railway police-station, where there is one, and take such instructions as that officer wishes to give. The Officer-in-charge of the railway police-station should know where he can find at least one member of the ghat police.

219. Officers in charge of district police-stations must be acquainted with regulations 573-578 and 580-584 in Chapter VIII.

220. When officers in uniform or plain clothes are deputed to railway station platforms on occasions when platforms are to be kept clear, they shall either be provided with a letter from a gazetted police officer to the local senior railway police officer, or the Superintendent of Railway Police shall be informed beforehand of their deputation. This, however, shall not do away with the necessity of detective warrants being carried by those who have been provided with them.

While such officer shall obey the orders of the senior railway police officer present, every facility shall be given them by the railway Police to perform the specific duty for which they are deputed. They shall be allowed to take up a position most advantageous for their purpose and due regard shall be given to their suggestions.

221. (a) Station masters shall, at the request of any police officer in uniform or in plain clothes, on production of his detective warrant or platform pass or any other proof of his being a police officer—

(i) receive any message to be telegraphed on requisition in B.P. Form No. 20

(ii) issue a ticket for journey by train on requisition in B. P. Form No. 21 without prepayment of fare.

(b) When the destination of a suspect is unknown or when sufficient time is not available to obtain a ticket to enable a police officer to start by the particular train in which the suspect travels, he will be allowed to travel without a ticket on the line on his giving intimation to the guard of the train or some other responsible railway official present at the station and on arrival at his destination he shall report himself to the station master and fill in B. P. Form No. 22. The station master shall send the outer foils of these forms to the Superintendent for early payment of the charge. No excess fare shall be charged for journeys performed without a ticket under this regulation. Where the police officer is able to write English, the requisition form and the telegrams shall be written and signed by him in full with his official designation, police-station and district. If he is unable to write English, the station master shall fill up the forms and the telegrams at the request of the police officer who shall affix his left thumb mark on them. The

nature of the emergent duty for which a train ticket is required or for which a journey by train was made without a ticket (unless the police officer has orders to keep it secret) must be clearly stated.

(c) Superintendents shall send to the Chief Auditor or Chief Examiner of Accounts of the railway concerned for verification a monthly return of all journeys made by police officers without a ticket under this sub-clause, in B. P. Form No. 23.

(d) Forms Nos. 20—22 shall be supplied to the railway stations by the Police Department and station masters shall apply to the Superintendent concerned whenever their stock runs short.

NOTE—It must be clearly understood that the District Police must not use platform passes so despatch telegrams or obtain tickets, when there is time to obtain money or a railway warrant from the police-station.

222. In the neighbourhood of much-frequented ferries, Officers-in-charge of police-stations shall exercise constant supervision personally and through their subordinates, in order to prevent the overloading of boats. When habitual overloading is observed it is their duty to report to the District Magistrate.

223. In place outside the limits of the town of Calcutta it is the duty of the police, acting under the orders of the District Magistrate, to ascertain whether printing presses are registered, and to insist upon a due observance of the provisions of the law (vide sections 4 and 5, Press and Registration of Books Act, 1867).

224. (a) Police Officers shall secure and send into the headquarters station of their districts all lunatics found wandering at large and believed to be dangerous. They shall not interfere with harmless lunatics or with dangerous lunatics of whom proper care is taken.

(b) When a lunatic is sent up, a report in Bengal Form No. 216 shall accompany him.

(c) Police Officers shall report to the Magistrate all cases in which lunatics, who have been made over to their friends for care and treatment, are neglected or cruelly treated.

225. Every Sub-Inspector in charge of a police-station shall inspect all arms and ammunition shops within his local jurisdiction not less than once a quarter.

226. (a) Under rule 106 of the Explosive Rules, 1940, any police officer of and above the rank of Sub-Inspector of the Bengal Police may, within his jurisdiction in connection with licenses issued under the Explosives, Rules, 1940—

(i) enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, sold, transported or imported under a license granted under the Explosives Rules, 1940, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, sold, transported or imported in contravention of the Indian Explosive Act, 1884 (IV of 1884) or of the above rules;

(ii) search for explosive therein;

(iii) take samples of any explosives found therein on payment of the value thereof, if payment can be made at the time the samples are taken ; and

(iv) seize, detain, remove and, if necessary, destroy or otherwise render harmless any explosive found therein in respect of which he has reason to believe that any of the provisions of the said rules or Act have been contravened.

(b) Whenever any police officer seizes, detains or removes any explosive, under this rule, he shall report the fact to the District Magistrate.

(c) No police officer shall under this rule, destroy or otherwise render harmless any explosive without the previous sanction of the District Magistrate, unless the matter appears urgent and fraught with serious public danger.

(d) Whenever any officer destroys any explosive or otherwise renders it harmless, he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owing the explosive or having the same under his control at the time of seizure, and whenever any officer so deals with any explosive, he shall report the circumstances to the District Magistrate.

(e) Under rule 102 of the Explosives Rules, 1940, every person holding a licence or acting under a licence granted under the rules, shall be bound to produce the same or, an authenticated copy kept at the magazine or place to which the licence applies or a pass issued by a holder of a licence in Form H of the said rules in respect of a consignment of explosives when called upon to do so by any police officer not below the rank of Sub-Inspector. Copies of any such licence may, for the purpose of this rule, be authenticated free of charge by the authority which granted the licence.

(f) Police Officers will carefully observe that, should any officer below the rank of Sub-Inspector find it necessary to take action under sub-clauses (i), (ii), (iii) or (iv) to clause (a) above, he should either obtain a warrant under the Act or request a Sub- Inspector or any other superior police officer to accompany him.

NOTE—All police officers of rank not below that of Sub-Inspector in the Burdwan district have been empowered within the areas over which their authority extends to enter, inspect, etc., the premises licensed in Forms J and L also.

227. (a) The police shall report all wrecks to the Magistrate except those occurring within the jurisdiction of the Commissioners for the Ports of Calcutta and Chittagong, and, pending the receipt of his orders, take measures to protect the wrecked property. Those recovered within the Port Commissioners' jurisdictions shall be reported to the Deputy Conservator ; Ports of Calcutta and Chittagong, and protected until orders for disposal are received, or, made over at once to the nearest Port Commisseeioners' stations. For this purpose the Officers-in-charge of the police-stations concerned shall maintain a map showing the jurisdictions of the Ports of Calcutta and Chittagong.

NOTE—"Wreck" as denned in section 272 of the Indian Merchant Shipping Act, 1923, consists of the following when found in the sea or any tidal water or on the shore thereof —

- (1) goods which have been cast into the sea and then sink and remain under water;
- (ii) goods which have been east or fall into the ~ea and remain floating on the surface;
- (iii) goods which are sunk in the sea hut are attached to a floating object in order that they may be found again;
- (iv) goods which are thrown away or abandoned ; and
- (v) a ship abandoned without hope or intention of recovery.

(b) All officers in charge of police-stations shall supply as early as possible the District Magistrate concerned as well as the Deputy Conservator, Ports of Calcutta and Chittagong, as the case may be, with an authenticated copy of every report of a casualty to an inland steam-vessel made to any of them under the provisions of section 32 of the Inland Steam Vessels Act, 1917.

(c) If the property saved from a wreck is "salved property" the police shall not take the property out of the possession of the salvers, but shall ascertain from them the nature of the property and report the matter for the orders of the Magistrate or the Deputy Conservator, as the case may be.

(d) "Salvage" means the compensation allowed to persons by whose assistance a ship or boat, or the cargo of a ship, or the lives of the persons on board are saved from danger or loss in the cases of ship wrecks, abandonment of vessel, or the like. It is necessary, therefore, that life or property shall be in peril, and that skill or enterprise shall be displayed, or risk encountered, on the part of the salvers before any claim to salvage can be established.

(e) Where these conditions exist there is no difference between river and sea salvage. Etamples A steamer or boat is wrecked in a river, and the cargo is floating about within easy distance of land. No skill is required or danger encountered in bringing it ashore. This is not "salved property". In such a case it would be the duty of the police to render all possible assistance, and if the owners are present, to make it over to them. In the event of the owners being unknown, the police shall take possession of it, as such property belongs to the Crown or to the Port Commissioners. In

either case, they shall report the fact for the information or orders of the Magistrate or Deputy Conservator.

(j) A villager who carried off such property and made no attempt to find out the owners would be guilty of criminal misappropriation under section 403, Indian Penal Code. In all cases of wrecks, the Chaukidar, shall give immediate notice to the police-station.

(g) Ten per cent. may be awarded to persons who, at considerable, risk to themselves, recover wrecked property during floods or in cases or wreck.

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

(i) Under section 273 of the Indian Merchant Shipping Act, 1923, the following officers and authorities have been appointed receivers of wrecks

The Commissioners for the Port of Calcutta.

The District Magistrate of the 24-Parganas.

The District Magistrate of Midnapore.

The District Magistrate of Khulna.

The District Magistrate of Bakarganj.

The District Magistrate of Noakhali.

The Commissioners for the Port of Chittagong.

The District Magistrate of Chittagong.

Their respective jurisdictions are indicated in Government of India, Commerce Department, Notification No. 85 M.I. (6)-34, dated the 8th June 1935.

NOTE—In the canals divisions which are under the Department of Communications and Works (Imigation), the Executive Engineers and their Subdivisional Officers concerned have control over the disposal of wrecks.

228. (a) The finding of statuary, coins and other treasure buried under ground shall be reported, through the Superintendent to the Collector.

(b) The law regarding treasure trove, i.e., anything of value hidden in the soil or in anything affixed thereto is contained in the Indian Treasure Trove Act, 1878. Whenever treasure exceeding in value Rs. 10 is found, the finder shall give notice to the Collector in writing; and if the Collector, after due enquiry, declares the treasure ownerless, he will distribute the sum to the

finder and the owner of the place in which it was found, or give it to the finder, or acquire it on behalf of Government under the provisions of the Act.

229. Officers in charge of police-stations shall report to the Superintendent the discovery of any object of archaeological interest, and the Superintendent will report the same to the District Magistrate.

230. (a) Inspections of the Great Trigonometrical Survey pillars shall be made by police officers not below the rank of Assistant Sub- Inspector, and Officers-in-charge of police-stations shall undertake a fair share of such work. Chaukidars shall be instructed to report at once any damage that may occur to pillars situated in their beats.

(b) Any instance of damage or injury shall be reported at once to the District Magistrate. and a report shall be sent to the Superintendent annually as soon as possible after 1st January in form mentioned in regulation 1110.

Note - In areas where there are union boards these duties have been transferred to them and to the circle officer.

231. (a) Where no other authority has been appointed under section 32 of the Cattle Trespass Act, 1871 (I of 1871 as amended by Bengal Act V of 1934), it is the duty of the police to take the action laid respass Act. down in section 14 of that Act. The Officer in charge shall not, however, sell any animal sent from a pound unless it is accompanied by a chalan in Pound Form J. When animals are sold, the Officer-in-charge shall make the necessary entries in Pound Forms C, G and I (Bengal Froms Nos. 211 and 213 respectively).

(b) The police have no authority to inspect cattle pounds but the senior station officer shall report to the Circle or Town Inspector any irregularities or abuses in their management which may come to his notice.

232. In the districts of the Chittagong, Dacca and Rajshahi Divisions owners and lessees or markets or fairs should be induced to register all sales of cattle and ponies. Books in Bengal Form No. 91 cattle. containing foils and counterfoils will be issued by the District Magistrate free of cost to such owners and lessees. The foil should be torn off and given to the purchaser, the counterfoil being retained by the clerk or gornastha in charge of the hat. The possession of such a foil will afford an innocent purchaser protection against the suspicion of having unlawfully come by the animal he has bought. As a further protection, panchayats or presidents of union boards should also be directed to give, on application, certificates of ownership in Bengal Form No. 92 to intending vendors residing within their jurisdiction. This certificate should, when the sale has been registered, be made over to the person in charge of the register and attached by him to the counterfoil. All station officers shall make every effort to induce the people to conlbrm to these rules, as they will be of great assistance in cattle theft cases if generally known and followed. Care shall be taken that the giving of certificates and foils is not made the means of extorting money from vendors and purchasers. Panchayats or presidents of union boards shall under no circumstances levy a fee for granting this certificate.

233. In case of an outbreak of cholera, small-pox, bubonic plague or suspicious cases of plague or other epidemic disease, in areas where the Chaukidari Act is in operation the Officer-in-charge of a police-station shall report the outbreak immediately to the District Magistrate, the Chairman of the local board and the District Health Officer (or the Civil Surgeon in districts where no District Health Officer has been appointed) and shall undertake the distribution of cholera medicines. No payment for these medicines is to be taken. While the epidemic or outbreak lasts, daily reports shall be submitted in B. P. Form No. 24. All outbreaks, number of cases and deaths should be noted in the general diary for entry in the Inspectors daily report for the information of the Magistrate. in column Ii of the first report submitted, the population and name of each village affected should be noted.

NOTE.—In areas where union boards have been established, such reports are submitted not by station officers but by presidents of union boards.

234. (a) The police may be called upon to perform, except within railway limits, the duty of collecting, registering and transmitting vital statistics in rural areas other than those (i) completely covered by union boards ; or (ii) covered entirely by chaukidari unions or partly by chaukidari unions and partly by union boards where all the presidents are willing to undertake the work without remuneration.

(b) A register of births (B. P. Form No. 25) and a register of deaths (B. P. Form No. 26) shall be maintained at the police-stations concerned.

(c) All police registers of births and deaths shall be open to inspection by the Director of Public Health, Assistant Directors of Public Health, District Health Officers, Municipal Health Officers, Civil Surgeons, District Magistrates, Sub-divisional Officers, Circle Officers, Superintendents and Assistant and Deputy Superintendents, Assistant Health Officers, Sanitary Inspectors, Assistant Superintendent of vaccination and Inspector and Sub-Inspectors of vaccination. Defects discovered in the local registration of vital statistics shall be reported direct to Superintendents for necessary action.

(d) On return from town and mufassil duty, constables shall report at the police- station any birth or death which has come to their knowledge. If the person responsible under sections 7 and 8 of the Bengal Births and Deaths Registration Act, 1873 (Bengal Act If of 1873), for reporting the birth or death has neglected to report, the officer in charge of the police- station shall ordinarily recommend his prosecution to the District Health Officer.

(e) A return of births and deaths reported during the preceding month shall be forwarded monthly by the Officer-in-charge of a police- station to the Subdivisional Mgristrate for transmission to the District Health Officer in Bengal Form No. 2996 A.

(J) On the back of the monthly return a statement shall be given showing the names of villages affected by cholera, plague or small-pox and the number of deaths from each of these diseases in each village and the number of dead bodies, beionging to other areas but disposed of at the local burning ghats or burial grounds during the month.

(g) The Officer-in-charge of a police-station shall ascertain and estimate annually the local requirements of vital statistics forms and registers and report them to the Sub-divisional Magistrate for transmission to the District Health Officer who will distribute them on receipt from the Forms Department.

(h) The duties of the Police under the Bengal Vaccination Acts, 1880 and 1911 (Bengal Act V of 1880, amended by Bengal Act II of 1911), are limited to the service of notice in the form prescribed in schedule E of the Act and to the transmission of a copy of the notice to the District Health Officer.

(i) The police shall charge a fee for supplying copies of entries in the registers of births and deaths at the rate of four annas for each extract, this fee shall be credited to the treasury as a police receipt under the head “XXIII—Police’-Fees. Fines and Forfeitures” and the Officer -in-charge of the police-station shall certify that the copies given are true copies.

No fee shall be charged for supplying such extracts to a District Soldier’s Board.

235. On receipt of requisition from an officer on tour or any other traveller for supplying vehicles or other articles to enable him to prosecute his journey, the police-station officer shall do his best to meet the demands, and may also adjust the rate of hire to be paid for the vehicle required or the price of any articles provided. The amount paid shall be duly receipted and entered in the general diary and the station cash account. A duplicate copy of the bill shall be kept filled with the receipts taken from the actual sellers of the supplies or drivers of the vehicles supplied.

(See also section 8 of Bengal Regulation XI of 1806)

236. Certain police-stations are provided with boats for the use of officers employed in investigation and other station duties, which shall be hired with their crews for the time specified in the district allotments. Superintendents shall see that both boats and crews are efficient.

237. (a) Muskets shall be issued to police-stations and other police posts up to the sanctioned scale. Ammunition shall be issued for these muskets at the following scale:—

Bail- 20 rounds per weapon.

Buckshot-10 rounds per police post, viz., thana, station boat, floating outpost, patrol launch, etc.

(b) All arms and ammunition shall be entered, when received, in the list of Crown property maintained in the police-station, the entry being signed by the Officer-in-charge who will be personally responsible for the safe custody and maintenance of the arms and ammunition, and for seeing that they are not misused.

(c) At each police-station to which arms have been issued, there should be at least 3 “trained men”, i.e., those who have done their musketry course within two years. These men should not all be absent from the station at one time.

(d) Arms shall be kept in the malkhana in strong wooden racks of a standard pattern provided with locking arrangement and secured by a padlock, and ammunition in a locked box which shall be kept well raised off the ground in the malkhana. The keys shall remain with the officer-in-charge who shall be responsible for the distribution and of the arms and ammunition. When leaving the police-station temporarily, i.e., when going to the mufassil or on similar duties, the officer-in-charge shall note in the general diary the number of arms and the quantity of ammunition in stock, and the officer who remains in charge shall satisfy himself by personal examination of the presence of the arms and ammunition, and acknowledge their receipt in the general diary. The keys of the rack of arms and of the ammunition boxes shall also be made over to the relieving officer and duly noted and acknowledged in the general diary.

At town outposts and platform posts to which arms have been supplied, the arms rack shall be attached to the building and provided with a lock. The keys of the arms rack and of the ammunition box shall be kept by the officer on duty.

(e) At mufassil police-stations to which arms have been supplied, a constable should be on duty at the station premises during the day and one should sleep against the door of the malkhana at night. The Superintendent, the Circle Inspector or the Officer-in-charge of the police-station may order an armed sentry carrying 5 rounds of buckshot ammunition to be mounted at night if local conditions necessitate such action. The sentry shall be relieved at regular intervals under the supervision of a Sub-inspector or an Assistant Sub-Inspector.

(f) At town police-station a regular sentry shall always be on duty in uniform and shall be relieved every two hours. The Officer-in-charge of the station shall assemble the men present at the station every morning and evening and tell off the constables in the order of their watch for the ensuing day or night and enter the orders in the general diary. An Assistant Sub-inspector or a senior constable shall be placed in charge of the watch, and he shall see that the sentries are relieved at the proper time during the night. He shall always sleep close to the sentry so that his assistance be obtained, if necessary, without the sentry leaving his post. He shall rouse the Officer-in-charge of the station at any hour when he is required for public service.

(g) Every morning the arms, etc. shall be cleaned, oiled and rubbed over and shall be inspected by the Officer in charge and a note made in the general diary about their condition. For this purpose the police stations will be supplied with oil, lubricating, G.S as for use when the arms are taken out.

(h) The quantity of arms and ammunition sanctioned for each police-station or post shall be always maintained at the maximum, that is to say, arms or ammunition recalled to Headquarters shall first be replaced by a new issue. Empty cases of ammunition expended shall also be sent to the Armed Inspector, who shall recoup the amount expended without delay. The Armed Inspector shall be responsible for seeing that arms are recalled to Headquarters once each half year and fresh arms supplied from the magazine. On the commencement of the annual musketry course, the

unexpended ammunition in police-station stocks shall be brought in and fired, fresh supplies being sent previously.

(i) The arms and ammunition kept in police stations are intended for the suppression of serious riots likely to be attended with loss of life, or for cases in which the Officer in charge of the police-station has reason to believe that the person to be proceeded against may be armed with deadly weapons. On such an occasion arising, the Officer-in-charge of a police-station shall issue such number of arms as may be necessary with 20 rounds of ball ammunition per arm. if more than one constable is taken out, the senior of the trained constables shall take charge of the armed party and act as squad commander under the orders of the Sub-Inspector or Assistant Sub-Inspector or Head constable.

Attention of all police-station officers is drawn to regulations 145-157 in which further details as to the use of firearms in riots and disturbances are given.

238. (a) Revolvers may be supplied at the discretion of the Superintendent to specially selected police-stations where the police employed have to deal frequently with dangerous criminals and their personal safety is in danger. before the issue of the weapons the Superintendent shall satisfy himself that one of the Sub-Inspectors at the selected police-stations is qualified in revolver shooting.

(b) The Officer-in-charge shall be personally responsible for the safe custody, care and cleaning of the revolvers allotted to his police-station.

(c) The Officer-in-charge shall acknowledge in writing the receipt of the revolver (s) and ammunition supplied and these shall be entered in the list of Crown Property maintained at the police station.

(d) The revolver (s) and ammunition when not in use shall be kept locked up in a strong box within the malkhana chest and examined, cleaned and oiled every Sunday and the fact noted in the general diary.

(e) The instructions contained in regulation 237 shall apply, mutatis mutandis, to revolvers and ammunition supplied to police-stations.

(j) The revolvers supplied to police-station may also be used, when necessary, by Circle Inspectors who have been trained in their use and who have not got weapons of their own.

(g) The Superintendent shall periodically examine the necessity of keeping revolvers at police-stations to which they have been supplied and as soon as he finds that the necessity has ceased to exist, he shall withdraw the weapons.

239. (a) Malkhana doors and chests shall be provided with secure locks, the keys of which shall be kept by the Officer-in-charge of the police-station. The key of lock-up shall remain with the sentry on duty.

NOTE.—For the purpose of this regulation a constable may be held to be an Officer-in charge when all the Sub-Inspectors And Assistant Sub specters are absent.

240. The rules for the custody of weapons deposited at police-stations will be found in Appendix XIV.

241. (a) Postmasters may place in police-station an iron safe to be kept under the charge of the station-house sentry. All cash chests placed in police-stations shall be embedded in the ground or wall and be secured by chains to a log or post or in some other safe method (vide rule 120 of the Posts and Telegraphs Manual, Vol. VIII). The key shall remain with the postmaster who alone shall have access to the safe. The police have nothing to do with the contents of the box, and the amount of money it contains shall not be brought on to the station books.

(b) On the same conditions Sub-Registrars, except those at Headquarters of districts and subdivisions, and mufassil Khasrnakal Tahsil offices may place their iron safes to be kept under the charge of the station-house sentry.

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

242. (a) For the purpose of disseminating intelligence to neighboring stations and to enable supervising officers to arrive with the greatest rapidity at the scene of occurrence, telegrams should, when necessary, be sent and service stamps used in payment of such telegrams. For this purpose, the Officer-in-charge of police stations shall be supplied with service stamps of different denominations according to the criminality of the jurisdiction. The stock of stamps shall on no account be allowed to become exhausted and shall be replenished when necessary by submitting a requisition to the Superintendent. All telegrams shall be entered in the register of letters issued (Bengal Form No, 19) and the value of stamps used should be noted in the appropriate column. To distinguish such expenditure from that for ordinary postage the letter “T” shall be entered in the remarks column.

(b) All telegrams shall be written with carbon paper and a file of the duplicate copies of the telegrams dispatched shall be kept at each police-station, and inspecting officers shall examine them to see that telegrams have been sent with circumspection and that they have been succinctly worded.

(c) Books of telegram forms shall be supplied to police-stations by the Superintendents.

(d) Should circumstances require the immediate intimation of information, officers should use special police telegrams in accordance with regulation 184.

(e) On receipt of information of the arrival or movement in his jurisdiction of suspicious characters, especially foreigners, about whom there is reason to believe that they are likely to

commit dacoity, gang robbery, professional drugging or other serious crime, the Officer-in-charge of a police-station, in addition to any other action he may decide to take, shall, unless the police-station is situated at the headquarters of the officer addressed, immediately, send telegrams to the Superintendent and the Circle inspector (who shall be responsible for communicating the information received to the Sub divisional Police Officer, if there is one), and shall also warn by telegram such places in the list drawn up under regulation 250 (c) as may be selected at his discretion, giving such descriptive particulars of the suspects as may be possible with a view to action being taken by the receiver of the message under sections 54, 55 and 151, Code of Criminal Procedure. The places to which warning has been sent shall be mentioned in the message to the Superintendent and the Circle Inspector. Officers-in-charge of police stations shall also consider in such cases whether telegraphic information should not be sent to dafadars of unions surrounding the place in which the criminals are alleged to be present.

243. (a) The first information of cognizable crime mentioned in section 154, Code of Criminal Procedure, shall be drawn up by the Officer-in-charge of the police-station in B. P. Form No. 27 in accordance with the instructions printed with it.

(b) The first information report shall be written by the officer taking the information in his own hand writing and shall be signed and sealed by him.

(c) The information of the commission of a cognizable crime that shall first reach the police, whether oral or written, shall be treated as the first information. It may be given by a person acquainted with the facts directly or on hearsay, but in either case it constitutes the first information required by law, upon which the enquiry under section 157, Code of Criminal Procedure, shall be taken up. When hearsay information of a crime is given, the station officer shall not want to record, as the first information, the statement of the actual complainant or an eye-witness.

(d) A vague rumour shall be distinguished from a hearsay report. It shall not be reduced to writing or signed by the informant, but entered in the general diary, and should it, on subsequent information prove well-founded, such subsequent information shall constitute the first information.

(e) A telegram is not a writing given to the police signed by the person making the statement and, therefore, does not comply with section 154, Code of Criminal Procedure. If, however, in the opinion of an officer receiving a telegram reporting the occurrence of a cognizable offence, the circumstances justify action being taken, he should himself lodge a first information on the basis of the telegram. If he does not take such action, he should make an entry in the general diary.

In the case of a telephone message reporting such an occurrence, the informant should be asked to come to the police-station to lodge general diary. If it is considered necessary to start investigation on the basis of the message and the informant remains anonymous or cannot be found, the officer receiving the message must himself lodge the information on the basis thereof.

(I) Police Officers shall not defer drawing up the information report until they have tested the truth of the complaint. They shall not await the result of medical examination before recording a first information, when complaint is made of grievous hurt or other cognizable crime.

(g) A constable left in charge of a station may accept a written report of a cognizable offence. He shall get the report signed by the person giving it, enter an abstract of it in the general diary and report the fact to the Officer-in-charge of the station. If the report of a cognizable offence is given such constable orally, he shall similarly enter the substance of it in the general diary and the complainant or informant to the Officer-in-charge of the station with a note of the case. If the report relates to the occurrence of heinous crime, he shall send immediate information to the Circle Inspector; and if the facts of the case, as may occur in dacoity, murder, etc., require the immediate apprehension of the accused, he shall take all possible steps to effect arrest.

(h) First information reports, once recorded, shall on no account be cancelled by Station Officers.

244. (a) A first information shall be recorded in respect of every cognizable complaint preferred before the police, whether prima facie, false or true, whether serious or petty, whether relative to an offence punishable under the Indian Penal Code or any special or local law. This does not apply to cases under section 34 of the Police Act, 1861, or to offences against Municipal, Railway and Telegraph bye-laws for which see regulation 254.

(b) When a Police Officer has been assaulted in the performance of his duties as a public servant he shall obtain the previous permission of an officer superior in rank to a Sub-Inspector before instituting a case, where this can be done without detrimental delay. The responsibility for complying with this order rests with the police officer who complains of an assault. When first information of such an offence is given, the Officer-in-charge of a police station is bound by the provisions of section 154 of the Code of Criminal Procedure to record a first information.

(c) When information is lodged at a police station, that a police officer has committed a cognizable offence, the Officer-in-charge should proceed to enquire into the charge, but should send a copy of the first information immediately to the Superintendent and to the District or Sub divisional Magistrate.

(d) Sections 21, 22 (1) read with section 25 and section 24 of the Criminal Tribes Act, 1924 (VI of 1924), are cognizable by the police and in cases under these sections, first information report and charge sheets shall be used. For an offence under section 22(2), which is non cognizable, a report shall be submitted to the Magistrate for his taking cognizance and the offender shall be arrested by an Officer-in-charge of a police-station or any police officer not below the rank of a Sub Inspector, no other police officer being empowered under the Act to arrest without a warrant,

245. (a) When a Magistrate directs the police to enquire into the complaint of a cognizable offence, of which no previous information has been laid before the police, the written information sent by the magistrate to the police shall be treated as the first information. Magistrate.

(b) In every case referred to the police for enquiry, a date shall be fixed by the Magistrate by which the report or an explanation of the cause of delay shall reach him.

246. (a) The first page of the first information report, viz., that signed, sealed or marked by the complainant or informant under section 54, Code of Criminal Procedure shall be treated as the original. It shall be sent without delay to the District Magistrate or the Sub-divisional Magistrate, as the case may be, through the court officer. The first carbon copy of the first information shall be sent to the Superintendent. The second copy shall be kept at the police-station for future reference. A copy (not carbon) shall be sent to the Circle Inspector direct at the same time as the original and the first carbon copy are dispatched to the Court Officer and the Superintendent. In subdivision where there is a Sub-divisional Police Officer two copies of the first information report shall be made out on ordinary papers, by the carbon one for the Sub-divisional Police Officer and the other for the Circle Inspector.

(b) In order to secure full co-operation between officers of bordering police station the Officer-in-charge of a police-station shall, immediately on receipt of information of the commission of all crime within three miles of his border other than that referred to in clause(c), send information by post card (B.P. Form No. 27A) to the Officer-in-charge of the police-stations concerned and if it borders- on another circle, to the Circle Inspector concerned.

The officers receiving, such reports shall mark the occurrence on their crime map, note the fact in the general diary and take such steps as may be necessary.

(c) On receipt of such information of the commission of any of the offences mentioned in Appendix XV and of any serious offence by a police officer the Officer-in-charge of the police-station shall inform his Superintendent, Circle Inspector and other officers in the manner prescribed in that Appendix.

(d) With a view to assisting the police in the prevention of crime, the Railway Board have issued instructions to railway officials to the effect that information regarding any occurrence endangering human life, servants of the Crown or Crown property should be despatched forthwith by railway telegraph to the Superintendent and if possible to the nearest police-station, even in circumstances where the informant is unable to tender payment for the message, and that where transmission by telephone is likely to be the quicker method, the control telephones should be utilized for this purpose. The cost of such telegrams if not paid by the informant may be recovered from the Provincial Government.

247. In cases involving loss of property, the complainant shall be required to put in a list of property stolen, signed by himself, which shall be sent to the Court Officer with the first information report. The investigating officer shall keep a copy of the list to aid him in his enquiry. If the complainant is unable to furnish a list of the property when he gives the first information, he shall be required by the investigating officer to supply a list in writing as soon as possible. The investigating officer shall forward it, duly signed by the complainant, to the Court Officer. Every effort must be made to secure from the complainant at the time when the first information is recorded the most precise description of the stolen property.

248. (a) When the report of a crime mentioned in clause (c) of regulation 246 or friable exclusively by the Court of Sessions relates to an occurrence but side the jurisdiction of the officer to whom the report is made, he shall at once send information, by telegram whenever possible or by express letter, to the police-station in the jurisdiction of which the occurrence took place, and if the circumstances of the case warrant it, shall effect the apprehension of the accused.

(b) In cases where the officers of two or more police-stations have jurisdiction in respect of the same offence, and complaint is laid simultaneously at such stations, the police officers concerned shall apply to the Superintendent for instructions before submission of the final report. When complaint is laid in two districts regarding an offence which is cognizable in either district (Section 182, etc., Code of Criminal Procedure), the final report shall be submitted in one district only.

249. When information of an offence committed within in railway limits is given at a district police-station, the Officer-in-charge of that police-station shall record the information on plain paper and send it by the quickest route to the Officer- in-charge of the railway police-station concerned, in order the case may be registered and investigated by the Railway Police. Should immediate action meanwhile be necessary, the district Police shall rake such action as they legally may.

Similar action shall be taken by the Railway police when information is lodged with them of an offence committed outside railway limits.

250. (a) When the immediate dissemination of intelligence and the co-operation of the staff of neighbouring railway and district police-stations is desirable, hue-and-cry notices in 13. P. Form. No. 28 shall be issued in the following classes of cases when all the persons concerned have not been immediately arrested or the property stolen has not been recovered:—

- (i) professional drugging cases;
- (ii) dacoity, and all organized crime in which wandering gangs, foreigners or residents of other jurisdictions are known or suspected to have been concerned;
- (iii) escapes of prisoners from lawful custody;
- (iv) cases of cheating by professional criminals;
- (v) cases of shaking off police supervision by wandering gangs; and
- (vi) important cases in which the accused have absconded after committing the offence, or in which identifiable property of large value has been stolen.

(b) Hue-and-cry notices should ordinarily be despatched by post, unless there is reason to believe that the immediate communication of information to some particular officer or officers may result in the apprehension of culprits or the recovery of stolen property, in which case the

contents of the hue-and-cry notices should be communicated to such officer or officers by “special police” telegrams or by special messengers, whichever is likely to prove quicker. Full details should be immediately despatched by post.

(c) All police-station shall maintain a list of bordering district and railway police-stations including their outposts, showing the distance of each place from the nearest telegraph office. these lists shall be approved by the Superintendent.

(d) The hue-and-cry notice shall be drawn up by the Officer-in-charge of the police-station who draws up the first information report of the case, one copy being sent to the Superintendent along with the first information of the case by the quickest available means. The Officer-in-charge shall exercise his discretion as to which other officer the notice should also be sent direct. The Superintendent shall at the same time be informed of the officers to whom the notice. has been sent On receipt of the notice the Superintendent shall send copies to the Superintendent, Railway Police, or to any other officer to whom it has not been sent direct, if he considers it desirable,.

Note.— When a notice is to be sent to a police-station of the Calcutta Police, an additional copy shall be sent to the Commissioner of Police, Calcutta, for circulation through the Calcutta Police Gazette.

(e) On receipt of a hue-and-cry notice the Officer-in-charge of a police-station shall at once enter it in red ink in the register of letters received and in the general diary and shall take all necessary action. He shall cause enquiry to be made about the movements of local bad characters and shall check surveillance reports. He shall also enquire into points mentioned in the hue-and-cry notice which requires particular investigation and shall communicate the result in a brief supplementary case diary. He shall in all cases communicate the contents of the notice to his subordinates and to all dafadars and chaukidars of his jurisdiction, either by special messengers as far as possible or at muster parades, and shall warn them to be on the look-out for the offender or stolen property, as the case may be. All actions taken shall be clearly noted on each notice, which shall be consecutively numbered and filed. Successful detection of culprits or tracing of stolen property should be always rewarded.

251 (a) On receipt of information that any person who has died instate has left movable property to which there is no claimant, the officer in charge of a police-station shall, in accordance with Bengal Regulation V of 1799, take possession of such property and shall forward to the Sub-divisional Magistrate a list in B. P. Form 29 of all items taken into custody. This list shall specify the approximate value of any animal which has been impounded in accordance with clause (c). The orders of the District Judge regarding the disposal of the property shall then be awaited.

(b) If the deceased has also left any immovable property, the Officer-in-charge shall collect such particulars as possible regarding the property and shall record them in a memorandum which shall be attached. to B. P. Form No, 29.

(c) Ordinary property, including live stock, which has been taken into custody in accordance with clause (a), shall not be sold without the orders of the District Judge. if, however, it includes any items which very rapidly deteriorate and perish, the Officer-in-charge may exercise his discretion in selling such items in anticipation of orders. Livestock shall be placed in the nearest pound.

(d) When property is sold, either under clause (c) or under the orders of the District Judge, it shall be sold by the Of -charge and, whenever possible, at a public market, He shall prepare an account of the sale in B. P. Form No. 30, which shall be forwarded, in triplicate, along with the proceeds of the sale, to the Sub-divisional Magistrate. if any animal which has been impounded is sold, the pound fees shall be paid from the proceeds of the sale direct to the pound-keeper, and the balance only forwarded with the account.

(e) If the District Judge orders that the property be sent to court, the Officer-in-charge shall dispatch it with a forwarding advice in 13. P Form No. 31 in triplicate, in which shall be recorded the cost of transporting the property. If the deceased has been buried or cremated at the expense of a municipality, the expenses so incurred shall also be recorded in the form and the Chairman or Vice-chairman shall be advised to apply to the District Judge for the recovery of the expenses.

(f) The third copy of B. P. Form No. 31 or of Form No. 30 which Will, in due course, be returned by the District Judge, shall be filed in the police-station.

(g) The police shall not question the validity of any claim or will which may be set up by any claimant, and property shall not be taken into custody from the possession of any such claimant. If, however, the Officer-in-charge has reason to believe that a claimant has obtained possession dishonestly or that a will has been forged, he shall apply to the Superintendent for orders regarding prosecution under section 404 or section 467, Indian Penal Code.

252. (a) When a dispute in respect of land which is likely to lead to a breach of the peace is reported the Officer-in-charge of the police station or outpost or any officer not below the rank of Assistant Inspector deputed by him shall, if immediate preventive action on his own part is not required, issue a warning in 13. P. Form No. 32 to the owner, occupier or other person having or claiming an interest in land. Such warning brings the owner, occupier or person claiming an interest in the land within the scope of section 154, Indian Penal Code should he not endeavour to prevent the dispute culminating in a riot

(b) The warning shall be issued in duplicate, and the signature or left thumb impression of the person to whom it is issued shall be obtained on the duplicate copy in the presence of reliable witnesses, whose names and addresses should be noted. The exact date and hour of service shall be noted on the duplicate copy which should then be passed on to the office copy.

253. (a) On receipt of a forged note from any source, an enquiry should be undertaken regarding its origin and a report sent immediately to Currency Officer, Calcutta, a copy being sent to the Deputy Inspector-General, Criminal Investigation Department. This report should contain the following information regarding each note or series of notes

- (i) Denomination;
- (ii) Serial letters and number,
- (iii) General number;
- (iv) Circle and date of notes of old type;
- (v) Place of appearance;
- (vi) Date of appearance;
- (vii) Whether process or hand made;

(b) If in regard to any forged note an enquiry is not considered necessary, it will be forwarded by the Officer-in-charge to the Currency Officer along with the report mentioned in clause (a), otherwise after the inquirky or investigation has been completed. In the latter event a reference will be made to the original intimation sent to the Currency Officer reporting the discovery. If on receipt on the first report it appears the Currency Officer that the forgery is new made to be process-made and the note has not been sent with the report, he will immediately call for it in order to communicate the particulars to all other Currency Officer and shall thereafter return the note to the police for any further investigation that they may desire to make.

The Currency Officer has been directed to send to the police, for enquiry, all process made new forgeries irrespective of their face value and all forged notes of Rs. 10 or of a higher denomination, received by him (vide paragraph 368, Reserve Bank of India, Issue Department Manual).

(c) If there is any probability of the guilt of the uttered or forger being, established, a case should be formally instituted and thoroughly investigated by expert officers. The Superintendent is responsible for seeing that proper discrimination is displayed, both in the matter of instituting appropriate cases, and in specially reporting such of these as are required to be reported in accordance with serial 12 of the Schedule attached to Appendix XV.

(d) On the conclusion of enquiries, where cases are not instituted, final reports along with the forged notes should be sent to the Currency Officer in continuation of the first reports showing the result of the enquiries made and quoting in each case the number and date of the first report.

(e) When cases are instituted but not specially reported, the short histories referred to in the remarks column against serial 12 of the Schedule attached to Appendix XV should be submitted quoting the reference to the report submitted in accordance with clause (a) above.

(f) Should a case be sent up in charge-sheet a copy of the judgment should be sent along with the final report.

(g) Particular attention should be paid to investigation of dangerous forgeries, i. e., those which are sufficiently good to deceive persons accustomed to handling notes as such cases are reported by the Deputy Inspector-General, Criminal Investigation Department, to the Director, Intelligence Bureau, for the information of the Central Government. The reports on such forgeries should include information regarding the area in which the notes have been circulated, whether there is reason to believe that a large number have been put into circulation, and whether the investigation has led to the detection of the forgers of any other known series of dangerous forgeries.

254. (a) A register shall be kept in B. P. Form. No. 33 in which shall be entered all cases enquired into by the police in which no first information report is required, e. g., cases under municipal or railway bye-laws, section 34, Police Act, 1861, cases under sections 107, 109, 110, 144 and 145 of the Code of the Criminal Procedure non-cognizable cases under the Criminal Tribes Act, 1924, cases under sections 176 or 211, Indian Penal Code, the Motor Vehicle Act, 1939, Serias Act, 1867, etc, etc.

(b) A separate register in Bengal Form No. 403 (Q), (B. P. Form No. 34) shall be maintained for all occurrences or collision, breakdown and running down in which a motor vehicle is concerned. The form is printed in duplicate in bound books, the upper foil being perforated. As soon as an incident of this nature occurs, an entry shall be made in this form and an enquiry started. When the enquiry is complete, the perforated copy shall be sent through the Circle Inspector to the Superintendent, if, as a result of this enquiry, the Superintendent considers that a cognizable case under the Indian Penal Code has been made out, he will order the usual first information report and case diaries to be utilised, but this form will be attached so that it may serve as a brief for the prosecution. If, on the other hand, the Superintendent considers that the enquiry discloses an offence under the Motor Vehicles Act, 1939, or the rules framed there under or other minor Acts, then this form together with a report in B. P. Form No. 35 shall be submitted by the Investigating Officer to the Magistrate. In a case in which no prosecution is considered necessary, the perforated copy of the form shall be returned by the Superintendent to the police-station to be filled with the counterfoil. In a case in which a prosecution is ordered, this form shall be submitted eventually to the Superintendent together with the final memorandum and shall after perusal pass orders, if necessary, and return it with the police-station copy of the final memorandum.

(c) Reports to the court for trial in such cases, excepting those under sections 107 and 145, Code of Criminal Procedure, which shall be submitted in duplicate in B. P. Form No. 36, shall be submitted in duplicate in B. P. Form No. 35. In cases, however under the Criminal Tribes Act, 1924, and Goondas Act, 1923 (Bengal Act I of 1923), sections 109 and 110, Code of Criminal Procedure, or under section 182 or 211, Indian Penal Code, only one copy of the form shall be used. In all cases where duplicate forms are used one copy showing the result of the case shall be returned by the Court Officer direct to the station officer in lieu of a final memorandum. Care shall be taken to see that column 6 of Form No. 33 is filled up in due course. If after a reasonable period the duplicate copy is not returned with the Magistrate's orders, a reminder shall be sent to the Court Police Office,

III. — INVESTIGATION.

255. (a) The general responsibility for all investigations within the limits of his jurisdiction will rest with the senior Sub-Inspector of the Police-station.

(b) No officer of lower rank than a Sub-inspector shall be employed in investigation of criminal cases except in unavoidable emergencies when an Assistant Sub-Inspector may be so employed as laid down in regulation 207 (c).

256. When an offence is reported the investigating officer shall consult all registers which are likely to assist him in his investigation, particularly the Village Crime Note-Book, before proceeding to investigate.

257. (a) Any officer in charge of a police-station may, under section 157(b), Code of Criminal Procedure, refrain altogether from investigating a case in which there appears to him to be insufficient ground or investigating.

(b) Police Officers shall observe the following broad principles in exercising the discretion vested in them by section 157(b) of the Code of Criminal Procedure —

I. Every cognizable offence, other than one of those enumerated in clause II below, shall ordinarily be investigated, if the informant so desires. If for any special reason no investigation is made, the special reason shall be recorded.

II. No investigation shall ordinarily be made in—

(i) cases in which the injured person does not wish for an enquiry, unless the offence has occurred in a crime centre or appears to be really serious, or may reasonably be suspected to be the work of a professional or habitual offender or a member of a criminal tribe known to be addicted to crime, or unless it is otherwise desirable in the interests of the public that the case shall be investigated.

(ii) cases which, after consideration of the information and of anything which the informant may have to say, appear to fall under section 95, Indian Penal Code; and

(iii) cases in which the information shows the case to be a purely civil nature, i.e., where the important is apparently seeking to take advantage of a petty or technical offence to bring into the criminal courts a matter which ought properly to be decided by the civil courts.

These instructions indicate only general principle, and police officers shall exercise their discretion in every cognizable case that is reported to them.

NOTE.—In the cases referred to in clause It (iii) above, the points to be considered are whether the complainant can obtain adequate redress from the courts by instituting a prosecution. and whether action on the part of the police is expedient for the preservation of order. When the charge is of enticing away a girl (section 363, Indian Penal Code, and cognate sections), the police should be careful to ascertain that the case is not one of elopement or of girl running away

to her parents on account of ill-treatment, and in cases of cattle theft that it is not a mere dispute as to ownership, or as to the payment of the price of an animal purchased.

(c) In cases where investigation is refused the complainant or informant shall be informed in B. P. Form No. 37A of the fact and of the reasons for abstention.

258. If the Officer-in-charge of a police-station decides that an investigation is necessary, after dispatching a first information report, he shall himself proceed to the spot or depute a subordinate to hold an enquiry, who shall not be below the rank of Assistant Sub-Inspector.

In a case where the complaint is not of a serious nature, and is made against a person known. clause (a) of section 157. Code of Criminal Procedure, does away with the legal necessity for a local investigation, but it is very seldom that advantage should be taken of this section. In rural areas, it is permissible only when a case of a simple nature is brought to the police complete, the complete, the complainant and witnesses being present. In towns, the investigation may be conducted at the police station if it is close to the scene of crime.

259. Subject to the provisions of section 156, Code of Criminal Procedure, no station officer may be deputed to undertake the duties of or conduct a special enquiry in, the jurisdiction of another police: station, without the sanction of the Circle Inspector or any officer of higher rank. [See regulation 189 (a).]

260. Investigating officers should carefully abstain from causing unnecessary harassment either to the parties or to the people generally. Only those persons who are likely to assist the inquiry materially should be summoned to attend, Where possible the investigating officer should himself go to the house of the witness to be examined. The proceedings should be as informal as possible. The questioning of witnesses should ordinarily be conducted apart, and in a manner that will not be distasteful to them.

261. (a) The investigating officer shall, whenever possible, pursue the investigation to its completion without a break in continuity.

(b) The investigating officer may, for the purpose of following up any clue or conducting an enquiry which may be done more easily and expeditiously in person than by correspondence, proceed beyond the limits of his intention, but he shall report his intention to the Inspector before proceeding.

(c) Circle Inspectors shall see that investigating officer complete their investigations as required by section 173, Code of Criminal Procedure, and that the provisions of clause (b) are not abused. If the directions in clause (a) are strictly observed, it should rarely be necessary to prolong the investigation of even the most difficult case beyond 15 days.

(d) The practice of delaying the submission of the final report after the completion of the local enquiry on the spot shall be discouraged. It is the duty of Superintendents and even more of Inspectors to insist that investigations in case in which the accused are known are brought promptly to a conclusion.

(e) When a Magistrate forwards a complaint to the Officer-in-charge of a police-station for investigation, it shall, whenever possible, be completed within the time fixed by the Magistrate for that purpose. If this is not possible, the investigating officer shall, in any event report by the prescribed date the progress made and the date by which he expects to complete the investigation.

The same procedure shall be followed when an enquiry is made into a complaint referred to the police under section 155 (1) or section 202, Code of Criminal Procedure.

262. Directly an accused person is placed under arrest, the investigation officer shall 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, and shall record the result of his examination. He shall further consider and note whether there is any reason to believe that marks found are attributable to other causes than ill-treatment, such as resistance to arrest. If the prisoner refuses to allow his body to be examined, the refusal and the reason to believe the allegation of ill-treatment examination, any other evidence available, and if possible the police officers implicated by the prisoner's complaint, to the nearest Magistrate having jurisdiction to enquire into the case.

263. (a) Section 172, Code of Criminal Procedure, prescribes the case diary which an investigating officer is bound by law to keep of his proceedings in connection with the investigation of each case. The law requires the diary to show—

- (i) the time at which the information reached him;
- (ii) the time at which he began and closed his investigation;
- (iii) the place or places visited by him.
- (iv) a statement of the circumstances ascertained through his investigation.

Nothing which does not fall under one of the above heads need be entered, but all assistance rendered by panchayats or presidents or members of union boards shall be noted. When the information given by the panchayat or president or a member of a union board is of a confidential nature, his name shall not be entered in the case diary, but the investigating officer shall communicate his name and the same time note briefly in the case diary that this has been done.

Under heads (iii) and (iv) Shall be noted the particulars of the house searches made with the names of witnesses in whose presence search was made (section 103, Code of Criminal Procedure); by whom, at what hour, and in what place arrests were made; in what place property was found, and of what description; the facts ascertained; on what points further evidence is necessary, and what further steps are being taken with a view to complete the investigation.

The diary shall mention every clue obtained even though at the time it seems unprofitable, and every step taken by the investigating officer, but it shall be as concise as possible. The statements of witnesses examined shall be recorded in the diary, but the names of all witnesses examined

shall be given. The diary shall be a record of acts done by the officer and of the facts ascertained by him, i.e., of the result of his investigation.

(b) A diary so composed, that is a diary which does not contain the statement of witnesses, is privileged. The court may send for it and may use it not as evidence, but as an aid in judicial enquiry or trial, but the accused has no right to call for it or to see it, even if referred to by officer who made it to refresh his memory or when the court use it for the purpose of contradicting such officer, then the provisions of section 145 or section 161 of the Evidence Act, 1872 (1 of 1872) shall apply.

264. (a) Case diaries (B.P. Form No. 38) shall be written up as the enquiry progresses, and not at the end of each day. the hour of each entry and name of place at which written shall be given in the column on the extreme left, A note shall be made at the end of each diary of the place from, the hour at, and the means by which, it is dispatched, The place where the investigation officer halts for the night shall also be mentioned. A specimen. A specimen case diary given in Appendix XVI.

(b) A case diary shall be submitted in every case investigated. The diary relating to two or more days shall never be written on one sheet or dispatched together. Two or more cases should never be reported in one diary; a separate diary shall be submitted in each case daily until the enquiry is completed. But it is not necessary to send one on any day on which the investigation, though pending, is not proceeded with.

(c) The diary shall be written in duplicate with carbon paper. and at the close of the day the carbon copy, along with copies of any statement which may have been recorded under section 161, Code of Criminal Procedure and the list of property recovered under section 103 or 165 of that Code, shall be sent to the Circle Inspector. In subdivisions where there is a Sub-divisional Police Officer, another copy of the diary in special and misconduct report cases shall be made out by the carbon process and submitted to him. This copy shall be preserved for one year. When an investigation is controlled by an Inspector of the Criminal Investigation Department, the investigating officers shall forward the Circle Inspector's copy of the case diary through that officer who shall stamp or write on the diary the date of receipt by him and, after perusal, forward it to the Circle Inspector.

(d) In special report cases an extra carbon copy shall be prepared of the diaries, statements of witnesses recorded and lists of property recovered and sent direct to the Superintendent and a further carbon copy to the Sub-divisional Police Officer where there is one.

(e) Each form shall have a separate printed number running consecutively throughout the book so that no two forms shall bear the same number. On the conclusion of an investigation the sheets of the original diary shall be removed from the book and filed together. Every file shall be docketed with the number, month and year of the first information report, the final. form submitted and the name of the complainant, the accused and the investigating officer. The orders regarding preservation and destruction of these papers shall also be noted.

(f) When sending chargs- sheet to the Court Officer, the investigating officer shall send all his original case diaries which shall be returned by the Court Officer on the case being finally disposed or (vide regulation 772).

(g) Case diaries shall be written in English by those officers competent to do so. Other officers shall write either diaries in the vernacular. Statements recorded under section 161. Code of Criminal Procedure, shall, however, always be recorded in the vernacular. except when recorded by European officers.

(h) Instructions for the custody and dispatch of case diaries are given in regulation 68.

265. Besides the diary an investigating officer has discretion, under section 161 of the Code of Criminal Procedure, to record or not the statement of any witness examined by him. All such statements be signed and dated by the officer recording them and, when taken in his presence, by the aspersions officer locally supervising the case, No such recorded statement shall be used for any purpose (except the following) at an enquiry into or trial of the case in which it was recorded. When, however, the witness, whose statement has been so recorded, is called for examination by the prosecution, the accused is, under section 162 of the Code, entitled to request the court to refer to the statement, and the court is bound to do so. The court shall also direct the accused to be furnished with a copy thereof in order that any part of such a statement, if duly proved, may be used to contradict such Witness as provided in section 145 of the Indian Evidence Act, 1872. Only if the court considers that any portions are irrelevant or that its disclosure is not essential to the interests of justice and is inexpedient in the public interests it shall exclude such part from the copy of the statements furnished to the accused. The rule regarding the confidential treatment of case diaries is mutates mutants applicable to statement recorded under section 161, code of Criminal procedure.

266. (a) If it is not possible to have the statement of a person whose evidence is required and who is in imminent danger of death recorded record a dying declaration, this shall be done, whenever possible, in the presence of the accused or of attesting witnesses. A dying declaration made to a police officer shall be signed by the person making it.

(b) If a seseriously injured person, not in imminent danger of death, is seat to hospital the investigating officer shall warn the medical officer having the person's statement recorded by a Magistrate. should toe necessity for such a course arise.

(c) In case of doubt whether action under clause (a) or under clause (b) should be taken, the investigating officer shall act in accordance with clause (a).

267. It is nut for a police officer to decide whether a person charged with a cognizable offence is or is not a lunatic. He will deal with the case if the person were sane, and if an offence he proved, will send the prisoner up for trial. But the investigating officer shall ask the court to have an enquiry made regarding the mental condition of the accused as soon as he shows signs of insanity and he shall not send up witnesses for the prosecution without previously ascertaining whether in the opinion of the court the prisoner is capable of making his defence,

268. (a) On receipt of a copy of the complaint from the Magistrate directing an investigation to be made by the police under section 155, Code of Criminal Procedure, in a case which is not cognizable by the Police or ordering the Police to enquire under section 202 of that Code together with the intimation of the date by which the report of the investigation or enquiry shall reach him, the police officer concerned shall, if he is unable to report by the date fixed, send a report on or before such date explaining the delay and stating on what date the report is expected to reach him. The complainant should be informed of the date so fixed and directed to appear before the investigating officer at the scene of the occurrence.

(b) Sub divisional Police Officers or Circle Inspectors shall watch the working of these sections so far as they affect the police and bring to the notice of the Superintendent any irregular orders passed by Magistrates or the excessive use of this procedure. (see regulation 21).

269. (a) Unless the District Magistrate otherwise directs, the witnesses shall be bound down to attend before the Magistrate as soon as they can reach his court, except when the occurrence of a gazetted holiday renders it improbable that the case can be heard at once, in which case they shall be bound down to appear on the morning of the next day after the holiday or holidays. If any delay is allowed for the convenience of the witnesses or for any other special reason, the circumstance shall be at once reported to the Magistrate.

(b) To enable the Court officer to prepare himself for the ease in time for the trial, charge sheets shall be sent so as to reach him at least one clear day before the date fixed for trial. The final diary shall contain a summary of the case and a Synopsis of the evidence against the accused.

270. It lies with the police, subject to general instructions from the magistrate, to determine what evidence is necessary to establish a charge, and what number of witnesses are required to prove each fact. Much will, of course, depend on whether the fact is seriously disputed or not. Where the fact to be proved is not likely to be disputed, unnecessarily witnesses should not be harassed by being sent in. Under section 171, Code of Criminal Procedure no witness or complainant can be required to accompany a police officer. A witness refusing to execute a bond may be sent up in custody.

271. Records of a post or telegraph office shall be produced and information available in them shall be given by the post master or telegraph master on the written order of any police officer who is making an investigation under the Code of Criminal Procedure; but only those entries in the records shall be disclosed which relate to the persons accused of the offence under investigation, or which are relevant to that offence. In any other case the post master shall refer for orders to the Postmaster-General, who will decide whether or not, under section 124 of the Indian Evidence Act, 1872, the information required shall be withheld. When the information required by a police officer is not available in the records of the post office, the police officer shall be informed accordingly, irrespective of the question whether the information, if available, might or might not be given.

272. (a) When an officer in charge of a police-station on completion of an investigation under Chapter XIV, Code of Criminal Procedure, finds the charge proved and proposes to proceed

against any person, he shall, notwithstanding that he has failed to arrest all or any of the persons against whom the charge is proved, at once submit a charge-sheet in 13. P. Form No. 39, which is the report presented under section 173, Code of Criminal Procedure. Thus a charge-sheet shall be submitted when the accused is absconding or is sent up for trial in custody or on bond (section 70, Code of Criminal Procedure). In cases where an accused is absconding, the investigating officer shall submit with the charge sheet a list of the absconder's property so that the court may issue attachment orders.

(b) The following instructions shall be observed:—

(i) The charge-sheet shall be sent by the quickest means to the Court officer for submission to the Magistrate. When a prima facie case is made out in a case in which articles have been sent for chemical analysis, the charge-sheet shall not be delayed till receipt of the Chemical Examiner's report. If a case in the first instance is reported in final report form, but subsequently by the Magistrate's order or otherwise, the accused person is placed on his trial, the final report form shall be cancelled and a charge-sheet submitted. If, on transit from a police-station to the court, an accused person absconds, the charge-sheet form shall stand. The case shall be kept pending till the absconder is arrested, or till his arrest is considered hopeless.

(ii) When submitting a charge-sheet, the officer in-charge of a police-station shall also communicate in B. P. Form No. 40 or 40A, the action taken by him to the person, if any, by whom information relating to the commission of the offence was first given.

(iii) Lists of property stolen, lists of property found on parties arrested, reports on previous convictions, the bail and recognizance bonds executed under section 170, Code of Criminal Procedure (Forms XXV and XXVI of Schedule V, of the Code), and a map in cases in which the rules require a map, shall be attached to the charge sheet form. Only the precise particulars as required by the column headings shall be noted in the charge sheet. The charge-sheet shall be given an annual serial number and a counterfoil shall be kept at the police-station. Superior officers of police may not return or detain a charge-sheet once submitted by the investigation officer. They may however, direct a further enquiry pending the instructions of the district Magistrate. If the correct name or address of the accused has not been ascertained the investigating officer shall ask that a remand be applied for.

(iv) A police officer sending up an accused person for trial shall certify on the back of the charge-sheet that he has carefully examined the register of persons convicted (Village Crone Note-Book, Part II), and that he has in all other respects made full enquiry whether such accused person has been previously convicted. A similar certificate shall be given regarding absconders against whom a charge is proved. Should previous convictions be ascertained, a short report of all particulars concerning them, including the names of any person who can prove each previous conviction, will be sent with the charge-sheet to enable the Court officer to verify them under section 511, Code of Criminal Procedure. In addition to the certificate referred to the Investigating officer, when the accused is charged with an offence for which enhanced punishment can be given on reconviction, shall note on the back of the charge-sheet as to whether the accused has resided in his jurisdiction for a period of more or less than 10 years.

(v) When the entry regarding the previous conviction of the person sent for trial would, under existing rules, be in the register of another station, the investigating officer will note this fact on the charge sheet and inform the officer-in-charge of that station that such a person is being sent for trial, in order that latter inns search his station register and supply direct to the Court Officer the required particulars about his previous conviction. On receipt of this report, the Court Officer shall attach it to the charge-sheet. The receipt, however, of such information in no way relieves a Sadar Court Officer from the performance of the duty of searching the index register of convictions and ascertaining whether any conviction other than those noted by the station police entered therein against an accused person. Enquiries should not be made in Nepal as to the antecedents of persons professing to reside in that state.

(vi) On the duplicate of the charge-sheet shall be entered in red ink the number of volume and page of the conviction (Village Crime Note Book Part 11) and surveillance registers in which the convict's name has been registered, and in all cases declared true, whether convicted or not, the number of the entry in the property register, if any, shall also be noted.

(vii) The antecedents of each accused person shall be noted on the back of the charge-sheet under one or other of the following heads.—

- (1) Known thief, dacoit, robber.
- (2) Vagrant with no fixed residence,
- (3) Suspicious character.
- (4) Habitual drunkard.
- (5) Prostitute.
- (6) Good character.
- (7) Antecedents unknown.

273. (a) A map or plan shall always accompany the charge sheet in cases of murder, dacoity, serious riot, mail robbery, highway robbery, extensive burglary or theft where Rs,600 or more are stolen Ordinarily, maps will not be required in cases other than those mentioned above; but the investigating officer may, at his discretion, prepare and send up a map in any other case. The map shall be prepared at as early a stage of the investigating as possible.

(b) The map shall, if possible, be drawn to scale, but this is not essential, if not drawn to scale, the fact shall be noted clearly on the map.

(c) The draughtsman or investigating officer who prepares the map shall bear in mind that it is essential for a correct appreciation of the situation by the court and jury that a clear distinction should be made between (i) facts actually seen by the draughtsman himself and; iii) facts deposed to only by witnesses. Statements made by the draughtsman as to the first group are always relevant: his statements as to the second are prima facie inadmissible and cannot be used as primary evidence to go to the jury.

It is necessary to maintain a suitable distinction in the map between these two sets of facts. This distinction shall be effected as follows:—

(i) The objects actually seen by the person preparing the map including such permanent features as buildings, trees, roads, paths and tangible points connected with the case, such as blood stains, foot-prints, cloth and corpse, etc., actually seen by him shall be indicated by letters of alphabet A, B, C, D, etc., explanations of these letters being given preferably in the margin of the map, but if this cannot be conveniently done, the explanations shall be furnished on a separate sheet of paper attached to the map.

(ii) Particulars derived from witnesses, e.g., the place where witness X is said to have stood, where the accused is said to have been standing when seen by X, where the blow was struck, etc., shall be indicated on the map by the numbers 1, 2, 3, 4, etc. The explanations of the numbers, however, shall on no account be given on the face of the map or on the separate sheet of paper referred to above, but on another sheet of paper distinct from either the map or the list of explanations of the actual facts indicated by letters.

(d) The number of the case and the name of the accused shall be given at the top of the map, and the signature of the person who prepared it at the foot. Use should always be made of cadastral and other maps, where they are available and are of sufficiently large scale.

(e) The draughtsman or the investigating officer who prepared the map shall be produced as a witness at the trial.

274. (a) Simultaneously with the submission of the charge-sheet and its annexure the investigating officer shall prepare two copies of a brief containing full particulars of the case and of evidence available for sending up the accused person, in B. P. Form No. 41. [The brief shall be kept apart and shall not form part of the case diary during the pendency of the case.] One copy of the brief shall be sent to the Court officer, and the other to the Superintendent, so as to reach them, if possible, at least seven days before the date fixed for trial. Should the Superintendent notice defects in the investigation, he shall at once draw the attention of the investigating officer to them so that further investigation may be undertaken if necessary and he shall send to the Court officer a copy of any orders he issues.

(b) Any suggestions the Superintendent has to make regarding the conduct of the prosecution shall be communicated by him to the Court officer who shall take the necessary action for making the preparation of the case complete. He shall not wait, however, for such suggestions before remedying defects which become apparent to him.

275. (a) A final report in B. P. Form No. 42 shall be drawn up by the investigating officer in every investigated case which does not result in charge-sheet. In column 8 a clear statement of the case and of the evidence shall be given together with the reasons for not sending up any person for trial. The investigating officer shall also suggest in the same column with reasons how the case may be entered by the Magistrate in the General register for statistical purposes whether as "true", "intentionally false" intentionally of fact", "mistake of law", or "non cognizable"

(b) The form shall be written in triplicate, every final report being given an annual serial number. One copy will be kept at the police station and tiled with the case diaries and receipt of the final memorandum and the other two copies will be sent to the Circle Inspector, the actual date and

hour of dispatch being entered on all the three copies. The circle Inspector will attach one copy of the case diaries and forward the other to the Magistrate with his remarks and recommendations. [See regulation 196.]

(c) The final report shall contain a specific application for the release of an arrested person from custody or his discharge from bond. Bail and recognizance bonds shall be attached to the final report.

276. (a) On receipt of the final report, the Magistrate may accept the police finding and declare the case accordingly or may, under section 156 (3). Code of Criminal Procedure, order further enquiry on specified points or may take cognizance under section 190 (b) of that Code, and, if the persons accused have not already been arrested issue process against them under section 204 of the Code and require the investigating officer to furnish the names and addresses of the witnesses.

(b) When further enquiry is ordered, it shall be entered on and completed as soon as possible. If, on the completion of such enquiry, the investigating officer considers the charge proved, he shall submit a charge-sheet form; if not, he shall submit a final report in the usual way.

277. (a) It, in any case in which a final report has already been made, any information of clue is obtained, the investigation shall be reopened and shall be conducted by such officers as may be detailed to do so by the officer in charge of the station.

(b) When the investigation of any case is revived, the foregoing regulations shall apply to such further investigation in like manner as to the original investigation.

(c) If a revived investigation leads to the collection of evidence sufficient to justify a trial, a charge-sheet shall be drawn up, in accordance with the foregoing regulations. Otherwise, a supplementary final report shall be prepared and dealt with in the same manner as an original final report

278. On completion of investigation when a final report in B. P. Form No. 42 is submitted the investigating officer shall under section 173 (I) (b), Code of Criminal Procedure, communicate to the informant in B. P. Form No. 43 or 43A, the action taken by him.

279. (a) Whenever a case reported to the police is found after investigation to be maliciously false, the investigating officer shall, if evidence is available for prosecution of the complainant under section 182 or 211, Indian Penal Code, submit to the Magistrate, through the Circle Inspector a formal complaint, attached to his final report, to enable the Magistrate to take cognizance of the case under Section 190, Code of Criminal Procedure [under proviso (aa) to section 200 of that Code the Magistrate need not examine the complainant]. The investigating officer shall at the same time furnish the Court officer with a brief of the case.

(b) Prosecutions against complainants in false cases shall be instituted only when the charges made are deliberately and maliciously false and not when they are merely exaggerated.

(c) The Circle Inspector shall, after satisfying himself that the complainant is well founded and that all possible enquiries have been made to collect the requisite evidence, forward the complaint to the Magistrate.

(d) If a complaint case referred to the police for investigation is found to be maliciously false, the investigating officer shall submit, together with the final report, a report to the Magistrate through the Circle Inspector giving the grounds on which the case is held to be false and recommending as to whether the complainant should be prosecuted.

280. (a) The law in regard to searches is contained in Chapter VII and sections 102 and 103, 163 and 166, Code of Criminal Procedure. These sections must be scrupulously followed. The officer conducting a search should take precautions to prevent the possibility, on the one hand, of any articles being introduced into the house without the knowledge of the inmates, and on the other, of any articles being taken out of the house while the search is in progress. Search should be made in the presence of the owner or some one on his behalf.

The presence of search witnesses [vide clause (h) below] must not be looked upon merely as a formality, but they must actually be eyewitnesses to the whole search and must be able to see clearly where each article is found. They should then sign the search list (B.P. Form No. 44). If any search witness be illiterate, it should be read over to him and his left thumb impression should be taken on it. Where the witnesses do not know English, it should be written in the vernacular. The suspected person whose property is seized, should, if present at the search, also be asked to sign the list. Should he refuse, a note will be made to this effect and it should be certified to by the witnesses. The suspected person, or in his absence, the person in charge of the house or place searched, should be given a copy of the search list. He will be given an opportunity of comparing it with the original list. Should he refuse, a note to that effect should be made and should be certified to by witnesses. In cases where no property is seized, the search list should be crossed vertically and signed by the search witnesses and the owner of the house.

(b) Only searches for any specific article, which is known or reasonably suspected to be in any particular place or in the possession of any particular person, can be made without warrants. General searches without warrants are illegal and the only search which can be made without warrant under section 165, Code of Criminal Procedure. There must be some specific thing necessary for purposes of investigator and there must be reasonable ground for believing that it is in a particular place and that delay in search is likely to interfere with the recovery of property. The police officer must record in his diary (i) the ground of his belief and (ii) the thing he is looking for, and must as soon as practicable send a copy of such record to the nearest Magistrate empowered to take cognizance of the offence [section 165 (ii), Code of Criminal Procedure]. No place should be searched without a warrant merely because the occupier is a registered building character or absconding offender. Such a search should be made only under the circumstances given in Section 165, Code of Criminal Procedure, and when the police officer has reason to believe that the thing searched for will be found in the place to be searched. Provided that

reasonable suspicion exists and a definite article (or articles) is (or are) searched for, the police are entitled to search the house of an absconding offender, whether he has been proclaimed or not. Police officers should note in their diaries the reasons for search, though they are not obliged to give the name of the person upon whose information they act. The name, father's name and residence, etc., of any person producing keys of any locked receptacles or claiming ownership of articles seized should always be noted in the case diary.

(c) Under section 165 (2) of the Code of Criminal Procedure the officer in charge of the police-station or the investigating officer, who must not be below the rank of Sub-Inspector, must if practicable, perform the actual search in person. Only when he is incapacitated from so doing can he depute another officer he must first of all record his reasons by doing so and then give written orders to the officer deputed specifying what the search is for and where it is to be made. A verbal order given on the spot will not fulfill the requirements of the section.

(d) Before the commencement of the search the person of every Police officer who is to conduct it, as also that of every witness and informer shall be examined before the witnesses and the owner of the house or his representative.

(e) The law does not require a search under the Code of Criminal Procedure, to be made by daylight, except those under section 14 of the Opium Act, 1878, but there are advantages in searching by daylight, and a searching officer should consider whether a house search should proceed by night or whether daylight should be awaited. Matters must be so arranged as to cause as little inconvenience as possible to the inmates, and especially the women.

(f) When suspected property is found in a house all the property in the house is not to be seized. Property seized must be either alleged or suspected to have been stolen or found under circumstances which create a suspicion of the commission of an offence, and nothing can justify the seizure of the whole of a man's property because he is suspected of having stolen some particular article or articles.

(g) The number of witnesses required to attend a house-search depends on the circumstances of each particular case, and no hard-and-fast rule can be laid down. The witnesses selected should be residents of the same or adjoining villages. If necessary, such residents may be served with an order in writing to attend and witness the search.

(h) Care should be taken that the witnesses are, so far as possible, unconnected with any of the parties concerned or with the police, so that they may be regarded as quite independent. Whenever possible, the presence of the panchayat or headman of the village shall be obtained to witness a search. Under no circumstances should a spy or habitual drunkard or any one of doubtful character, be called as a search witness. Reasons for rejecting any person as a witness to the search should be noted in the case diary.

(i) Whenever it becomes necessary for a search to be made for arms illegally possessed, a warrant must invariably be obtained under section 25 of the Indian Arms Act, 1878 (XI of 1878) from a Magistrate. Such searches can only be conducted by, or in the presence of an officer of,

or above, the rank of Sub-Inspector. No police officer is authorised of his own motion to make a search for arms illegally possessed (vide section 30 of the Act).

(j) in order to satisfy the court as to the identity of articles alleged to have been discovered at a house-search and to prevent irregularities, the officer conducting a search under sections 103 and 165, Code of Criminal Procedure, shall prepare a list in triplicate in B .P. Form No. 44 of the property of which he has-taken possession and shall forward it to the Court officer by the first available dak after the search together with a report regarding the search. One copy of this list will be sent to the Court officer together with copies of the records prescribed under section 165 (5) of the Code. One copy of the list only shall be given to the householder or his representative and the third copy will remain with the investigating officer. On receipt in the Court office, this list shall be stamped with the date of receipt and the record put up before the Magistrate. Investigating officers are required to note carefully the instructions contained in the headings of the form and are enjoined to conduct searches under such conditions that there may be no room for suspicion the part of the witnesses that articles have been surreptitiously introduced by them or their constables or chaukidars, or anyone whatever under their influence, with a view to their being included in the list of property actually discovered in the place under search. Witnesses should be allowed free access to the place being searched and be given every facility to see and to hear everything that transpires.

All articles or weapons found at a house-search or on the person of a prisoner shall be carefully labelled and if a charge sheet is submitted in the case, shall be sent to the court officer. The labels shall be signed by the officer conducting the search.

(k) If the warrant is issued in form No. 8 of Schedule V of the Code of Criminal Procedure, or if the search is made without a warrant or on a warrant issued under section 98 of the Code, the police are not authorized to take away anything except the specified thing for which the search was directed or made, but in all cases in which the Magistrate proceeds under paragraphs 3 and 4, sub-section (1) of section 96 of the Code of Criminal Procedure, and directs in his warrant that there should be a general search followed by a more careful inspection at the police-station or some other convenient place, 1)~PCt5 and documents and other articles need not be examined and initialed piece by piece in situ. They should be collected and packed in bundles. These bundles or receptacles should be closed or locked, as the case may be, and must in all cases be sealed or marked by the search witnesses and entered in the search lists. For instance, the contents of a desk drawer should be collected, packed together and marked and initialed by the search witnesses. For example, it might be marked AA/1 Any other bundles, packages, papers or documents similarly packed up together might be sealed or marked AA/2 AA/3 etc., All these packages may be packed for easy carriage in a large receptacle which should in this case be marked A and should contain all the AA bundles or packages. Subsequently these bulky boxes or packages should be very formally opened by the search witnesses who sealed or marked and signed them during the search, and their contents should be gone over piece by piece, examined, kept or rejected, but in every instance initialed and dated by the search witnesses and the police officer in question. Each of these pieces must bear the initial letters and the serial in its original bundle plus its own serial number in that bundle. Should any difficulty be experienced in getting a search witness to examine the documents at the police-station, it will be open to any police

officer to call in the assistance of the court to compel the attendance of such search witnesses at the court to open the bundles, boxes, etc.

Should he refuse to sign the contents of the bundles, the police officer should, if possible, invoke the help of an Honorary Magistrate or such other officers as may be available.

281. When the police authorities of an Indian State consider that, in the interest of law and order, a house in British India should be searched, an officer not below the rank of an officer in charge of a police-station should apply direct to the officer in charge of the police station in which the search is required to be made. The latter should then proceed to make the search as he would upon a requisition made under section 166 (t) of the Code of Criminal Procedure.

Mutatis mutandis the same procedure should be followed by the police of British India when it is necessary to search a house in an Indian State.

The rules relating to arrests under the Indian Extradition Act, 1903, are contained in Appendix XX

282. (a) Whenever it is necessary to submit a person suspected to have been concerned in any offence to identification, the proceedings should be conducted whenever possible in the presence of a Magistrate, or of a Sub-Registrar or, if no such officer is available, in the presence of two or more respectable persons not interested in the case, who should be asked to satisfy themselves that the identification has been conducted under conditions precluding collusion. The identification proceedings should be undertaken as soon after the arrest of the suspected person or persons as possible, and care should be taken that before the commencement of the proceedings the identifying witnesses are kept in charge of a court peon or other persons not being a police officer at such distance from the place where the proceedings are held as to have no chance of seeing the suspects. The suspected persons should, if possible, be paraded along with 8 or 10 persons, or, if there are more than one suspect, with as many as 20 or 30 persons, similarly dressed and of the same religion and social status. Care should be taken that the mixing up of the suspect or suspects with the other persons does not take place in view of the police officers and the witnesses. Each identifying witness should then be brought up singly in charge of the Magistrate's orderly or some other person not being a police officer, to pick out the accused if he is able to do so. The identification by such witness should be conducted out of sight and hearing of other witnesses. If there is any fear that the identifying witnesses may be subjected to threats or injury, should they become known to the suspects or to their friends, the witnesses should be allowed to view the persons paraded from a place where they themselves cannot be seen, as for instance through a window or an opening in a door or a wall. When the officer conducting the identification has satisfied himself that no communication between the police and the witnesses was possible, he should give a certificate to this effect.

(b) A statement in B. P, Form No. 45 should be prepared when suspects are presented for identification, and when the identification is not held in the presence of a Magistrate, the witness should be prepared to testify to the fairness of the manner in which the identification was affected in the proper columns.

(C) These regulations apply only to instances in which suspects have been arrested and have to be confronted with witnesses who express themselves able to recognise them by appearance, although not previously acquainted with them. When as frequently happen the complainant or other witness states that amongst his assailants he recognised certain persons of his acquaintance. either hi their appearance or by their voice, his credibility is a matter for the courts and no departmental rules can become applicable.

(d) It should be borne in mind that the primary object of identification proceedings is to the ability of the witness to identify a suspected person and to ascertain whether there is sufficient evidence to place him on trial. A Magistrate is chosen merely as a person whose impartiality and honesty is less likely to be called into question by the defense when the case is under trial, and when conducting the proceedings he is not acting in a judicial capacity (unless the case is under trial before him). It is not his duty, therefore, to record statements or put questions in suspects or witnesses except such as are necessary for the purpose of identification. While on the one hand the identification should he conducted with complete fairness and impartiality, on the other hand no attempt should be made to confuse or puzzle awitness or to create conditions which would render a witness who is honestly capable of identifying incapable of doing so.

(e) Test indemnification shall, whenever circumstances permit, be held inside the jail The above rules are applicable in the case of an under-trial prisoner or a suspect in jail. Men on bail shall not be mixed up with under –trial prisoners except with the permission of the Magistrate. In the case of confessing accused, separate test identification parade snail be held unless the Magistrate insists that it is essential to mix confessing with non-confessing accused and hold the test identification parade simultaneously. In sub divisional jails the accused shall, if necessary, be mixed up with outsiders for holding the test identification therein, as very few under-trial prisoners of similar nature and of the same social. Status arc available there for the purpose.

(f) In rioting or other cases the police shall keep the persons arrested during the occurrence distinct from those arrested afterwards on suspicion of having taken part in it. Police officers shall use the utmost cure to prevent the identity of rioters and other offenders caught in the act from being impugned at the trial, The names of the offenders and of the persons arresting or identifying them shall be recorded as soon as possible in all cases, before the prisoners are removed in custody from the spot; and the place and hour of arrest shall he most accurately noted. Offenders caught red-handed shall be kept quite distinct from those arrested on suspicion.

(g) When a suspect refuses to attend a test identification parade no action can be taken in the absence of any evidence other than evidence of identification. When, however, there is other evidence against a suspect and he refuses to appear at a test identification parade lie shall be sent for trial on the strength of such other evidence. During the trial, evidence of such refusal shall be led in favour of the prosecution. At the time of trial, the suspect will be in the dock and available

for identification by the witnesses. Whenever a suspect refuses to attend a test identification parade, the Magistrate holding the parade shall be requested to make an appropriate note of the fact in B. P. Form No. 45 and, if the suspect is later sent for trial, the Magistrate shall be examined as a witness to prove the refusal.

283. (a) (i) When an accused or suspected person volunteers a confession it should be recorded in detail by a police officer who if it appears to be true, shall take immediate steps for its verification. Such verification should include the tracing and examination of witnesses named or indicated in the confession and the search for, or the recovery of, stolen property or other exhibits material to the investigation.

The officer recording the confession shall further arrange for the confessing person to be sent to a Magistrate in order that the confession may be judicially recorded.

(ii) Anything, which savors of oppression or trickery in obtaining a confession must, is avoided. The aim of a police officer should be to obtain circumstantial and oral evidence so convincing that the accused person cannot escape. If he succeeds in obtaining such evidence, the confession will often follow and will materially strengthen the case, but to seek to obtain the confession first and the corroborative evidence afterwards is to reverse the proper order of proceedings. If, however, a confession is volunteered in an inquiry, every effort must be made to ascertain if there is evidence corroborative of any point in the confession which can be verified. A statement purporting to be a confession will often be made in order to mislead the inquiring officer, and such statements are very rarely true in all particulars, and also are frequently made in order to throw blame on other persons, or with a view to deter from further inquiry. Also they are generally retracted in court, in which case, if they stand alone and uncorroborated, they have little or no probative value. There is thus every reason for testing so-called confessions very carefully and not accepting them as final and conclusive, and stopping the inquiry.

(b) (i) Every confession which a person in police custody wishes to make should be recorded by the highest Magistrate short of the District Magistrate who can be reached in a reasonable time. Confessions can be recorded only by Presidency Magistrates, Magistrates of the first class and Magistrates of the second class specially empowered by the Provincial Government.

(ii) Investigating police officers should not be allowed to be present when a confession is recorded, the Magistrate should satisfy himself in every reasonable way that the confession is made voluntarily, it should be made clear to the prisoner that the making of a statement or not is within his discretion. Cognizance of complaints of ill-treatment by the police should be promptly taken and any indications of the use of improper perjury should be at once inactivated. Confessions should ordinarily be recorded in open court and during court hours, provided that if the Magistrate is satisfied, for reasons to be recorded in writing on the form of confession, that the recording of the confession in open court would be liable to defeat the ends of justice, the confession may be recorded elsewhere. The immediate examination of an accused person directly by the police bring him into court should be deprecated, and, when feasible, a few hours for reflection in circumstances in which he cannot be influenced by the police should be given him before his statement is recorded,

(c) After a confession, which relates to more than one case and discloses the activities of a gang of criminals, has been judicially recorded, it should be verified by a police officer and ordinarily an Inspector should be deputed for this purpose. Should any particulars not be capable of verification without the presence of the confessing accused, an application should, with the approval of the Superintendent, be made to the District Magistrate to depute a subordinate Magistrate to verify them with his assistance. When such an application is made, a copy of the translation of the confession together with details of the specific points that it has not been found possible to verify in the absence of the accused, must accompany the application.

(d) The verification should be made with a view to discover evidence corroborative of the facts disclosed in the confession and case diaries should be submitted showing for each case all the evidence and intimation available on the points mentioned below:—

(i) Name, father's name, residence, age and personal description of each member of the gang.

(ii) The route taken by the gang.

(iii) The chief incidents during the journey of the gang from start to finish, i.e., meeting with any person, visits to shops or houses for food, oil, light, axes, etc., the hiring of carts, boats or carriages, buying tickets at railway stations, crossing ferries, etc.

(iv) The arrival of the gang at the scene of occurrence and the preliminary arrangements made, lighting torches, cutting sticks, etc.

(v) The commission of the crime, rooms entered, doors broken, persons tied up or assaulted, cries uttered, or threats used, boxes taken away, chests broken open, property taken, etc.

(vi) The division of stolen property.

(vii) The breaking-up of the gang and the homeward route taken, etc.

(e) If a confession is made by convict undergoing imprisonment it should be judicially recorded before action is taken on it. Thereafter if it appears to have been made bona fide and not to implicate his enemies or persons who have given evidence against him it should be verified as described in clause (c) above. If a magisterial verification of any points is necessary the Provincial Government should be moved to suspend the man's sentence temporarily under section 401, Code of Criminal Procedure, as a condition of which suspension Government will require him to remain under the charge of the subordinate Magistrate whom the District Magistrate may select for the purpose.

(f) If the prisoner has been confined in jail in default of finding security, the Provincial Government may not suspend his sentence, as he has not been imprisoned for an offence within the meaning of section 401, Code of Criminal Procedure. In such cases he may be released on bail, if it is forthcoming, or if not, the District Magistrate may cancel the bond under section 125 of that Code. In either case, on release, he should be rearrested and charged with an offence

under section 400 or 401, Indian Penal Code, and made over to the Magistrate in order that his confession may be recorded (if this has not already been done) and verified if needed.

(g) The object of any magisterial verification will be to verify specific points in confessions when certain places or persons cannot be discovered without the assistance of the confessing accused.

(h) (i) During such verification the Magistrate deputed shall be responsible for the safe custody of the prisoner and shall have sole charge of him, but the latter shall on no account be put in a police-station lock-up. No police officer of any rank shall have access to him except with the written permission of the verifying Magistrate and in his presence: and a record shall be kept of all such interviews permitted. Ordinarily such permission should not be given to any police officer directly connected with the investigation.

(ii) The prisoner shall be guarded by peons arranged for by the verifying Magistrate, when such arrangements are considered sufficient to prevent the escape of or any attack on the prisoner. When the custody of peons is considered insufficient, the verifying Magistracy should apply to the District Magistrate for a guard from the Special Armed Force, but the men of this guard shall be forbidden to hold any communication with the investigating police or to converse with the prisoner, the personal wants of the prisoner being attended to by the Magistrates peons under the eyes of the guard. (Government of Bengal Order No. 3571-P.-D.. dated the 6th September 1912.)

(ii) Where the use of handcuffs or other bonds is deemed necessary. the provisions of regulation 330 shall be followed.

284. If it is desirable that a prisoner be removed from one jail to another for the purpose of verifying his confession, the following procedure should be followed:—

(i) When the two prisons are in the same province, application should be made to the Inspector-General of Prisons to direct the transfer under section 29(2) of the Prisoners Act, 1900 (111 of, 1900).

(ii) When the two prisons are in territories under two different Provincial Governments, application should be made to the Provincial Government concerned for securing the transfer under section 29(1) of the Act referred to above.

It will also meet the circumstances if proceedings are instituted against the confessing prisoner in the district to which he is to be removed and an order is then applied for under section 37 of the Act to the court having jurisdiction in the form set forth in the second schedule of the Act. This procedure should be followed also in the case of all other prisoners, who are accused in the gang case. The removal of prisoners confined beyond the limits of the appellate jurisdiction of the High Court can be effected in the manner laid down in section 40 of the Act.

285. (a) Attention should be paid by Superintendents and police officers generally to the very important subjects of obtaining information from criminals after their conviction. Such information should be received and acted upon with caution, but it can and should be obtained, and a good police officer should know how to utilise it.

(b) It should be distinctly understood that the main object of interviewing a convict is not to obtain a confession but information. On many occasions an outbreak of crime has been eventually traced to new gangs, and, therefore when the investigation has established that none of the gangs known to the police have been concerned in the outbreak, the investigating officer will frequently obtain a clue to the gangs concerned from a convicted prisoner in jail whose home is in the affected area. Much useful information can also be obtained from convicts regarding receivers and the whereabouts of stolen property.

(c) It may sometimes happen that from the demeanor in court or at jail parades of a convicted person, the Court officer may consider that such person can be interviewed with advantage. In such cases it is the duty of the Court officer to report accordingly to the Superintendent.

(d) No police officer shall be permitted to interview or interrogate any prisoner in confinement in jail without the permission of the Magistrate of the district, or, in his absence, of the Magistrate in charge, or, if the prisoner be confined in the Presidency jail, without the permission of the Commissioner of Police, Calcutta, or of the Inspector General. The permission shall be given in the form of a written order addressed to the Superintendent of the jail. The permission shall be obtained through the Superintendent of Police, or in his absence, through the officer in charge at headquarters. As a rule permission to interview a convicted prisoner in jail should not be accorded to an officer below the rank of Sub-Inspectors and, whenever possible, the interview should take place in the morning during the hours when the Civil Surgeon or Superintendent of the jail is visiting the jail.

(e) If in the course of an interview a convict makes a statement, which amounts to a confession, the officer to whom the statement is made shall at once inform the Superintendent of Police who shall either personally interview the convict or depute an officer not below the rank of Inspector to record the statement. If the confession is of an important nature implicating a gang of dacoits or professional criminals, the Superintendent shall immediately forward a copy of it to the Deputy Inspector-General, Criminal Investigation Department or in political cases, to the Deputy Inspector-General, Intelligence Branch. The Deputy Inspector-General shall, on receipt of the confession or statement, use his discretion under regulation 616, whether he will immediately assume control of the investigation or leave the case to be dealt with by the local authorities under the control of the Deputy Inspector-General of the Range. Pending receipt of orders from the Deputy Inspector-General, Criminal Investigation Department or Intelligence Branch, the Superintendent shall take steps to have the confession recorded by a Magistrate and to follow up any clues furnished by the confessing prisoner.

(f) It must be understood that the above regulation applies to statements made by convicted prisoners in jail. The procedure to be followed when a person accused or suspected of a crime volunteers a confession and the method of verification of it have been laid down in regulation 283.

286. (a) When a convict undergoing imprisonment for a substantive offence is tendered pardon in another case or when a person on conviction on his own plea of guilt is examined as a prosecution witness against the co accused, it may be desirable, in consideration of the service rendered to the prosecution to move the Provincial Government to remit or suspend under section 401, Code of Criminal Procedure, the whole or any portion of the sentence he is undergoing. Such remission or suspension of sentence shall ordinarily be on the conditions noted below and the violation of any of the conditions shall, under clause (3) of section 401 of the Code, entail the revoking of the order of suspension and his arrest and commitment to jail to undergo the unexpired portion of the sentence:—

(i) The convict in whose favour the order was passed shall report himself at the police-station within whose jurisdiction he resides at such intervals as may be ordered by the Superintendent.

(ii) He shall notify his intention to -change his residence to the officer in charge of the police-station one week before he changes his residence.

(iii) He shall within one week of his arrival at his new residence report himself at the police-station.

(iv) He shall not associate with known bad characters.

(v) He shall not commit any fresh offence.

(vi) If he intends to absent himself temporarily for one or more nights from his place of residence, he shall notify the fact personally, or through the village chaukidar, to the officer in charge of the police-station or outpost within which he is at the time residing, stating the place or places to which he intends to proceed, and the probable dates of his arrival there at and return therefrom respectively.

(b) Applications for the suspension or remission of sentence under section 401, Code of Criminal Procedure, should be made in B. P. form No. 46, and should be accompanied by all information necessary to guide the Provincial Government in the exercise of its discretion.

The period for which it is intended that the conditions shall remain in force should be definitely specified in the application and it must also be stated that the prisoner had consented to the imposition of the conditions.

287. (a) Reports for proceedings to be taken under section 107 or section 145, Code of Criminal Procedure, shall be submitted in duplicate in B. P. Form No. 36. One copy showing the result of the case' shall be returned direct to the station officer by the Court officer in lieu of a final memorandum.

(b) In column 4 shall be entered the names of such persons as are considered responsible for a likelihood of a breach of the peace and who should be bound down. These may include names of agents, servants or partisans to the cause of dispute. In a report for proceedings under section 145, Code of Criminal Procedure, this column shall remain blank.

(c) If the police serves a copy of the Magistrate's order under section 145, Code of Criminal Procedure, it should be served promptly in the manner laid down by law, and every effort should be made to serve it personally on the parties.

(d) In investigating cases of land disputes likely to cause a breach of the peace, the one and only point for determination is to ascertain which party is in actual present possession of the disputed area. In collecting evidence of possession, the investigating officer shall examine people holding or cultivating land in the vicinity and shall note any remarkable feature, such as boundary marks, etc., bearing on the question of possession. It is not necessary to go into documentary evidence, except so far as it throws light on present possession, e.g., a very recent civil court decree followed by delivery of possession or record-of-rights recently carried out, etc., may be examined with advantage.

When the investigating officer finds one party in possession, he shall ask the Magistrate to take action against the other under section 107 or section 144, Code of Criminal Procedure, and if he finds himself unable to collect definite evidence of possession, he shall ask for action under section 145 of that Code. The report shall always contain in addition to the reasons for apprehending a breach of the peace a summary of evidence, oral or documentary, which throws light on present possession.

288. (a) When circumstances arise which justify proceedings being taken against a man under section 109, Code of Criminal Procedure he should be arrested under section 55 of that Code, and if unable to furnish bail sent to the Magistrate. If, however, immediate drawing up of proceedings is contemplated, the prisoner should be forwarded to the Magistrate with the necessary witnesses, with a request to draw up proceedings at once and to take the necessary evidence. If for any exceptional reason further enquiry is considered desirable before drawing up proceedings either for the purpose of verifying the prisoner's antecedents, collecting further evidence or otherwise, the Magistrate should be moved to grant a remand under section 167, Code of Criminal Procedure. In such a case it will ordinarily be sufficient to send copies of the entries in the diary relating to the case as required by section 167(1) and witnesses need not be sent unless the Magistrate particularly wishes to examine them.

It should be borne in mind that the prisoner can only be retained in custody in default of bail for a total period of 15 days under section 167, Code of Criminal Procedure, before the actual drawing up of proceedings under section 109. In case the prisoner is remanded to jail custody without drawing up any proceedings and without any specific charge section 109, Code of Criminal Procedure, should be noted in the jail warrant. It is to be observed that the circumstances which justify an arrest are identical with those which justify proceedings and are described in practically identical terms in section 55(a) and (b) and section 109(a) and (b) of the Code of Criminal Procedure.

(b) If the Magistrate declines to grant a remand under section 344. Code of Criminal Procedure, in order that the previous history of the accused may be ascertained, when the circumstances justifying the arrest have been proved and the proceedings drawn up, the Court officer shall then move the Magistrate to require the accused to enter upon his defiance, and if the accused fails to give a satisfactory account of himself, to make an order under section 11 8 of that Code.

289. A Sub-Inspector having formed an opinion that there exists any village a habitual thief or a gang of them shall proceed to open a history sheet for them as laid down in regulation 401 and shall quietly, without making his object known, make enquiries to ascertain whether in fact the man or men are habitual thieves and whether evidence will be forthcoming against them. If he believes that evidence will be forthcoming he shall report confidentially to the Inspector and the latter. after taking orders of the Superintendent or Sub divisional Police Officer, will find out from the Sub divisional Magistrate or other Magistrate who is to take up the case, when he will be able to visit the place to make the enquiry. A fortnight or so before the date fixed by the Magistrate for going to the spot, the Sub-Inspector, accompanied by the Inspector, if possible, shall go there, examine witnesses, fill up the prescribed form, and if evidence is sufficient, arrest under section 55, Code of Criminal Procedure, the person proceeded against. If he finds that evidence is not forthcoming (but this should not often occur if he has made his preliminary enquiries carefully) the proceedings will be dropped. The persons arrested shall be sent to the Magistrate, who should he moved by the Court officer to draw up proceedings, to read them over to the accused, and to pass an order as to bail and fix an early date for the hearing of the case. On the date fixed he will go to the spot and should usually be able to finish the case on the same day.

290. (a) In cases under section 110, Code of Criminal Procedure, evidence of general repute must form the main basis of the prosecution. Under section 117(3) of the Code evidence of general repute is admissible to prove that a person is a habitual offender.

(b) The points to bear in mind in connection with evidence of repute are—

(i) That the witnesses should themselves be of good repute and in a position to know the reputation of the accused.

(ii) That they should be drawn, if possible, from different classes of the community and not only from the village of the accused, but also from neighbouring villages.

(iii) That they should be free from any suspicion of grudge against the accused. In particular, if party faction exists in the village, it must be made clear that the evidence against the accused is not due to faction.

(iv) That the witnesses should speak of their own belief and not that of other people, and that their belief carries little or no weight unless it is based on some reasonable ground.

- (c) Evidence of general repute may be corroborated by proof of—
- (i) Previous convictions.
 - (ii) Want of any known means of livelihood, or manner of living in excess of such means.
 - (iii) Association of the accused with other bad characters.
 - (iv) Absence of the accused from his house, especially at night.
 - (v) Occurrence of crimes at or near the place visited by the accused. coincident with such absence.
- (d) Evidence as to habitual or casual association with known criminals and bad characters is most important, the inference naturally being that the person who so associates is himself a bad character, and proof of association is necessary to justify more persons than one being tried together under section 117(4), Code of Criminal Procedure. Equally important also is the inference to be drawn from dacoities and other crimes occurring at or near places visited by the accused and coincide with such visits. [Vide section 11(2) of the Indian Evidence Act.]
- (e) A statement in B, P. Form No. 47 shall accompany a report under sections 109 and 110, Code of Criminal Procedure.
- (f) In the report for proceedings, no more should be stated than proposed to endeavourer to prove. Before the enquiry is held a note shall be prepared for the use of the Court officer of the evidence obtainable from records and to be given by each witness; and this evidence shall be grouped, so far as circumstances permit, according as it relates to prevalence of crime, suspicion in particular cases, movements under surveillance, association, free living without apparent means of livelihood, general repute, or any other facts it is proposed to prove.
- (g) In the case of bad-livelihood proceedings against gangs, it is essential that the evidence should not only be generally arranged in the manner described in clause (f), but it should also be clearly stated and beriefed as against each individual accused.

291. (a) When .a report is made by the master of an inland of steam-vessel under section 32 of the Inland Steam Vessels Act, 1.9 17,to the officer in charge of a police-station—

- (i) such officer shall reduce the report to writing and shall at the same time record the statement of the injured party (if any) if available;
- (ii) if the place of occurrence be within the local limits of any other police-station, such officer shall forthwith inform the officer in charge of that police-station;
- (iii) a copy of the report and of the statement (if any) shall forth- with be submitted to the Magistrate in charge of criminal work at district headquarters, or, if the place of occurrence be in a subdivision, to the Sub divisional Magistrate; provided that in cases of casualties occurring

within the limits of the port of Chittagong, such report shall be submitted to the Port Officer, Chittagong

(iv) pending the orders of the Magistrate referred to above, no arrest shall be made by the police, under Chapter XIV of the Code of Criminal Procedure, with a view to a prosecution for an offence under section 280 of the Indian Penal Code, but witnesses may be examined and their names and addresses recorded, so that it may be possible to procure their attendance if it is decided to prosecute;

(v) if the Magistrate above referred to is of opinion that an investigation under section 33 of the Inland Steam Vessel Act, 1917; is necessary, he shall submit a report of the case to the Provincial Government;

(vi) if he considers that no such investigation is required and that the facts of the case disclose the commission of an offence punishable under section 280 of the Indian Penal Code, he may direct the officer in charge of the police-station concerned to take cognizance of this offence; and

(vii) in cases of serious accidents, such as boiler explosions, or where a vessel is badly damaged, or where a doubt arises as to whether from a technical point of view the vessel is fit to ply, a copy of the first information report submitted to the District Magistrate or the Sub divisional Magistrate concerned shall be furnished to nearest Marine authority, viz., the Principal Officer, Mercantile Marine Department, Calcutta, or the Nautical Surveyor, Chittagong, according as the place of accident is near Calcutta or Chittagong.

(b) If the officer in charge of a police-station receives information relating to the commission of an offence under section 280 of the Indian Penal Code by the master of an inland steam-vessel, he shall adhere to the following rules, namely:—

(I) if he has reason to believe, either on information received under clause (II), or on other grounds, that a report has been made by the master of the inland steam-vessel concerned to the officer in charge of some other police-station under section 32 of the Inland Steam Vessel Act, 1917,—

(i) he shall reduce the information, to writing and shall take steps to secure the names and addresses of witnesses and to safeguard any property produced;

(ii) he shall also submit a copy of the information forthwith to the Magistrate described in clause (a)(iii);

(iii) pending the orders of the above Magistrate he shall not make any arrest under Chapter XIV of the Code of Criminal Procedure, with a view to a prosecution for an offence under section 280 of the Indian Penal Code;

(II) if he has no reason to believe that such a report has been made, he shall proceed to investigate the case under Chapter XIV of the Code of Criminal Procedure. (Bengal Government Notifications No. I 792J., dated the 16th June 1912, and No. 31331., dated the 14th July 1913.

292. (a) Under the orders of the Central Government (i) on the occurrence of a serious affray between British soldiers and villagers, (ii) in all cases in which there is reason to suspect that an Indian has met his death at the hands of a British soldier, the investigation shall be conducted at once on the spot by the Superintendent, unless the District Magistrate himself investigates or orders a European Civil officer to investigate.

(b) With the assistance of military officers, immediate and full enquiry among the soldiers shall be made in such cases. The military authorities are under the absolute obligation of giving immediate information to the civil authorities and of assisting them in the investigation. Magistrates- of districts should also co-operate with regimental officers in conducting investigations in these cases.

(c) The post-mortem examination of an Indian who is suspected to have met his death at the hands, of a European, shall invariably be made by the Civil Surgeon, except where this is not possible, owing to the Civil Surgeon being at too great a distance from the scene of the occurrence.

(d) In every instance, prompt information of the occurrence shall be sent, where possible- by telegram, to the Civil Surgeon of the district as well as- to the District Magistrate and: the Superintendent.

293. (a) Bills for expenses of witnesses who are not servants of the Crown for diet money and the cost of travelling by railway or long distances by boat or road in the interests of police investigations shall be sent to the Superintendent for sanction and payment. Such expenses should only be incurred in cases of considerable importance.

(b) The bills after being passed by the Superintendent shall be paid from his contract contingent grant and the amount made over to the witness concerned, if he is present, or sent to the Superintendent of the district, or to the officer in charge of the police-station, in which the witness resides, to be paid to the person entitled to the sum. A receipt for the amount paid shall in all cases be taken from the actual payee.

(c) Superintendents, when passing these bills, shall see the police officers have not neglected their duty of themselves going to the scene of the crime and interrogating the witnesses there. The true object of the rule is to provide for those important cases in connection with which, the witnesses have to be brought from other districts to identify accused persons or to describe on the spot the progress of events connected with the crime. The bills should. be passed and cashed with all possible promptitude.

(d) All charges incurred by police escorts on account of travelling and diet expenses of witnesses arrested under warrants issued by criminal courts under section 92 of the Code of Criminal Procedure shall be recovered from the courts.

(e), All legitimate expenditure of investigating officers, as well as all necessary expenditure incurred in the investigation of cases which cannot, under the existing rules, be paid from other sources or recovered from the courts, shall be paid by the Superintendent from the contract contingent grant and shall be recorded under a detailed head "Police investigation charges."

NOTE.—Clause (e) of the rule covers expenses such as—

- (i) travelling and diet expenses of witnesses attending police enquiries, who are not required to appear before the court;
- (ii) subsistence allowance or travelling expenses of informers and approvers;
- (iii) diet expenses of choukidars and dafadars called in from distant beats to help in the investigation of cases: and
- (iv) hire of conveyances for bringing, important personages to the scene of occurrence to help in investigation.

294. Instructions for the guidance of police officers in sending documents for examination by the Government Examiner of Questioned Documents and requiring his attendance in law courts are laid down in Appendix XVII.

295. (a) The services of the Criminal Intelligence Bureau of the Criminal Investigation Department shall be utilised as far as possible for obtaining information regarding particular classes of crime and criminals. Every investigating officer shall carefully study and observe the rules on the subject contained in chapter IX.

(b) In every case in which a refernee is made to the Criminal Intelligence Bureau, no matter whether such reference has proved successful or otherwise, a further or final report shall be submitted showing briefly the result of the case, to enable the officer in charge of the bureau to make necessary additions or corrections to his records.

(c) Besides referring to the Criminal Intelligence Bureau for information all officers should also bear in mind the necessity for furnishing information for record, and after the disposal of any case of the kind referred to in the first paragraph of clause (a) of regulation 633 a note of the case with details of the modus operandi and of the person accused or suspected, should be sent by the investigating officer to the officer in charge of the bureau for record. See also regulation 189(t).

NOTE.—For information regarding excise and opium smugglers, application should be made direct to the Superintendent, Excise Intelligence Bureau, Bengal, who will supply any information available.

296. (a) The services of the Photographic Bureau of the Criminal Investigation Department shall be utilized as far as possible for the examination of finger marks left behind by criminals in the act of committing offences. The expert in the bureau is able to intensify impressions which

are scarcely visible to the ordinary observer, and to examine them with a view to establishing their identity or otherwise with the impression of suspected persons.

(b) Every investigating officer shall observe the following instructions —

(i) Finger marks should invariably be looked for on glass, metal, polished wood, or lacquer work. Torches abandoned by dacoits should always be carefully examined, as good linger impressions are not infrequently found on the charred surface of the torch; upon bottle torches such impressions are usually very clear. The fact that glass forms the best medium for finger impressions is of importance also in cases in which prostitutes are dragged for the purpose of robbery, the liquor being usually administered in an ordinary tumbler or bottle. In burglary cases finger impressions are often to be found on the bamboo matting near the point of entry, or on door-posts, and the portion on which the linger impression is found should be carefully cut out and forwarded for examination. In cases of murder immediate search should be made for bloodstained finger impressions. All investigating officers are supplied with a magnifying glass, which they should invariably carry with them on investigations.

(ii) Finger marks on glass, polished wood, metal and lacquer work may be intensified by sprinkling the surface with a small quantity of a powder, known to chemists as “Gray powder”, which should then be gently shaken Or brushed off with a camel hair brush. Should the substances be white in colour, such as paper, wood, etc., “Graphite” may be used instead of “Gray powder”. This treatment has the effect of making visible impressions which cannot be seen with the naked eye. Articles which may have been handled by criminals should always be treated in his way, if possible. These powders may be obtained from Bathgate & Co., Calcutta. Steps should be taken by the Superintendent to supply all police-stations with phials of “Gray powder” and “Graphite”, the expenditure being met from the contract grant. Inspecting officers are required to see that their officers understand and follow these instructions.

(iii) Objects appearing to bear impressions should be forwarded to the Criminal Investigation Department for opinion. Greate care should be taken not to make other finger impressions on any such article forwarded. It should not be handled unless absolutely necessary, when something with a smooth surface should be slipped under neath. The article should be carefully lifted into the box in which it is to be packed, and nothing with a rough surface should be allowed to come into contact with the portion bearing the finger impression. Particular care should be taken in following these instructions in forwarding tumblers in poisoning and drugging cases.

(iv) In important cases, or when exhibits are very heavy or large, they may be sent down by special messenger. Ordinarily the package should be sealed and sent by registered post to the Assistant to the Deputy Inspector-General, Criminal Investigation Department. A label should be attached to each article, giving the name of the police-. station, name of district, and the name of the officer forwarding the package, and every care should be taken that the identity of the exhibit can be proved, as in the case of articles sent to the Chemical Examiner.

(v) When impressions are left on articles like safes or on walls, a telegram should be dispatched to the Criminal Investigation Department asking for the services of an expert to intensify the impression, care being taken in the meantime to protect it.

NOTE.—Regarding the submission of the finger prints of deceased persons see regulation 313.

297. Instructions for the guidance of police officers in making requisitions for expert opinion and in sending exhibits for examination in connection with the investigation of cases are given in Appendix XVIII.

298. With a view to facilitate enquiries and avoid delays officers in charge of police-stations in British districts shall send the following communications direct to police-stations in the Indian States of Cooch Behar, Tripura and Orissa:—

Enquiry slips.

- | | | | |
|-------|--|--------------|--------|
| (ii) | Hue-and-cry | | slips. |
| (iii) | | Verification | rolls. |
| (iv) | Applications for certified copies of previous convictions. | | |

Correspondence in matters relating to conviction rolls of accused persons and police enquiries regarding suspicious and bad characters should be addressed by Superintendents direct to the Superintendent of Police of various districts of the Jaipur State in Rajputna. The Superintendents of Police of Jaipur will similarly address such correspondence direct to the Superintendent concerned in this Province.

Delays in receiving replies, if of an exceptional nature, should be reported to the Inspector-General.

299. (a) Immediately after receipt of information of a death occurring in any of the circumstances mentioned in section 174, Code of Criminal Procedure, a First Information Form shall be submitted in B. P. Form No. 48. The information shall be recorded in the same manner as a first information in the case of cognizable crime.

(b) A Sub-Inspector, Assistant Sub-Inspector or head constable V, shall then proceed to the place where the body of the deceased person is, and after making the investigation prescribed in section 174, Code of Criminal Procedure, and making such further enquiry as may be necessary, shall submit his final report to the nearest Magistrate empowered to hold inquests. The investigation report signed by the police officer and two or more respectable persons, as required by section 174 of that Code, shall be attached to the final report. (See regulation 300.)

(c) Case diaries shall be submitted in enquiries into unnatural or suspicious deaths only if the enquiry lasts more than one day. But if the police officer making the enquiry finds reason to suspect the commission of a cognizable offence, the enquiry becomes one under section 157, Code of Criminal Procedure and case diaries shall be submitted.

(d) Where several persons meet their death by the same accident, there shall be a separate report on each body, but not necessarily a separate first information or final report.

(e) One copy of the first information report and final report shall be kept at the police-station. The number of the corresponding entry in the death register and register of persons killed by wild animals shall be noted at the top.

(f) The following procedure shall be observed in connection with deaths occurring in hospitals situated in Calcutta from injuries sustained within the jurisdiction of the Bengal Police:-

In all cases where a person seriously injured is sent from a mufassil police-station to a hospital in the town or suburbs of Calcutta, a note showing brief facts of the case together with names and addresses of witnesses who will prove facts in connection with the injury should be sent by the Bengal Police-station concerned to the officer in charge of the Calcutta Police section where the hospital is situated. Further, a relation of the injured man or a constable of the Bengal Police-station concerned should stay in the hospital or in the neighborhood in order to identify the body at the time of post-mortem in case of death.

The investigation shall be held by the officer in charge of the Calcutta Police section, before whom the officer in charge of the Bengal Police-station concerned shall produce all available evidence to enable him to arrive at a definite conclusion regarding the cause of death.

300. (a) Assistant Sub-Inspectors and junior Sub-Inspectors subordinate to an officer in charge of a police-station are empowered to act under Section 174(1) of the Code of Criminal Procedure. Assistant Sub-Inspectors is available, nor shall they make enquiries in any case in which the information or the circumstances indicate the possibility of the death being the result of foul play.

(b) Constable cannot make an enquiry; but when no other officer is present at the station, the senior constable shall proceed to the spot, take charge of the body, note its state, and make all arrangements for its dispatch, in case the enquiring officer desires to send it for examination.

301. (a) When a president or a selected member of a panchayet or the president or vice-president or a selected member of a union board who is authorized by the District Magistrate to enquire into the circumstances of unnatural deaths in which there is no suspicion of suicide or foul play, makes such an enquiry, he shall forward a report signed by two relatives of the deceased, or if there are none available, by presidents by two respectable inhabitants of the neighborhood to the officer in charge of the police-station (within the limits of which the death occurred) who shall forward the report to the Court officer, through the Circle Inspector unless there is any obvious error or irregularity in the report in which case he will record the first information and return the report to the sender for correction. On receipt of such report the officer in charge of the police-station shall not proceed to the spot or hold an enquiry, unless he has reason to suspect the occurrence of suicide or foul play.

(b) Similar enquiries subject to the same conditions as prescribed above may be made within their respective jurisdiction in forest areas (except of the Darjeeling division), where there is no

chaukidari union or union board, by Sub divisional Forest officers or Range officers who may be authorised by the District Officer for the purpose.

302. (a) A police officer empowered to hold enquiries, who or receives information that a European soldier or officer of the Army has committed suicide, or has been killed, or has died in the circumstances mentioned in section 174(1) of the Code of Criminal procedure shall not proceed to the spot, but shall confine his action to sending an immediate report to the nearest Magistrate empowered to hold inquests.

(b) When a person dies in the custody of the police, the officer empowered to hold enquiries, who receives notice of his death, shall send information at once to the nearest Magistrate, but he shall not refrain from commencing an inquiry under section 174 of that Code himself. Information shall also be given by telegram, if possible, to the Superintendent and, if not, by the quickest means of communication available.

303. In investigating unnatural and suspicious deaths, the direction in Appendix XIX shall be observed by the police with a view to obtaining as much medico-legal evidence as possible. The instructions contained in "A Guide to Medical Jurisprudence" by Col. R. N. Campbell, C.B, C.I.E., shall also be followed according to the requirements of each case.

304. (a) When a corpse is sent in for post-mortem examination, it shall be accompanied by a copy of the surat hal report and a chalan in duplicate in B. P. Form No. 49 one copy of which shall be addressed to the Court officer who shall forward it to the Superintendent and the other copy to the medical officer holding the post- mortem examination. All corpses shall be sent to the headquarters of the district, unless the medical officer at the subdivision has been authorised by the Provincial Government to conduct post-mortem examinations. Post-mortem examination shall, as usual be done in cases of infectious diseases, e.g., tetanus, plague, small-pox, etc., whenever required by the police.

(b) The chalan shall contain the date and hour of the actual dispatch of the corpse, an accurate description of it, a statement of the apparent cause of death, the circumstances, if any, which give rise to any suspicion of foul play and an accurate list of clothes and articles sent in with the corpse..

(c) When sending a corpse for post-mortem examination, a sufficient quantity of powdered charcoal shall be placed next to it and a sheet wound round it, and in all cases wherever a charpoy can be obtained, the-corpse shall-be carded upon it and shall not be slung on a bamboo.

305. (a) The corpse shall be sent in charge of a trustworthy constable whose name, together with those of the bearers and others accompanying it, shall be recorded in the chalan.

(b) The constable shall be given a command certificate, on which the date and hour of his arrival shall be noted by the medical officer.

(c) A constable in charge of a corpse shall be given strict orders not to loiter on the -road but to take it by nearest route direct to the dead-house.

(d) After leaving the body at the dead-house, he shall immediately deliver the Surat hal report and one copy of the chalan to the Civil Surgeon (at headquarters) or Assistant or Sub-Assistant Surgeon (at subdivisions). He shall obtain on the second copy of the chalan the medical officer's endorsement of the date and hour of his arrival and deliver it to the Court officer, who shall forward it immediately to the Superintendent or Sub divisional Police Officer, as the case may be.

306. (a) On completing the post-mortem examination the medical officer shall fill up the whole of the B. P. Form No. 50 in triplicate by the pen-carbon process. One of the carbon copies shall be sent to the investigating Officer through the constable who brought the corpse. The original report with the Chalan form and surathal shall be forwarded to the Superintendent, direct or in the case of a subordinate Medical Officer, dispatched to the Superintendent, through the Civil Surgeon for his remarks. The Superintendent shall then forward the report to the Court officer to lay before the Magistrate concerned. The register of post-mortem examinations shall be kept by the medical officer.

(b) Police officers shall refer to the Civil Surgeon if they have any doubt in regard to any part of the medical report.

307. (a) The police officer sent in charge of a corpse need not be present throughout the details of the post-mortem examination. It will suffice if he stands sufficient near to be able to testify that the body which had been in his charge was the one examined by the medical officer. He should be present at the court when the medical officer's testimony as to the result of the examination is given, in order that the identity of the body examined, with the body to which the criminal case relates, may be established, if necessary.

(b) When possible, investigating police officers should be encouraged to attend the post-mortem examination.

(c) When a Magistrate in seisin of a case considers, for reasons to be recorded in writing, the presence of another medical practitioner to be essential in the interest of justice, one or more medical practitioners to be selected by the Magistrate, may be allowed to be present as witnesses at an autopsy or other medico legal examination conducted by a medical officer in the service of the Crown in connection with the case.

308. Expenses incurred in transmitting corpses or wounded or sick persons to the medical officer for examination or treatment in all cases, railway included, shall be met by the Magistrates, and not from the police budget. In railway cases the bills shall be sent to the Magistrate through the Court officer, and the latter shall see that the bills are passed and paid without unnecessary delay.

309. On the East Indian, Bengal-Nagpur and Bengal and Assam Railway accommodation for the carriage of dead bodies to post centres is provided, without prepayment of fees, on requisition to the station-master of the nearest railway station by an officer not below the rank of

an officer in charge of a police-station or, in his absence, by the senior police officer present at the police-station.

The freight of a dead body shall be paid later by the District Magistrate on receipt of a bill from the station-master from whose station the body was dispatched. The requisition to the stationmaster should be made in B. P. Form No. 51 which officers in charge of police-stations should keep in stock for use when occasion arises.

310. The final disposal of the body rests with the Magistrate or the municipal authorities, according to local arrangements. Charges incurred by the police for the disposal of bodies of persons who have died within railway limits and are not claimed by their friends, shall be paid for by the Magistrate from his district budget.

311. (a) When an animal has died or has been injured and the commission of a cognizable offence is suspected, a Magistrate or a police officer not below the rank of Sub-Inspector or an Assistant Sub-Inspector if he is an officer in charge of a police-station, is authorised to require a veterinary assistant, where such an officer is available, to perform a post mortem or clinical examination. When the circumstances of the case require it, the veterinary assistant will also superintend the removal and - dispatch to the Chemical Examiner of the viscera of the animal, and the expenditure incurred on that account shall be met by the Magistrate out of his contingent grant. (Vide rule 64 of the Bengal Veterinary Manual.)

NOTE. —Regarding the fees payable to veterinary assistants for such examinations, which are payable by the Magistrate, see rule 65 of the Bengal Veterinary Manual.

(b) In places where there is no veterinary assistant, or when that officer is absent on tour or otherwise not available, the Civil Surgeon shall perform the post mortem examination, and shall, when necessary, superintend the removal and dispatch of the viscera to the Chemical Examiner.

312. (a) When a wounded person is sent in for medical examination, a report in Bengal Form No. 3865 shall be sent to the medical officer.

(b) The rules relating to duplicate chalans and sending intimation to the Superintendent, the Civil Surgeon, and the station police, in post mortem cases shall be observed in cases of wound or injury.

(c) Medical officers' reports in B. P. Form No. 50 and Bengal Form No. 3865 need not be attached to the final form, or form part of the Magistrate's record of the case, as such reports are not legal evidence.

(d) Wounded persons brought into a station by the police but not charged with any offences shall be sent, unless they object, to the, nearest charitable hospital or dispensary, sub divisional hospital or headquarters hospital, as the case may be, and the expenses incurred in sending them there shall be met by the Magistrate. Those brought in police custody and charged with an offence, shall be treated in the jail hospital, unless they are released on bail, in which case they may be sent to the charitable hospital only by order of the Magistrate.

(e) In serious cases police-station officers shall send wounded persons, not required to be kept in custody, without any delay, direct to the nearest charitable hospital with indoor accommodation for first aid. Such cases can subsequently be removed for treatment to the hospital at sub divisional headquarters, where all cases which are not of a serious nature shall be taken for treatment from the beginning (for expenses see regulation 308.)

If a wounded person in a medico-legal case declines to go to hospital or is too ill to be removed to hospital the police shall requisition the services of the nearest medical officer in the service of the Crown for the purpose of obtaining a medico-legal certificate.

If no medical officer in the service of the Crown is available, there the doctor of a Local Fund dispensary or a private registered medical practitioner may be called in to make the examination for the purpose of a medico-legal certificate and paid a fee not exceeding Rs.4 from the contract contingent grant of the Superintendent concerned.

(f) If a case of wound or injury is a dangerous one, the investigating officer shall take immediate measures to have the injured man's statement recorder by a Magistrate. (See regulation 266.)

(g) The consent of an injured person is necessary to his removal to hospital.

(h) On no account shall women be subjected to medical examination without their consent.

313. (a) Where the identity of a corpse, or of a person killed by accident or who met with death under suspicious circumstances or of in the act of committing dacoities, burglaries or other offences has not been fully ascertained by ordinary inquiries, the finger prints should bodies tow search be taken on finger print slip form (B. P. Form No. 52) and sent to the Finger Print Bureau for search together with a search reference slip (B. P. Form No. 53).

(b) Ordinarily there is not much difficulty in taking impressions from the fingers of a corpse, but it sometimes happens that the skin of the fingers is so contracted and wrinkled that decipherable prints cannot be obtained. In such cases the medieni officer holding the post mortem should be asked to remove the skin from the fingers. The pieces of skin from the ten digits should then be carefully enclosed in separate numbered envelopes and sent to the bureau for examination.

(c) The finger prints of unidentified bodies should invariably be taken under the supervision of an officer not below the rank of a Sub Inspector. Finger prints of all digits must be taken, even if it is necessary to remove the skin of the fingers; and the supervising officer will certify by his signature on the search slip that the impressions have been correctly taken in his presence. The supervising officer will further note in the remarks column of the search slip the condition of the body, whether in an advanced stage of decomposition or otherwise.

(d) The transmission of finger impressions of unidentified prisoners does not dispense with the necessity of the local enquiry as to the identify of prisoners ordered in regulations 454 and 458.

(e) In all cases of murder or suspicious death, where an examination of the surroundings discloses, or may possibly subsequently disclose, anything in the shape of finger marks, blurred or otherwise, on any article which might reasonably be expected to have been touched by the victim, the finger prints of the deceased shall invariably be taken for purports of comparison with the finger impressions found on such article (picked up at the scene of the murder).

Finger impressions of deceased persons shall invariably be taken, as -quickly as possible after the arrival of the investigating officer at the spot as owing to decomposition which is rapid in India, delay might render the taking of distinct impressions impossible.

NOTE.—Duplicate finger-print slip shall be taken and submitted to be Finger Print Bateau for search if it is found that for unavoidable reasons and after exercising all possible care the impressions of the subject remain blurred and indistinct

314. (a) In addition to taking the finger impressions of Unidentified corpses, as laid down in regulation 493, such corpses shall, whenever possible, be photographed with a view to tracing their identity. Such photographs shall, whenever possible, be of half-plate size.

(b) If a competent photographer cannot be arranged for locally, a photographer will be deputed from the Criminal Investigation Department on receipt of a requisition by wire. To save time, such requisitions may be sent from police-station officers direct, but a wise discretion shall be exercised, and they shall be sent only when the corpse is identifiable and there is reason to believe that the photographer will arrive before the corpse -is unrecognizable owing to decomposition.

(c) When it is necessary to photograph an unidentified, corpse, the whole body should be included in the photo, the corpse being placed in such a position that all scars and similar marks of identification' are clearly visible. This is especially important in cases where the features are in any way disfigured. Distinguishing marks on the body are much surer means of identification than articles of clothing, and as they disappear with the corpse, a full and accurate record of them is necessary.

(d) Whenever an unidentified corpse is photographed, particulars of the subject, as far as they are known, shall be clearly written on the back of the photo. [See regulations 638 and 639.]

315. (a) Warrants directed to an officer in charge of a police- station for execution under section 77, Code of Criminal Procedure, shall be addressed to him either by name or by title of his office Section 79 of the Code prescribes that all subsequent endorsements shall be by name. If, therefore, the officer to whom the warrant is addressed desires to entrust the execution of the warrant to some other police officer the endorsement shall be by name, His authority to endorse shall be made clear by addition of -the words "officer in charge" after his signature. An officer

below the rank of Assistant Sub-Inspector, unavoidably left in charge of the police station has no power to endorse a warrant.

(b) The officer entrusted with the service of a warrant shall be informed of the date on which he is required to return; and on his return, the warrant, if it has been executed, shall be returned to the Court officer, with a report endorsed on its back by the officer in charge of the police-station, stating how and by whom it has been served.

(c) Warrants endorsed for bail (see section 76, Code of Criminal Procedure) shall, whenever possible, be executed by a police officer who can read and write. Bail bonds taken shall be returned with the warrants.

(d) Warrants issued against railway servants shall be entrusted to some police officer of a superior grade, who, shall, unless immediate execution is necessary, communicate with the Railway Police. For instructions regarding the arrest of railway servant see regulation 593.

316. (a) The powers of arrest without warrant possessed by police officers are laid down in sections 54, 55, 57(1), 128, 151 and 401(3), Code of Criminal Procedure. A telegram may be considered to furnish credible information of a person having been concerned in a Cognizable offence. "Cognizable offence" is defined in section 4(1), Code of Criminal Procedure.

(b) An officer in charge of a police-station has no legal power to summon before him any person accused of an offence. The only manner in which he can enforce the attendance of such person before him, is by arrest, and without an arrest of the attendance or detention of- an accused person cannot, under any circumstances, be compelled. It is, therefore, to be understood that, whenever an accused person is sent for and made to attend before an investigating officer, he is to be considered as having been arrested, and to be entered in the return accordingly. The manner in which arrest is to be made is described in sections 46 to 48 and section 53, Code of Criminal Procedure. No person who has been arrested may be discharged except on bail, or on his own recognizance, or under the special orders of a Magistrate (See section 63 of the Code.)

(c) "Police custody" includes custody on the authority of the police; every person who is kept in attendance to answer a charge in such a way that he is practically deprived of his freedom shall be considered- as in custody. A police officer who, without himself arresting person, directs- some of the neighbors to take charge of him, shall be responsible in the same way as if he had made the arrest himself. Requiring a person's attendance by letter and deputing a constable to accompany him with orders to prevent him from speaking to any one amounts to an arrest.

(d) The attention of all officers is drawn to section 25 of the Criminal Tribes Act, 1924 (VI of 1924), which provides for the arrest without warrant of a registered member of a criminal tribe, whose movements have been restricted or who has escaped from a Settlement or School, if

found in a place beyond the area prescribed for his residence, and for the removal of such member for his prosecution under section 22(1) of the said Act, to the district in which he should reside or to the Settlement or School from which he escaped.

317. (a) The police shall be careful to abstain from unnecessary arrests. In petty cases it is hardly ever necessary to arrest on suspicion during the course of an enquiry, and never necessary to arrest after the enquiry is over, when the case is not to be sent up. In heinous cases it is different. Police officers should not hesitate to arrest on suspicion. Having made the arrest they shall send the accused to the nearest Magistrate in the manner laid down in regulation 324 or else release him on bail.

(b) A free use shall be made of the discretion given by section 497(2), Code of Criminal Procedure, to accept bail in non-boilable cases. It shall be borne in mind that under section 54 of that Code, "reasonable suspicion" will justify the arrest of an accused person, but that unless the evidence is sufficient to constitute "responsible grounds for believing in his guilt", the arrest should be at once followed by an offer of release on bail under section 497(2) of the Code.

318. When the immediate arrest of persons employed in a public utility service (such as the Telegraph or Postal service) would cause risk and inconvenience to the public, the investigating officer shall make arrangements to prevent escape and apply to the proper quarters to have the accused relieved. In cases where immediate arrest can be made, without risk or inconvenience to the public, notice of the arrest shall at once be sent to the official superior of the accused to enable him to arrange for his duties,

319. Whenever any one subject to the Indian Articles of war is arrested, notice shall be given forthwith by the police to the officer commanding the troops to which he belongs.

320. An Army deserter shall on arrest or surrender be taken to the nearest police-station where, the officer in charge shall make out a certificate in B. P. Form No. 54, specifying the date and place of arrest or surrender. This certificate must be signed by the officer in charge who shall record below his signature the words "officer in charge" and the name of the police-station, and shall be sent without delay to the officer commanding the unit to which the deserter belongs.

The deserter shall then be taken, (i) if a deserter from the British Army, to the nearest Justice of the Peace (cf. Secs. 22 and 25, Code of Criminal Procedure); (ii) if a deserter from the Indian Army, to the nearest Magistrate, either of whom shall prepare a descriptive return and make a summary enquiry preliminary to handing him over to the military authority.

321. (a) When a person arrested has to be kept in custody, and is in such a state of health that he cannot be removed without serious risk to himself or others, the officers making the arrest shall make suitable arrangements for procuring medical aid for him.

(b) When it is necessary to provide medical aid for a prisoner the nearest medical officer in the service of the Crown should be called if he is within reasonable distance; but when no medical officer in the service of the Crown is within reasonable distance the nearest private medical practitioner should be employed, and his services paid for, The officer in charge of the

police-station shall submit a bill for payment through the Superintendent to the District Magistrate, will meet the charge from his contingencies.

322. When persons are searched under section 51, Code of Criminal Procedure, and the police take charge of articles, a receipt shall be granted to the prisoners. A list of the property shall be attached to the charge-sheet form or to the case diary or the final report of the case. When such property is sent to the court, full information concerning it shall be given to enable the Court officer to fill in the malkhana register.

323. (a) A warrant of arrest of an accused person remains in force, and shall be retained at a police-station, till the arrest is made or the individual surrenders, or till the warrant is formally cancelled or withdrawn by the court which issued it.

(b) When a police officer to whom a warrant has been entrusted for execution, fails to find the accused person, and has reason to believe that he has absconded or is concealing himself, and the -warrant cannot be executed, he shall submit a³report in writing, stating clearly the reason for such belief.

(c) He shall also, in all except petty cases, make a list of the property movable or immovable belonging to the absconder, and after obtaining the signature of the Panchayet or President of the union board or of some other respectable witness on the list, shall send it with a warrant report form (B. P. Form No. 55), to the Magistrate. in the case of persons who are absconding at the time of submission of a charge-sheet this list shall be submitted together with the charge-sheet so that an order of attachment may issue immediately.

(d) A Magistrate issuing a warrant is required to fix a date by which the warrant is to be executed, or failure to execute reported. If it is not possible to return the warrant duly executed to the issuing court 'by the date fixed in the warrant, the officer in charge of the police station to whom the warrant has been addressed or endorsed, shall submit, so as to reach the issuing court not later than the morning of the date fixed, a report in B. P. Form No. 55 stating the reason why the warrant has not been executed. If the accused is absconding, he shall also send with his report to the original report, referred to in clause (b) above, of the officer to whom the warrant was the absconder. It will then rest with the Court officer to apply for proclamation and attachment, if necessary.

(e) The officer to whom the execution of the warrant was entrusted, shall, if necessary, be sent with the report referred to in cause (d) above so that his statement can be recorded with a view to taking proceeding under section 87, Code of Criminal Procedure.

(J) An unexpected warrant for the arrest of a witness in form No. VII, Schedule V, Code of Criminal Procedure, shall be returned to the Magistrate on the date fixed therein, so that he may take any further steps he may think advisable.

(g) Unexecuted warrants for the arrest of accused persons shall be kept in a file until they are arrested or the warrants are cancelled or withdrawn

(h) A register of warrants of arrest shall be maintained at each police station in B. P. Form No. 56.

324. (a) Section 61, read with section 167 of the Code of Criminal Procedure, requires that an accused shall be sent forthwith to the nearest Magistrate, together with a copy of the entries, in the case diary if the enquiry be not completed within 24 hours of his arrest; but in no case shall the accused remain in police custody longer than under all the circumstances of the case is reasonable.

(b) The High Court have issued the following orders regarding remands: -

“The attention of all Magistrates is invited to the provisions of Section 167 of the Code of Criminal Procedure and to the importance of exercising a sound judicial discretion in the matter of granting or refusing hereunder. Orders under this section, it is to be observed, should be made in the presence of the prisoner and after hearing any objection he may have to make to the proposed order. When further detention is considered necessary the remand should be for the shortest possible period. Application for remands to police custody should be carefully scrutinized and in general should be granted only when it is shown that the presence of the accused with the police is necessary for the identification of persons, the discovery or identification of property, or the like special reason. In particular, the court is of opinion that applications, if ever made, for the remand to police custody of a prisoner who has failed to make an expected confession of statement should not be granted.”

(c) When the conditions justifying a remand to police custody exist the station officer shall forward the accused to the nearest Magistrate (whether or not he has jurisdiction to try the case) together with a copy of his case diary and report the matter to the Superintendent

(d) The grounds upon which the remand is needed shall be distinctly stated in the application to the Magistrate

(e) An application for a remand to police custody shall not be treated as a matter of routine and of little importance. It shall be made to the Sub divisional Magistrate through the chief police officer present at the district or sub divisional headquarters.

(f) No order remanding an accused person to police custody shall be passed by an officer of lower status than a Magistrate of the 2nd class and application for remands shall be made to Magistrate of the required status only.

(g) The exercise of the power to remand a prisoner to police custody shall be restricted to stipendiary Magistrate of the required status and in their absence, to Honorary Magistrate of the 1st class with single sitting powers.

(h) When the object of the remand is the verification of the prisoner's statement he should be remanded to the charge of a Magistrate.

- (i) The period of remand shall be as short as possible.
- (j) Whenever an application for the remand of an accused person to police custody is made, he should invariably be produced before the Magistrate. Such an application should be made at the earliest possible moment and subsequent applications for further remands to police custody, where necessary, should be made in continuation of the former. An under-trial prisoner cannot remain in police custody after 15 days have elapsed from the date of his first production before the Magistrate.

325. (a) Rules for the pursuit, arrest and extradition of offenders who have escaped from British India to State territory, or vice versa, are given in Appendix XX.

(b) The procedure for securing the extradition of an offender Territory, from or to French Chandernagore is laid down in Appendix XXI.

326. (a) If it is necessary to secure the attendance of a person accused of a non-extraditable offence who has taken refuge in an Indian State included in the Eastern States Agency, the trial court should be moved to issue a letter of request through the Resident to Durbar concerned asking them to procure the attendance of the offender (vide Bengal Government order Nos. 4225-4254P., dated 12th April 1938). Warrants and summonses issued by British Indian courts in such cases have no legal validity in the States.

(b) A list of the States included in the Eastern States Agency, together with the addresses of their respective Political Agents is given in Appendix XXII.

327. (a) The accommodation of each lock-up shall be based on the scale of 36 square feet per prisoner.

(b) A notice in English and vernacular shall be hung up outside the lock-up at every police-station and post showing the maximum number of male or female prisoners which the lock-up is authorized by the Provincial Government to accommodate.

(c) The authorized number shall never be exceeded; and any excess shall be accommodated in a convenient building under an adequate guard.

328. (a) The officer in charge of a police-station or post shall be responsible for the safe custody of all prisoners brought to the station or post

(b) Before admitting prisoners to a police lock-up he shall carefully examine the person of the prisoner for any signs of injury, and record in the general diary a full description of any marks of injury found on him; if necessary calling independent witness from the neighborhood to witness the existence of the injuries at the time of admission to the lock-up.

Note.—The object of this regulation is to protect police officers against charges of torture founded on injuries received before the prisoner came into the hands of the police.

(c) He shall also search the prisoner and remove everything from his possession, except articles of wearing apparel, and shall give the prisoner a receipt for all articles taken from his possession. (See regulation 322). Glass, conch-shell or iron bangles shall not be removed from the person of female prisoners. He shall allow the prisoner to take only strictly necessary clothing into the lock-up.

(d) He shall then enter and examine the lock-up and see that no weapons or articles that can facilitate escape or suicide, such as bamboos, ropes, tools, etc., are in or within reach of the lock-up.

329. (a) On the arrival of a prisoner, the officer in charge shall note the fact in the general diary and shall tell off a guard and place an Assistant Sub-Inspector, a head constable or a senior constable in charge. He shall enter the names of the Assistant Sub-Inspector, head constable or senior constable and the constables detailed and their hours of duty in the general diary. [See regulation 237(f).]

(b) At the time of relieving sentries, the officer in charge, officer guard and the relieving sentry shall count the prisoners and see that all is well.

(c) The key of the lock-up shall remain with the sentry, and except in urgent cases, such as an outbreak of fire, he shall not unlock the door without first calling the officer in charge of the police post.

(d) The sentries on duty between sunset and sunrise shall be provided with a lantern, which shall be kept burning brightly at a safe distance from the door, but in such a position as to illuminate the interior of the lock-up.

(e) If it be necessary to open the lock-up or to take out a prisoner, the officer in charge of the police post shall be called and the assistance of other constables taken, if necessary.

(f) Prisoners shall be taken out to relieve nature at as late an hour as possible before officers retire to rest, in order that it may not be necessary to open the lock-up again during the night. Before being taken out they shall be secured with leg-shackles, hand-cuffs or rope. They shall not be allowed out of sight; and when relieving nature shall be attached by means of a rope to a constable.

330. (a) Prisoners arrested by the police for transmission to a Magistrate or to the scene of an enquiry, and also under-trial prisoners, shall not be subjected to more restraint than is necessary to prevent their escape. The use of handcuffs or ropes is often an unnecessary indignity.

In no case, shall women be handcuffed; nor shall restraint be used to those who either by age or infirmity are easily and securely kept in custody. Witnesses arrested under section 171, Code of Criminal Procedure, shall, in no circumstances be handcuffed.

Inailable cases prisoners should not be handcuffed unless violent and then only by the order of the officer in charge of the police-station, the reason for the necessity of this action being entered in the general diary and in the certificates in B. P. Form No. 57.

In non-bailable cases, the amount of restraint necessary must be left to the discretion of the officers concerned, in certain circumstances the use of handcuffs may not be necessary to prevent escape but, if for instance, the prisoner is a powerful man in custody for a crime of violence, or is of notorious antecedents, or disposed to give trouble, or if the journey is long, or the number of prisoners is large, handcuffs may properly be used. Escort should, in any case, be supplied with handcuffs for use, should necessity arise.

(b) In the case of two prisoners whom it is necessary to handcuff, they will be handcuffed in couples, the right wrist of one to the left wrist of the other. In no circumstances should more than two prisoners be secured together.

(c) In all cases in which the use of handcuffs is allowed and considered necessary, and when no proper handcuffs are available, the prisoners may be secured by ropes or pieces of clothing. These shall be so 'tied, as not to interfere unduly with proper circulation, and shall be replaced by handcuffs as soon as possible.

(d) Great caution shall be exercised at all times in the removal of handcuffs and other fastenings from prisoners en route whether by land or water.

(e) Handcuffs shall be kept in good order. If broken, they shall be mended or replaced without delay.

331. The regulations in Chapter XI for the escort of convicts apply generally to the guarding and escorting of persons arrested by the police, so far as they are not contradictory to the regulations contained in this chapter, but no person so arrested shall be subjected to more restraint than is necessary to 'prevent his escape.

332. The following are the rules for the escort of prisoners to and from 'police posts:—

(i) In dispatching prisoners clear instructions shall be given to the escort regarding route and halting places.

(ii) In the generality of cases it will be sufficient to send one constable in charge of one or even two petty offenders; if really necessary a chaukidar shall accompany him. In the event of the constable having to go aside for any purpose. he shall see that the prisoner is properly secured, and if a chaukidar is available, shall handcuff the prisoner's right wrist to the chaukidar's left. Chaukidars selected should be able-bodied. They shall be relieved when

possible on the road, and not taken to an unreasonable distance from their villages. Their diet and traveling allowance, lodging hire and lighting expenses in connection with the escort or custody of accused persons arrested by them shall be paid from the grant under "Contract Contingencies" in the police budget at the rates laid down in regulation 1165.

(iii) Chaukidars shall not be employed more than is absolutely necessary, as they are not liable to judicial punishment when prisoners escape.

(iv) If the offence with which the prisoner is Charged is of a serious nature, or the, prisoner is of a desperate character, or if there be a large number of prisoners, the escort shall be proportionately increased, or in urgent cases more than one chaukidar may be called into help.

(v) When a prisoner sent up for trial is known to be desperate character or to have previously suffered from lunacy the fact shall be reported separately to the Court officer.

(vi) The office in charge shall despatch prisoners at such a time that, ordinarily, they may arrive at their destination or a suitable halting place before nighifall. A certificate in B. P. Form No. 57 shall accompany the prisoners.

(vii) Meals shall be taken by day light or if a short delay only be necessary, deferred until arrival at a station.

(viii) The officer in charge shall see, as far as possible, that prisoners in transit are properly fed and treated.

(ix) If the party has to sleep at night on the road, the constable chare shall, on arriving at the village selected for the purpose, go the headman of the place and call upon him to provide a secure room for the custody of the prisoner or prisoners, and extra men, if necessary, for night guard.

(x) When prisoners go aside to relieve nature, they shall be secured by leg-shackles, handcuffs or a rope. They shall not be allowed out of sight and a rope shall connect the prisoner and his

(xi) Every prisoner dispatched from a station to court shall, it possible, be forwarded direct to the nearest Magistrate having jurisdiction, and shall not be sent station by station or to the next superior officer of police.

(xii) Police officers and others taking charge of vagrants, for the purposes of the European Vagrancy Act,, shall take such reasonable care of the vagrants as their physical condition, the season of the year, and other circumstances may render advisable.

(xiii) Police officers shall not compel witnesses or accused persons to travel long distances when they are not in a fit condition physically to stand the journey.

333. (a) Expenses incurred in feeding and transporting prisoners while in transit from police-stations to headquarters, and of hajat prisoners made over temporarily to the police for purposes of detection as well as the cost of conveyance of stolen property and other articles sent to the court will be paid by the District Magistrate.

(b) The officer in charge of the escort shall keep an account of such expenditure and on return to the station, deliver the account together with the balance of any cash which may have been advanced to him, to the officer in charge of the police-station. If an escort is changed on the journey, the account with any undisbursed cash shall be made over to the relieving officer, who, on his return to his station, shall make it over to the officer in charge of the station for transmission to the station of original dispatch.

(c) At the end of the month the officer in charge of the police-station shall prepare a detailed bill in duplicate in B. P. Form No. 58 of all expenses incurred on this account during the month and shall forward it to the Superintendent's office. (See regulation 1181).

VI—INSPECTION.

334. A memorandum of points which should be thoroughly looked into by Superintendents, Sub divisional Police Officers and Inspectors is given in Appendix XXIII as an aide memoire. This memorandum is not exhaustive, an inspecting officers are, of course, at liberty to include within the scope of their inspections any other matters which appear to them to require scrutiny. It is not intended that remarks shall be recorded on any points unless they require notice, but it is expected that none of these points will be overlooked.

335. Civil Surgeon have instructions when on tour to inspect police-stations they may pass through in the course of their tours. They, while making an inspection of the police-station, shall record their remarks in the inspection register, in the same manner as any other inspecting officers, copies being forwarded by officers in charge of police-stations to Superintendents in the ordinary way. Superintendents shall do their best to carry out any recommendations made by medical officers, and if, for financial reasons they are unable to do so, they shall apply through the Deputy Inspector-General to the Inspector-General for necessary funds.

VII.—SURVEILLANCN.

336. (a) It is impossible to define with absolute precision the class of persons to be placed under surveillance and much discretion must be left to Superintendents. They should remember that although surveillance is to be exercised by the village authorities the efficiency of the surveillance will depend largely on the supervision maintained by the station staff, and the number of surveilles should be limited to what the staff is able to supervise effectively. The list of persons under surveillance should, therefore, be confined to the narrowest possible limits. It may, however, be laid down that all persons addicted to the following classes of crime should ordinarily be placed under surveillance: —

(i) Persons who have at any time during the past five years been convicted of dacoity, burglary or theft, robbery, drugging, counterfeiting, murder for gain or bad livelihood and persons convicted under the Prevention of Smuggling Act, 1952 (Act LVIII of 1952).

(ii) Suspects. —Persons who are known or suspected to have been concerned in any of the above offences during the same period, or who are or are believed to be professional, habitual or notorious cattle-lifters or burglars, thieves, receivers of stolen property, harbourers or abettors or thieves, or to belong to any criminal tribe or gang or suspected in any case under the Prevention of Smuggling Act, 1952 (Act LVIII of 1952)”.
”.

(b) No person falling under clause (ii) shall be placed under surveillance unless a history sheet has been opened, and the orders of the Superintendent obtained in the manner laid down in the following regulation. In the case of persons falling under clause (i) the station officer should, from time to time, as opportunity occurs, institute enquiries with a view to ascertaining whether the ex-convict is living an honest life, or has reverted to criminal habits.

NOTE—Persons who have been convicted or are reasonably suspected of opium or cocaine smuggling and in the districts of Rajshahi, Dinaipur and Bogra persons who have been convicted or are reasonably suspected of ganja smuggling, should be placed under surveillance. Chaukidars, in whose jurisdiction such persons reside, should be furnished with a list giving their names and warned to report their absence to station officers without delay. Station officers shall deal with these reports in the same manner as in the case of other bad characters or suspects.

337. (a) When the history sheet of any person gives rise to a reasonable presumption that the person concerned is an active criminal, the fact shall be reported to the Superintendent who will decide whether there are sufficient grounds for requiring the police to exercise closer supervision over him. It is desirable that, whenever possible, this decision should be based on enquiry at the police station and not merely on a written report. If the Superintendent decides that closer supervision is necessary, he should pass orders for his surveillance and the history sheet will then be dealt with as laid down in regulation 403 and it will be maintained in much greater detail.

338. (a) The Magistrate of the district or the Superintendent may direct the removal of surveillance from any person.

(b) Superintendents and Circle Inspectors shall scrutinize the entries in the history sheets whenever they visit a police-station. The opinion of the officer in charge of the police-station regarding the removal of names or the addition of new names should not be accepted as a matter of course, but the Superintendent should, whenever possible, proceed to the village where the suspect or ex-convict resides, and by questioning the villagers ascertain whether it is necessary to bring the suspect or ex-convict under surveillance. It may be occasionally expedient for the Superintendent to inform privately a person brought under surveillance that his conduct has been suspicious and that his movements will be closely watched by the police.

339. No unconvicted person shall ordinarily be kept under surveillance for more than three years. But if, for special reason, it is desirable to continue the surveillance beyond this period, the order of the District Magistrate shall be obtained and renewed at intervals of one year on proceedings drawn up, either by the District Magistrate or by a Sub divisional Magistrate or by a Superintendent showing in detail the grounds on which surveillance is deemed necessary. These proceedings, with the District Magistrate's order thereon, shall form the record of information to be noted in the history sheet. Proceedings drawn up under this regulation shall be treated as "confidential records" and shall be in the custody of the senior station officer.

340. Surveillance in towns shall be exercised by the police, but in villages it shall also be entrusted to the union board, panchayet or watchmen. All union boards and panchayets shall be furnished by the officer in charge of the with a list of bad characters residing within their jurisdictions, and whenever any person is removed men, or brought under surveillance, due intimation shall be given to the village headman, president of union board or of panchayet to enable to correct his list.

341. (a) Local enquiries regarding each person under surveillance should ordinarily be made at intervals of not less than one month. Such enquiries shall ordinarily be made by a Sub-Inspector, but when, owing to pressure of work or other special reason, no Sub-Inspector is available, the station officer may depute an assistant Sub inspector to make the enquiry, recording his reasons in the general diary. The main object of these visits is to ascertain whether the surveill6 is being watched by the village chaukidar, and that his movements and the visits to his house of strangers are promptly reported at the police-station. If there is reason to believe that the village authorities are neglecting their duty in this respect, the fact shall be immediately brought to the notice of the Superintendent who shall take such action as may be necessary. The opportunity should also be taken to enquire into the general conduct of the surveill6, his habits and particulars regarding his antecedents and his associates. All visits paid to the surveilin shall be entered in their history sheets.

(b) It is not practicable to lay down hard-and-fast rules regarding the classification of surveilks for purposes of supervision. It is the Circle Inspector who is in the best, position to decide, having regard to local conditions and the incidents of crime in his circle, the nature of the supervision to be exercised, and it is for the Circle Inspector subject to the general control of the Superintendent to pass orders, from time to time, as to the degree and nature of the supervision to be exercised by his station officers over each surveille in his circle jurisdiction.

(c) It is important that the method of the supervision exercised should be determined with reference to the class of crime to which the surveille is addicted, and should not be allowed to become sterotyped. For instance, a dacoit or burglar should obviously be looked up at his home at night, and, if necessary, several times the same night, especially during the dark nights; but in the case of a pick-pocket it would be of greatea use to have him carefully watched at hais and other places which he is known to frequent. In the case also of swindlers, druggers, utteres of counterfeit coins, forgers, etc., it is obviously useless to depend upon night visits. Such visits can serve no useful purpose and are a mere waste of time. What the station officer should aim at is to get early information of the absence of a criminal addicted to any of these crimes and to note the

fact of the absence in his registers, and on the return of the criminal question him as to the cause of his absence and verify his statement without delay. No detailed instructions can be laid down, but officers are expected to use their intelligence and make the surveillance as effective as possible.

(d) It may be occasionally necessary in special instances to maintain a secret watch over the movements of certain criminals, such as cannot be effectively carried out in the ordinary way. In such cases the officer in charge of the police station may employ agents or informers for the purpose, but he shall in each case report his action without delay to the Superintendent, through the Circle Inspector. Charges thus incurred will be met from the Superintendent's grant for secret service.

(e) Gazetted officers should occasionally personally look up persons under surveillance as opportunity offers, and this should be noted in the officer's tour diary, as well as in the history sheets of the person concerned.

(f) The officer in charge of the police station shall see that every member of the station staff is able to recognise every surveillee at sight. The local enquiries referred to in clause (a) should as far as possible be made by the officers in charge or his junior Sub-Inspector, but for surveillance Assistant Sub-Inspectors must also be employed and constables singly or as part of an organised patrol party may also be deputed from time to time to ascertain whether surveill6s are absent from home. Constables may also be deputed to camping grounds, sarais, ferries, and all places of public resort, to pick up information, but the constables should be given definite instructions as to the localities they are to visit and the enquiries to be made, and they should be required to return to the police-station by a given time. All such deputstions must be entered in the general diary of the police-station, and any information which may have been obtained should be recorded in the history sheets.

342. When a bad character, who has been placed under surveillance, absents himself, it shall be the duty of the chaukidar immediately to inform the officer in charge of the police-station of the fact as well as of the destination of the criminal if this can be known. The information shall be conveyed personally by the village chaukidar, if the distance to be covered does not exceed five miles. In all other cases it will be sufficient if the panchayet or the union board sends a postcard report, the chaukidar confirming the information when he attends at the police-station on the next parade day. Printed postcards will be supplied, but if the supply of postcards is exhausted, a written report enclosed in an envelope may be sent by post bearing.

343. (a) The officer in charge of the police-station shall at once on receipt of the information, fill in a bad character roll "A" (B. P. Form No. 59) and shall add a brief precis of the habits and manners of such bad character 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 route to such destination lies within the jurisdiction of an intermediate police-station or stations, an intimation shall also be sent to such police-station unless it is believed that the surveillee will proceed by railway or steamer.

(b) If the destination of the bad character is not known, a copy of the roll shall be sent to every police-station within or outside the province, to which there is any likelihood of his having gone. If the surveill6 is addicted to crime on the railways, intimation shall also be sent by the quickest possible means to the nearest railway police-station.

(c) If the surveill6 is a member of the known gang of criminals, the officer in charge shall besides taking action as above at once arrange that a special watch be maintained on other members of the same gang, whether residing in his own or other police-stations until the surveille returns.

(d) A police officer who receives the roll shall immediately take steps to ascertain whether the bad character has arrived within the limit of his jurisdiction. If the bad character is found the police officer 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 proceedings watched in the same way as if he were a registered had 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.

(e) When the bad character leaves the limits of the station for his home or elsewhere, within or outside the province, 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 and sending intimation to any intermediate police-station or stations falling on his route, unless it is believed that the surveille will proceed by railway or steamer. If the bad character goes to a police station other than that in which he is registered, the officer in charge of the latter shall be informed of the fact.

344. If the union board, panchayet or watchmen hear of the advent of a suspicious stranger in their villages, it shall be their 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 them. The procedure laid down in regulation 342 shall be followed if the enquiry shows that there is reason to believe that the stranger is a bad character.

344. (a) On receipt of information that a suspicious stranger has arrived within the station jurisdiction it shall be the duty of the officer in charge of the police-station to send bad character roll "B" (B. P. Form No. 60) with the utmost possible despatch to the police-. station within the limits of which the stranger alleges that he resides. If before the receipt of the reply to the roll, the stranger leaves the place or another jurisdiction, a copy of the roll shall be sent to that police-station.

(b) On receiving such a roll the officer in charge of a 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 shall be returned with a statement to that effect. In such case the officer who issued the roll must take all possible steps to discover the identity of the stranger.

(c) The nature of the information received regarding the stranger will guide the police officer as to the steps that should be taken, whether to institute proceedings under section 109 or 110, Code of Criminal Procedure or to watch the movements of the stranger. Bad character rolls "A" and "B" for reporting the arrival or departure of bad characters on their return to the issuing officer shall be passed on the foil of the roll book. They shall be destroyed after three years.

345. (a) Surveillance -should be by gangs. If a member of a gang is found absent, an enquiry slip shall be immediately issued to all police-stations within whose jurisdictions any of the members of the gang resides, stating the facts, enquiring whether any of the other members were absent at the same time. Similar steps are to be taken on the occurrence of a crime in which a known gang is suspected of having been concerned. In cases of dacoity, there should be no delay in issuing these enquiry slips. They shall be issued immediately after the first information has been recorded and the fact noted in the general diary, giving the number and date of the slip and the officer and the name of the police-station to which the slip has been issued. It shall be the duty of the officer receiving the slip to take action without delay, and to inform the officer who issued the slip of the result of the enquiry. He shall enter his general diary the date and hour on which he received the slip and the date and hour on which he returned it. In the event of any of the members of the gang being found absent, the fact and the number of the enquiry slip will be noted in the history sheet. All slips shall be carefully filed by the issuing officer, as evidence of absence of gangs of known criminals simultaneous with an outbreak of crime is valuable evidence in bad livelihood cases. As much use as possible shall be made of village panchayats, union boards and chaukidars to assist in the surveillance over gangs, and they should be encouraged by liberal rewards from the Chaukidari Fund to report the absence of a member of a gang or of the visit of any strangers to members of a gang.

346. Juvenile offenders may be placed under surveillance by the Superintendent on their discharge from the Reformatory or Borstal School only with the approval of the District Magistrate and if their conduct in the school or after discharge from there necessitates such action.

347. The officer in charge of a police-station shall report to the Superintendent all cases in which criminal charges are laid before the police against boys licensed under section 18(1) of the Reformatory Schools Act, 1897 (VIII of 1897), by their pro-tern pore employers and against adolescents licensed under section 12(1) of the Bengal Borstal Schools Act, 1928 (I of 1928) and shall proceed to deal with such cases in the usual manner according to law. All cases in which ex-reformatory school boys are concerned shall be similarly reported. (See regulation 453.)

Note. —"Reformatory school boys" include "Borstal school boys".

348. For rules applying to persons who are conditionally discharged under section 124 of the Code of Criminal Procedure and persons against whom an order has been made under section 565 of that Code, see Appendix XXIV.

Police officers shall report to the District Magistrate through the Superintendent any breach of the conditions imposed under section 124 of the Code of Criminal Procedure.

349. (a) In giving effect to the rules, in Appendix XXIV no unnecessary harassment of ex-convicts shall be permitted. Any reasonable excuse for failure to report residence or any intended change of or absence from residence, or delay in reporting any change of residence, shall be accepted. When any breach of the rules comes to the notice of an officer in charge of a station and is reasonably explained, particulars shall be entered in the general diary. If any such breach is not at once reasonably explained, the station officer shall make any summary enquiry which may be required to ascertain the facts, and, if necessary, take action for prosecution under section 176, Indian Penal Code. Any breach of the rules shall be recorded in the Village Crime Note-Book at police-stations. The original statement as to residence mentioned in sub-clause (i) of the rules in Appendix XXIV shall be kept in the police-station where the convict has to notify his residence.

(b) If the ex-convict does not return to the proposed place of residence within a reasonable time, and his whereabouts are not known the statement in duplicate received from the jail shall be sent to the Superintendent of the district where he was last convicted, one copy being kept in the Superintendent's office and the other in the police-station from which the man was sent up.

350. The names of persons convicted under the Opium Act, 1878, and the Bengal Excise Act, 1909, whom the Superintendent of Excise considers require surveillance, shall be forwarded by him to the Superintendent of Police, who will issue the necessary orders to the police -station officer. The latter will open a history sheet from the information supplied by the excise authorities and exercise the necessary surveillance over the convict.

351. It is to be clearly understood that the police cannot interfere with the movements of persons who are bona fide engaged in trade, and that they may only resort to preventive action in order to protect the public from the depredations of those wandering gangs whose object is rather plunder or larceny than legitimate trade. The following wandering gangs, among others suspected of being criminal, are generally found in Bengal and are a source of nuisance and danger to the public:—

(1) Dom (Maghaya), (2) Karwal, (3) Irani, (4) Minka alias Madari and (5) Sandars.

352. (a) Every dafadar is required to report without delay to his police-station the presence or arrival within his village boundary of any wandering gang.

(b) On receipt of such information the officer in charge of the police-station shall personally visit the place where the gang is located, and if such gang is known or suspected to either criminal or troublesome and oppressive, shall arrange to watch it carefully, particularly at night. For this purpose a sufficient number of constables, dafadars and chaukidars should be told off with clear instructions as to their duties. If the gang is not known or suspected to be either criminal or oppressive, the officer in charge of the police-station shall not place it under surveillance nor interfere with it in any way.

(c) At frequent but irregular intervals the officer in charge of the police-station or a junior officer deputed by him shall visit the encampment of every wandering criminal or Oppressive

gang under surveillance within his jurisdiction, and shall satisfy himself that the surveillance exercised by constables, dafadars and chaukidars is really effective. Such visit shall be made at night whenever possible. The officer making the visit shall also enquire from the residents in the neighborhood about the behavior of the gang, and if complaints are made against the gang, he shall enquire into them and take such other action as may be necessary in the circumstances of the case. Full details of these visits shall be noted in the officer's inufassil diary.

(d) If the gang is found to be criminal or oppressive, whether it be a foreign Asiatic gang or not, no effort shall be spread to bring the offenders to justice for specific crimes and in default of this to deal with the members of the gang under the preventive sections of the Code of Criminal Procedure. On no account shall they be passed on under police guard from one province or one district to another.

(e) Whenever a criminal Or Oppressive gang leaves, or is about to leave the jurisdiction of one police-station for another, the officer in charge of the police-station which the gang is leaving shall send by the quickest available means information to the officer in charge of the police-station to which the~ gang is Proceeding, to enable the latter to make arrangements for visiting and watching the gang. Whenever possible, this information shall be sent in advance.

(I) All information received at police-stations regarding the movements of wandering gangs shall be entered in the general diary, and it shall be the duty of Circle Inspectors to see that action under this regulation is promptly taken by station officers.

353. Gangs of foreign Asiatic vagrants shall on no account be passed on under police surveillance from one province or district to another. Whenever it may appear to the officer in charge of a district that the presence of any such foreigners is undesirable, and that they can cannot be dealt with under the Code of Criminal Procedure, insteadfor of passing them on to an adjacent district, he shall submit a report of the circumstance through the proper channel, to the Provincial Government, asking for their deportation under the Foreigners Act,1864 (III of 1864). Under section 2 of that Act the onus of proof that he is not a foreigner and not subject to the provisions of the Act lies on the person so charged. Full lists and descriptive rolls of the persons to be deported shall be submitted.

NOTE.- Foreign Asiatic vagrants are trans-frontier tribesmen who generally shall visit India with the intention of committing crime. More often than not they wander about the country without any visible means of subsistence. It is believed that many of these vagrants enter India as traders with the connivance of the regular pawindabs, who deliberately allow fellow-tribesmen to accompany them for the purpose of crime.

354. (a) This Act is an effective check upon the movements of bad characters and suspicious strangers who reside in hotels, sarais and lodging-house and prey upon the public at important steamer or railway stations, district and subdivisional headquarters and other commercial centers. It is also useful as a means of prevention and detection of crime and facilitates the tracing of missing or suspected persons. The sarai-keeper is required under the Bengal Sarais Regulations, 1931, to keep a list of visitors, and literate persons are required to sign their names and illiterate ones to give their thumb impressions in the register. Illiterate sarai-keepers are to be assisted by

a literate officer from the police-station.

(b) If any person refuses to give information concerning himself or if any suspicion arises against any particular person or persons, the sarai-keeper should be asked to report the fact immediately to the police for enquiry, with a view to the institution of proceedings under section 109, Code of Criminal Procedure, if necessary.

(c) Station officers who will, as a rule, be authorized as Inspectors under the Act, shall work the provisions of the Act carefully and treat the sarai-keepers with tact, courtesy and consideration.

VIII. —OUT-POSTS AND PATROLS

355. (a) The officer in charge of an outpost though responsible for the state of his post, will only perform the same duties he would carry out if posted to the present police-station, subject in the same way to the control and direction of the Sub-Inspector.

(b) Sub-Inspectors in charge of police-stations shall inspect all outposts within their jurisdiction frequently, and are responsible for the state of them and for the conduct of the officers stationed here.

356. (a) As local conditions differ greatly throughout the province no system of town patrols which will be generally applicable can be laid down. Superintendents shall prescribe a suitable system for the towns in their districts. The rules shall be clearly drawn up in the district order book and a copy supplied to each police-station concerned. A copy in the vernacular shall be hung up in each town outpost.

(b) The town area shall be divided into beats and at certain important localities, fixed posts shall also be established so that the public as well as the beat constables may know where to apply for aid in case of necessity. Ordinarily one-tenth of the force of each outpost shall be reserved for vacancies, sickness, etc. Two-thirds of the remainder shall be detailed for night duty, the remaining one-third being utilised for day duty. Duty shall be so arranged that every head constable and constable shall have one night out of every three off duty. The desirability of having a certain proportion of the town staff working in plain clothes shall be borne in mind as well as the necessity for concentrating rather on the bye-lanes and the backs of houses than on main thoroughfares. Uniformed constables when proceeding from the outpost on duty shall invariably be inspected and marched off by a head constable.

The force in particular beats may be strengthened when the state of crime necessitates it by a corresponding decrease in other beats.

(c) Town constables should be frequently instructed in the necessity for noticing small details, e.g., open doors at night, suspicious noises, men lurking in the shadows, etc. They shall also be well acquainted with all resident bad characters, their appearance, associates and the places they frequent, all sarais, hotels, licensed liquor shops, etc.

(d) A roster of daily duties in B. P. Form No. 61 shall be maintained at each town outpost which shall show how each officer is employed every day as well as the daily number of thefts and burglaries which occur in each beat.

(e) Each patrol party proceeding from a rural outpost shall be given a command certificate in which the villages they will visit and the bad characters they will look up shall be clearly mentioned. On their return to the outpost, the patrol parties will report on the back of the command certificate how the patrolling was carried out and whether the bad characters were found present.

NOTE. —Detailed instructions and suggestions for carrying out these patrols will be found in “Notes on patrols” by Sir Douglas Gordon, C.LE., J.P.

357. In case of accidents in streets or in other public places abstracts of particulars of an occurrence may be supplied in B.P. Form No. 62 to parties concerned on application which must be accompanied by a fee of Rs.5 (see memorandum of instructions on the back of form).

358. (a) The Superintendent shall decide in what towns in the district there shall be nightly rounds, and in each such towns an officer shall be deputed daily to perform them.

(b) The Superintendent shall himself go to the rounds occasionally and shall depute his Assistant and Deputy Superintendents to do so.

(c) In towns where there is no Town Inspector, it is part of the regular duty of the Armed Inspector and Sergeant to go the rounds, and the Superintendent shall lay down, in the district order book, how often in the month or week each such officer shall do so.

(d) All Inspectors and Sub-Inspectors stationed at or visiting district or sub divisional headquarters are liable for this duty.

(e) Although Assistant Sub-Inspectors should be used as frequently as possible for the supervision of town patrols, they should not be deputed as rounds officers or visit the guards.

(I) Officers should invariably note in their tour diaries the date and hour of all such night rounds.

359. The station and town police shall pay special attention to post offices. A note of the fact that there is a post office in any particular village shall be made in Part III of the Village Crime Note-Book. All police officers going out on patrol at night, either in towns or in the interior, shall make a point of inspecting the watch at post offices and shall see whether the men employed by the Postal Department to guard the offices are doing their duty. If any carelessness or remissness is found, a report shall be submitted through the Superintendent to the postal authority concerned.

360. (a) Floating outposts and patrol launches are at the disposal of the Superintendent of the district to which allocated subject to the general control of the Deputy Inspector-General. They are intended to be a mobile force for the purpose of protection of bona Me users of the main waterways of the district and for control and detection of river criminals, and the prevention of river crime. The Superintendent with the consent of the Range Deputy Inspector-General may alter the location of any launch or floating outpost but shall invariably specify in a district order the police-station to which it is proposed to be allotted and define its jurisdiction so that the responsibility of the Circle Inspector and officer in charge of the police-station with regard to the observance of the rules relating to these crafts may be specified, and the patrol area of the officer in charge of the floating outpost defined.

(b) It shall be the duty of the Range Deputy Inspector-General to see that efforts is not wasted by allowing two floating outposts to patrol the whole or part of the same area, and to bear in mind the principle that these patrols are for the main water ways, the lesser routes being already provided for by station patrol boats.

(c) The strength of a floating outpost is 1 Assistant Sub-Inspector and 5 constables. The extra strength allotted to a police-station with a patrol launch is 1 Sub-Inspector and 3 constables. The individual personnel will be attached to the parent police-station and the whole staff of Assistant Sub-Inspectors and constables will take turn and turn about on outpost duty—usually at 3 months' intervals. Similarly all the Sub-Inspectors at the police-station shall in turn do launch patrolling. When moved from one station to another the outpost shall take its allotted strength to the new station. When possible the Sub-Inspector allotted for a launch shall be accommodated in the upper deck excluding the office and record-room. In other cases the Assistant Sub-Inspector in charge may occupy these upper deck quarters.

(d) To each floating outpost shall be attached 1 ghasi boat with 1 manjhi and 3 rnallahs. These boats shall be hired by the Superintendent at a rate not exceeding Rs.60 each per mensem from recognised contractors, tenders being called for where possible. The tendered shall undertake to provide always a serviceable boat with the requisite crew to perform not less than 15 night patrols per month.

(e) There shall be two muskets at each floating outpost and patrol launch with 20 rounds of ball ammunition for each musket and 10 rounds of buckshot ammunition for each floating outpost and patrol launch. The officer in charge shall be personally responsible for the cleanliness, care and safety of these weapons. They shall be taken out with the prescribed ammunition with every patrol party.

(f) Detailed rules for the working of floating outposts and patrol launches are contained in Appendix XXV.

361. (a) In addition to floating outposts and patrol launches patrol boats are provided for certain police-stations as an aid to the officer in charge in—

- (i) the prevention of crime and particularly that form of crime in which boats are used by criminals either in going to or escaping from the scene of occurrence;
- (ii) the stopping of any particular area after the commission of a crime in order to examine all suspicious boats and persons coming out of the area under observation;
- (iii) the observation of the movements of river-borne traffic during the rains over a larger area than would be otherwise possible and its proper protection.

(b) These boats shall be under the control of the Superintendent and are to be employed solely on patrol duties.

(c) The limits within which each patrol boat is to be employed shall be determined by the Superintendent. As a rule boats shall not proceed beyond those limits except under circumstances of emergency, such as the pursuit of offenders.

(d) Each boat shall ordinarily be manned by not less than one Assistant Sub-Inspector and two constables. They will form a part of the strength of the police-station to which the boat is attached and shall be detailed for boat duty strictly in turn with the other Assistant Sub-Inspectors and constables there.

(e) Patrol should ordinarily be confined to especially dangerous spots with provision for surprise visits at uncertain intervals in other areas, according to the incidence of crime. The period for which each party shall remain on duty depends upon local conditions. The Superintendent shall use his discretion in the matter.

NOTE. —This does not, of course, apply to special circumstances, such as a pursuit, when the Assistant Sub-Inspector in charge must use his discretion.

(f) In each group of officers detailed for duty in the patrol boat there shall be two officers at least who have recently fired their musketry course and know the use and care of arms.

(g) Each patrol boat shall be provided with two muskets from the station with 20 rounds ball ammunition per musket and 10 rounds buckshot ammunition per patrol boat. The packets of ball ammunition shall not be opened until required, but one packet of buckshot ammunition shall be opened, 5 rounds being kept loose in the pouch of each constable on duty.

(h) An armed sentry shall always be on duty to be relieved every four hours. The muskets when not in use shall be securely fastened to the boat by drawing a chain or bar through the trigger-guards.

(i) Each patrol boat shall have a crew of not less than one man liii (steersman) and two mcdlahs (rowers), and be equipped with a serviceable sail and mast.

(j) Any one of the crew absent without leave shall be fined 8 annas for every day or part of a day he is so absent. The officer in charge shall note such absences in the acquaintance roll of the

crew. The amount of fine for unauthorized absences shall be deducted from the contract amount payable monthly to the person from whom the boat is hired.

(k) The round of weelby duties of the patrol boat shall ordinarily be as below:—

(i) Patrol—Four days.

(ii) Observation of traffic in the vicinity of the police-station— Two days.

(iii) Rest—One day.

These duties may be varied at the discretion of the station officer, the days of patrol, observation or rest being altered every week, so that the direction of the patrol or the day of rest or observation may not be anticipated. One day's rest a week must be given, if possible, to the crew.

(l) Every patrol will be carried out under the definite written orders of the officer in charge of the police-station who should detail—

(i) the streams and khals to be patrolled;

(ii) the villages to be visited;

(iii) the kind of information to be collected;

(iv) the persons to be looked for; and

(v) the kinds of boats to be watched and, if necessary, examined.

(m) In sending out a boat for patrol or for observation, etc., the station officer shall, as far as possible, so arrange that an immediate message can be sent out quickly to it, on the occurrence of any emergency, such as a dacoity, in order that the boat may change its course or come back to the police-station.

(n) In performing the duties detailed above, the boat stall shall—

(i) find out all about the boats moored at the ghats, viz., where they come from, where they are going to, what they carry, with special regard to any suspicious circumstances indicating the possibility that they are concerned in crime;

(ii) treat all ghasi and sip boats ordinarily with suspicion and, if any reasonable suspicion exists, shall examine them, asking and noting the names of all the passengers and crew, their destination, the place from which they have come, etc., and then, if necessary, place them under observation until searched according to the provisions of section 165, Code of Criminal Procedure;

- (iii) on the occurrence of a dacoity, keep under observation every ghasi or sip boat found within a reasonable distance and time of the occurrence, until searched as in clause (ii) above;
- (iv) make careful enquiries, particularly at night, about gayana boats found shortly after a dacoity, as these boats also are not always above suspicion;
- (v) seize any suspicious property found, such as ram daos, kukris, sledge-hammer, chhenis, swords, spears, masks, torches, firearms, etc.;
- (vi) give as far as possible convoy to boats passing through any particularly dangerous part of the route; and
- (vii) get acquainted with the different towns and villages on and near the rivers and the habits of the people living therein.
- (o) The station patrol boats shall not be used either as a means of conveyance for police officers or for the ordinary work connected with a police-station, such as the serving or execution of processes, domiciliary visits of bad characters, etc., but advantage may be taken of them to check the work of chaukidars at night or to ascertain the whereabouts of bad characters or suspects on the report of an occurrence.
- (p) The Assistant Sub-Inspector on duty in the boat shall keep a mulassil diary in duplicate, recording therein his proceedings during his tour of duty and submit it on relief to the officer in charge. The duplicate copy of the diary shall be sent each day to the Circle Inspector.
- (q) Every boat shall have a distinguishing number and a flag. The number shall be painted on the boat and quoted in all correspondence, defect lists, etc.
- (r) Superintendents shall watch carefully the working of the patrol boats and shall notice their work in their annual reports. Other inspecting officers shall also pay special attention to these boats and notice their condition.
- (s) The police employed on rivers shall work in concert with the land police. The land police shall, in like manner, work in co-operation with those in the boats, each communicating to the other any information obtained and mutually assisting in the detection and arrest of offenders.
- (t) The Circle Inspector shall inspect the moving of the patrol boats once every two months, and superior officers as often as they are required to inspect police-stations.

IX. —RURAL POLICE.

362. (a) Dafadars and chaukidars, commonly known as the rural police, are appointed under the Village Chaukidari Act, 1870 (Ben. Act VI of 1870), or the Bengal Village Self-Government Act, 1919 (Ben. Act V of 1919). They are subject to the provisions of these Acts and to the rules contained in the Chaukidari Manual or the Union Board Manual, Volumes I and II. Every police

officer of or above the rank of Assistant Sub-Inspector is expected to be acquainted with the rules in those volumes, which are binding on the police. The regulations in this chapter are explanatory or advisory and do not override these Manuals and Acts.

(b) Members of the rural police are not, subject to the provisions of the Police Act, 1861. They are not police officers except for purposes of the Cattle Trespass Act, 1871 (I of 1871). They are, however, public servants under section 21 of the Bangladesh Penal Code.

(c) The village chaukidar is of great importance as an aid to police work. Without his assistance even the most active officer cannot know all that is going on in his jurisdiction. The chaukidar is not a well-trained or highly intelligent agent, but he is capable of much good work, and the results attained depend very largely on the care, attention and tact exercised by the officer in charge of the police station.

363. (a) The general duties of dafadars and chaukidars are set forth in sections 39 and 40 of the Village Chaukidari Act, 1870, in the rules in section VI of the Chaukidan Manual, in section 23 of the Village Self-Government Act, 1919, in rules 36 and 38 of the Chaukidan Rules framed under that Act and in the rules in part 111 (B) of the Union Board Manual, Volume II.

(b) Under section 23(viii) of the Village Self-Government Act, 1919, or section 39 (9th) of the Village Chaukidari Act, 1870, the officer in charge of a police-station shall direct all chaukidars to bring to the station immediate information of the occurrence of any large fire, storm or inundation and any damage to telegraph posts or wires. He shall also require them to report immediately when the condition of any river, road or crop is such that a serious calamity may be apprehended. The chaukidars of panchayati unions will be required, in addition to the above information, to report the outbreak of any epidemic among human beings or cattle and, from time to time, the condition of the standing crops.

(c) All officers shall be careful to enforce the responsibility of dafadars for the work and conduct of the chaukidars under them. If there are two or more dafadars in a union, the officer in charge of the police-station shall endeavour to persuade the local authority of that union to define the responsibility of each dafadar. Every excuse or reason offered by a chaukidar for any breach of duty shall as far as possible be verified either by the dafadar concerned or by a member of the police-station staff.

(d) Any report received either from the dafadar or the panchayat about the disappearance of, or damage to, the village boundary marks, shall be entered in the general diary and forwarded to the Collector for disposal. Unless specially ordered by the District Magistrate, the police shall not investigate charges of mischief in respect of boundary marks, but they shall, while moving about in the interior, see whether the marks are in their places and report to the Collector any defect noticed.

364. Under section 23(1) of the Village Self-Government Act, 1919, every chaukidar is bound to give information to the officer in charge of the police-station and to the president of the union board of every unnatural, suspicious or sudden death which may occur and any offence in schedule II of the Act which may be committed within the union and must also keep the police informed of all disputes likely to lead to a riot or serious affray. If, however, by going first to the

president he will be delayed in going to the police, he should send Information to the president through another chaukidar or other person and shall himself proceed direct to the police station. Chaukidars who delay to bring information of matters which require to be promptly reported render themselves liable to dismissal. Willful omission to perform duties is punishable under sections 166, 170 and 202 of the Indian Penal Code.

If it is manifest that there has been deliberate delay in reporting a serious occurrence or the likelihood of a serious breach of the peace or that information has been actually suppressed, the Superintendent will apply for the prosecution of the chaukidar concerned and instruct the Court officer in press for an exemplary punishment. Chaukidar when travelling by road, should go at a rate of not less than 24 mile an hour.

365. (a) All dafadars and chaukidars shall give immediate intimation by telegram or the next quickest available method, to the nearest police station, about the likelihood of riots, the intention to commit heinous crime, the presence of suspicious characters, the occurrence of serious crimes, such as murder, dacoity, rioting with murder, robbery, drugging and the like, all other cases in which they consider that immediate intimation should be conveyed to the police. They shall also use the telegraph freely for the purpose of preventing the escape of absconders.

(b) The object of sending telegrams is threefold. In the first place, on receipt of a telegram, the investigating officer will reach the place of occurrence with the least possible delay, and will thus have been opportunity of preventing riots and heinous offences; in the second, he will be able to apprehend suspicious characters; in the third, if the offenders are known to be absconding, and the dafadar or chaukidar can form a conclusion as to the direction in which they have gone, a telegram sent to a police officer at a police-station, railway station or ghat, giving a description of the man wanted and the offence with which he is charged, may not infrequently be successful in securing his apprehension. Where necessary, telegraphic information can also be sent to a neighbouring dafadar or chaukidar, if, by so doing, it is thought provable that the arrest of an absconder might be effected.

(c) It may be desirable to send more than one telegram in certain cases, for instance, if a murder has occurred and the murderer is absconding by rail, the dafadar or chaukidar should send a telegram not only to the officer in charge of the police-station within which the crime has been committed, but should also telegraph to the police of the place to which he thinks that the offender may be going, so that he may, if possible, be intercepted. If the dafadar or chaukidar is not sure whether there is a police-station at the place to which the absconder is believed to be going, he should telegraph to the Superintendent of the District Police or to the Superintendent of the Railway Police.

(d) Dafadars and chaukidars are permitted to make use of Government and Railway telegraphs without prepayment for all messages which relate to their police duties. These messages are of two kinds, viz., (i) ordinary telegrams, and (ii) special police telegrams. Special police telegrams shall be sent only in cases of real emergency, but when it is necessary to send a telegram during the hours when a telegraph office is closed, a special police message shall invariably be sent. In such a case, the dafadar or chaukidar shall get his message marked "Special Police", and the telegraph official is bound to accept it at any hour of the day or night. All

telegrams shall be marked "State", and when an express message is sent, the words, "Special Police", shall be endorsed upon it.

(e) Telegrams shall be worded as briefly as possible, and, except in cases where an absconder is to be arrested, shall usually not contain details of names of parties, etc.

(f) Officers in charge of Government and Railway telegraph offices have been directed to write out on telegraph forms in English any information which a dafadar or chaukidar desires to send by telegram.

(g) Dafadars and chaukidars sending messages about the prevention or detection of crime shall give their names, designations and addresses in the body of the telegram. In the space allotted for "signature" (and which will not be signalled), they shall also give their names, designations and addresses in full, including the name of the police-station and district. A dafadar or chaukidar shall also in all cases affix his left thumb-impression to the message. If he is illiterate, he shall see that the above details are entered on his behalf by the writer of the telegram.

(h) When proceeding to send a telegram, dafadars, or chaukidars shall wear their uniform, or shall come with their appointment letter, which they shall show to enable the Post of Telegraph Master to identify them.

(i) Dafadars and chaukidars are enjoined to use the telegraph freely in connection with the prevention and detection of crime, but they shall remember that the use of the telegraph must be confined strictly to that object, and that the privilege of using the telegraph free of charge does not extend to other subjects.

(j) Rewards shall be freely paid to dafadars and chaukidars who send telegrams freely.

366. On receipt of the original telegram forms used for such messages from the Government or the Railway Telegraph offices the Superintendent shall at once stamp it with service stamps to the amount indicated for payment and shall return it to the Telegraph or Postal or Railway official concerned within 48 hours. A Superintendent may not refuse to affix stamp to a message, but if he considers that the message should be questioned, he shall write at once to the Telegraph official concerned and say that the message has been stamped, but it has been detained for the purpose of enquiry. The enquiry shall be made urgently, and the message shall be returned to the official in charge of the Telegraph office concerned as soon as the enquiry is complete. Superintendents shall not challenge such messages unless it is obvious that the message had nothing to do with Government business, and referred only to a private matter, in which case recovery shall be made from the dafadar or chaukidar concerned and credited to the treasury.

367. (a) Union boards have been instructed to order their chaukidars never to leave their beats at night except with the permission of the president or, in urgent cases, under the direct orders of a police officer. The boards are also instructed to direct their chaukidars to perform such patrol duties at night for the security of the life and property of the residents of the union. Police officers should, therefore, avoid taking a chaukidar away from his union as far

as possible and never without consulting the president except in matters of great urgency. When the matter is so urgent that there is no time to consult the president the police officer shall inform the president of his action as soon as possible. When for the purpose of the better controlling of a crime center it is desirable to concentrate chaukidars over a wider area than their own union, it should be possible for the officer in charge of a police-station by tactful explanation to satisfy the members of the union boards concerned that it is in the interests of their residents that this should be done.

(b) Chaukidars and dafadars may be employed in guarding the railway line when Royalty, the Viceroy or the Governor are travelling. provided the officer employing them sends due information to the president of the union board or the president panchavat as the case may be. (See rule 45 of the Union Board Manual, Volume II.)

368. Police officers are prohibited from employing dafadars and chaukidars on their private concerns or any duties of a menial or degrading kind. Superintendents shall see that the order is obeyed and shall make it special subject of enquiry when inspecting a police-station and shall also mention it in their annual report.

369. (a) The rules for holding chaukidari parades are laid down in the Union Board and the Chaukidari Manuals.

(b) The chaukidari parade shall be held as such an hour as to v, admit of chaukidars returning to their village by sunset, if possible. And in order to ensure this, chaukidars shall be compelled to be punctual. It is equally essential that the police officers shall also be punctual and should not detain chaukidars unnecessarily.

(c) The officer in charge shall preside at the parade, and shall not delegate this duty to a subordinate officer, except for every good reasons, which shall be recorded. in the general diary.

(d) Every chaukidar and dafadar attending the parade shall be in uniform.

(e) Parade shall be held in the police-station compound.

(f) The chaukidars having assembled, their attendance shall be recorded in the attendance register (B. P. Form No. 63) by the officer holding the parade, black ink entries being made in the case of those who are present, while red ink shall be used for absentees. The names of all chaukidars absent from the muster parade, whose absence is unexplained, shall be entered in the general diary immediately after the parade. A monthly statement of the chaukidars whose absence during the month is unexplained or unsatisfactorily explained shall be submitted to the punishing authority in the first week of the following month in B. P. Form No. 64.

(g) Rewards to chaukidars of panchayati unions shall be distributed by- the presiding officer at a pay parade at the police-station.

370 (a) After recording attendance, the officer holding the parade shall question the chaukidars present as to whether they have any reports to make on the following points:—

- (i) births;
- (ii) deaths;
- (iii) epidemics;
- (iv) fires;
- (v) the state of crops;
- (vi) cattle disease;
- (vii) obstruction to telegraph wires;
- (viii) injury to survey pillars, Government trees, bridges, etc.; (ix) the arrival of foreigners, swindlers, or criminal tribes in their villages;
- (x) the movements of bad characters;
- (xi) visits of suspicious persons or registered bad characters to their villages;
- (xii) persons suspected of cattle poisoning;
- (xiii) loss or straying of cattle;
- (xiv) the arrival of any suspicious boats;
- (xv) the existence of any dispute likely to lead to a breach of the peace;
- (xvi) encroachment on, and injuries to public roads; and
- (xvii) any other matter regarding which the officer holding the parade may wish or have been ordered to obtain information.

NOTE.—Information regarding points (i) and (ii) shall only be collected in the rural areas referred to in regulation 234. Information regarding unnatural deaths must, of course, be insisted upon in all areas since this duty is imposed upon the village police by section 45 of the Code of Criminal Procedure.

(b) The subjects on which information is required, as specified in clause (a) above, are intended to be of general application, and not to meet the special requirements of particular areas. District Magistrates are at liberty to prescribe further questions, but it is desirable that the number of questions should be strictly limited, and to prevent such special questions being

continued after they are no longer required, they should be sanctioned only for a specified time, after which they should be reconsidered. Information obtained in answer to questions specially prescribed by the District Magistrate shall be entered in the general diary.

(c) All chaukidars having information to give on any particular subject shall stand up and remain standing until their information has been recorded.

(d) Any dafadar or chaukidar having any information to give as to items (x) to (xvi), and any other men whom the officer holding the parade wishes to interrogate, shall be ordered to fall out and their information elicited from them out of hearing of the rest, so that they may understand that it will be kept as far as possible confidential. The remaining chaukidars shall then be allowed to depart. Those detained as above shall not be kept longer than is absolutely necessary. These enquiries shall always be made by the officer in charge, when he is present at the police-station and the fact noted in the general diary. The questions noted in items (i) to (ix) above may be put by thesecond officer or the Assistant Sub-Inspector under his supervision, provided that the officer in charge acquaints himself with the information elicited. If the officer in charge does not himself question the chaukidars who have information to give privately, he shall explain his reason for not doing so in the general diary.

(e) The information obtained under items (i) and (ii) in clause (a) above shall be entered in the registers of births and deaths, that obtained under other heads in the general diary, items (ix), (x), (xi) and (xv) being also entered in the Village Crime Note-Book.

(f) When birth and death reports are called for, each chaukidar shall hand in his hath-chitta. These hath-chittas, whether containing entries or not, shall be authenticated by the signature of a member of the Union Board or panchayet, and shall be brought in by chaukidars even when blank. Fresh entries shall be transcribed into the registers of births and deaths while the parade is going on.

(g) Chaukidars should be catechised to ascertain whether they are acquainted with the abseonders, proclaimed offenders, released convicts, suspected characters and lathials residing or having relations in their villages.

(h) Complaints by chaukidars of non-payment of salaries should be entered in the general diary, after chaukidari parade which will be available for reference when enquiries into a police complaint regarding non-payment of chaukidars' salaries are made.

371. (a) Circle officers are required by the Provincial Government to pay special attention to the work of chaukidars and they are encouraged to attend chaukidari parades at the police-stations as well as the union board offices. At the police-station parades circle officers will be in a position to learn the information required by the police and will then be able to assist them in obtaining it from the chaukidars and the presidents of union boards. Police officers should, therefore, cooperate with circle officers and should keep them fully informed of anything that they require in the way of special information and of any defects in the working of any particular chaukidar or chaukidars.

(b) Excise officers are also permitted to attend chaitkidari parades to explain matters to chaukidars and dafadars, and to obtain from them information of any offence against the excise laws.

372. (a) Officers of police when investigating any robbery, burglary, theft or other offence shall ascertain whether the chaultidar was present at his post when the offence was perpetrated; if not, the cause of his absence, and whether there may be reason to believe that he was himself concerned in, or connived at, the commission of the crime. In the event of any neglect or suspicion of criminality attaching to a chaukidar, the officer in charge of a police station shall forward a report to the Superintendent. When reporting chaukidars to the Superintendent for punishment, police officers shall clearly state the nature of offence, recording the statements of any person who may be acquainted with the particulars of the case, and taking down the defence of the chaukidars. If the chaukidar has been reported or punished on any former occasion the fact should also be noted.

A serious riot, particularly one connected with the land, seldom occurs all on a sudden without previous preparation. When, therefore, such a riot occurs as to which the chaukidars has given no previous information to the police, the chaukidar's explanation shall be taken and submitted to the Superintendent. If such riots frequently occur in any police-station without the officer in charge having any previous knowledge, of their likelihood to arise, it may be taken as an almost certain indication that the officer is apathetic or incapable.

(b) Rules in the Union Board Manual, Volume H, and the Chaukidari Manual contain instructions relating to the reporting of chaukidars' offences and the occasions for and scales of punishments.

REGISTERS AND RECORDS, REPORTS AND RETURNS.

373. (a) A list of registers and files to be maintained at each police-station and outpost (including floating outpost) is given in Appendix XIII.

(b) In the following regulations are given instructions regarding certain of the registers and files not dealt with elsewhere.

374. (a) No alterations in the form or mode of keeping the registers and files or preparing or rendering the returns mentioned in Appendix XII, and no addition to their number, may be made without the previous sanction of the Inspector-General.

(b) Registers issued to police-stations shall bear a certificate under the hand of the head clerk on the inside of the cover as to the number of pages they contain. No certificate is required in the case of registers a through the mistake, so as to leave the word erased legible, and by in which the numbers of the pages are already printed. No page may be torn out of a station register. Any

correction which it may be necessary to make in any station register shall be made by drawing the corrected word afterwards or in the margin. A piece of paper shall not be pasted over a mistake.

(c) All entries shall be neatly and clearly written, and all corrections shall be attested by the signature of the officer making them. If words or lines are omitted from an entry, or if an entry is omitted altogether, no interpolation shall be made. The Omissions shall be supplied by a fresh entry in the regular course. English figures alone shall be used in all official papers and registers.

(d) Station officers shall not rewrite registers without the written permission of the Superintendent

NOTE.—Seals of uniform pattern have been provided for all offices and no deviation shall be allowed from the sanctioned design when seals are renewed or new seals are procured

375. At every police-station a record of lands and buildings relating to the police-station concerned shall be maintained. It shall buildings, consist of:—

(i) An extract in B. P. Form No. 239 from the register of lands and buildings kept in the office of the Superintendent. The amount spent on repairs each year shall be entered in it to enable Sub divisional Police Officers, Inspectors and other inspecting officers to check the estimates for annual repairs;

(ii) An accurate site plan of all the land in possession of the department with boundaries and boundary pillars. This should be a tracing of any correct and certified plan kept in the office of the Superintendent.

NOTE—No such register need be maintained in railway police-stations.

376. (a) Two registers shall be kept in Bengal Forms Nos. 16 and 19 in which shall be included all orders, legal processes, as well as other correspondence received and despatched. The registers shall be written up by the Assistant Sub-Inspector, but this shall not relieve the officer in charge of the responsibility of opening, dating and attending to the dak personally.

(b) The register of letters received shall be divided into as many parts as required by the nature of the correspondence: thus—

(i) Orders from courts and Magistrates.

(ii) Departmental orders.

(iii) Enquiry slips.

(iv) Miscellaneous.

(c) Such papers as are registered elsewhere, such as first information reports, final memorandum, etc., shall not be entered in this register.

377. (a) The general diary as prescribed under section 44, Police Act, 1861, and sections 154 and 155, Code of Criminal Procedure, shall be kept in B. P. Form No. 65 at all police-stations. The officer in charge is responsible that it is punctually and correctly written. He shall himself make all but the routine entries. The diary shall be written in duplicate with carbon paper. Each book shall contain 200 pages, duly numbered.

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

(c) In it shall be record, as concisely as is compatible with clearness, all complaints and charges preferred, whether cognizable or not, the names of the complainants, the names of all persons arrested, the offences charged against them, the weapons or property of which the police have taken possession, and the names of the witnesses who have been examined. In the case of a person arrested, his name, the number of the case in which arrested, the dates of arrest and receipt in the station lock-up, the date and hour when forwarded to the court, and the expenses, if any, incurred in feeding shall be noted.

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

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

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

(g) Every entry made in the diary shall be given a marginal heading in as few words as possible, and shall be numbered in a monthly series and attested by the signature of the officer in charge at the time.

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

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

(j) The diary shall be completed, and a copy of it despatched in a cover to the address of the Circle Inspector one hour before the departure of the post, whatever time that may be, and shall be a complete record of all occurrences during the previous 24 hours. It is not necessary that the diary should commence and end with the day, but a note shall be made in the last entry stating that the diary has been viosed for the previous 24 hours. At district and subdivisional headquarters, the diary shall be closed and despatched at 08-00, 50 that extracts from it may appear in the daily report of the same day.

(k) The diary shall also be maintained at each outpost and be written by the officer in charge with carbon paper. In addition to entries concerning patrol work, the diary shall contain information regarding important matters coming to notice and the presence of suspicious characters, gamblers, swindlers, foreigners or members of wandering gangs. Cases that may be reported to such outpost shall also be recorded but no details need be given except a statement on the following lines: "A. B. came to the outpost at 08-00, and reported a burglary in his house last night. The complainant is sent with constables X. Y. to the police-station." The diary shall be submitted daily to the officer in charge of the parent police-station where it shall be perused and filed after necessary action has been taken. If these diaries are written in Hindi, officers in charge of police-stations will have them read out to them by one of their up-country constables.

378. (a) The register (in B. P. Form No. 66) shall be divided into two parts. In part I will be entered the names of all escaped convicts and absconded offenders, irrespective of where they have committed crime, whose usual residence is within the station jurisdiction in which the register is kept. This register must tally with the entries for the station made in the Superintendent's register with which it will be compared once a year. (See regulation 1118.)

Part II will contain the names of escaped convicts and absconded offenders (i) who have committed crime within the station jurisdiction, but whose residence is either unknown or within some other station jurisdiction; (ii) who have relatives or connections living in the station jurisdiction irrespective of the place where crime was committed. In the case of absconders charged with crime committed within railway limits the Superintendent of Railway Police will send their rolls to the Superintendent of Police of the district in which the absconder lives, either permanently or temporarily, or in which he has relations or connections. The district Superintendent will have the particulars entered in the register kept in his own office and in the police-stations concerned.

(b) For the purposes of this register the following persons shall be considered as absconded offenders: —

(i) Persons charged with cognizable offences, against whom there is evidence sufficient to warrant their trial, and who are at large when charge sheet is submitted on completion of the police-enquiry.

(ii) Persons who have escaped from police custody, or from a jail or lock-up.

(iii) Accused persons for whom proclamation has been issued under section 87, Code of Criminal Procedure.

(iv) Persons who are on bail in cognizable cases or cases under Chapter VIII of the Code of Criminal Procedure and who fail to appear when their sureties are called upon to produce them.

(c) No entry will be made in the register without the written order of the Superintendent, which should be obtained by the station officer as soon as it appears that a warrant of arrest issued or which may be issued in a cognizable case cannot be executed or whenever a proclamation issued under section 87, Code of Criminal Procedure, has been published.

(d) Periodical search and enquiry will be made for each absconder whose name is in the register, and the date and results of such enquiry will be entered on the back of the page on which his name is, together with the names of two respectable residents present at the time of the enquiry. The officer in charge of the police-station where the absconder is wanted will also arrange simultaneous “drives” at irregular intervals at all places where he is likely to be found.

NOTE.—As a large number of people living in Bengal have relations living in Calcutta, the Calcutta Police do not maintain a list of absconders who have relations or connections living within their jurisdiction. In consequence it is not possible for the Calcutta Police to make quarterly enquiries about such individuals.

(e) The capture of an escaped convict or absconded offender should be promptly reported to the Superintendent, who will at once order the entry in his own register and in those of the various police-stations to which the roll was circulated to be cancelled.

(f) When a convict who has escaped from the Andamans is arrested, he will be produced before a Magistrate, together with the notice in the Criminal Intelligence Gazette regarding his escape, and the Magistrate will decide whether there is any reason why the convict should not be removed in custody under section 86, Code of Criminal Procedure, to the Magistrate at the Andamans who issued the warrant. If no notice regarding the escape has been published in the Criminal Intelligence Gazette, the Court officer will apply to the Magistrate for an adjournment to enable the police to ascertain whether a warrant has been received from Port Blair for his recapture, enquiry being made from the Inspector-General.

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

(h) On receipt of an order of attachment the officer in charge of the police-station shall take necessary steps to effect the attachment and shall submit a report in B. P. Form 67 to the Magistrate issuing the order. In making the attachment, the list prepared under regulation 323 should be made use of, and if it is found that any property belonging to the accused as shown in that list, is not forthcoming, action under section 206, Indian Penal Code, should be taken against the person responsible for the loss.

379. (a) All property stolen, whether recovered or not, and all property and articles of which the police take charge, shall be entered a register in B. P. Form No. 68. When any such property is brought to the police-station, it shall be kept in the station malkhana until it is disposed of according to the order of the Magistrate or court. In police, order to avoid loss to the parties, property which deteriorates very rapidly, such as fruit, etc., may be sold in anticipation of sanction which shall be obtained as soon as possible, and the sale-proceeds thereof shall be sent to the Court officer.

(b) The term "stolen property" is defined in section 410, Indian Penal Code.

The amount of property to be entered as stolen and recovered shall be the amount accepted by the Magistrate and shown in the final memo of the case.

When promissory notes, bonds and other similar property are stolen, only the intrinsic and not the nominal value of the article stolen shall be entered.

(c) All unclaimed property (see. section 25, Police Act, 1861) shall be entered as soon as received at the police-station; or in the case of property not brought to the police-station, but left where found, as soon as the report is authenticated by an officer. The provisions of sections 25 and 27, Police Act, 1861, apply to all unclaimed property of which any officer of the police may be the finder. When unclaimed property is sold, the sale shall in all cases be held by the Sub-Inspector of the police-station and not by an Assistant Sub-Inspector.

The police shall take over unclaimed arms and ammunition which they find in railway trains or in railway premises. Unclaimed arms and ammunition found by the officers of the railway, including Railway Police, shall be sent by them direct to the officers appointed by Government in this behalf and not through the police.

(d) Suspicious property seized by the police shall be entered, and a report shall be made at once to the Magistrate under the provisions of section 523, Code of Criminal Procedure.

(e) Intestate property taken into the charge of the police shall also be entered. (See also regulation 251.)

(f) Property, movable or immovable, of absconders under section 88, Code of Criminal Procedure, shall also be entered in this register. Undivided interests in the immovable family property of an absconding person who is a member of an undivided Hindu family can be attached under section 88 of that Code.

(g) In the remarks column shall be entered the steps taken for; disposal of the property and the abstract of the order of the authority to whom reports are sent.

(h) When the Judge or Magistrate orders the property recovered or found to be returned to its owner or to any other person, the receipt of the person to- whom it is to be returned shall be obtained in column 10 of the register and the date of return shall be put under his signature. If the property is sent to the court for production before the court at the time of trial or for any other purpose, a note shall be made in column 10 to that effect, giving the name of- the constable by whom, and date on which, it was sent. The entry shall be signed by the officer in charge of the police station. At the beginning of every month the senior station officer will give a certificate that he has satisfied himself that the items disposed of in the previous month have been correctly so disposed, that the receipts for such disposal are in order and that no property is unnecessarily pending.

(i) At the end of the year all property not disposed of shall be brought forward in red ink.

380. A list of all cognizable cases in which a first information is used shall be kept in chronological order in B. P. Form No. 69. The following instructions shall be noted:—

Column 1.—The number refers to the first information report number of the case. The cases shall be entered serially for each month, the different columns being entered according as different materials are received at the various stages of the case.

Column 3.—Cattle thefts shall be distinguished by writing the letters “C. T.” in red ink in this column.

Columns 4 and 5.—The amount accepted by the Magistrate shall be noted. In cases refused investigation, the value shall be ordinarily that reported by the complainant, but the opinion of the court, if expressed, shall be followed.

Column 13.—The number of persons pending at the end of each half-year shall be noted in pencil corrections being made on receipt of the final memo.

Columns 18, 19 and 20.—These shall be written in red ink in respect of entries concerning foreign convicts or suspects.

Column 23.—The Inspector, while inspecting the police-station, shall note in this column the period for which the record of the case is to be preserved.

The station statistics for the District Police shall be compiled in P. Form No. 70 and for the Railway Police in B. P. Form No. 71.

381. A list of convicts and suspects residing in the border villages of all adjoining police-stations shall be kept at every police-station. Gazetted officers shall, during the course of their inspections or visits, inspect these lists; ascertain if the officers attached to police-stations know the criminals of the bordering villages, and see that these lists are brought up to date each quarter.

382. (a) A register in B. P. Form No. 72 shall be kept for all warrants received by the police for realization of fines within the jurisdiction of the police-station. Every such warrant shall specify the time within which it shall be returned, which ordinarily shall not exceed six months. The police shall return the warrant in due time, whether the amount of the fine imposed, or any part of it, be realized or not. They shall not retain time-expired warrants in their possession or, after the warrant has been returned, pay any domiciliary visit to a defaulter with a view to the realization of any portion of the fine outstanding, unless fresh orders are issued for them to do so. Any enquiries they may make, when they have no warrant to authorize their action, shall be made only under the order of a Magistrate with a view to ascertaining whether there are grounds for the issue of a fresh warrant. Such enquiries shall not ordinarily be made by an officer of lower rank than a Sub-Inspector.

(b) If it appears that a defaulter can in all probability pay the amount of the fine outstanding against him, the police officer shall forthwith report the matter to the Magistrate having jurisdiction with a view to the issue of a warrant. In other cases he shall merely note “no assets” in the remarks column, dating the entry.

(c) When a fresh warrant (subsequent to the first) is obtained, it shall be entered in the register in red ink and be treated as a fresh entry, reference being made in the remarks column to the year and number of the original warrant.

(d) In the event of the death of a defaulter being reported, one final and formal enquiry shall be made as to whether he has left anywhere property of any kind.

(e) All fines realized shall be remitted with the returned warrant at once to the Magistrate’s clerk in charge of the fine registers.

(f) The Magistrate shall call for the register of each police-station at least once a quarter, and have it compared with the fine registers of his court. He shall also note that the police enquiries

have been regularly made and properly recorded. The comparison shall never be made by the clerk in charge of the fine registers. It shall, when possible, be done by a Magistrate, or by some other of the Magistrate's clerks. The Magistrate shall pay special attention to the duty of bringing irrecoverable fines imposed in his district or in another district to the notice of the District Magistrate concerned with a view to their remission and removal from the register.

(g) Entries in the station register regarding realization of fines imposed in other districts, or in a subdivision of the same district, shall be compared once a quarter with the Magistrate's cash-book.

383. When a police officer, who has been ordered to execute a fine warrant issued under the Indian Railways Act, 1890, is unable to trace the accused at the address given; he must obtain from the president of the union board, or from another gentleman of similar status in the locality, a certificate that the individual named in the warrant does not reside at the address given.

384. (a) Officers in charge of police-stations shall be supplied with lists of persons exempted from the operation of the Indian Arms Act, 1878, to enable them to ascertain whether any particular person is or is not exempted.

(b) A list of persons licensed to carry or possess arms shall be kept at each police-station in B. 1'. Form No. 73. The entries shall be arranged village by village, the villages being grouped according to unions. Additions and alterations in lists of licences made during the year shall be reported promptly by District Magistrates to officers in charge of police-stations and a list of unexpired licences shall also be furnished to police-station officers at the end of the year as soon as renewal of licences is over. To guard against the possibility of omission on the part of District Officers to send notices of additions and alterations made in the list to station officers and of the information thus received not being entered in the lists at police-stations, the District Magistrate shall send an up-to-date copy of the list annually to the officer in charge of each police-station who shall return the same to the District Magistrate after making necessary corrections in his register.

(c) In November of every year officers in charge of police-stations shall report to the Superintendent (i) whether any licensee is dead, and (ii) whether there is any objection to the renewal of any license. They need not, however, comment on the suitability of each licensee on the list, but state, when definite objection is taken to the renewal of a license, the grounds of this objection. The Superintendent shall forward these reports with his remarks to the District Magistrate for orders. If any license is cancelled, the licensee shall be called upon to deposit his arms and license at the nearest police-station within 14 days after receipt of notice.

385. Officers in charge of police-stations shall maintain a list in B.P. Form No. 74 of persons whose sentences have been remitted or suspended under section 401, Code of Criminal Procedure, and shall make monthly enquiries regarding them. They will report to the Superintendent any failure on the part of the released convict to fulfill the conditions of his release. This list shall be examined at the time of inspection.

386. (a) The station officer shall maintain a list of approvers residing in his jurisdiction together with their history sheets, and keep a close watch on them. Enquiries regarding their conduct and mode of life shall be made at least once a quarter, and results noted in the history sheet. At the close of the year the station officer will submit to the Superintendent a summary of the above notes regarding each approver.

(b) The Superintendent shall keep a record of all approvers in his district in a form which will allow the annual reports of the station officers to be incorporated. He will take his register with him when inspecting the police-station to see that no case was overlooked.

387. Each police-station shall maintain a minute book in B. P. Form No: 75 in which police officers visiting the station may record any requisition or suggestion concerning prevention or detection of crime. Such requisitions or suggestions received from other police officers, circle officers or presidents of union boards may also be noted in the minute book by the officer in charge of the police-station. The action taken in each case shall be noted in its proper column. Minute books shall be examined frequently by superior officers of police in order to ensure that prompt and proper action is taken.

388. At each police-station such extracts from the Superintendent's gang register as concern it shall be maintained.

389. (a) When in course of an investigation or at any other time, a police officer requires information from the officer in charge of any other police-station regarding an absconder or any other matter connected with the criminal administration of his jurisdiction except in enquiries regarding the movements of bad characters, he shall address an enquiry slip to him in B. P. Form No. 76 or No. 77. Form No. 76 shall be used in addressing officers within and outside the province and Form No. 77 for enquiries from the Calcutta Police.

(b) Each slip shall bear a serial number according to the date of issue and shall be entered in red ink in the register of letters received or despatched, as the case may be; if the enquiry relate to an absconder, the nature of the crime with which he is charged shall be clearly noted. On receiving an enquiry slip back with the reply, it shall be pasted on the foil from which it was originally torn. Officers receiving enquiry slips shall treat them as urgent, and deal with them with the greatest possible dispatch. If the slip is not received back quickly, a reminder should be issued, but if in the case of a slip-sent out of the province any subsequent reminder is necessary, the officer in charge shall at once bring it to the notice of his Superintendent with a request to communicate with the Superintendent of the province concerned for early return of the slip.

390. (a) Vandyked copies of thana maps, scale 1 inch to the mile, issued by the Director of Land Records and Surveys, shall be used as crime maps in all police-stations other than town stations, for which town or municipal maps are to be used. A new map shall be used each year. For this purpose the jurisdiction vandyked maps for 5 years use shall be supplied to each police-station. They shall be attached to slips of paper placed inside the binding of two card-board covers and entitled "Crime Maps". There will thus be a series of crime maps indicating, as each year is filled up, the crime of the police-station during each of a number of years.

Reported cases of dacoity, burglary for committing theft and house thefts only shall be entered on the map in proper places, the former in black ink and the two latter in red. The initial letter of the crime, viz., D—Dacoity, B—Burglary, T—Theft shall be used for the purpose and underneath the initial letter, the number and month of the case shall be given. Thus D—2.2 will signify dacoity case No. 2 of February, B-4.5 will mean burglary case No. 4 of May, and so on. When more than one section applies to an offence, the initial letter denoting the major crime only shall be written. Superintendents may enter other cases in the crime map, with appropriate symbols only if they consider such cases worthy of special attention in any particular area. A red cross (X) shall be made to show where surveilles live.

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

(a) In order to deal effectively with crime it is necessary to have a continuous and permanent record of the criminal history of individuals and localities. To secure this, there shall be maintained for each village or other administrative area which may be chosen as the unit for the purpose, a “Village Crime Note-Book” which will contain information about crime and criminals, including convicts and suspects. It shall be kept in B. P. Forms Nos. 78-83 (I-V) at each district police-station. It is maintained under the provisions of section 12, Police Act, 1861, and shall be treated as an unpublished official record relating to affairs of State. It is a confidential and privileged document and is not to be exhibited in court without the permission of the head of the office, and no Judge can compel its production except with the same permission (section 165, Indian Evidence Act, 1872). It is open to inspection by magisterial and police authorities, but no outsider shall see it or obtain copies of its contents.

NOTE.—If a court directs the production of the Village Crime Note-Book, or any part of it, police officers concerned will act as laid down in sections 123 and 162 of the Indian Evidence Act. 1872.

(b) The Village Crime Note-Book shall be divided into the following parts:—

Part 1.—The Crime Register, which will deal with professional crime occurring in the area.

Part II.—The Conviction Register, which will contain details of convictions of persons as specified in regulation 394.

Part III.—The Village History, which will contain notes on special outbreaks of crime in the village, etc.

Part IV.—The History sheets of persons residing in the village who are believed to be addicted to professional crime, with an index at the beginning.

Part IVA.—Comprises sheets containing enquiries about and movements of surveilles.

Part V—An index of convicted persons whose names have been entered in Part II as well as of persons suspected in cases, but not convicted.

NOTE.—A Crime Note-Book shall be opened for municipal towns and these regulations shall be applied so far as applicable, the town outpost being The unit.

(c) For facility of reference an alphabetical list of all the villages contained in the jurisdiction of the police-station, with their jurisdiction numbers, shall be prepared in manuscript in the following forms: —

Column 1.—Name of village including local name and names of any hamlets included in the village.

Column 2.—Jurisdiction list number of village.

Column 3.—Number and volume of the Village Crime Note-Book.

Column 4.—Number of pages of Village Crime Note-Book.

Column 5.—Remarks.

392. (a) The Village Crime Note-Book shall consist of as many volumes as there are unions in municipal towns within the station. The villages in each union or volume shall be arranged alphabetically. For each village there shall be at least one sheet each of Parts I, II and III. The forms will be provided with eyelet holes, so that more sheets can be added as occasion requires. Thus, if a union comprises 20 villages, this volume of the note-book shall contain at least 60 sheets and be bound as follows:— Village A—Parts I, II, III.—3 sheets, i.e., 1 to 6 pages.

Village B.—Parts I, II, III.—3 sheets, i.e., 7 to 12 pages, and so on.

The sheets for each volume shall be kept in card-board covers provided with corresponding eyelet-holes; the covers are specially designed so that the sheets may be easily taken out when required.

Parts IV and IVA which are also eyeleted shall be bound together for each convict or suspect for whom the history sheet is opened. They shall be given serial numbers and kept arranged in a flat file containing all the history sheets of the police-station.

Part V, which is merely an index, shall be in the form of a separately bound register in which the names shall be alphabetically arranged.

(b) Spare parts shall be kept for homeless vagrants and persons convicted of offences committed on railways.

393. Only matters relating to true cases of offences named in the schedule below shall be entered in Part I:—

Columns 1 and 2.—Require no explanation.

Column 3.—Modus operandi should include references to the way in which the crime appears to have been conceived, how the place of occurrence was reconnoitered, in what way stolen property was carried off, etc.

Column 4.—The value of property as declared by the Magistrate shall be entered and not that given in the first information report.

Column 5.—This column shall contain full particulars of the person suspected in the case mentioned in column 2. Cross references to Parts II, III or IV of the same or other police-station registers shall be given.

- (1) Offences under Chapters XLI and XVII, Indian Penal Code, punishable with whipping or with imprisonment for 3 years or upwards.
- (2) Personating a public servant, etc.—Sections 170 and 172, Indian Penal Code.
- (3) Murder for gain, murder by professional hired assassins and murder of spies and approvers—Section 302, Indian Penal Code.
- (4) Professional drugging—Section 328, Indian Penal Code.
- (5) Professional kidnapping, abduction and buying or selling of slaves or minor children—Sections 363 to 373, Indian Penal Code.
- (6) Professional swindling.
- (7) Professional mischief by killing or poisoning animals—Section 428, Indian Penal Code.
- (8) Professional forgery—Sections 465 to 469, Indian Penal Code.
- (9) Offences relating to forgery of currency or bank notes— Sections 489A, 489B, 489C and 489D, Indian Penal Code.
- (10) Offences relating to arms and ammunition—Section 19 (a) (e) and (f), 19A and 20 of the Indian Arms Act.
- (11) Railways—Section 126 or 127 of the Indian Railways Act, 1890.
- (12) Conspiracy, abetment and attempt in respect of offences mentioned in items (1) to (11) above.

- (13) Offences under the Goondas Act, 1923 (Bengal Act I of 1923).
- (14) Offences in connection with political agitation.

NOTE. —First offenders dealt with by Courts under section 562, Code of Criminal procedure, shall be treated as convicted. Convictions under section 511, Indian Penal Code, in respect of any of the offences mentioned above shall also be entered, persons sent to a lunatic asylum from a jail irrespective of offence under which convicted should also find entry. Abetment in respect of any of the offences mentioned above, shall similarly be entered.

394. This part shall contain the name of every person residing in the village who has been convicted of any of the offences (i) specified in the schedule in the regulation above and (ii) under sections 109, 110, Code of Criminal Procedure, and culpable homicide—Section 304, Indian Penal Code, causing hurt—Sections 324, 326-27, 329, 332 and 333, Indian Penal Code, and offences under the Criminal Tribes Act. 1924.

The convictions of homeless vagrants shall be entered in the spare part kept under regulation 392(b).

Columns 1 and 3.—Require no explanation.

Column 2.—Personal description shall be copied from the final memorandum in which the Court officer writes it for the information of the police-station officer.

Column 4.—In the case of a person convicted in the Sessions or High Court the name of the committing Magistrate shall also be given.

Columns 5 and 7.—Name of identifying jail warder, notes about P. R., and F. P., date of release and name of jail from which released, shall be entered on receipt of P. R. slip.

Column 6.—In case of reconviction, cross references shall be given to the old and fresh entry, the fact being similarly noted in the Index (Part V).

395. The Superintendent shall send information to the police-station officer of all convicted persons resident in such station who have been made P. R., and the station officer shall enter the letters “F. P.,” in red ink against the names of such persons in the Village Crime Note-Book. The Court officer shall communicate to the station officer the F. P. formula to be noted in the conviction sheet.

396. When a person concerned in an occurrence resides within the jurisdiction of another police-station or when a convict or suspect permanently changes his residence to the jurisdiction of another police station, a roll in the form of a loose sheet of Part I or II, as the case may be, shall be sent to the Sub-Inspector of the station concerned,

who shall enter the facts in Part II or III, as the case may be, and return the roll to the issuing officer. The latter, after copying the references in his note-book, shall file it separately for

destruction after a year. Rolls sent to police-stations outside the province shall be sent through the Superintendent's office.

If a person has resided for 5 years in a village with his family, he shall be regarded as a resident of that village.

397. On receipt of a P. R. slip (release notice) of a convict from a jail or penal settlement, the station officer shall note the necessary particulars in Parts II and IV, and ascertain whether the released convict has returned to and intends to reside in his village or not. In case he does not return, the station officer shall report the fact to the Superintendent in order that orders may issue for the entry of the convict's name in the station in which he may have taken up his residence. When the date of release shall have been entered in the police-station register and the convict shall have returned home, the P. R. slip shall be returned to the Superintendent's office with a report of these facts and the number of the entry in the register endorsed on it.

398. Names of deceased persons and of persons who have attained the age of 60 years, but have not been convicted or suspected during the preceding ten years, and of persons who have attained the age of 50 years, but have not been convicted or suspected during the preceding 20 years, shall be struck out under the orders of the Superintendent. At the close of each year all station officers shall submit lists of persons whose names have been removed during the year to the headquarters Court officer, who shall make the necessary corrections in his index and conviction register and forward the list to the Superintendent. The Superintendent, after satisfying himself that the conviction registers and the indexes have been corrected, shall then file the lists in his office and shall inform the Finger Print Bureau in B. P. Form No. 84 regarding all those who are P. R.

399. A separate list containing the eliminated names of only those classes of criminals as are given in Appendix XXXII shall be prepared by each station officer and submitted to the Superintendent's office, where a consolidated list for the whole district shall be prepared and sent direct to the officer in charge of the Criminal Intelligence Bureau not later than 1st February. The police-station lists shall be submitted through the Circle Inspector, who shall scrutinize them before forwarding to the Superintendent's office.

400. The information to be entered in this part shall be obtained from all reliable sources that are available and shall go back as many years as possible. When once the history has been written up, it shall be added to from time to time by the station officer as fresh information is obtained or fresh events occur.

401. (a) History sheets shall contain a short account of the life of the person to whom they relate and all facts likely to have a bearing on his criminal history. They shall be opened only for persons who are, or are likely to become, habitual criminals or the aiders or abettors of such criminals. The conviction of a person for a heinous offence, such as robbery, dacoity, serious burglary or receiving stolen property, will ordinarily be sufficient to justify the opening of a history sheet, unless there be reason to believe that although convicted of one of these offences,

the man is not a habitual criminal. For instance, a history sheet would not be opened for a man who, though convicted of house-breaking, is believed to have committed the offence in order to carry on an intrigue with a woman and not for the purpose of theft. On the other hand, if a person is suspected of being a receiver of stolen property, or of being concerned in systematic cattle theft, a history sheet shall be begun, even if he has not been convicted. History sheets shall not be prepared for persons dealt with as first offenders under section 562, Code of Criminal Procedure. Proceedings under section 110 of that Code, shall ordinarily not be taken until a history sheet establishes a case of bad livelihood. But if security has, in any case, been demanded from a person under section 109 or 110, Code of Criminal Procedure, before the preparation of a history sheet, such a sheet shall at once be opened.

(b) In all cases of the orders of the Circle Inspector shall be obtained before a history sheet is opened, and the Inspector's orders shall be confirmed by the Superintendent when inspecting the station. Orders about starting history sheets may also be conveniently passed by the Superintendent on final memoranda. If any information favorable to an individual, whose name has been entered in the history sheet, is obtained, it shall be duly recorded.

(c) There shall be no regular watching over the movements of persons for whom history sheets are opened, unless they have been placed under surveillance by the Superintendent, but when the officer in charge visits the village he shall make confidential enquiries regarding the mode of life of such person, and note in the history sheets information, both favorable and unfavorable, which he may obtain in this or any other way. If the man has not been suspected of complicity in any case during any calendar year the fact shall be noted in his favour at the commencement of the next calendar year.

(d) History sheets shall be consecutively numbered and kept together in a separate file as long as such persons are not brought under surveillance, with an index at the beginning.

(e) When a man, for whom a history sheet is maintained, leaves the limits of one station and resides for over 3 months in another police-station within or outside the province his history sheet shall be sent to the latter police-station. When the police-station is in another province the history sheet should be sent through the Superintendent concerned. This transfer shall be noted against the individual's name in the index. Officers receiving history sheets shall acknowledge receipt. Such history sheets will be dealt with in exactly the same way as other sheets in existence in the province, i.e., the sheets shall be labelled "Confidential" and governed by the rules existing in that province.

402. (a) When a person for whom a history sheet has been opened is placed under surveillance, the classification ordered shall be noted at the top against the heading "Class". In calculating the approximate date of release, allowance shall be made for ordinary remission of sentence granted to prisoners under the Jail Code. Convictions shall be entered in chronological order, giving date, name of convicting court, section and term of punishment. The actual date of release shall be noted on receipt of the P.R. slip in case of P. R. prisoners and in other cases the date shall be obtained from the Court officer concerned. The name of the jail from which released shall also be noted below the date. If the convict does not return home after release, the fact shall invariably be noted.

(b) The usual method of committing crime and details of any property possessed by the person, the number of persons whom he has to maintain and his occupation and approximate earnings, and of cases in which he was suspected but not convicted, shall be given in his biography in narrative form.

Details of cases in which he is known to have taken part as well as of cases in which he is reasonably suspected to have taken part with the grounds for suspicion shall be entered in this part as they occur. In addition at the beginning of each year a note shall be made as to his behaviour during the proceeding year with any details of permanent interest about the person's criminal history obtained from a perusal of the enquiry note-sheets.

(c) All entries shall be signed in full and dated.

403. History sheets of men placed under surveillance shall be removed from the main file of history sheets and kept in a separate file, with an alphabetical index at the beginning. This will serve the purposes of a surveillance register and no other surveillance register shall be kept. When a man is removed from surveillance his history sheet shall be detached from this file and placed at its original place in the main file. When a surveill6 leaves the limits of one station and resides in another within or outside the province for over three months, his history sheet shall be sent to the station where he goes and the fact noted against his name in the index. When the police-station is in another province the history sheet shall be sent to the Superintendent concerned in that province. The officer in charge of the new station shall acknowledge receipt of the history sheet and continue to treat the surveill6 as a surveille of his own police-station until he goes back to his former residence, when his history sheet shall be returned.

“The history sheet of a man shall be destroyed after his death under orders of the Superintendent of Police/the Additional Superintendent of Police.”

404. (a) In these sheets, which will be attached to the history Enquiry note sheets, shall be noted the movements of persons placed under surveillance and the result of enquiries regarding them. Information about the various places frequented by the criminal, the Opinion of the people as to his character and doings, the visits of strangers and suspicious characters to his house, the fluctuation of crime with his presence at or absence from any place, his style of living inconsistent with an honest legitimate income, etc., shall all be carefully collected by private visits and other enquiries and duly noted, so that the sheet may contain full materials for instituting proceedings under the preventive sections of the Code of Criminal Procedure, should such be necessary.

If the suspected is found absent from home, enquiries shall be made as to his whereabouts, and if he is a member of a gang, about the whereabouts of his confederates. Enquiry slip shall freely be issued to test the truth of any statement which may subsequently be taken,

(b) All visits made by the station officer and by officers deputed by him shall be entered, as well as any information obtained at such visits, information of real importance being incorporated in Part IV as laid down in regulation 402.

NOTE. —The enquiry note-sheet, Part IV-A, shall be preserved for three years.

405. This shall be kept in the form of a bound register. It is the index of persons convicted as well as of persons suspected but not convicted. For entry of the names a sufficient number of pages shall be allotted to each letter of the alphabet.

Names of those convicted should be entered in red ink and those suspected in black. If a suspected persons is subsequently convicted, his name should be underlined with red ink. Names should only be entered once and sufficient space should be left below each name so that subsequent references can be noted in columns 4 and 5. In the “remarks” column the date of birth should be noted against the names of persons convicted, Whenever the name of a person is entered in this index, a reference to the page number on which his name is noted should be given in the connected parts of the Village Crime Note-Book.

406. Gazetted officers are required to pay special attention to the Village Crime Note-Book and shall make a point of personally making as many entries as possible in it. This may be either confirmatory or supplementary of entries made by the stall of the police-station.

When visiting villages, Silbdivisional Police Officers and Circle Inspectors shall check by local enquiry a certain proportion of the entries made in Part III relating to the villages in question.

407. (a) A list of periodical reports and returns due from each police-station and floating outpost is given in Appendix XII.

(b) The original copy of every periodical report and return shall be filed at the station or post, those for the various periods, weekly, monthly, etc., being filed separately.

Miscellaneous returns shall be filed together monthly.

409. (a) The monthly c-ash account shall be kept at each Police-station in duplicate in B. P. Form No. 85. All sums received at the station, whether from the Superintendent’s office, from civil courts to be forwarded to the sadar station, small judicial fines realised, cash stolen and recovered, or from any other source whatever, shall be entered in the cash account. Should any sum have been omitted, the officer responsible shall be severely punished.

(b) The name of all the payees need not be entered in column 8. A separate voucher shall be maintained for each day’s disbursements of the money received under each receipt cheque. It will be sufficient if only the first name on the voucher is shewn in column 8 after adding the words “and others”. In column 10 shall be shewn only the daily total against each receipt cheque.

(c) A receipt cheque in Bengal Form No. 39 shall be given to the individual from home or to the office from which money is received at the station and therefore each item of receipt shall be supported by the duplicate of the receipt cheque, the number of which shall be entered in column 2 of the cash account.

(d) A regular receipt in printed form shall be obtained for all money sent out from the station.

(e) All receipt vouchers shall be numbered in a monthly series and kept in monthly bundles in order of date. The monthly serial number shall be entered against each payment in the cash account under the date, thus 4th/No. 10. The bundles shall be in due course destroyed in accordance with instructions in Appendix XIII (8— Police-station).

(I) All cheques shall be signed and the entries in the cash account shall be made by the officer in permanent charge of the station in his own handwriting or when he is absent on duty by the officer temporarily in charge not below the rank of Assistant Sub-Inspector. The Sub-Inspector in permanent charge shall on return to the station initial the entries concerned and countersign the cheques and satisfy himself as to the correctness of the accounts.

The officer in permanent charge of the station may, when necessary, for the sake of convenience delegate by an order in writing in the general diary the work of keeping the cash account, disbursing money or signing cheques to a junior Sub-Inspector or to an Assistant Sub-Inspector by name but in that case the responsibility for the actual cash and for initialling the entries in the cash account shall rest with the officer in charge.

(g) At the close of each month the original form in use throughout the month shall be forwarded by the officer in charge to the Superintendent's office through the Court officer, the duplicate copy being retained at the station.

(h) Cash shall not be kept in hand unnecessarily. If any sum of money has remained in hand for more than two months, the officer in charge shall, when submitting his monthly account, explain fully the reason for the delay.

410. All miscellaneous magisterial receipts other than fines remitted to the Magistrate's office, such as chaukidari money, sale proceeds of impounded cattle, and any other money realized under orders of the Magistrate unconnected with the police, shall be paid direct into the treasury or sub-treasury, as the case may be, and shall not be sent to the Superintendent or to the Court office. The amounts thus remitted shall be accompanied by chalans in triplicate, in printed form, which shall be presented at sadar to the Magistrate's accountant and a subdivisions to the nazir or in case the nazir is treasurer or treasury accountant, to the clerk in charge of the five register, or some other clerk from whom security has been taken and who does not perform the duties of the treasurer or treasury accountant. The Magistrate's accountant or subdivisional clerk, as aforesaid, shall examine the chalans and if they are in order and correct, shall initial them and return them to the police officer to present with the cash at the treasury. At the treasury the chalans shall be taken to the accountant and treasurer, and after being receipted, two copies shall be returned to the police officer, who shall take one back to the Magistrate's accountant or subdivisional clerk, as the case may be, leaving it with him for the purpose of writing up his books, and shall retain the other as his acquittance.

All other money, such as cash stolen and recovered, cash found on under-trial prisoners, sale-proceeds of unclaimed, attached or suspicious property, shall be forwarded to the Court officer. Interstate money shall be sent to the District Judge direct.

CHAPTER VII.

Court Police.

1. —Prosecuting staff and general duties of Court officers.

411. The prosecuting staff in each district shall consist of—

(i) the Public Prosecutor who conducts prosecutions before the Sessions Court, and in important cases before Magistrate's courts. All Government Pleaders are ex-officio Public Prosecutors, but in some district and sub divisional headquarters another pleader or advocate is appointed to be Public Prosecutor,

(ii) an Inspector at the headquarters station of every district, and an Inspector or a Sub-Inspector at the headquarters of each subdivision. These officers are styled Court officers, and are assisted by Sub Inspectors, Assistant Sub-Inspectors and constables according to requirements.

412. In important cases, the Superintendent shall apply to the District Magistrate to retain the services of the Public Prosecutor from the commencement of the case in the lower court.

413. By virtue of Notification No. 2507P., dated the 6th July. 1907, and Notification No. 3436Pl., dated the 24th December 1924, issued by the Provincial Government every Inspector and Sub Inspector who has been appointed to prosecute cases before the courts of Magistrates is thereby appointed to be a Public Prosecutor generally for all such cases in such courts.

414. Under sub-section (1) of section 492 of the Code of Criminal Procedure, the Provincial Government has appointed all Deputy Superintendents at the headquarters of the districts to be Public Superintendents Prosecutors, and also all Inspectors who have been appointed to prosecute cases before the courts of Magistrates to be Public Prosecutors as in the Courts of Sessions in respect of cases of applications for bail only.

Under sub-section (2) of the said section the Provincial Government has further directed that no officer of police lower in rank than that of a Deputy Superintendent shall be appointed to be Public Prosecutor for the purpose of any case.

415. (a) When any other officer or person is employed by the Magistrate to conduct the prosecution of a case, the Court officer shall give him all information needful to enable him to conduct the Prosecution efficiently.

(b) No Court Inspector or Sub-Inspector shall leave the prosecution of police cases in the hands of legal practitioners engaged private persons without the express sanction of the

Superintendent or the Magistrate. He may take instruction from legal practitioners so engaged, and allow them to assist him.

416. (a) The sadar Court Inspector shall be responsible for the prosecution of all cases at headquarters, and shall assist the Circle Inspectors and Sub divisional Court officers with advice relating to the prosecution of cases when required by them to do so. He shall conduct prosecutions at subdivisions only when ordered by the Superintendent to do so.

(b) The Superintendent shall not depute the sadar Court Inspector to take up cases at a subdivision without satisfying himself that there are no urgent cases at headquarters for him to conduct, and without informing the District Magistrate of the proposed deputation.

(c) Should a Sub divisional Magistrate, Sub divisional Police Officer or Circle Inspector consider that any case at a subdivision ought to be conducted by the sadar Court Inspector in person, he shall apply to the Superintendent for the services of that officer.

(d) When on a case coming before a Magistrate, it appears to him that the Court Inspector or Sub-Inspector should prosecute personally, he shall order him to prosecute, and the officer so ordered shall communicate the order to the Superintendent. If the Superintendent considers that the employment of the officer in the case is unnecessary, he shall refer the question for the orders of the District Magistrate.

(e) The Court Inspector shall not ordinarily be employed on clerical duties or the upkeep of registers, but he shall exercise general supervision over the work of his subordinates, and shall be held generally responsible for the efficient working of the Court office. To enable him to do so he shall inspect the Court office once every year.

(f) The sadar Court Inspector shall appear before the District Magistrate in appeals heard by him in police cases, when such appeals are contested, or when the circumstances of a particular case demand it, and the Public Prosecutor is not engaged to appear.

(g) The Court Inspector at the sadar shall not be taken into the niufassil by the Magistrate without reference to the Superintendent.

(h) Court Inspectors shall have the use of law books, law reports and the Calcutta Gazette in the Magistrate's library, and such books, reports and gazettes may be issued to them from the Magistrate's library on their own requisition.

(i) Court Inspectors shall make themselves thoroughly acquainted with the contents of the case dairies and with all particulars connected with those cases which they have to prosecute. If the case diaries do not contain full details of evidence the Court officer should ascertain from the witnesses the facts they will prove, and prepare himself for the proper conduct of the case.

(j) All applications made to Magistrates by Court Inspectors in the course of a trial shall be in writing, and shall be filed in the same way as is done by private parties.

417. Where there is a Court Inspector a Sub-inspector attached to a Court office shall prosecute such cases as are made over to him by the Inspector and in addition maintain such registers as the Inspector may order him to maintain.

In a sub divisional court where there is no Court Inspector, he shall carry out the duties of a Court Inspector and in addition maintain such registers as the Superintendent may order him to maintain.

418. A Court officer shall not be allotted more cases than he can adequately conduct. The Superintendent shall arrange with the District Magistrate that the services of a Court officer be not requisitioned for more than one court at one time.

419. Sub-Inspectors holding certificate as finger print experts shall whenever possible. be employed in the Court office of the district to which they belong.

420. Assistant Sub-Inspectors shall take over all registers except those relating to P. R. and malkhana work, but if permitted by Superintendents, there will be no objection to their dealing with P. R. work. The daily under-trial case report shall, however, be scrutinized and signed by the senior Court officer.

421. A constable shall be deputed to each court where police cases are being tried, if available.

422. The Court Inspector or other officer well acquainted with the facts of a Sessions case shall, if required, assist the Public Prosecutor.

423. Court officers shall arrange for the attendance of a police officer at the Sessions Court on receipt of information that the services of an officer are required for the purpose of escorting to the Magistrate any accused person who has surrendered to his bail in the appellate court and whose sentence has been confirmed or modified.

424. (a) Sub divisional Court officers shall collect and have ready for the escort the articles received from police-stations, prisoners, treasure, etc., awaiting despatch to headquarters. They shall see that carriage is provided by the officers sending treasure and other bulky articles and for prisoners who may not be able to march regulation 710.)

(b) Court officers shall pay particular attention to regulations regarding escort of prisoners and treasure contained in chapter XI. When they find that the number of prisoner or the amount of treasure, etc., to be escorted is more than what the number of men sent from the headquarters is authorized to take charge of, they shall at once bring the fact to the notice of the Sub divisional Police Officer, or of the Circle Inspector in subdivisions where no Sub divisional Police Officer is posted, who shall supplement the guard sent from the headquarters with the necessary number of men from police-stations, and the responsibility that the guard is strong enough for the duty required of it shall rest with him. In the absence of the Sub divisional Police Officer, the Circle Inspector, and in the latter's absence, the Court officer shall perform this duty.

425. The rules regarding making and taking over charge of office shall be carefully observed by Court officers. They shall be careful to furnish the officer relieved with a receipt for all Crown property in the Magistrate's ;alkhana. Full details respecting each item should be given. Deficiencies shall be made good by the relieving officer if they are discovered after he has taken over charge. (See regulation 839.)

11.—Institution, preparation and prosecution of cases.

426. The orders regarding the institution of cases are contained in regulation 213.

The Court officer shall report whenever a police officer institutes a non-cognizable case without authority.

427. The following procedure shall be followed when prosecutions are instituted by public officers:—

Where the charge is of a cognizable offence, the prosecution shall ordinarily be conducted by the police. Where the charge is of an offence, which is non-cognizable, or though cognizable, calls for special arrangements, the officer who prefers the complaint should refer for instructions to the Magistrate of the district, who may, if he thinks fit, either instruct the officer himself to prosecute, or if the case is of a complicated and difficult nature, rendering in his opinion the employment of the Public Prosecutor or some legal practitioner necessary for proper prosecution, direct the Public Prosecutor or some other person to prosecute and report the matter for sanction of the Legal Remembrance. If there is sufficient time, the Legal Remembrance's permission shall be taken before the Public Prosecutor or any other pleader is employed to conduct cases in Magistrate's courts in the headquarters of the district. In subdivisions a member of the local bar of sufficient experience and ability may be employed in consultation with the Sub divisional Magistrate, to represent the Crown, subject to the sanction of the Legal Remembrance. The District Magistrate is responsible to the Provincial Government that Crown prosecutions do not fail because the Provincial Government is not adequately represented. He shall, therefore, make the best arrangements for the proper conduct of cases. The sanction of the Legal Remembrance is necessary only to check the tendency of district authorities to engage pleaders in unimportant cases.

428. All prosecutions under the European Vagrancy Act, 1874 (IX of 1874), shall be instituted and conducted by a Superintendent or Assistant Superintendent.

429 (a) On receipt of an excise or opium case sent up by the police, the Court officer shall at once inform the Excise Superintendent, so that he may, if he chooses, watch the proceedings. The prosecution shall proceed as in other police cases,

(b) The prosecution of cases sent up by excise officers shall only be undertaken if the District Magistrate or Sub divisional Magistrate or in their absence the Superintendent of Excise so requires it.

430. The prosecution of gang cases both in a Magistrate's court and the Sessions Court will be placed in the hands of the Public Prosecutor.

431. The Court officer on receipt of an accused person arrested under section 55 of the Code of Criminal Procedure, with a view to proceedings under section 109, shall, if the immediate drawing up of proceedings is contemplated, produce the prisoner before the Magistrate with the requisite witnesses and the Magistrate should be moved to draw up proceedings at once and to take the necessary evidence. If for any exceptional reason further enquiry is considered desirable before drawing up proceedings either for the purpose of verifying the prisoner's antecedents, collecting further evidence or otherwise, the Magistrate should be moved to grant a remand under section 167 of the Code of Criminal Procedure. In such a case, it will ordinarily be sufficient to submit copies of the entries in the diary relating to the case as required by section 167 (1) and witnesses need not be sent unless the Magistrate particularly wishes to examine them. In the event of the Magistrate authorising detention in the custody of the police, he must record his reasons for doing so. It is to be observed that the prisoner can only be retained in custody in default of bail for a total period of 15 days under section 167 of the Code of Criminal Procedure, before the actual drawing up of proceedings under section 109. If subsequent remands are necessary the Magistrate should be moved under section 344 of the Code of Criminal Procedure. In case a prisoner is remanded to jail custody without drawing up any proceedings and without any specific charge, section 109 of the Code of Criminal Procedure, should be noted in the jail warrant. It shall be the duty of the Court officer to see that there is no delay in producing the evidence required to prove identity and the character, and antecedents of the accused persons, etc., together with the evidence to prove that it is necessary for maintaining good behavior that the person should be bound down.

432. (a) In the report for proceedings, no more should be stated than it is proposed to endeavour to prove. Before the enquiry is held a note shall be prepared for the use of the Court officer of the evidence obtainable from records and to be given by each witness; and this evidence shall be grouped, so far as circumstances permit, according as it relates to prevalence of crime, suspicion in particular cases, movements under surveillance, association, free living without apparent means of livelihood, general repute, or any other facts it is proposed to prove.

(b) In the case of bad livelihood proceedings against gangs, it is essential that the evidence should not only be generally arranged in the manner described above, but it should also be clearly stated and briefed as against each individual accused.

(c) When the enquiry is held the court should be informed of the different points it is proposed to establish against the person who has shown cause. The first witness called should be the investigating officer, who should produce evidence in justification of the institution of the proceedings. The police-station records should be produced, and the evidence available from them described, followed by any facts ascertained in the course of enquiry to which the investigating officer can depose. Other witnesses should then be examined, preferably in groups corresponding to the sequence of the events. (See regulation 290.)

433. (a) In proceedings under sections 109 and LLO of the Code of Criminal Procedure, the Court officer shall put in a written application to the court, as soon as the order to give security is passed, not to accept the sureties offered without first affording him an opportunity of objecting, if necessary, to any of such sureties, and of producing evidence, if required, in support of the objection.

(b) The fitness or unfitness of a surety is a matter for the Magistrate's discretion, and such discretion is not limited to any particular kind of unfitness.

434. (a) The Court officer shall report to the Superintendent whenever a complaint, cognizable or non-cognizable, is made against a police officer, or when any police officer or clerk is concerned in any suit or miscellaneous proceedings and such reports shall be forwarded to the Magistrate and dealt with under the rules concerning misconduct of officers.

(b) All such complaints shall be handed over by Magistrate's bench clerks to Court officers, who shall return them immediately after reporting the matter to the Superintendent.

(c) No prosecution against a police officer under section 29 of the Police Act, 1861 shall be instituted except under the authority of the Superintendent or the District Magistrate. The complaint shall be made by the Court officer by petition in writing, and shall be endorsed by the Superintendent or the District Magistrate.

(d) Ordinarily, a police officer suspected of any form of monetary fraud against Government shall be prosecuted if there is a reasonable chance of the prosecution succeeding. The opinion of the local Public Prosecutor as to the likelihood of a successful prosecution shall be obtained in writing as early as practicable and whenever it is decided not to prosecute, the reasons for that decision shall be recorded in writing.

435. (a) On receipt of a complaint of a false case a Court officer shall move the Magistrate to give the complainant of the original case an opportunity of proving the truth of his case. Should he choose to show cause against his prosecution, a judicial enquiry will follow; if he does not, the Magistrate may issue a process at once under section 204 of the Code of Criminal Procedure. Where the Magistrate has decided to issue process either under section 182 or under section 211 of the Indian Penal Code, the original case shall be entered at once in the general register as "false" and the Court officer shall put up the general register to the Magistrate for orders. If on the trial of the complainant his case is found to be true, the Court officer shall put up the general register to the Magistrate for correction. In cases instituted before a Magistrate and referred to the police for investigation the complainant's prosecution, either under section 182 or 211 of the Indian Penal Code, shall be based on a complaint in writing by the Magistrate concerned under the provisions of section 193(i) (a) or section 476 of the Code of Criminal Procedure, as the case may be. In cases reported direct to the police if it is decided to prosecute the complainant under section 211 of the Indian Penal Code, after he has filed a "naraji" petition to a Magistrate, the Court officer shall move the Magistrate concerned to make a complaint under section 476 of the Code of Criminal Procedure before a process is issued against him. (See regulation 279.)

b) The result of the application for sanction to prosecute and of the trial, if prosecution be sanctioned, shall be communicated by the Court officer to the officer in charge of the police-station.

436. Whenever any question containing base insinuations or false allegations is put by a defence pleader to a police officer in the witness box, the latter shall at once appeal to the court for the source of the insinuation or allegation to be disclosed, so that he may be in a position to run a defamation case against the person making it.

Public Prosecutors and Court officers should also file petitions to this effect and have them placed on the record of the case in order that an appellate court may be made aware that the insinuation or allegation has been challenged.

437. For instructions regarding prosecution of railway cases, see regulations 590 and 600.

438. The rules in Appendix XXVII shall be observed in respect of accused persons subject to the jurisdiction of both criminal courts and courts-martial.

439. First information reports, charge-sheets, etc., shall be laid before the Sub divisional Magistrate or in his absence before the Magistrate in charge of criminal work as soon as they are received,

440. The first information reports of all cases mentioned in Appendix XV and of all cases exclusively triable in the Courts of Sessions (and, if he wishes it, of all other cases too), shall be shown to the District Magistrate, and case diaries, or such portions of them as are of interest or importance, shall also be sent to him.

441. In charge-sheet cases the first information report shall remain with the Court officer until the case comes before a Magistrate for enquiry or trial, when it shall be made over to the bench clerk of the dying Magistrate. In non-charge-sheet cases first information reports shall be attached to the final reports and shall be sent monthly to the Magistrate's bench clerk for dispatch to the Record office.

442. (a) Every page of the case diaries and any connected papers received with them shall be stamped with the date immediately on receipt in the Court office.

(b) Care shall be taken that case diaries called for by the court under section 172 of the Code of Criminal Procedure, but not put in as evidence, are not attached to the record, and that they are returned by the court when no longer required. *Mutatis mutandis*, the same instructions shall apply to any reports of a confidential nature, not admitted in evidence, the publication of which is obviously undesirable.

443. In cases decided in a Magistrate's court the diaries and enclosures shall, as soon as the case is decided, be returned by the Court officer to the officer in charge of the police-station concerned. In cases committed to the Court of Sessions, the Court officer shall ascertain the

name of the Public Prosecutor who will represent the Crown and shall make over to him in person the diaries and enclosures and shall obtain a receipt. On return from the Public Prosecutor, the Court officer shall send the diaries and enclosures back to the officer in charge of the police-station concerned. (See regulation 264.)

444. (a) On receipt of a charge-sheet, the Court officer shall prepare the brief of the case in B. P. Form No. 41 after studying the memorandum of evidence, the first information report and the case diaries. He shall submit a copy of the brief of the case to the Superintendent of Police.

If the Court Officer finds any defects or omissions in the investigation, he shall at once issue a memorandum to the investigating officer requesting him to remedy the defects and supply any additional information or evidence required. He shall at the same time send a copy of this memorandum to the Circle Inspector.

If the Court Officer finds any difficulty in prosecuting the case on the evidence contained in the diaries, he shall apply to the Superintendent through the Circle Inspector for instruction.

(b) On conclusion of the trial of the case the Court Officer will send the brief of the case together with any correspondence he has had with the investigating officer attached to the final memorandum of the case to the Superintendent through the Circle Inspector.

445. (a) On the final disposal of all cases except those in which reports in B. P. Forms Nos. 35 and 36 in duplicate are submitted (vide regulations 254 and 287) the Court officer shall prepare a final memorandum in B. P. Form No. 88. In cases in connection with all political agitation and under sections 109 and 110 of the Code of Criminal Procedure, and under the Criminal Tribes Act, 1924, in which no first information is recorded, in which the Superintendent's orders regarding the classification of prisoners are necessary, and in all charge-sheet cases he shall submit the final memoranda in duplicate through the Circle Inspector to the Sub divisional Police Officer who will forward them to the Superintendent with such recommendations as he may like to make. In other cases he shall send one copy of the final memorandum direct to the police-station, and one to the Superintendent through the Circle Inspector and the Sub divisional Police Officer.

(b) In forwarding the final memorandum to the Sub divisional Police Officer, the Circle Inspector shall record his recommendations, if any, regarding surveillance and any remarks he may consider necessary on the conduct of the police, the failure of the case in court, the inadequacy of the sentence, etc. In subdivisions where there is no Subdivisional Police Officer, the Circle Inspector shall submit the memorandum direct to the Superintendent.

(c) On receipt of the final memorandum the Superintendent shall record orders whether the convict is to be placed under surveillance,

whether he is to be made P.R., P.R.T. or and whether a history sheet is to be opened for him. On the back of the final memoranda of cases which have ended in acquittal or discharge the Superintendent shall point out if necessary to the investigating or Court officer the reasons for the failure of the case, and shall take such other action as he may consider necessary. The final

memorandum shall not be filed by the Superintendent until final orders regarding all absconders have been passed.

(d) A memorandum in the same form shall be sent by the Court officer when any one is convicted in a case lodged on complaint before a Magistrate of any offence mentioned in the schedule of offences referred to in the regulations dealing with the Village Crime Note-Book.

(e) In cases referred to in the second sentence of clause (a) above one copy of the final memorandum with the Superintendent's orders thereon shall be sent from his office direct to the police-station, where it shall be filed with the first information report, case diaries and other papers of the case after the necessary entries have been made in the registers concerned, the other copy being forwarded to the Circle Inspector through the Subdivisional Police Officer for return to the Superintendent's office by the Inspector after his orders have been noted in their indices of crime.

(f) In cases which have ended in conviction the Court officer shall note on the back of the police-station copy of the final memorandum the description of the convicts whose names should find entry in Part II of the Village Crime Note-book.

(g) Final memoranda of cases in which the real names and residences of the accused charged with offences under Chapters XII and XVII of the Indian Penal Code, are not known, shall be written in red ink.

(h) In cases that break down in trial, the reasons for failure shall be briefly noted on the back of both copies of the final memorandum.

(i) Final memoranda shall be sent to the Superintendent, Railway Police, in cases sent up for trial by the Railway Police.

(j) In all cases of railway accidents, Court officers shall furnish the Superintendent of Railway Police with copies of the final orders of the Magistrate in B. P. Form No. 88.

(k) A copy of the final memorandum shall be sent to the Superintendent of Excise when a case under the Excise or Opium Act sent up by the police ends in conviction. At the same time the name of the jail to which the prisoner has been sent shall also be mentioned.

446. (a) The law relating to the production of unpublished official records as evidence in course is contained in sections 123, 124 and 162 of the Indian Evidence Act, 1872.

(b) For the purposes of section 123, the expression "officer at the head of the department" may be held to mean the head of the office in whose custody the document required by the court is, and vis-a-vis, the court which demands its production, that officer should be treated as the authority to withhold or give the necessary permission.

(c) When an officer receives a summons to produce before a court any document which he considers to be an unpublished official record relating to an affair of State or to give evidence

derived from such document he should immediately inform the head of his office forward the summons with any statement by the court of the circumstance which render the production of the document necessary, specifying the case in which the production is required.

(d) In respect of documents emanating (1) from a higher authority viz., His Majesty's Government, the Secretary of State for India the Central Government, or the Provincial Government, or which have formed the subject of correspondence with such higher authority, or (2) from other Governments, whether foreign or dominion, the head of the department should obtain the consent of the Provincial Government through the usual official channels before agreeing to produce the documents in court, or allowing evidence based on them, unless the papers are intended for publication, or are of a purely formal or routine nature, when a reference to higher authority may be dispensed with.

(e) In the case of papers other than those specified in clause (d) above, the head of the department should not allow production of the correspondence if it relates to matters which are generally regarded as confidential, or disclosure of which would in his opinion be detrimental to public interests, or to matters which are in dispute in some other connection, or have given rise to a controversy between Government and some other party.

The Village Crime Note-Book has in these regulations which are issued under the authority of the Provincial Government been specifically declared to be an unpublished official record and whenever a summons is issued to produce this or any portion thereof or to give evidence derived therefrom it should ordinarily be sufficient for the officer summoned to bring to the notice of the court the wording of regulation 391(a).

(f) In a case of doubt the head of the department should invariably refer to higher authority for orders.

(g) These instructions apply as well 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.

(h) The servant of the Crown who is to attend a court as a witness with official documents should, where permission under section 123 has been withheld, be given an order duly signed by the head of the department in the form below. He should produce it when he is called 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 been summoned to produce.

(i) The head of the department should abstain from entering into correspondence with the presiding officer of the court concerned in regard to the grounds on which the documents have been called for. He should obey the court's orders and should appear personally, or arrange for the appearance of another officer in the court concerned, with the documents, and act as indicated in clause (h) above, and produce the necessary certificate if he claims privilege.

ORDER

Summons from the court of the _____ for the production at
of the office files relating to the _____

(a) I direct _____ to appear with the files
mentioned in the summons and to claim privilege for them under section 123 of the Indian
Evidence Act, 1872.

(b) I withhold permission to give any evidence derived from the files for which privilege is
claimed under this order.

It should be represented to the court that these files contain unpublished official records relating
to affairs of State for the purpose of section 123 and that in view of the provisions of section 162
of the Indian Evidence Act, 1872. the files are not open to the inspection of the court,

Dated the _____

Head of Department.

447. When a competent court, on a petition of an accused, directs under the proviso to section
162(1) of the Code of Criminal Procedure that the accused be furnished with a copy of statement
or such portion thereof as is relevant to the fact of the case, which has been made by any
prosecution witness to the investigating officer and reduced into working in course of his
investigation of the case it shall send the petition to the Court Officer concerned who shall
forward the statements of witnesses, or such portion thereof as the court may direct, along with
the petition to the Copying Department of the Magistracy through the court concerned for the
purpose of issuing a copy.

448. As soon as the police papers of a case are laid on the trying Magistrate's table the Court
officer's responsibility with regard to them ceases. Before the papers are put in, the Court officer
should take care to make copies, whenever necessary, of such papers as are likely to be filed with
the judicial proceedings. He has no concern with the custody of the judicial records of cases or
with the Record office. He shall not retain in his possession the records of a case under trial
unless otherwise ordered in writing by the trying Magistrate. If he subsequently requires a copy
of any portion of the records he should make an application to the trying Magistrate for
permission to take the copy in the presence of a responsible official of the court.

449. Section 106 of the Code of Criminal Procedure details the offences on conviction for which
an order for security to keep the peace may be passed. Court officers shall see that in all cases of
riot arising from a dispute about land, and in all cases in which the cause of friction is likely to
recur, an application is made to the Magistrate Procedure for an order under section 106 of the
Code of Criminal Procedure, binding down the persons convicted.

450. The Court officer shall ordinarily move the court for an order under section 565 of the Code of Criminal Procedure, in the case of all offenders who have been previously convicted of offences under sections under section 215, 489A, 489B, 489C or 489I) of the Indian Penal Code or under Chapters XII and XVII of that Code, punishable with imprisonment for three years or upwards.

451. (a) If, on the return of the search slip from the Finger Print Bureau, it is found that previous convictions have been traced against the accused, the investigating officer shall be immediately informed and the Court officer shall take steps, where necessary, to prove the previous convictions under section 511 of the Code of Criminal Procedure.

(b) In the case of a person who has been previously convicted more than once, it will generally suffice to prove the last conviction only, provided that the former convictions were proved in that case and are mentioned in the judgment.

452. The identity of the accused should ordinarily be proved by the evidence of a police officer who is cognizant of the previous conviction, or officer who can recognize the accused as the prisoner who underwent the previous sentence of imprisonment; but if such witnesses cannot be obtained, identity may be proved under sections 45 and 73 of the Indian Evidence Act, 1872, by means of expert evidence, for which purpose the record slip must be obtained from the bureau by which the accused was traced and the services of an 'expert requisitioned from the provincial bureau (see regulation 654).

453. [The Court officer shall report to the Superintendent all cases in which ex-reformatory school boys are concerned but which do not result in their imprisonment, e.g., cases in which a sentence of whipping is inflicted or where the benefit of doubt is given or cases which end in acquittal or discharge. When an ex-reformatory boy is bound down under the preventive sections of the Code of Criminal Procedure the 1861.1 fact is to be similarly reported. The Superintendent shall inform the authorities of the Reformatory School of all such cases.

NOTE.— 'Reformatory school boys' includes 'Borstal school boys'.

454. (a) The Court officer shall dispatch to the Court officer of any district in which the house of the accused is believed to be situated, or in which he is believed to have been convicted or where his antecedents are likely to be known, a verification statement in B. P. Form No. 89. The statement shall be sent direct unless the officer from whom the information is required belongs to another province in which case the application shall be sent through the Superintendent to whom the requiring officer is subordinate.

(b) Inquiries regarding persons previously convicted in Calcutta shall be addressed to the Chief Court officer, Presidency Police Court, Calcutta, and those regarding persons convicted in cases disposed of at the Sealdah and Alipur Suburban Police Courts, to the Court Inspector of 24-Parganas, Alipur. Communications regarding the antecedents of residents of Indian States shall be addressed to the Resident concerned.

455. On receipt of a verification roll, the Court officer shall at once consult his conviction register, report the result of his search immediately to the issuing court and forward the roll to the officer in charge of the police-station concerned for verification of the statements on the reverse. The station after verification shall return the roll direct to the issuing court without any unnecessary delay. To facilitate searches Court officers shall keep their indices to the conviction register corrected up to date.

456. In case in which an accused person is sent up with several previous convictions under Chapters XII and XVIII of the Indian Penal Code, the Court officer should, if the lower court is incompetent to inflict adequate punishment, submit a written application to the Court, requesting the Magistrate to commit the case to the Sessions.

457. (a) In Sessions cases, when the reasons for commitment are not fully and clearly stated, the Magistrate of the district or of the sub- division shall cause to be drawn up for the guidance of the Public Prosecutor or other officer appointed to conduct the prosecution, special memorandum containing a concise history of the case, and of the specific facts to which each witness will speak.

(b) This memorandum together with the case diaries, copies of the depositions and copies of the exhibits, etc., and the statement of the reasons for commitment shall be made over to the Public Prosecutor within seven days after commitment, and shall be returned at the close of the trial with such remarks as the prosecuting officer may wish to offer. The memorandum and case diaries shall be treated by the Public Prosecutor or other officer as confidential communications.

(c) The Superintendent shall frequently, in personal interview, satisfy himself that the Public Prosecutor receives all the aid that he needs to enable him to prosecute successfully. If the Public Prosecutor requires the presence of particular officers acquainted with the facts of the case, these officers shall be brought in. The Public Prosecutor shall be acquainted with the facts of the case in good time, so that if further evidence in his opinion is required upon any particular points, a reference may be made to the Magistrate with a view to its being obtained before the case comes on for trial.

(d) In all cases committed to the Sessions, whether from the sadar or outlying subdivisions the Court officer shall ascertain by personal communication with the Public Prosecutor, whether the brief furnished him by the Magistrate is complete in all details, and, if not, he shall supplement it with any information that may be required.

458. (a) Whenever there is good reason to suspect that a person accused of an offence under Chapter XII or XVII of the Indian Penal Code, for which, on reconversion, an enhanced punishment may be awarded under section 75 has been previously convicted or when the name, residence and antecedents of a person so accused are unverified, an application for remand shall be made in B. P. Form No. 90 by the Court officer pending the result of the inquiry into the prisoner's antecedents. This application will remain with the record.

(b) If a remand is not granted, an immediate report shall be made to the Superintendent, who, if the reasons appear insufficient, shall report the matter to the District Magistrate.

459. If on a consideration of the facts and circumstances elicited from the police verification of a confession supplemented by a magisterial verification, if any, as provided for in regulation 283, it appears that the evidence of the confessing accused is necessary the Court officer, with the permission of the Superintendent, shall move an application to the Magistrate asking him to tender pardon to the accused under sub-section (1) of section 337 of the Code of Criminal Procedure, and to examine him as a Crown witness. If pardon is tendered and accepted, the procedure laid down in sub-sections (2) and (3) shall be followed.

460. If the Superintendent considers it necessary to bring the trial of a case to the notice of the District Magistrate for action under section 435 of the Code of Criminal Procedure, he may do so either by a formal application presented by the Court officer or by an unofficial note.

460A. The District Magistrate shall consider the application or note and, if he thinks necessary, call for the record but shall not transmit to the Magistrate concerned any unofficial notes on the subject.

461. The District Magistrate shall give immediate notice to the Superintendent of all appeals and of all applications for revision in which the High Court or Court of Sessions issues a rule or calls for an explanation, and act in concert with him in such cases.

462A. (a) When an appeal is preferred to the High Court against the orders of a Sessions Judge in a serious case the Superintendent shall on receipt of notice of the appeal from the District Magistrate, inform him of any particularly important facts connected with the case that should be brought to the notice of the Legal Remembrancer and whether the latter should be asked to enter appearance for the Crown even though the appellant is unrepresented. He shall also consider, in consultation with the Magistrate, the propriety of deputing the investigating officer or the Public Prosecutor personally to instruct the counsel representing the Crown in the High Court.

(b) Unless otherwise instructed by the Magistrate, the Public Prosecutor shall appear in all appeals before the Sessions Judge in which the appellant is represented by a pleader or counsel. The Superintendent shall bring to the notice of the Magistrate any other cases in which he considers it desirable that the Crown should be represented. Such cases include those in which police officers have been convicted of malpractices either cognizable or non-cognizable. He shall also report for the orders of the Magistrate any case in which the Public Prosecutor fails to appear though required to do so by rule or specific instructions, and when he considers that the conviction has not been supported properly. A complete brief, i.e., copies of judgment, depositions, note-sheets, etc., shall be prepared by the Magistrate when the Public Prosecutor or the Court officer is required to represent the Crown in appeals or references under section 123(2) of the Code of Criminal Procedure.

463. (a) The following rule has been framed by the High Court:—

The Police officer attached to the court, or some other responsible officer of the court specially appointed to the duty, shall be required to make over to the bench clerk~ not later than 12-30 p.m., or, if early morning sittings are being held, not later than 7-30 a.m., a list (in Form No. M-41), verified, dated and initialled by him, of the Witnesses who, up to 12 noon, or if early morning sittings are being held, up to 7 a.m., are in attendance for examination.

(b) With this list (in Form No. M-41) the Court officer shall attach a bill for the diet and travelling expenses of prosecution witnesses in order to ensure immediate payment.

(c) The duties of the head of the Police prosecuting agency is to see that the instructions in connection with the diet-money and travelling expenses of witnesses are duly observed.

464. When the complainant or a witness in a case is a servant of the Crown and no expenses are paid to him by the court, the Court officer shall see that a certificate of attendance is given him by the court to enable him to draw his travelling expenses (see regulation 1228).

465. Upon receipt in the Court office of the list of property found on a search made under section 103 or 165 of the Code of Criminal Procedure, the date of receipt shall at once be stamped on it.

‘The police have no power under the law to compel the attendance in court of witnesses to a search, but if any court appears to entertain doubts regarding the identity of the articles given in the list of properties, the Court officer shall request the court to summon the witnesses to the search.

466. (a) Medical officers will be examined on oath, but their evidence may be recorded by any Magistrate and not necessarily by the officer trying the case (section 509 of the Code of Criminal Procedure).

(b) When the medical officer is under examination before the Magistrate, the Court officer shall ask him to produce (i) an authenticated copy of his forwarding letter to the Chemical Examiner; (ii) the post office or other receipt for the parcel despatched to the latter; and shall elicit from him any further evidence necessary to connect the Chemical Examiner’s report with the charge against the accused. If necessary, the medical officer’s clerk or other person who has granted the receipt shall be called to prove it, and shall be bound over to appear at the Sessions trial. Both copy and receipt shall be tendered in evidence when proved.

467. The High Court have issued the following circular (Circular Order, Criminal, No. 2 of 1937) regarding the recording of confessions by Magistrates: -

Magistrates should clearly understand the great importance of giving their closest attention to the procedure to be followed, from first to last, in the recording of confessions. This procedure should be followed, without haste, with care and deliberation, it being understood that this duty is not a distasteful and minor appendage or addition to their normal functions but, one which is of consequence to the confessing accused his co accused and courts responsible for the administration of criminal justice. A confession which is recorded perfunctorily and hastily is a source of embarrassment to the trial court, the prosecution and the defense. The provisions of

sections 24 to 28 of the Indian Evidence Act and of section 164 of the Code Criminal Procedure should be carefully studied and the following safeguards, among others, shall be adopted:—

(1) Confessions are to be recorded during the Court hours, and in the Magistrate's court or other room in a building ordinarily used as a Court house, unless the Magistrate, for reasons recorded by him on the form No. (M) 84, certifies that compliance with these conditions is impracticable or that he is satisfied that the ends of justice would be liable to be defeated thereby. It must be clearly understood that the recording of a confession at a Magistrate's private residence, or at any place other than the Magistrate's court, shall be the exception and not the rule and that on Sundays and holidays when it is necessary to record a confession the Magistrate shall proceed to his court for the purpose, after making all arrangements for the production of the accused before him in that court. If the confession is recorded in a room that is ordinarily open to the public, the Magistrate may, if he thinks fit, order that the public generally or any particular persons shall not have access to, or be or remain in, the room used for the purpose.

(2) When the accused is produced the Magistrate should ascertain when and where the alleged offence was committed, and by questioning the accused, should further ascertain when and where the accused was first placed under Police observation, control or arrest.

(3) Magistrates shall not, except under circumstances which render delay impossible, record the confession of an accused person immediately the police bring him into Court. He shall be given at least three hours for reflection, during which period he shall not be in contact with any police officer and shall not be permitted to hold converse with any person.

(4) During the examination of the accused and the record of his statement a co-accused and, unless in the opinion of the Magistrate the safe custody of the prisoner cannot otherwise be secured, police officers should not be present. In particular the police officers concerned in the investigation of the case or in the arrest or production of the accused shall be excluded.

(5) The Magistrate should give the explanations required by section 164 (Code of Criminal Procedure) and the other explanations mentioned in the form in a careful and patient manner, not perfunctorily, but so as to ensure that they are fully understood.

(6) (a) The Magistrate should not proceed to record the statement of the accused unless and until he has reason, upon questioning him and observing his demeanour, to believe that the accused is speaking and is about to speak voluntarily.

(b) While it is not in general necessary or desirable to invite complaints of ill-treatment by the police, cognizance of such complaints when made should be promptly taken, and any indications of the use of improper pressure should be at once investigated. If any injuries are noticed on the body of the accused or are referred to by him he should be asked how he came by them, and, if necessary, in order to enable the Magistrate to be satisfied that the accused is about to speak voluntarily, the accused should be medically examined before his statement is taken.

(c) It must be clearly understood that the questioning of an accused person in order to discover if the making of a confession is voluntary, is not a mere formality. The Magistrate must apply his mind judicially and endeavour to base his finding upon definite premises and grounds.

(7) While carefully avoiding anything in the nature of cross-examination the Magistrate should endeavour to record his statement in the fullest detail, and to this end may properly put such questions, not being leading questions, as may be necessary to enable the prisoner to state all that he desires to state and to enable the Magistrate clearly to understand his meaning.

III —Warrants, Processes and Bail and Recognizance bonds.

468. On receipt of a charge-sheet containing the names of absconders, Court officers shall at once move the Magistrate trying the case to issue warrants against all the absconders named in the charge-sheet, and, if necessary, proclamation and attachment orders simultaneously with the warrants. If the Magistrate refuses, without giving reasons for his action, to issue the warrants against all the absconders named or postpones the issue of warrants, or if he declines to pass orders, the Court officer shall ask the Superintendent to move the District or Subdivisional Magistrate to withdraw the case under section 528 of the Code of Criminal Procedure to his own file and then to issue warrants for the arrest of the absconding accused.

(1) Whenever a person on security of any kind is prosecuted for an offence implying a breach of terms of his bond, special application shall be made, at the time of presentation of the charge-sheet, that the court may, in the event of conviction, order the confiscation of the security.

(2) It is the duty of the prosecuting agency to watch the progress of realisation of forfeited security. When the head of the agency finds that, either generally or in a particular case, under delay or laxity in realisations is taking place, he shall bring the matter to the notice of the Superintendent, in order that the attention of the District Magistrate may be directed to it.

469. (a) In issuing warrants, Magistrates shall fix a date on which the police shall return the warrant or report that it has not been executed. The date of this report shall be fixed so as to allow the police a reasonable time for proper action in obedience to the warrant.

(b) Warrants of arrest shall usually be directed to the police for execution, but in cases of urgency may be directed to court peons.

(c) Under section 77 of the Code of Criminal Procedure, when issuing a warrant to a police officer, the court may address him either by name or by the title of his office. Under section 79, all subsequent endorsements shall be by name and designation. A warrant intended to be executed by the police, therefore, shall be addressed not to the Court officer, but to the officer in charge of a police-station.

469A. (a) The Court officer shall despatch warrants to officers in charge of police-stations. He shall scrutinize all warrants received by him for despatch, and bring to the notice of the presiding Magistrate any case in which the process is unsuitably directed.

(b) Warrants shall be sent direct to police-stations, except when a special officer is necessary for the duty to be performed. In such cases the Court officer shall take the orders of the Superintendent or Circle Inspector, or in their absence the Magistrate of the district or Subdivisional Magistrate. Warrants so served, when executed, shall be returned to the Court officer direct.

470. When an absconded offender appears in court, or is arrested by parties other than the police of the police-station to which the warrant was sent in the first instance, or when a warrant is cancelled under section 75 of the Code of Criminal Procedure, the Court officer shall send information to the police-station and ask for the return of the warrant.

471. (a) The service of criminal processes in all districts, with the exception of those mentioned in clause (b) shall be supervised by the collectorate nazir. processes.

(b) Ordinarily warrants of arrest, fine warrants, orders issued under section 88 of the Code of Criminal Procedure and search warrants, shall be executed by the police in both cognizable and non-cognizable cases, and with the exception of fine warrants shall be entered in the register of processes (B. P. Form No. 91).

Warrants issued under section 34 of the Police Act, 1861, under the Motor Vehicles Act, the Hackney Carriage Act, the Cruelty to Animals Act and the Bengal Highways Act and for offences against Municipal by-laws shall be sent by courts to the police officers concerned direct and not through the Court (police) office. The officers serving the warrants shall return them direct to the issuing court with a report of the action taken.

(c) Processes shall have an annual serial number. Unexecuted processes shall be brought forward in red ink in April only, these red ink entries being their original annual serial number and year of issue.

(d) Whenever a summons to appear as a witness in a criminal case is issued against an officer of police, it shall be served upon him through the Superintendent of the district or the police officer in charge of the subdivision to which he may belong.

NOTE.—The High Court has intimated that upon a proper application being made in each case to the Judge exercising the original criminal jurisdiction of the Court. the convenience of public officers summoned as witnesses in cases before the High Court from the nuifassil shall always be duly considered. Whenever a public officer is summoned as a witness before the High Court the Legal Remembrancer should be informed and asked to see that the witness is not unnecessarily detained.

(e) A summons on a railway servant or a servant of the Crown shall be served through the head of his department.

472. (a) Three copies of a proclamation under section 87 of the Code of Criminal Procedure, shall be obtained from the Magistrate's office—one for the Court office, one for the police-station, and the third for the absconder's village.

(b) Police officers shall strictly comply with the provisions of section 87 of the Code of Criminal Procedure relative to the publication of the proclamation. The Court officer shall affix the copy for the Court house in the presence of witnesses, and submit a report to this effect. The station officer shall have the copy for the absconder's village duly read out in a conspicuous part of the village, post it up at the ordinary place of abode of the absconder in the presence of some of the principal residents, and submit a report that this has been done, giving the names of the witnesses.

(c) On receipt of the report, if everything is correct, the Court officer shall move the Magistrate to record a proceeding stating that the proclamation was duly made and declaring the date on which it was made. The term of 30 days (vide section 87 of the Code of Criminal Procedure) shall run from the date so declared.

(d) Court officers shall report to the Superintendent all persons proclaimed.

(e) When a Magistrate agrees to issue a proclamation under section 87 of the Code of Criminal Procedure against an absconder, he shall at the same time be requested to issue an order for attachment of his property under section 88.

473. Property of absconding accused persons, other than land paying revenue to Government which is ordered to be attached, shall be specified in the warrant of attachment. Court officers, therefore, shall prepare and submit a list of property to be attached, when applying for orders under section 88 of the Code of Criminal Procedure. When it is found that no property is specified in a warrant the Court officer shall bring the omission to the notice of the court.

474 If the accused does not appear within the time specified in the proclamation, the Magistrate shall be requested to record a formal order declaring the property attached to be at the disposal of the Provincial Government. There is, however, no objection to the proclamation and attachment being issued simultaneously.

475. If all measures provided by law to compel the appearance of the absconding accused fail, the Court officer shall, unless the Superintendent his opinion that this is unnecessary, apply to the Magistrate to record evidence of the complainant and witnesses under section 5 1 2 of the Code of Criminal Procedure.

Court officers must be mindful that evidence that the accused has absconded must first be recorded.

476. At the end of each month a list in B. P. Form No. 92 showing all outstanding processes issued in the previous month shall be forwarded from the sadar and subdivisional courts to the office of the Superintendent, necessary extracts regarding warrants issued on railway police cases being sent to the office of the Superintendent of Railway Police concerned. In the April lists all previous unexecuted processes, bearing their original annual serial number and year of issue, as brought forward in red ink in the process register shall also be shown in red ink. (See regulation 471.)

477. (a) The Court officer shall draw out bail and recognizance bonds and get them duly executed.

(b) Witnesses, parties to cases, and sureties having to execute bonds, shall be taken to the Court office, after the Magistrate's orders are passed to have bonds properly drawn out and executed.

(c) The Court officer shall make careful inquiries into the position in life of proposed sureties; and if there is any objection to their being accepted, shall report it at once to the Magistrate concerned.

(d) When money is put down by a party as security under section 5 13 of the Code of Criminal Procedure the Court officer shall deposit it promptly in the treasury for safe custody.

(e) The Court officer shall obtain receipts in the peon book for the bail and recognizance bonds made over to the Magistrate's amla to be filed with the records.

(f) When an accused person surrenders in court and is released on bail, the Court officer shall grant him free of charge, a certified copy of the bail bond containing the Magistrate's orders thereon. This will serve as a safeguard to the accused till the release notice, which should be dispatched by the Court officer as early as possible, reaches the police-station concerned.

IV. —Under-trial prisoners.

478. (a) Under-trial prisoners will be of two classes based on their previous standard of living. The classifying authority will be the Court, subject to the of the District Magistrate. During the period a prisoner is in police custody, before production before a competent court, the officer in charge of the police-station shall use his discretion as to his classification.

(b) Under-trial prisoners who have been placed in class A by the trying cowl shall not be handcuffed, or roped, unless the Superintendent, or the officer in charge in his absence after consulting the District Magistrate, or the officer in charge in the absence of the District Magistrate, considers the use of handcuffs or ropes necessary. The use of handcuffs or ropes in the case of under-trial prisoners who have been placed in class B, or who have not been classified, is only authorised in cases when there is reasonable expectation that they will use violence, or attempt to escape, or that an attempt will be made to rescue them.

479. (a) The Court Police, reinforced if necessary by men from the police lines, shall escort all under-trial prisoners from the jail or lock-up to the Magistrate's court and shall guard them while there. They shall also escort back to the jail prisoners sentenced to imprisonment, or remanded to ha fat by the Magistrate (see also regulation 480).

(b) Whenever the hearing of a case is adjourned, a day shall be fixed by the Magistrate for the rehearing of the case, and it shall be the duty of the Court officer to ensure the punctual attendance of the prisoners on the day fixed.

480. (a) Prisoners shall be escorted to the court and back to the jail by the shortest route but, as far as possible, bazars and crowded thoroughfares should be avoided,

When possible, they should be conveyed to and from court in a special conveyance. Class I under-trials should be conveyed in prison vans or in hired public Conveyances to ensure their travelling in reasonable comfort and privacy.

(b) All prisoners not before the court shall be escorted back to the jail from the court one hour before sunset, without waiting for those whose cases have not been disposed of. The Court officer shall apply to the Armed Inspector for an additional guard for prisoners who have been detained in court. In the case of under-trial prisoners sent to the jail for the first time it shall be the duty of the Court Police to see they have their food before they are taken to the jail if they are likely to arrive there too late for the evening meal which is served one hour before sunset.

(c) As regards the handcuffing and roping of under-trial prisoners whilst being escorted to and from the court, see regulation 478.

481. The Court Police shall produce prisoners committed to the Sessions and property connected with Sessions cases before the Court of Sessions on the dates fixed for trial. Where the Sessions is not held in the district of commitment, the Court officer of the district of commitment shall send all the property required to be produced before the court to the Court officer of the district where the trial is to be held and communicate to him the date fixed by the Judge for the trial of each case. The latter officer shall be responsible for the production of the prisoners and properties in such cases in the same way as if they had been committed from his district. The Superintendent of the committing district shall take steps to have the Public Prosecutor properly briefed.

482. (a) The senior Court officer shall, forthwith on their arrival in the Court office, search all the male prisoners and have the female prisoners searched a woman of by the Magistrate, and take possession of all properties and offensive weapons found on them. These and the properties and weapons sent by the station police, with the prisoners in charge of their escort, shall be taken charge of and entered in the rna!khana register by the officer answerable for the mnilkhana. Glass, conch-shell or iron bangles shall not be removed from the person of female prisoners. The woman making a search under this regulation shall get a small fee for the same, say, of 4 annas per head, the charges being debited to the Magistrate's grant for contingencies.

(b) Immediately before the trial of cases, and before the prisoner or prisoners are put into the dock or brought into court, it shall be the joint duty of the Court officer and the police escort, in whose custody the prisoner or prisoners are, to make thorough search and satisfy themselves that no offensive weapons are being carried into court.

Similar precaution shall be taken in the case of all other prisoners including those on bail or surrendering in court.

(c) No prisoner shall be allowed to wear slippers or shoes in the precincts of the court unless permitted to do so by the court.

483. The Court officer shall inform the jailor by means of a separate report, for the information of the Jail Superintendent, when any under-trial prisoner or convict sent to jail is a desperate character, or when his offence is particularly heinous or if he has ever suffered from lunacy. Ordinarily this information will be obtainable from the charge-sheet or chz2zlan sent in by the police with the prisoner [see regulation 272(b) (vii)].

484. Before despatching prisoners to the jail from the court lock-up at the close of the day, the officer in charge of the hajat register shall search all the prisoners thoroughly in the presence of the officer in charge of the escort party and both officers shall endorse a certificate to that effect on the hajat register.

485. When it is desirable to transfer an under-trial prisoner to a jail other than that to which he was originally committed, the Court officer shall make a written application to the court in session of the case, when such prisoner is brought before it, to direct that if further commitment to jail custody is ordered, such custody may be in the jail specified in the application.

486. (a) When a Magistrate passes order that—

- (i) confessing prisoners,
- (ii) persons made witnesses under section 337 of the Code of criminal Procedure,
- (iii) other under—trial persons,

shall be kept apart whilst in jail from other accused persons in the same case, the Court officer shall communicate his orders to the jail authorities.

(b) The Superintendent shall see that proper arrangements are made for the segregation of approvers and, if on any occasion proper segregation cannot be arranged, shall suggest to the District Magistrate that the approver may be kept in some other jail and be escorted to the trial court on the dates on which his attendance is necessary.

487. Prisoners shall be supplied with drinking water, whenever required, but no food shall be given to a prisoner without the Manistee's permission. All articles of food shall be carefully examined before they are passed on to prisoners, and no article the introduction 1861.1 of which into a prison is prohibited by any rule under the Prisons Act, 1894, shall be given to prisoners or allowed into the lock-up (see regulation 720).

488. No prisoner shall be taken out of the lock-up, except with the permission of the officer in charge of the Court office,

489. No individual shall have access to a prisoner whilst he is in the precincts of the court awaiting his trial, without authoritative permission. The presiding officer of the court may give such authority in writing, and may require the person making the application to do so in writing. In such case no court-fee shall be necessary. Facilities shall be given to recognized practitioners

for consultation with their clients, but care should be taken that unlicensed practitioners or touts are entirely excluded.

V. —Registration of criminals—Finger prints and P, R. system.

490. (a) “Finger prints” include prints of the thumb and are either “rolled” or “plain”.

(b) “Unidentified” means a person whose residence and antecedents are not known.

(c) “Untraced” means a person against whom no previous convictions have been traced.

(d) “Expert” means an officer who has been passed as competent to examine, classify and give an expert opinion on finger impressions.(See regulation 656.)

491. (a) The method of taking finger prints is described in Rai Bahadur H C. Basis’s “Finger Print Companion”.

(b) The following instructions shall be observed in preparing finger print slips

(i) Prints shall invariably be taken on the authorized finger print slip, B. P. Form No. 93 or No. 94, as the case may be. In the slip space has been allowed for the “rolled” prints of all the 10 digits, as well as for the plain prints of the four fingers of both hands. The headings of the slip are self-explanatory.

(ii) Impressions shall always be taken with the tip of the finger pointing to the top of the form.

(iii) For convenience in taking “rolled” prints the slip shall be folded at the line indicated and the fold placed in line with the edge of the table.

(iv) The “rolled” prints shall show the complete contour of the bulbs of the fingers. One delta in the case of “loops” and two in the case of “whorls” should be visible.

(v) The “rolled” print of each finger shall be taken in the space allotted for that finger, and the impression shall not project beyond that space. The impression of the upper phalanx of the finger only shall appear.

(vi) The “rolled” prints of the right hand shall be taken first, each finger being inked and impressed before the next finger in rotation is inked. When the “rolled” prints of the right hand have been taken, the operator will take the “plain” prints of the four fingers of that hand simultaneously in the space provided for them on the slip. When the right hand has been finished, the operator will proceed to take the prints “rolled” and “plain” of the left hand in a similar manner.

(vii) All names, whether of persons or places, shall be written very legibly. Entries shall be as concise as possible and convictions shall be entered in chronological order.

(viii) When the finger prints of both hands have been taken, the slip will be turned over and the subject's name, residence, details and convictions will be filled in. The subject will then sign the form or make his mark if unable to write, and immediately afterwards a "plain" print of his left thumb will be taken in the space provided for the purpose.

(ix) The finger print slip of one prisoner shall be completed before that of another is commenced.

(x) Finger print slips of females, whether sent for search or for record, shall bear the word "female" in red ink on the side of the slip which contains the impression.

(xi) Finger print slips of railway thieves and wandering criminals shall bear the words "railway thief" or "wandering criminal," as the case may be.

(xii) If a finger is missing, or is so deformed that it is impossible to obtain an impression, the fact will be noted in ink in the space allotted for that finger by the words "missing" or "deformed". In the case of double fingers, the prints of both fingers shall be taken, if possible: if not, the print of the more prominent of the two. Deformities, cuts, scars and disease marks interfering with the legibility of the impressions shall be fully described, and it shall be stated if they are temporary or permanent. Subjects suffering from open cuts or scars in any of the upper phalanges of the fingers shall not (if this can be arranged) have the prints of such fingers taken until the cuts or scars have healed.

(xiii) Finger prints of lepers are not to be taken on any account. Persons suffering from contagious and infectious diseases shall not have their finger prints taken until completely recovered.

492. The finger prints of the following persons, juvenile or adult, male or female, shall be taken for permanent record (see regulation 506): —

(i) all persons convicted of offences against property carrying record. enhanced punishment on reconviction, irrespective of the duration of [§12, Act V, the sentence inflicted, if their real names and antecedents are unknown 1861.] to the police and cannot be ascertained;

(ii) all persons reasonably suspected and arrested by the Police for committing offences under Chapters XII and XVII of Pakistan Penal Code, punishable with rigorous imprisonment for a term of one year and upwards and all persons convicted of the said offences, who in the opinion of the Superintendent of Police are likely to revert to crime;

(iii) all persons reconvicted of offences under Chapters XII and XVII of the Indian Penal Code, punishable with rigorous imprisonment for a term of one year and upwards;

(iv) all persons reasonably suspected and arrested by the Police for committing offences under sections 170, 215 and 231 to 254, 328, 417 to 420, 489A, 489B, 489C, 489D of the Pakistan Penal Code and all persons convicted of offences under the said sections. Superintendents of Police may exercise discretion in cases under Section 417 of the Pakistan Penal Code, when the persons concerned happen to be local men and the offence is of a petty or technical nature;

(v) all persons ordered to execute bonds under sections 109 and 110 of the Code of Criminal Procedure;

(vi) all persons convicted under the Arms, Opium and Excise Acts who are believed to be illicit dealers in arms, opium or cocaine; and also all seamen convicted of arms smuggling;

(vii) all persons convicted of any offence in connection with political agitation punishable with rigorous imprisonment for a term of one year or upwards;

(viii) all members of a criminal tribe registered under the Criminal Tribes Act, 1924;

(ix) all persons convicted under the Goondas Act, 1923 (Ben. Act I of 1923) or the Presidency Area (Emergency) Security Act, 1926 (Ben. Act III of 1926);

(x) all persons convicted for attempt or abetment (section 511 or 109/114 of the Indian Penal Code) of offences for which they are liable to be made P.R. if (1) they are convicted outside their home districts or (2) their finger print slips are known or believed to be already on record in the Finger Print Bureau, or (3) they remain unidentitied;

(xi) all persons convicted under section 3 of the Bengal Criminal Law (Industrial Areas) Amendment Act, 1942;

(xii) all persons convicted under section 4 of the Bengal Criminal Law (Industrial Arcos) Amendment Act, 1942, except when the convicted persons happen to be local men and the offence is of petty nature; and

(xiii) all persons convicted under section 2 of Howra Act (Act XXI of 1857).

493. (a) A Court Sub-Inspector shall take and forward for search to the Finger Print Bureau, Calenta the finger prints of every unidentified person arrested as a suspect or under-trial on a criminal charge of an offence punishable with rigorous imprisonment for a. tern of one year or more. For this purpose every person in custody, whose true name, parentage, residence and antecedents have not been satisfactorily established at the time of his first production in court, will be considered to be unidentified.

(b) The finger print slips of under-trial prisoners sent up by the Railway Police shah be prepared and submitted for search by the District Police Court officers attache4 to the courts to which persons are sent up except that the finger print slips of prisoners sent up by the Railway Police to the Sealdah Police Court and Howrah Court shall prepared and sent by the Railway Police Court officers posted to those courts.

NOTE.—(i) Police officers are autorised to take the finger prints of persons only under sections 4 and S of the identification of Prisoners' Act, 1920 (XXXIII of 1920, of which the former provides for the taking of finger impressions of (1) after arrest and (2) when arrested for an offence punishable with rigorous imprisonment for a term of one year and upwards, and the latter

for the taking of finger impressions of persons with the orders of the Magistrate for The purpose of any investigation or proceeding under the Code of Criminal Procedure.

(ii) Duplicate finger print slip shall be taken and submitted to the Finger Print Bureau for search if it is found that for unavoidable reasons and after exercising all possible care the impressions of the subject remain blurred and indistinct.

494. (a') The finger print slips of persons taken under regulation 493(a) shall also be sent direct for search (i) to the bureau of the province of which the persons are alleged, or are suspected to be residents and (ii) to the bureau or bureaux of the province provinces where their operations are believed to extend.

(b) in addition to the above, when an unidentified person is, or is reasonably suspected to be, a resident of another province, a copy of his finger print slip will also be sent direct to the Finger Print Bureau of that province for search.

(c) Finger print slips of persons believed to be Bhamptas shall be sent to the Bombay Bureau for search.

(d) Finger print slips~ of men arrested in districts on the borders of other provinces, whose identity is doubtful, shall be sent for search 'to the 'Finger Print Bureau of the neighbouring province as well as to Calcutta.

495. (a) The finger print of an under-trial prisoner should be dispatched for search with a search slip (B. P. Form No. 53) attached. The portion of this form to be filled in by the Court officer is noted on the form. The certificate on the search slip as to the dispatch of a verification roll to the native district of the suspect or under-trial prisoner and the names of the bureaux, to which copies of the finger print slip have been sent for search, should be carefully

(b) When finger impressions of an under-trial prisoner are sent to a bureau for search, the trial shall not be delayed, but where necessary, an application shall be made before the sentence is passed on the accused for 'the remand of the case, pending reply from the bureau of bureaux.

(c) Slips for despatch by post shall be folded along the red lines only.

496. Approvers so important cases after due compliance with the provisions of the Identification of Prisoners' Act, 1920 (XXXIII of 1920) should have their photographs and finger prints (three sets) taken without delay. There have been cases of approvers absconding at important stages of an investigation or trial.

497. On receipt of information from jail that a non-P.R. convict is about to be sent to a lunatic asylum, his finger print slips shall be prepared, endorsed in red ink "non-P.R. prisoner sent to a lunatic asylum" and sent for record to—

- (i) the bureau of the province of conviction,
- (ii) the bureau of the province of which the lunatic is a native,

The names of such persons shall be entered in the court conviction register and the police-station concerned informed so that an entry may be made in the Village Crime Note-Book. If the lunatic is a convict or a resident of a different district, the finger print slips so prepared shall be sent to that district for action. The words "non P. R. prisoner admitted to a lunatic asylum" shall be noted in red ink at the top of these slips.

498. Finger print experts employed in districts shall not be deputed to give evidence in cases, civil or criminal, other than those in which the identity of under-trial prisoners, traced by the Finger Print Bureau, is to be proved by a comparison of their finger impressions with those on record in the bureau.

499. All convicts, whose finger prints are taken under regulation 492, are known as "P. R." (Police Registered), except boys sent to the Reformatory School, whose finger prints will be taken before they are sent there. As regards females, see regulation 501. No person will be liable to surveillance on his release merely by reason of being "P.R.". By this system a classification made for police purposes is transcribed into the jail registers, thereby enabling the police to trace dangerous convicts throughout their jail career.

NOTE.—Reformatory school boys "include Borstal school boys".

590. (a) P. R. prisoners shall be divided into three classes,

- (1) P.R.,
- (2) P.R.T., and
- (3) P.R.T., 565.

Class (1) indicates prisoners who are to be released from the jail where they are confined on the expiration of their sentence; class (2) indicates those who are to be transferred for release to the jails either of their native districts or of their district of domicile; except persons convicted under the Goondas Act, 1923 (Ben. Act I of 1923) or the Presidency Area (Emergency) Security Act, 1926 (Ben. Act III of 1926), who shall not be released from any jail within the area from which they have been externed (see notes below) and class (3) are convicts against whom orders under section 565 of the Code of Criminal Procedure have been passed.

Class (1) shall comprise persons about whose release it is desirable to give the police timely warning, but who are likely to avail themselves at once at the means furnished them by the Jail Department and return home, and who are not likely to revert to crime where they are unknown.

Class (2) shall comprise convicts of a dangerous type who are likely to revert to crime before returning home if released at a distance from their homes. Amongst them may be included (i) members of known criminal tribes imprisoned for an offence of any kind, (ii) all members of notorious criminal communities bound down under section 109 or 110 of the Code of Criminal Procedure, (iii) members of wandering gangs, (iv) convicts who have no regular residence, (v) all convicts undergoing imprisonment for smuggling opium or cocaine, (vi) persons convicted under the Goondas Act, 1923 (Ben. Act I of 1923) or the Presidency Area (Emergency) Security

Act, 1926 (Ben. Act III of 1926), and (vii) habituals or persons who are considered likely to take steps to avoid police surveillance.

Class (3) shall comprise prisoners on whom orders under section 565 of the Code of Criminal Procedure have been passed. They shall be made P.R.T.

NOTE.—In the case of persons convicted under the Goondas Act or the Security Act, the following procedure is prescribed:—

Persons externed from Bengal under section 6(1) of the Goondas Act or section 4(2) of the Security Act shall be made P.R.T. either to the jail of the district of their domicile or (if their domicile is in an Indian State) to the jail of the district in British India nearest to their domicile.

Persons externed from the Presidency, area under section 6(1)(b) of the Goondas Act, or section 4(1) of the Security Act shall be made P.R.T. to any jail in Bengal outside that area.

(b) (i) P. R. slips of P. R. T. prisoners shall show the jail from which they are to be released.

(ii) Members of criminal tribes shall be transferred to their province of origin for release.

(iii) Members of wandering gangs shall be released from the jails of the district in which they are sent up for trial. A convict who has no regular residence shall be released from the jail of the district in which he was last convicted.

(iv) P.R.T./565 prisoners shall be released from the jail of their native district as laid down in rule 541 of the Bengal Jail Code.

(v) Persons originally residents of foreign districts or provinces, who, for any reason, have become permanently domiciled in any part of Bengal, shall be transferred for release to the jail of the district of domicile, and not to that of the district of original residence.

Nom.—Alipore/Howrah/Dum Dum shall be shown as the jail of release in the P.R. slips of prisoners to be released from the Howrah Jail.

501. (a) For every convict made P.R. the Court officer or other local proficient shall prepare the finger print slip and note the words “F. P. taken” on the P.R. slip (B. P. Form No. 95), in the jail admission register, the prisoner’s history ticket and the court conviction register. In the case of railway criminals, the words “railway criminals” shall be written in red ink at the top of the slip.

P.R. slips in duplicate shall be issued for persons convicted of offences under sections 395, 396, 397, 400, 401, 402 and 412 of the Indian Penal Code, and all non-Asiatic convicts, one being marked in red ink “for C.I.D.”.

(b) The P.R. slip shall be made over by the Court officer to the jailor and a receipt obtained.

(c) In the case of female persons made P.R., the finger print slips shall always be prepared in the presence of a matron (where such a matron exists), or of a female convict officer in charge. The police officer deputed to take finger impressions of female prisoners shall be accompanied by an assistant jailor or a head warder when going to the female ward.

(d) The words “unidentified” shall be written in red ink on the P.R. slips of all unidentified prisoners and “political” on those of all prisoners convicted of offences having a political complexion.

502. (a) Finger impressions of P.R. prisoners shall be taken before they are transferred from jail of the district of conviction, The P.R. slips of a prisoner whose finger prints have not been taken before his transfer shall be sent along with a dispatch cheque in B.P. Form No. 96 to the Court officer of the district to which he is transferred. The Court officer shall have the prisoner’s finger impression taken, and shall communicate the fact to the Court officer from whom the P.R. slip has been received.

(b) The finger prints of boys going to the Reformatory School shall be taken before they are sent.

NOTE - ‘Reformatory school boys’ include ‘Borstal school boys’.

503. (a) Finger print slips of P.R. prisoners in -Railway police cases, except those convicted in the Sealdah and Howrah courts, shall be prepared and submitted to the Finger Print Bureau by the Court officer of the District Police.

(b) Orders passed by the Superintendent of Railway Police shall be communicated to the Court officer concerned, who shall issue a P. R. slip and take the necessary action and shall inform the Superintendent of Railway Police that he has done so.

504. The officer taking the prints is responsible not only for the impressions but also for correctness of the convictions and other details entered on the reverse of the slip; his signature to the slip will be held to show that he has verified the sentence and previous convictions from the judicial record and the personal details of the convict from the Court office and jail records.

505. (a) Every slip sent for record in the Finger Print Bureau after conviction shall be endorsed in red ink at the top on the reverse side “identified” or “unidentified” as the case may be (six regulation 490). In the case of reconvicted persons whose finger prints are known or believed ‘to be already on record, the slip will be endorsed in a similar manner with the word “reconvicted” in order that they may attract special notice in the Finger Print Bureau and thus provide against two slips of the same person being kept on record. The finger print slip of a seaman convicted of arms smuggling shall be marked with the words “seaman—arms smuggler” in red ink at the top.

(b) In order to minimise the work in the Finger Print Bureau the finger prints of reconvicted persons shall be taken on blue band slips (B. P. Form No. 94A) which shall be forwarded to the bureau with a separate despatch cheque (B. P. Form No. 96).

(c) A prisoner who has been traced by the bureau, but whose residence has not been ascertained, shall be shown in the finger print slip sent to the bureau for record as traced/unidentified (see regulation 490).

(d) To enable the Finger Print Bureau to send prompt intimation to the districts concerned when a member of a registered criminal tribe is arrested, all police officers shall invariably use the special red band form (B. P. Form No. 93) for recording the finger prints of persons registered under the Criminal Tribes Act, 1924.

In order to assist the Criminal Intelligence Bureau to obtain satisfactory information regarding inter-provincial crime and a more exact knowledge of the field of activity of different criminal classes, officers furnishing finger impression slips for record shall pay particular attention to the headings "caste" and "residence"

An endeavour shall always be made to locate each criminal by verification of his residence or by giving an approximate idea of his habitat, noting the class to which he belongs and the language he

In the case of person classed as wanderers, an attempt should always be made to locate them to some extent by stating the area which they usually frequent.

506. The number of finger print slips required for record is as follows :-

(i) of ordinary P.R. convicts convicted in their home province, one copy will be taken for record in the bureau of the province of conviction;

(ii) of all other P. R. convicts copies will, be taken, viz., one for record in the bureau of the province of conviction, one for the bureau of the province of which the person is, or is alleged to be, a resident and one or more copies for the bureau or bureaux where his operations are known or believed to extend, noting on each copy of the finger print slip- the names of the different bureaux where the slip is being sent for record.

(iii) The finger print slips of seamen convicted of arms smuggling shall also be sent for record to the Finger Print Bureau of Maritime C.I.D.'S, viz., Calcutta, Madras, Bombay, Karachi and India (Rangoon).

NOTE.- Duplicate finger print slip shall be taken for record of all P.R. convicts if it is found that for unavoidable reasons, and after exercising all possible care the impressions remain blurred or indistinct.

507. (a) All finger print slips of convicts shall be kept by the Court officer in open files and arranged according to the date of release until they can be tested by an expert (see regulation 654). The slips of prisoners who are transferred to other jails before their slips are tested shall be sift along with a despatch cheque in B. P. Form No. 96 to the Court officer of the district to which they are transferred, and shall be placed by him with his own slips awaiting test. Such

slips shall, after test, be returned to the Court officer of the district of conviction for transmission to the Provincial Finger Print Bureau.

(b) Finger print slips of prisoners transferred to the Presidency Jail shall be sent neither to the Calcutta Police nor to the Court officer, All pore, but to the Finger Print Bureau.

(c) Court officers shall compare the convictions noted on finger print slips received from other districts for test with the prisoner's warrant of commitment, High Court Form No. 38, and the jail admission register, and rectify at once any errors and omissions that may be found.

508. On the arrival of an expert the file of slips pending test will be made over to him, and he shall proceed to test them at the jail. In making the test the expert will satisfy himself that the prints have been properly taken and are those of the convict named on the slip, that all particulars recorded on the slip are correct and properly filled in, that all convictions have been correctly entered, and that the required number of copies have been taken. Any mistakes should be brought to the notice of the Superintendent for necessary action. Finger print slips on which the prints are blurred or indistinct should be rejected and replaced by fresh slips prepared by the expert personally. After having tested the slips, the expert will note the word "Tested" with his initials and the date, (i) against the prisoners names in the jail admission registers, (ii) on the back of the P R. slips, and (iii) on the history tickets. The expert will also sign each slip that he has tested, and his signature to the slip will be held to be a certificate that the test has been made in strict accordance with this regulation (see regulation 654).

509. When an expert cannot visit a district in time to test the finger prints of a prisoner before his release, the finger print slip of such prisoner should be tested by a proficient other than the one who prepared the slip. A proficient testing a slip under this regulation will be guided by the instructions laid down for testing by an expert in the previous regulation provided that if he considers the prints on the slip to be blurred or indistinct, he will prepare a duplicate slip and both slips will be sent to the bureau for decision, which should be placed on record. If more than one copy of the slip has been taken, he will take an equal number of duplicates.

510. In the case of persons convicted of the offences and in the circumstances mentioned in regulation 492, who are sentenced to fine, whipping, a short term of imprisonment or to find security, it is not possible to apply the above regulation owing to the rapidity with which such convicts pass out of custody. The finger prints of such shall be taken by the Court officers immediately after sentence is passed, and the slip submitted to the Superintendent for orders whether it is to be forwarded or not to the Finger Print Bureau for permanent record. It will not be possible to subject finger print slips prepared under the above circumstances to the usual test by an expert; and they should be sent without test except in the case of persons convicted under sections 109 and 110 of the Code of Criminal Procedure, who are sent to jail in default of furnishing security.

511. Finger print slips, after being tested, will be sent by the Court officer along with a despatch cheque in B. P. Form No. 96 direct to the Finger Print Bureau or Bureaux concerned for record, provided that the time of appeal is over, or the appeal, if any, has been decided.

NOTE.—In order to attract special notice in Finger Print Bureau and thus provide against unnecessary retention of finger print slips of unimportant criminals beyond prescribed periods, the words ‘identified’ or ‘unidentified’, as the case may be, shall be written in red ink on the top of the reverse side of all slips sent to the bureau concerned for record.

512. When a person whose finger print slip is on record or an under-trial prisoner whose finger print slips has already been prepared for search is declared a proclaimed offender, or escapes from jail or lawful custody, or absconds after committing some offence intimation of the fact or the finger print slip of the under-trial prisoner already prepared shall immediately be sent by the Court officer to the local 1861.1 bureau as well as to the foreign bureaux direct informing each bureau of the names of the various bureaux to which such reports or finger print slips have been sent. If such a person evades surveillance or is lost sight of or if such an under-trial prisoner escapes or absconds before he has been sent to the court the officers in charge of the Police-stations concerned shall immediately inform the Court officer to enable him to send the required information. When communicating such information, the name, caste, parentage and residence of the individual, the number and the date of the first information report and the name of the police-station at which it is registered, shall be quoted. If the prisoner’s finger print slip has not been tested it shall be forwarded with the report.

513. On the admission of a P. R. prisoner by transfer the jail authorities shall note in the jail admission register the fact that he has been made P. R., and shall transcribe the entries “F. P. taken” and “Tested” from the P. R. slip.

514. If a P. R. prisoner dies in jail, the Superintendent of Police, if the deceased was convicted in his district, shall forward a death report in B. P. Form No. 84 to the Provincial Bureau. Should such prisoner die in jail after transfer, the Superintendent of Police of the district in which the jail is situated shall forward the death report to the Superintendent of Police of the district in which the deceased was convicted who shall forward the same to the Provincial Bureau.

515. (a) It is important that police officers of all ranks should be acquainted with the appearance of criminals not only of their own but of other jurisdictions and Superintendents of Police should, therefore, insist upon all officers, who may be present at headquarters, attending jail parades subject to the proviso that the number of police officers forming the parade party does not exceed 20. Constables also should be included in these parades. Under the rules in the Bengal Jail Court no member of the police jail party shall be permitted to hold any communication with a prisoner except such as is necessary for the purpose of identification. These parades, however, will afford police officers an opportunity of recognising old offenders and of acquainting themselves with the personal appearance of prisoners, particularly unidentified prisoners and prisoners about to be released, and will further furnish indication to officers possessed of intelligence and the faculty of observation as to what prisoners are likely to give information, if interviewed.

(b) A parade shall be held every Sunday morning of all prisoners who have within the week been made P. R. and also all P. R. prisoners due for release within the ensuing week.

(c) The jail parade report shall be prepared on Saturday afternoon, by an Assistant Sub-Inspector or officer specially deputed for the purpose, in B. P. Form No. 97 in accordance with the instructions printed on it. He shall enter the names of all persons falling within regulation 492, who are to be made P. R. He shall have access to the jail registers and records with the permission of the jail authorities, and shall collect together the warrants, High Court form, and P. R. slips of the prisoners whose names he enters in the report for the purpose of checking whether the P. R. orders have been correctly made and also for checking the entries in the jail admission register. He shall also collect the names of Criminal Tribes Act members to be released during the next week and communicate the date of release of such members to the officer in charge of the nearest police-station.

(d) The officer detailed for the parade shall be present in uniform at the jail at 07-30 hours and the parade shall be held at 08-00 hours.

(e) Females will not be paraded, but will be entered in the report.

(f) The Court officer shall refer to the jail admission register, the release diary, the warrants, etc., and satisfy himself that the report drawn up on the previous day is correct and complete. He shall check the entries relating to the P. R. and finger print work in the jail admission register and history ticket with those on the back of the P. R. slip, and shall supply any omissions which he may discover in the admission register and the history ticket; but no alteration shall be made in the P. R. slip without enquiry. When the prisoners have assembled, he shall scrutinize the case of each individual and fill in column 6 of the jail parade report. In the case of prisoners admitted by transfer, he shall see if there has been any omission to make a prisoner P. R. or to take or test his finger print. If no P. R. slip has been received for a prisoner who ought to be made P. R.; the matter shall be referred to the Superintendent of Police concerned for consideration, but no reference shall be made to the Calcutta Police regarding the omission to pass P. R. orders or to take the finger prints of persons convicted in Calcutta as the finger prints of every person convicted in Calcutta are taken by the Calcutta Police and sent to the Finger Print Bureau for record whether they are made P. R. or not.

(g) All prisoners who remain unidentified up to the time of their release from jail, shall be interviewed after their release with a view to ascertaining, if possible, where they came from and where they are going to. The officer holding the weekly jail parade shall differentiate such impending releases by noting in red ink the word "Unidentified" in column 8, part IV, of the jail parade report, against the name of each unidentified prisoner and in the case of railway criminals shall write the words "Railway Criminals" in red ink to enable the Superintendent of Police to arrange for the interview as the prisoners come out from jail. Such prisoners shall, whenever possible, be shadowed or followed on their release, with a view to tracing their antecedents and ascertaining their old associates to whom they are likely to return and the result of all such action taken shall be noted in the remarks column of the register of unidentified persons (B. P. Form No. 98).

(h) The jail parade report shall be put up before the Superintendent of Police on the following Monday for orders. As soon as action has been taken on orders passed by him, it shall be again put up before him, and he shall satisfy himself that all orders passed by him have been obeyed.

(i) In the case of railway criminals an extract from part IV of the register shall be sent to the Superintendent of Railway Police concerned immediately after the preparation of the jail parade report. The extract shall also show the name of the police-station from which the convict was sent up on trial.

(j) A register shall be maintained in the Court office showing the names of the officers attending each parade which shall be inspected periodically by the Superintendent of Police and by the Deputy Inspector-General when required.

- (k) Superintendents of Police shall endeavor to enlist the assistance of officers attached to the jail staff in tracing the identity of unidentified prisoners, and they are authorised to pay a reward of Rs.5 to any jail official who shall be successful either in establishing the identity, of an unidentified convict or the previous conviction of a prisoner undergoing trial or imprisonment for an offence under Chapter XII or Chapter XVII of the Indian Penal Code.

516. (a) When the trial of a person whose finger print slip has been traced by the Finger Print Bureau has terminated, the result shall be communicated to the bureau in B. P. Form No. 99 accompanied by a fresh finger print slip. If the case ends in discharge or acquittal, the result shall be sent at once, but if it ends in conviction, the communication should be sent after the result of the appeal, if preferred, is known.

(b) The result of trial of persons traced by the bureau of other provinces shall be similarly communicated to those bureaux and in the same form.

(c) When a person traced by the bureau is not sent up for trial the investigating officer shall communicate the fact direct to the bureau concerned.

(d) Finger print slips of persons traced by the bureau should invariably be forwarded with separate despatch cheques and not with those of ordinary record slips.

517. (a) On the 1st and 3rd Saturdays of every month the P. R. slips of P. R. prisoners who are to be released during the following half month and also who had died during the preceding half month, irrespective of the place of conviction or residence, shall be obtained from the jail by the police officer deputed to prepare the jail parade report. The P. R. slips of P. R. convicts shall be treated as release notices.

(b) If P.R. slips are not received in time, the fact shall be reported by the Superintendent of Police to the Superintendent of the Jail.

(c) The P.R. slips of P.R. prisoners, whose P.R. slips have for any reason not been included in the fortnightly batch and whose release falls due before the despatch of another batch, shall be sent without delay by the jail authorities to the Superintendent of Police direct. In cases of non-observance of this regulation, the Superintendent of Police shall report the matter without delay to the Superintendent of Jail concerned, and send a copy of the report to the Deputy Inspector-General, Criminal Investigation Department.

(d) P.R., slip referring to other districts shall be forwarded to the district concerned for information. The number and date of despatch of a P.R. slip shall be quoted in column 8 of B.P. Form No. 84. The station officer shall report to the Superintendent a week after the release whether the released convict has returned home.

(e) P.R. slips of all P.R. prisoners released on bail shall be sent by the Superintendent of Jail to the Superintendent of Police, Who shall return them to the jail if the prisoner is again incarcerated.

(f) P.R. slips shall be ultimately pasted with their corresponding foils in the P.R. slip book. The name of the identifying warder noted on the P.R. slip shall be transcribed into the court conviction register by the Court officer.

518. Whenever non-Asiatic convicts are made P. R. under regulation 492, the Superintendent shall send their finger prints and photographs to the Deputy Inspector-General, Criminal Investigation Department, for transmission to the Director, Intelligence Bureau, Government of India.

519. The finger prints of a European ex-military prisoner, enlisted outside India, shall invariably be taken on receipt of a requisition from the jail and furnished to the Superintendent of the Jail for transmission along with the application for transfer of the prisoner.

520. On receipt of a P. R. slip by the Court officer of a resident of his district convicted elsewhere, the Court officer shall at once ascertain from the police-station in which the convict's home is situated whether information of his conviction was supplied by the police of the district in which he was convicted. If it is learnt that this information was not supplied the Court officer shall at once communicate with the Court officer of the district of conviction informing him of the omission and calling for a copy of the entry in the conviction register.

521. All juvenile convicts shall, on release, be taken to their homes by the police and handed over to their relations in the presence of two respectable residents of the neighborhood.

Superintendents of Jails shall send notice of the approaching release of such convicts the Superintendent of Police one day previously.

VI. — Chemical examination of exhibits.

522. (a) Court officers shall receive from officers in charge of police-stations or investigating officers articles intended for chemical analysis, both in railway and district cases and, after obtaining the orders of the Magistrate shall send them to the Chemical Examiner for examination with a letter describing them (see Appendix XVIII).

(b) In cases where the cause of death as found by the court is not in accordance with the Chemical Examiner's report, or where that report is contested, a copy of the judgment and of the evidence regarding symptoms and post-mortem appearance shall be supplied to the Chemical Examiner, such copies being made in the office of the Superintendent.

523. In cases in which viscera have been preserved with a view to the possible necessity of sending them to the Chemical Examiner for examination, the Court officer shall obtain the order of the Magistrate who deals with the case whether the viscera should be destroyed, or if not, for how long they should be preserved.

524. Stock and materials required for the preservation of viscera, etc., for chemical analysis in connection with criminal cases are parts of the medical stores which are kept at every district and subdivision. The charge for upkeep is debatable to the Medical Department, but the cost of packing and despatch of viscera shall be borne by the Law and Justice Budget.

VII.—Court malkhana and custody of property.

525. (a) The Magistrate shall provide a secure room in every Court to serve as a malkhana in which all property sent to court and taken charge of by the Court officer shall be kept.

(b) The keys of this room shall be kept by the Court officer, who is answerable that no one makes away with the property or tampers with exhibits in cases. In the room shall be a strong box with a good lock for ornaments, money or documents. Every article shall be neatly labelled to tally with the number in the register. No private property of the officers may be kept in the malkhana.

(c) Before going out on tour the Court officer shall make over to the next senior officer not below the rank of Assistant Sub-Inspector—

(1) the key of the malkhana, and

(2) all exhibits kept in the strong box that might possibly be required during his absence. He should obtain a detailed receipt for these and note the fact in the daily under-trial case report. The key of the strong box shall be made over in a sealed cover to the Second Magistrate.

The exhibits which are handed over by the Court officer, together with valuables or documents that may be received in the court during his absence, shall be kept in a second strong box in the malkhana. The Court officer shall, on return from tour, examine the contents of the second strong box and give a receipt in exchange, noting the fact in his daily report.

526. (a) The Sub-Inspector in charge of the court malkhana shall keep a register in B. P. Form No. 100 of all property that he is bound by any law or regulation to take into his possession.

(b) When any property is to be given back to the owners the order for return shall be written in column 10 and the authority sanctioning it shall initial his order, the receipt of the person receiving the property shall be taken in the register in column 14.

(c) To avoid harassment, small articles shall be returned to owners through officers in charge of police-stations whenever owners express a wish that this point when they come to give evidence. The articles will be sent to police-stations through the monthly pay escorts. The officer

in charge of the police-station concerned shall obtain the owners' receipt in duplicate, one copy being sent to the Court officer to be 'sled in the court malkhana register and the other copy being kept cm record at the said police-station. In the case of heavy articles, the' District Magistrate shall determine whether the property should -be returned to the owners at the expense of- the Provincial Government, the cost being met from the Magistrate's contingent grant, or whether the owners should take back their property from the court. In Sessions cases, where the order of the Sessions Judge is required, the Public Prosecutor shall move the Sessions Judge under section 517 of the Code of Criminal Procedure, to pass orders of disposal.

(d) When property is no longer required by the courts, such portion of it as consists of cash, bullion, gold and silver ornaments, or other valuable articles of small compass, shall be deposited in the treasury, articles other than cash being kept in a separate small box in charge of the treasurer.

(e) Orders shall be taken to convert perishable unclaimed property cash at the earliest (late the law allows.

(f) A list of articles found on the person of an accused by the police shall be forwarded with the case diary or final report of the case in accordance with regulation 322. The articles shall be sent with the prisoner in charge of his escort. Court officers shall report to the Superintendent any breach of this regulation.

(g) Court officers shall also see that prisoners hold receipts granted by station officers for such articles.

(h) On 1st January each year all outstanding items in the malkhana register shall be brought forward in red ink. The Court Inspector at sadar and the Circle Inspector at the subdivision shall certify that all outstanding entries have been correctly brought forward.

For arms, ammunition. etc., see Appendix XIV.

(i) In the case of property which has been proclaimed under section 523 of the Code of Criminal Procedure, the date of expiry of the period of proclamation shall be entered in the remarks column of the register, so as to enable the Court officer to obtain orders regarding the disposal of the property.

(j) The Court officer shall put up his malkhana register for a thorough inspection once a month by an officer of a rank not lower than that of Deputy Superintendent, at headquarters, and by the Subdivisional Police Officer or Circle Inspector, as the case may be, at each subdivisional headquarters.

NOTE.—(i) All Court officers shall be asked to move Magistrates and Sessions Judges when ordering property to be confiscated, etc., to direct that interesting exhibits, such as articles which indicate new methods of committing crime, shall be sent to the Deputy Tnspector-General, Criminal investigation Department, for disposal.

(ii) Court officers shall obtain from the trying Magistrates or Sessions Judges orders for preservation by the Criminal Investigation Department, East Pakistan, of fired cartridge cases and bullets found at the scene of dacoity or other crimes of violence. These cases and bullets shall be preserved by the Criminal Investigation Department for seven years for the purpose of necessary classification and indexing and for examination by Expert with such cartridge-cases and bullets as may be subsequently received.

In similar cases ending in Final Report the Court officers shall obtain similar orders from a competent Magistrate and forthwith communicate the orders to the Officer-in-Charge of the Thana concerned to send the fired-cartridge-cases and bullets to the C.L.D. for preservation.

527. When a case, in which any person is concerned, is disposed of, the Magistrate's orders as to the disposal of property found on him shall be obtained. In case of imprisonment, the property shall be sent to the jailor. If on conviction a fine is imposed and not paid, a distress warrant shall immediately be obtained, and the property found in possession of the party shall be attached and sold in payment of the fine.

528. (a) Court officers should submit applications to Judicial officers when passing orders under sections 517, 523 or 524 of the Code of Criminal Procedure, for the disposal of counterfeit coins or any implements, such as punches for repairing dies, dies for striking coins, and moulds for casting coins, to consider whether the coins or implement should not be forwarded to the nearest treasury or sub-treasury officer for transmission to the Master of the Mint. The remittance to the Mint should be made through the Deputy Inspector-General, Criminal Investigation Department and should be accompanied by a statement showing the number and date of the case to which the coins or implements relate.

(b) The Central Government have ruled that the disposal of exhibits in a note forgery case 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, if any particular exhibits are of special interest and should be preserved the Court officer should obtain the court's order to send them to the Deputy Inspector-General, Criminal Investigation Department, for this purpose.

529. Rules for the depositing and disposal of weapons in the malkhanas are detailed in Appendix XIV.

VIII.—Registers and Records—Reports and Returns.

530. A list of periodical reports and returns due to and from the Court office is given in Appendix XII.

531. (a) A list of registers and files to be maintained in the Court office is given in Appendix XIII.

(b) In the following regulations are given instructions regarding certain of the registers and returns not dealt with elsewhere.

532. In every Court office a register of papers received and dispatched shall be maintained in Bengal Forms Nos. 16 and 19 in which only papers not entered in any other register, such as verification rolls, monthly copies of station cash accounts, etc., will be recorded.

533. (a) A register in B. P. Form No. 101 shall be kept in each Court office. Reports should be prepared daily in duplicate by the Court officer, one copy being sent to the Superintendent and the other remaining in the Court office. This report will include sessions and bad-livelihood cases. The fact that diet and traveling expenses of prosecution witnesses have or have not been paid, or any delay in the payment thereof, shall be entered in column 11, with reasons in case of non-payment or delay. The Superintendent shall submit it to the District Magistrate drawing his attention where necessary to any points requiring his notice; specially any undue delay in disposal of cases non-payment of diet and travelling expenses to prosecution witnesses, or delay in the payment thereof, by underlining or encircling in red ink the entries relating thereto. If in spite of repeated entries no improvement is noticed the Superintendent should take the matter up personally with the District Magistrate. On return from the Magistrate, the reports shall be filed in the office of the Superintendent. Whenever a case is adjourned owing to non-appearance of a police officer as witness, the fact and the reason for his non-appearance shall be noted in column 11 of the form. If no reason is given, the Superintendent shall call for one which will, be shown to the District Magistrate, if required.

(b) Extracts relating to railway police cases shall be forthwith submitted direct to the Superintendent of the Railway Police concerned who will file them in his office after necessary action.

534. (a) A register in B. P. Form No. 98 of unidentified persons sent up by the police shall be maintained in all Court offices. (For definition of "unidentified", see regulation 493.)

(b) When such an unidentified person is in custody of the police, detail concerning him shall be entered in the register by the Court officer.

(c) The names of unidentified persons sent up by the Railway Police shall be entered in the register of unidentified persons by the police officers attached to the courts in which such persons are tried, and the words "Railway Police" noted in the remarks column of the register..

(d) Subdivisional Court officers shall at once despatch a copy of every entry made in their subdivisional registers to the sadar Court officer, who shall enter it in the sadar court register a separate part being kept for each subdivision. After the disposal of the case, the Subdivisional Court Officer shall send copies of the entries in the remaining columns of the form which could not be previously filled up, for, entry in the sadar court register.

(e) When a person is identified as a registered member of a criminal tribe or a member of a criminal tribe who has escaped registration, the fact should be noted in column 9, and in column 12 should be noted the action taken against him under the Criminal Tribes Act, 1924. When a person concerned in a case of arms smuggling is ascertained to be a seaman, the words "Seaman—arms smuggler" should be noted in red ink in column 12.

(f) The name of the district from which the name, residence and other particulars of an unidentified person are ascertained shall invariably be noted in column 11, the entry being worded thus—

“Verified as a resident of such and such a district.”

535. (a) A register in 13. P. Form No. 102 shall be maintained in the Court office, in which all appeals in police cases shall be entered.

(b) The register shall be put up once a week at headquarters before the Superintendent and at subdivisions before the Subdivisional Police Officer or Circle Inspector, and they shall satisfy themselves that proper provision for conducting such cases has been made, and that no failure of justice has occurred owing to the Crown not being represented. Copies of any entries referring to appeals in cases sent up by the Railway Police shall be sent to the Superintendent of the Railway Police concerned.

(c) In cases of delay in receipt of the notice of appeal, the matter shall be brought to the notice of the District Magistrate.

(d) Results of appeal shall be communicated in B. P. Form No. 103 to the officers concerned. Care must be taken by Court officers to see that their connected registers are corrected in accordance with these results.

536. (a) A register in Bengal Form No. 3817 shall be kept in order that the Magistrate having jurisdiction shall see in a convenient form all cognizable cases reported to the police and the Magistrate who tries a case shall enter his order in the column allotted for this purpose.

(b) Cognizable cases in which the Magistrate issues process on complaint made to him or of his own motion, but in which no first information has been laid to the police or enquiry conducted by them, shall not be entered in the register.

(c) The senior Court officer is responsible that the register is properly written up, but in order to leave him free to prosecute cases the actual writing of the register and its submission to the Magistrate may be entrusted to the next senior officer below him.

(d) On receipt of the first information report of a case the Court officer shall fill in columns 1 to S of the register, and, after recording on the top of the first information report its number in the general register, shall submit it and the register to the Magistrate, who will initial column 9. First information reports of heinous or important cases shall, however, be submitted to the Magistrate immediately after receipt.

(e) Every case which is reported at a police-station during a year, no matter when the crime was committed, shall be entered in the register and shall receive a consecutive number for that year, even though the first information may not have been received until after the end of the year. The monthly consecutive number shall also be given below the yearly number, thus

19 (yearly number)
3 (monthly number)

(f) Cognizable cases instituted by complaint or petition to a Magistrate, and referred to the police for investigation shall also be entered in the register, and shown in red ink in the crime compilation sheet.

(g) As soon as the final papers of a case are received by the Court officer, whether a charge-sheet or a final report from, he shall fill in columns 10 to 14 of the register and again submit it with the final report or charge-sheet to the Magistrate. The Magistrate, if a charge-sheet has been submitted, shall either take the case on to his own file or shall pass orders, to be entered in column 15 as to what Magistrate is to try the case. If a charge-sheet has not been submitted, but a final report, the Magistrate shall pass such preliminary order as he may consider necessary, e.g., for further enquiry or for the complainant to produce his witnesses, and such order shall be entered in column 15, or if no preliminary order is required he shall pass final orders and enter them in column 16. The entry in column 16 shall indicate clearly how the case is to be shown in the returns, what amount of property is to be entered as stolen and recovered in the khatian register, and how any property of which possession has been taken by the police is to be disposed of.

(h) When the case has been tried and disposed of, the Court officer shall enter in column 16 the order of the Magistrate as to the commitment, conviction, acquittal, or discharge of the accused, and obtain the Magistrate's initial to the entry, which should indicate clearly how the case is to be shown and, where appropriate, the other details mentioned in clause (g) above.

(i) In cases of alleged theft of property in which investigation has been refused by the police on the ground that the matter in dispute should be decided by a civil court, property should not be shown by the Magistrate as stolen or recovered in the general register. Court officers should draw the attention of Magistrates to the above and make entries in the compilation sheet accordingly.

(j) The order in column 16 for entry of the cases in the returns shall take one of the following forms:—

Not investigated. Enter section	..
True. Enter section	..
Intentionally false. Enter section	..
Mistake of law. Enter section	..
Mistake of fact. Enter section	..
Non-cognizable. Enter section	..

These represents the classification recognised for statistical purposes in Crime Statement A-I prescribed by the Cent ml Government, and all cases shall be brought under one or other of the above classes. Orders such as “dismissed”, “struck off as false”, “doubtful”, are not explicit and

do not indicate how the case is to be entered. If a Magistrate, notwithstanding, treats a case as doubtful, it must be entered in the returns as true.

(k) The names of all accused persons charged with offences under Chapters XII and XVII of the Indian Penal Code, whose real names and residences are not known, shall be underlined in red ink the names of persons residing outside the district shall be doubly underlined.

(l) Persons who have been arrested and subsequently released by the police on bail and have not been required to appear before a Magistrate shall not be shown as acquitted.

(m) The entries in columns 10 to 14 relating to a case in which the final report has not been submitted within 14 days from the date of drawing up the first information report shall be made in red ink. Similarly, entries in columns 15 and 16, subsequent to a case having been remanded four times, will be made in red ink.

(n) In case in which the accused are absconding and should be arrested, a conspicuous red cross shall be made in the column of remarks, so that it may be easily seen what cases are pending on this account. The various steps taken from time to time to cause the appearance of absconders shall be briefly noted.

(o) To ensure absconders not being overlooked, the number of persons charged shall always be shown in column 8, and all these persons should be accounted for in column 12, thus:—

Sent up—Madar Baksh..

Not proved against—Shaikh Salim.

Absconded—Muhammad Ali.

(p) When an offender who has been previously convicted is sent up for trial the letters “P. C.” shall be written in red ink in column 12 against his name. If a case ends in conviction, the orders shall be entered on conviction and not on expiry of the period allowed for appeal. If a sentence be quashed or modified on appeal, a note of the order shall be made in red ink in the general register to ensure entry of the amended order in the compilation sheets, and information shall be sent to the police-station as required by regulation 535(d).

(q) Against the name of any convict regarding whom orders under section 565 of the Code of Criminal Procedure, have been passed, shall be noted in the general register in the column of remarks.

(r) In column 17 the Court officer shall enter a reference to the corresponding entry in the compilation sheets and note the date of the despatch of the final memorandum. Remands shall be noted in column 15.

(s) All railway cases shall be distinguished by a conspicuous red ink “R”.

(t) At the end of the year charge-sheet cases in which there are absconders shall be shown as pending.

537. A register in Bengal Form No. 5449F(B.P. Form No. 104) shall be maintained in all Court offices wherein all cases in which prosecutions have been instituted by the police but no first information reports were drawn up should be entered.

538. (a) A hajat register in Bengal Form No. 3831 shall be kept in each Court office.

(b) The Court officer in charge of the register shall receive prisoners from police-stations, or from the custody of Magistrates, or Sessions Judges, on conviction or commitment to hajat or for release on bail and shall at once enter their names in the register. He shall also on the appropriate page of the register enter the names of all the prisoners to be produced each day before the Magistrate.

(c) It shall be the duty of the jailor to make over the prisoners with their warrants to the Court officer's guard for production before the Magistrate.

(d) Prisoners discharged, or acquitted, shall be released in open court; prisoners remanded, or convicted, shall be sent to jail with appropriate warrants; and prisoners enlarged on bail, or on their own recognizance, if present in court, shall be released there. In the latter case the Court officer shall obtain the Magistrate's initials against their names in the hajat register in attestation of their release. The Court officer shall see that notification in Bengal Form No. 122 under rule 920 of the Bengal Jail Code is sent to the jailor on the same day in every case of discharge or release of an under-trial prisoner.

539. A register of cases committed to the Sessions shall be maintained in the Court office at district headquarters in B. P. Form No. 105. On the commitment of a case to the Sessions, subdivisional Court officers shall send intimation with necessary details to the sadar Court officer for entry in the register. All favourable and unfavorable comments on the conduct of the police, recorded by Sessions Judges and by the High Court, shall be noted in the column of remarks in this register. A cross reference to the court conviction register should be made in column 11 of the register of cases committed to the sessions.

540. (a) In every Court office a register in B. P. Form No. 106 shall be maintained, in which the names of mukhtears and pleaders who stand surety and the amount of their capacity shall be entered in alphabetical order. Several pages should be allotted to each surety. The register will be maintained by the senior Assistant Sub-Inspector under the supervision of the senior Sub-Inspector.

(b) On the final disposal of a case, the entry concerned shall be crossed through by the officer maintaining the register.

(c) When a surety's bond is forfeited, the police should object to his being allowed to stand further surety until the amount forfeited has been realised in full. If the bond of a surety is

forfeited more than once, the Court officer should request the Magistrate not to accept further bonds from that surety.

541. (a) A register of persons convicted shall be maintained in all headquarters courts in B. P. Form No. 107.

(b) The names of all persons convicted of the following offences shall be entered in it:—

(i) Offences or attempt at or abetment of- —under Chapters XII and XVII of the Indian Penal Code, punishable with whipping or with imprisonment for three years or upwards.

(ii) Personating or attempt at or abetment of—a public servant, etc.—Sections 170 and 171 of the Indian Penal Code.

(iii) Causing hurt or attempt at or abetment of—Section 328 of the Indian Penal Code.

(iv) Swindling or attempt at or abetment of—Section 417 of the Indian Penal Code.

(v) Offences or attempt at or abetment of—relating to forgery of currency notes or bank notes—Sections 489A, 489B, 489C, 489D of the Indian Penal Code.

(vi) Criminal conspiracy, when the offence which is the object of the conspiracy is exclusively triable by the Court of Sessions—Section 120B of the Indian Penal Code.

(vii) Offences mentioned in the schedule to the Indian Criminal law Amendment Act, 1908 (XIV of 1908), when the trial has proceeded according to the provisions of that Act.

(viii) Bad livelihood—Sections 109 and 110 of the Code of Criminal Procedure.

(ix) Gambling—Sections 3, 4 and 11 of Bengal Act II of 1867.

(x) Opium—Section 9 of Act I of 1878.

(xi) Arms—Sections 19(a), (c), (f); 20 of Act XI of 1878.

(xii) Offences under the Criminal Tribes Act, 1924 (VI of 1924).

(xiii) Offences under the Explosives Substances Act, 1908 (VI of 1908).

(xiv) Offences under the Goondas Act, 1923 (Ben. Act I of 1923).

(xv) Offences in connection with political agitation punishable with rigorous imprisonment for a term of one year or upwards.

(xvi) Offences under the Motor Vehicles Act, 1939—Sections 116-118, 123 and 124 (Act 1V of 1939).

NOTE.—First offenders hound down under section 562 of the Code of Criminal Procedure, shall he treated as convicted.

(c) Entries shall be made as soon as sentence is passed. If the sentence is quashed or modified on appeal, necessary corrections shall be made by noting in the column of remarks the date and purport of the order of the appellate court. The names of identifying officers shall be entered from the record of the case and from the release notice of the prisoner, which shall be sent to the police-station concerned through the headquarters Court officer.

(d) Convictions at the Sessions shall be registered at the headquarters court of the district from which the case was committed.

(e) At subdivisions entries of convictions shall be made as they occur during the month on loose sheets of the printed form which shall be forwarded to the headquarters court within the first week of the following month and fastened into the headquarters register at the end of the entries for the same month.

(f) The conviction sheets shall be put up once a week for examination and signature at subdivisions before the Subdivisional Magistrate, and at headquarters before the Magistrate to whom the duty is made over. The Magistrates shall certify that the entries in the conviction sheets have been checked with the Magistrate's general and complaint registers and that all necessary entries have been made.

(g) The completed vultures of the register, after they are neatly bound, shall be kept in the Magistrate's record-room or other safe place, the current volume and the index only being kept by the Court officer in his office under sate custody.

(h) Extracts of entries regarding criminals residing in another district or changing their residence shall be forwarded to the sadar Court officer of the district in question for entry in the headquarters court conviction register. After entry the communication shall be returned with a note stating the page and volume of the register in which the contents have been duly entered. Such extracts shall be sent after orders as to P. R. have been passed when the convict is likely to be made P. R. or any appeal preferred has been disposed of or the period of such appeal has expired.

(i) The conviction roll of any person born or resident at Chandernagore, who has been convicted of any of the offences enumerated above, shall be sent direct to the Magistrate of Police, Chandernagore. Similar rolls will be received from the French authorities in respect of persons horn or resident in British India, who are convicted of the same offences.

(j) All cases in which the real names and residences of persons convicted of offences under Chapters XII and XVII of the Indian Penal Code, are not known, shall be entered in red ink.

(k) When a convict is made P.R. or by the Superintendent or is ordered by the Magistrate to notify, after release from jail, his residence or change of residence under section 565 of the Code of Criminal Procedure, the letters P.R. or as the case may be, shall be entered against his name in the remarks column in red ink, and the number of the P. R. slip or the despatch cheque shall be noted in the column "Whether finger print taken". The classification formula supplied by the Finger Print Bureau on the counterfoil of the despatch cheque shall on receipt be transcribed in the register and communicated to the district where extracts from the conviction register have been sent according to clause (h). Where a person convicted in a case of arms smuggling is known to be a seaman, the words "Seaman—arms smuggler" shall also be entered in red ink against his name in the remarks column.

(l) Conviction rolls of homeless offenders having previous convictions in Calcutta shall be sent to the Commissioner of Police, Calcutta, who shall return the rolls with a note that the contents have been duly entered in his register.

542. In coining or note forgery cases in which an Asiatic, not resident of India, is convicted and in which there is reason to believe that the false coins or notes have been manufactured abroad, the Superintendent shall report the fact to the Deputy Inspector-General, Criminal Investigation Department, for transmission to the Director, Intelligence Bureau, Government of India. If any foreign criminal, whether Asiatic or non-Asiatic, is convicted in a coining or note forgery case which may arouse international interest, a similar report shall be sent for transmission to the Director.

543. (a) An index to the conviction register for the whole district shall be maintained in all sadar courts in 13. P. Form No. 108.

(b) The page, volume and year of the index shall be noted under each man's name in the conviction register.

(c) At the close of each month, after the subdivisional conviction sheets are received, the sadar Court officer shall prepare an index for the whole district.

(d) Indices for every 10 years shall be kept in bound books.

(e) The sadar Court officer shall search the indices of this register to see if a person sent up has been previously convicted or not, and he shall certify on the back of the charge-sheet that he has done so.

(I) A key explaining the system of indexing will be found in Appendix XXVIII.

544. (a) On receipt from station officers of the lists of persons whose names have been removed from the conviction register, the headquarters Court officer shall, after making the necessary corrections in his register, forward the lists to the Superintendent, who shall satisfy himself that the register and indices have been corrected

(b) Names of persons acquitted on appeal shall be struck out of the index as soon as intimation is received by the Court officer.

545. (a) To facilitate the preparation of the annual crime statements, a khatian register, composed of compilation sheets in B. P. Form No. 109, shall be maintained at each headquarters and subdivisional court. Each description of crime or serial number shall have a sheet or sheets for each police-station or filling up

(b) cases in which first information reports are written are the different recorded in the general register of cases, and from this register shall columns.)

be gathered the information for the crime compilation sheets with respect to such cases. Cognizable cases instituted by complaint or petition to a Magistrate, and referred to the police for investigation, are also entered in the general register, and shall be shown in the khatian register in red ink.

(c) Cognizable cases under Municipal, Railway and Telegraph by-laws, section 120 of the Indian Railway Act, 1890, and section 34 of the Police Act, 1861, vagrancy and bad character cases, Chapter VIII of the Code of Criminal Procedure, etc., are not reported in first information reports, and consequently are not entered in the general register of cases. They are, however, entered in the Magistrate's register of cases, in which no first information report is used, and from this register shall be gathered the information to enter them in the compilation sheets and in the Annual Statement A, Part I

(d) The above description of cases shall be entered in the compilation sheets after final orders in each case have been passed.

(e) When entering a case from the general register, or from the register of cases in which no first information report is used, the number of entry in column 1 of the compilation sheet shall be noted in the column of remarks in the register from which the entry is made, thus creating a link between the registers and the compilation sheets.

(f) District and Subdivisional Magistrates will direct the officer who keeps the registers of miscellaneous cases and of non-first information cases to let the Court officer have the books for a short time every day and to give him a note of the cases decided on the previous day in order that the compilation sheets may be written up.

(g) On receipt of information that an appeal has been lodged, Court officers shall write a large "A" in red ink on the left hand side of column 1 against every case concerned, and when the final result of appeal is known, the necessary alteration shall be made in the columns regarding convictions or acquittals. In one of the spare columns shall be entered the number of cases and persons acquitted on appeal by the Magistrate, Sessions Judge, or High Court.

(h) Court officers shall initial their register twice; first when they write "A" opposite the case, and the second time, when they enter the final result of the appeal.

(i) Column 10 should include cases in which the police submitted charge-sheets and those the Magistrate called for on his own motion. A case should be shown as convicted when any of the accused sent up is finally convicted of a cognizable offence by competent court. When a case is acquitted on appeal it should be shown as such in columns 11 and 17, necessary corrections being made in these columns. If a case ends in the conviction of the accused under a non-cognizable section, the case shall be shown under columns 4, 6 and 8 of the compilation sheets and the person in column 25 and a spare column for "otherwise disposed of".

(j) Column 11 should include cases sent up by the police and those sent up by order of the Magistrate. Cases in which the accused dies, escapes or is declared a lunatic during trial or in which charges are abandoned, compounded or withdrawn (sections 247, 248, 259, 333, 345, 494 of the Code of Criminal Procedure) should not be included in this column. They must be shown in the additional columns provided for the purpose in the remarks column. Acquittals on appeal will also be shown as such in column 11 if they occur during the year.

(k) Column 29 should include all persons convicted of a cognizable offence including those dealt with under section 562 of the Code of Criminal Procedure, those convicted under a non-cognizable section being shown under a spare column for "otherwise disposed of". Columns 28, 29 and 30 are meant for persons concerned in true cases only.

NOTE. —At the close of each year the Court officer shall prepare a statement known as 'IA', Part I, in B. P. Form No. 115 from the figures recorded in the crime compilation sheets in accordance with the instructions issued for the preparations of the Annual Administration Report.

546. (a) At the beginning of each half-year the Court officer shall prepare statements in B. P. Form No. 110. The Superintendent shall forward through the District Magistrate one copy of the statement to the Deputy Inspector-General of the Range and another to the Commissioner of the Division to reach them not later than the 10th January and 10th July. The Deputy Inspector-General shall first check the returns with those of the corresponding half-year of the previous year and compare with the quinquennial average of the preceding years and shall compile a consolidated return for his Range. He shall then prepare a concise review of the figures, first criticising and examining the aggregate figures of the Range and thereafter dealing with any points which may require special notice in connection with the returns of any particular district. He shall send a copy of his review to each district in his Range, and two copies of it to the Deputy Inspector-General, Criminal Investigation Department, together with the consolidated return for the Range and the district returns. These shall be forwarded so as to reach the Deputy Inspector-General, Criminal Investigation Department, not later than the 20th January and 20th July.

(b) On receipt of the reviews of Range Deputy Inspector-General, the consolidated Range returns and the district returns, the Deputy Inspector-General, Criminal Investigation Department, shall prepare a review in which he shall examine and criticise the figures for the whole province, the figures for each Range, and where necessary, the figures for any particular district. He shall then submit his review to the Inspector-General and return the district and consolidated Range returns

to Deputy Inspectors-General, to enable them to comply with clause (a) above with respect to the return for the following half-year.

(c) Under the heading "Burglary" only cases which come under serial No. 29 of Statement A, Parts I and II shall be entered including cases not investigated under section 157(b) of the Code of Criminal Procedure. An explanation of the fluctuations in burglaries and thefts shall be given whenever possible. The explanations should be supported by facts; thus when a rise in prices is adduced as an explanation, the actual prices of grain for the periods under comparison should be given.

(d) Riots attended with murder shall be shown under the head of "Riots" and not of "Murder". Similarly, dacoities attended with murder shall be shown under the head "Dacoity" and not "Murder".

(e) In distinguishing between professional and technical dacoities, the intention, and not the character, of the offenders has to be considered; and the assumption must be that every dacoity is professional until it can be shown to be technical. A dacoity committed for the sake of gain is usually professional; a dacoity committed for some ulterior motive, e.g., to enforce a claim or coerce a rajyat, is technical.

NOTE. —In the case of the Railway Police the returns shall be submitted direct to the Deputy Inspector-General of the Rang concerned. In Railway Police returns, B. P. Form No. 111 shall be used instead of B. P. Form No. 110, but the other returns shall be the same as for the District Police.

547. In order to reduce the number of errors or omissions in the registers maintained in the Court office, officers responsible for the upkeep of the different registers shall submit on the first Sunday of each month to the Court officer answers to various questions as may be prescribed from time to time, concerning these registers. At subdivisions where there are no Court Inspectors, these reports shall be submitted to the Circle Inspector. The Court officer or the Circle Inspector, as the case may be, shall examine these reports and take steps to rectify any defect or omission that may be discovered. These reports will not be submitted to the Superintendent unless there is anything that needs his attention.

IX.- Cash accounts.

548. (a) A cash account shall be maintained at each Court office in B. P. Form No. 85. The account shall be kept mutaris mutandis according to regulation 409. In it shall be entered details regarding the pay of the staff and all other sums of money that come into the hands of the court staff. For every sum received by the Court officer he shall grant a printed receipt cheque, in Bengal Form No. 39, signed by himself, to the person depositing the money.

(1) Ordinarily speaking the account will be maintained by the officer in direct charge of the , malkhana, but it will be checked along with the station cash accounts by the officer in charge of the Court office and by the Magistrate's cashier as laid clown in clause (c).

(c) On receipt. of the monthly cash account from a police—station, the Court officer shall obtain from the cashier or the clerk in charge of the various cash registers in the offices of the District Magistrate or the Subdivisional Magistrate, as the case may be, a certificate that all sums remitted to the Magistrate have been duly accounted for, and after examining the mnaikhana register and any other relevant papers, he himself shall record a certificate to the same effect in regard to money remitted to his own office. He shall then transmit the accounts to the Superintendent's office. The audit and comparison with the registers in the District or Subdivisional Magistrate's office shall, as far as possible, be done by somebody unconnected with the keeping of the accounts. The certificate referred to shall be given in B. P. Form No. 112.

CHAPTER VIII.

Railway Police.

1. — GENERAL DUTIES OF THE STAFF AND JURISDICTION.

549. The rules relating to the District Police contained in other chapters of these regulations, shall be applicable to the Railway applicable Railway Police, unless the contrary appears from the context or from rules in Police, this chapter.

550. The jurisdiction of the Railway Police extends—

(a) over all open lines, i.e., lines open for the public carriage of passengers, animals or goods, within the railway fencing, and, where there is no such fencing, up to 10 feet from the outer rail on either side; but not over any mill or colliery sidings other than those on railway land worked for the purposes of the Railway concerned;

(b). over all railway stations, goods sheds, station yards and buildings on railway land within the fencing or boundary of railway station; but not over lands acquired for blocks of residences for railway servants at Howrah, Bandal Junction, Raniganj, Asansol, Rampurhat, Burdwan, Lillooah, Ondal, Sitaranpur, Barakar on the East Indian Railway; at Kanchrapara, Sara, Paksey, Ishurdi, Santaliar, Goalundo, Parbatipur, Saidpur, Siliguri, Lalmanirhat, Katihar, Raibari, Khulna, Sealdab, Dacca, Barnes Junction, Domohoni, Mal Junction, Chittagong, Pahartali, Laksam, Bhairab Bazar and Chandpur in the Bengal Assam Railway; at Shalimar, Santragachi, Kharagpur, Benapur, Narayangarh, Bakhabad, Contai Road, Nekureseni, Danton, Vishnupur, Ramsagar, Ondagram, Bheduasole, Bankura, Chhatna, ihanti.. phari, Damodar and Burnpur on the Bengal-Nag-ar Railway; and

(c) Over all ghats and ferries in the exclusive possession of the Railway.

NOTE.- The District Police shall deal with the case of a crime occurring on land beneath the arch of a railway bridge or culvert, on a pathway which is used as a public thoroughfare. They shall also deal with a crime on such land even when not forming a public pathway or thoroughfare unless it is definitely shown, by being fenced or otherwise, to be in the occupation of the railway.

551. (a) The personnel of the Railway Police force shall be distributed to “Crime” and “Order” branches, according to the allotment statement, and each branch shall normally be detailed exclusively for its own duties as laid down below. The disposition register shall show each branch separately, and when a recruit is enlisted it should be stated in the district order in which branch he is taken. Officers belonging to one branch may be transferred to the other.

(b) The cost of the “Order Police” is paid by the Railway as well as one-fourth of the cost of the supervising staff who belong to the Crime branch.

(c) The duties of the Order Police are:—

(i) control of passenger traffic inside the station premises more particularly on the platforms, in the booking offices, waiting halls at the entrance and exit gates and wherever specially required on emergencies by the station officials;

(ii) the control of vehicular and other traffic in the station compound;

(iii) the maintenance of order at stations and in standing passenger trains; prevention of overcrowding, etc.;

(iv) watching loaded passenger trains when standing in stations;

(v) the arrest of those found committing nuisances or suffering from infectious diseases, and keeping the station premises clear of idlers and beggars;

(vi) the examination of all empty carriages on arrival at terminal stations for property left behind by passengers and to see that carriage fittings have not been tampered with; and

(vii) the removal of bodies of persons dying in the train and on station premises and the conveyance to hospital of sick passengers.

(d) The duties of the Crime Police are:—

(i) investigation into cognizable offences committed within railway limits and prevention of the same;

(ii) the arrest of offenders in cognizable cases and detention of them in custody as well of persons arrested by Railway officers and made over to the police, and their production before the Magistrate;

(iii) the reporting of non-cognizable cases or infringement of bye-laws of the line to the proper authorities as also all instances of oppression or fraud on the part of railway subordinates or others.

(iv) the prosecution of cognizable cases, as well as non-cognizable cases under the Indian Railways Act, 1890, on behalf of the management.

552. (a) The Railway Police shall render to all departments of Railway and to the public, when called upon to do so, all possible assistance not inconsistent with their police duties.

(b) They shall at once bring to the notice of the station-master any infraction of the rules and bye-laws of the railway or the commission of any non-cognizable offence under the Indian Railways Act, 1890, either by the railway servants or the general public. Any such occurrence, together with the action taken by the station-master, will be noted in the general diary and the daily report.

(c) They shall be vigilant in the prevention and detection of nuisances, and shall bring all such cases to the notice of the station- master immediately.

(d) They shall bring at once to the notice of the station-master and enter in the general diary all instances of overcrowding of carriages.

(e) They shall prevent persons suffering from small-pox or other infectious diseases from entering carriages, and remove from the carriage any person suffering from such disease who may have entered.

Note.—Such persons commit an offence cognizable under section 269 of the Indian Penal Code and section 117 of the Indian Railways Act, 1890. In such cases a first information report shall be submitted, the sufferer being sent to hospital and the charge-sheet submitted on his recovery.

553. (a) The Railway Police shall keep a sharp look out for illicit conveyance of opium and other excisable articles and for persons travelling with unlicensed arms.

(b) They shall carefully watch the movements of travellers and at once communicate any suspicious circumstances to their immediate superior and, if necessary, to the District Police.

554. (a) The Railway Police shall be responsible for the burial or cremation in a proper and decent manner, in accordance with the nationality and religion of the deceased, of the bodies of all persons dying within railway limits not claimed by friends. The property of 1861.1 'such persons shall be forwarded, under the general rules on this subject, to the Judge, and the cost of the disposal of the body shall be paid by the Magistrate of the district.

(b) The services of domes, employed by the Eastern Bengal Railway authorities are placed at the disposal of the Police on application to the medical officers and Sub-Assistant Surgeons. A maximum fee of Rs.8 for each dead body is payable and will be recovered by the chief Auditor from the District Magistrate concerned. When domes, employed by the Railway authorities are not available, their services must be arranged for with the assistance of the District Police, if necessary, and the aforesaid fee can be recovered in the usual manner from the District Magistrate.

NOTE.—Payment at the maximum rate of Rs.8 is to be made after taking into account the circumstances of the case.

(c) When indigent passengers fall seriously ill while on a train journey, the railway authorities shall be responsible for removing them and handing them over to the Railway Police. Reasonable expenses for sweepers and grass mats for shelter shall be paid by the railway, and if there is a railway hospital or dispensary the sick passenger shall be allowed to remain there temporarily free of charge, bus must be removed by the police as soon as possible to the nearest civil hospital. The expenditure on account of removal of sick persons from railway precincts to the nearest civil hospital shall be met from the allotments placed at the disposal of District Magistrate under “57---’-Miscellaneous—Donation for charitable purposes—Maintenance of, paupers and indigent persons, etc.”

(d) The Railway Police shall take charge of and arrange to remove to the nearest hospital (Public or Railway) destitute and sick persons found within their jurisdiction. When the attendance of the Railway Police cannot be secured without delay and consequent risk to the sick person, the Railway officials on the spot shall take charge and make the necessary arrangements. The cost of acrobat and incidental charges are to be recovered from the District Magistrate concerned who will meet it from the allotments placed at his disposal under “57—Miscellaneous—Donation for charitable purposes—Maintenance of paupers and indigent persons, etc.”

555. The Railway Police shall have nothing to do with the purchase or sale of tickets, or the collection of excess fares demanded from passengers.

556. The Railway Police shall not be called upon to undertake the watch and ward of railway property, and they shall not be required to intervene in case of shortage or missing goods, or to examine the seals of goods wagons, unless they have reason to suspect the commission of a cognizable offence. This is the duty of the Watch and Ward staff with whom, however, the Railway Police should co-operate whenever necessary. (See regulation 595.)

557. (a) The duties and responsibilities of a Railway Police Circle Inspector shall be the same as those of Circle Inspectors of the District Police. He shall, specially endeavourer to be on good terms with the railway authorities and acquire an accurate knowledge of all the railway servants.

(b) In case of any serious accident in his circle, he shall send information to the Superintendent and repair forthwith to the spot.

(c) He shall submit a monthly return of inspections in B.P. Form No. 128.

558. (a) the following are the duties of a Platform Inspector.—

- (i) Distributing and supervising the work of the platform staff including Sergeants.
- (ii) Attending important trains and maintaining order at stations.
- (iii) Supervision of traffic arrangements within the railway premises.

(iv) Looking after the drill and discipline of the force under him, and inspecting the barracks in order to see that they are kept clean and tidy.

(v) Deputing Sergeants to visit police-stations for instructing the force in drill and the handling of arms.

(vi) Care and custody of arms and ammunition, etc., and keeping the registers and accounts appertaining to them. He shall keep the keys of the magazine.

(vii) Indenting for arms, ammunition, accoutrements, etc.

(viii) Supervising musketry and revolver practice and the preparation of the reports and returns in connection therewith.

(ix) Maintaining the records and registers necessary for the work of his staff.

(b) He shall submit a daily diary in B.P. Form No. 18.

(c) In the Bengal and Assam Railway, Saidpur district where there is no Platform Inspector at headquarters, the duties laid down in (vi) and (vii) above shall devolve on the Reserve officer.

559. (a) The following are the duties of a Platform Sergeant:—

(1) Attending the arrival and departure of passenger trains and preserving order in the station.

(ii) Looking for suspicious characters and reporting their arrival and departure.

(iii) Regulation of traffic within the station limits and reporting offenders to the officer in charge of the local railway police-station.

(iv) Searching empty carriages and making over to the station master all properties found in such search and obtaining receipt from him therefore.

(v) Visiting police-Stations for instructing the force in drill and handling of arms.

(b) He shall submit a daily diary in B.P. Form No. 18 to the Platform Inspector or to the Circle Inspector (Where there is no Platform Inspector) and perform any other duties which the Superintendent may prescribe in consideration of local requirements.

560. The Superintendent of Railway Police shall depute train guards to travel in important passenger trains or those in which crime frequently occurs. They will be in plain clothes and shall be on the look out for criminals or suspicious persons travelling by the train. Should they detect anyone of this character, they should keep him under watch (unless it is necessary to arrest him in order to prevent cognizable offence), and report the facts at the first railway police-station they pass. At halting stations they should watch both sides train; and interchange

information with any Railway or District Police constables present on the platform, such information being recorded in a note book.

561. (a) Officers deputed on train guard duty should know notorious railway criminals by sight and should be taught to recognise them from the photographs published in the Criminal Investigation Department.

(b). For special reasons the Superintendent of Railway Police may order a train guard to work in uniform.

562. (a) The following instructions shall be observed by the Railway Police on occasions of tours of the Hon'ble Ministers:—

(i) On receipt of the tour programme of an Hon'ble Minister from the Department concerned the Superintendent of Railway Police will at once inform all his police-stations and posts along the route.

(ii) The platform staff at stations at which the train stops should unobtrusively see that the Hon'ble Minister is in no way molested, special attention being paid to beggars or persons who may wish to present petitions.

(iii) At stations at which the Hon'ble Minister joins or leaves the train, or at junctions and ghats at which changes are made, an Inspector should, where possible, be present. In his absence, a Sub-Inspector must attend. He will see that the platform staff do their duty quietly and properly, and will render every assistance in his power.

(iv) When an Hon'ble Minister arrives at or departs from Howrah or Sealdah station, he should, when possible, be met by the Superintendent of Railway Police. It is, however, not desirable that the Superintendent should break into one of his own tours in order to be present, and in such a case the senior police officer at headquarters should meet the Hon'ble Minister.

(v) All duties in this connection will be performed by sub-ordinate officers in inspection kit. Officers of and above the rank of Deputy Superintendent will wear working dress with swords.

Similar arrangements should be made in the case of official visits to Bengal by Hon'ble Ministers of other provinces or of the Hon'ble Members of the Governor—General's Executive Council.

(b) When an Hon'ble Minister in Bengal goes on duty outside the province, a copy of the tour programme will be sent by the Deputy Inspector-General, Criminal Investigation Department, Bengal, to the Deputy Inspector-General, Criminal Investigation Department, of the provinces concerned, for the information of the Railway Police en route and with such instructions as may be necessary regarding the measures of protection required, if any, in each individual case.

563. The following instructions shall be observed by Superintendents of Railway Police when His Excellency the Commander-in-Chief of India travels by railways:—

(i) No escort shall be provided with the train, unless specially asked for.

(ii) At stations where His Excellency entrains or alights, an Inspector shall attend with a sufficient force of police to keep clear the space in front of His Excellency's saloon, and to regulate the carriage traffic. The Superintendent shall not attend, unless the occasions public.

(iii) At stations where the special train does not stop no arrangements are necessary.

(iv) At stations where the special train stops en route, the Railway Police officer shall attend, with small force of constables, and the station-master shall arrange to keep the platform clear of all outsiders. The Circle inspector shall attend at his headquarters station.

(v) When His Excellency travels by ordinary train, the platforms cannot be kept clear, but at departure, arrival and stopping stations the Railway Police officers concerned shall personally attend with a small force of constables to maintain order;

(vi) A detail of one head constable and six constables shall be provided as a guard over the vehicles whenever the special train is detained anywhere overnight. (No. 584, dated 23rd June 1911, from the Military Secretary to the Government of India.)

564. Complaints against any member of the force shall be at once reduced to writing and enquired into by the senior officer on the spot, who shall forward a report of the same to the Circle Inspector and the Superintendent of Railway Police.

II—RELATIONS WITH RAILWAY OFFICIALS.

565. (a) All officials and railway authorities shall be treated with due respect by the force. Police officers shall salute officials of high rank.

(b) A Railway Police officer shall do everything in his power to act in harmony with the Railway administration to which he is attached, and shall always pay deference to a request made by a responsible railway official. In doubtful cases, he shall comply, if possible, with the request, reporting the matter at the same time to his official superior. The Inspector-General shall be the final authority, so far as the police are concerned, and he will, if necessary, refer doubtful points to the Provincial Government for orders.

566. (a) The Railway Police shall not interfere with - officers or servants of the railway in the execution of their duties, and they shall not enter into discussion if charged by any of the railway servants with neglect of duty.

(b) They shall avoid all altercations or squabbles of every kind, If assaulted in the execution of their duty as -police officers within the meaning of section 353 -of the Indian Penal Code, they may exercise their legal power to arrest the assailant.

(c) It has been arranged in consultation with the General Managers, Bengal-Assam, Bengal-Nagpur and East Indian Railways, that differences of opinion and -friction between officers and men belonging to the Railway and Police Departments shall be settled immediately departmentally. Any such case, when it occurs, shall be reported to the Superintendent concerned with a view to the institution of departmental proceedings, in co-operation with the Railway departmental head concerned. It is only when the departmental heads cannot agree that the aggrieved police officer may have recourse to the criminal court, and then only with the, previous permission of the Superintendent This arrangement applies reciprocally to railway employees.

Nothing in this regulation relates - to cases which under the law must be referred to courts. The investigation of all such cases shall, when possible, be supervised by a superior officer.

567. The Superintendent of: Railway Police, shall, if so desired, report at- once to the-railway administration all serious offences committed on the railway, and the action taken by the police thereon, and shall from time to time furnish such officer as they appoint with reports of crime.

III- CO-OPERATION WITH DISTRICT POLICE.

568. Superintendents -of Railway Police shall make -themselves personally acquainted, and-keep-in constant touch with -the Magistrates and the Superintendents 'of District Police through whose jurisdiction their Railway district runs 'and shall ;arrange to meet them at least once in the course of each year for 'the purpose 'of -discussing matters connected with the prevention and detection of crime.

569. Inspectors of Railway Police shall call on the Deputy Inspectors-General, Magistrates and Superintendents of the District Police whenever their duty takes them where these officers are. They shall also make the acquaintance of all Subdivisional Magistrates and Subdivisional Police Officers through whose 'jurisdiction their line runs and exchange visits with them at frequent intervals for the purpose of discussing matters relating to crime.

570. Sub-Inspectors of Railway Police shall become personally acquainted with the Sub-Inspectors of all district police-stations through which their railway police jurisdiction runs, attend co-operation meetings held at such police-stations whenever possible and exchange visits with them as often as their duty necessitates and, if possible, not less than once a quarter.

571. District Magistrates shall examine the registers of railway police-stations within their districts from time to time and record their remarks in the inspection book of the station. The Superintendent of Railway Police shall see that proper notice is taken of such remarks and send a copy of the remarks and a note of the action taken to the Deputy Inspector-General.

572. Superintendents of Railway Police may visit all district police-stations through the jurisdiction of which their Railway Police district passes and record their remarks in the

inspection register on matters relating to crime and criminals, co-operation between Railway and District Police and any particular cases in which the Railway Police are directly interested.

573. (a) When the attendance and co-operation of the District Police is considered necessary in the investigation of an offence within the jurisdiction of a railway police-station the Railway Police officer shall send the necessary particulars of the case together with a requisition for co-operation, and the officer from whom such assistance is required shall proceed in person, or, if otherwise engaged, depute an officer to render such assistance. The same rule shall be observed when the attendance and co-operation of the Railway Police is required by the officer in charge of a district police-station.

(b) The Railway Police shall, if required, assist the District Police travelling on the line in charge of convicts.

(c) All ranks of the District and Railway Police and village chaukidars shall render mutual assistance to each other in the execution of their duty when called upon to do so.

(d) In cases of serious railway strikes, the Superintendents of the districts concerned, i.e., through whose jurisdiction the line passes, shall direct the officer in charge of police-stations bordering on the line to report to them any information obtained regarding the activities of the strikers and the strike leaders and instruct them to send, at the same time, copies of such reports to the Superintendents of Railway Police concerned. District Superintendents shall also issue orders as to what precautions shall be taken to prevent mischief being done within railway fencing and to signal boxes, signals, telegraph and telephone wires, etc., and shall, at the same time, request their District Magistrates to address the presidents of the union boards concerned to co-operate with the police in carrying out such precautionary measures.

574. (a) The District Police shall not enter upon the lines or premises of the Railway company, except in the performance of their duty, or when called upon to do so by the railway authorities. In the absence of the Railway Police, however, the District Police shall act in all matters of urgency pending their arrival.

(b) District Police temporarily deputed to assist in maintaining order inside railway limits, whilst so employed, shall be placed under the orders of the senior officer of the Railway Police present.

575. (a) Both District and Railway Police shall communicate to each other the occurrence of crime and the movements of bad characters, and particularly of any wandering gang or gangs of coolies working on the line who are suspected to contain amongst their members men of criminal proclivities.

(b) The Railway Police shall make the local Superintendent acquainted with any occurrence on the line that may in any way affect the peace of his district, or have any bearing on the prevention or detection of crime.

(c) Each day the Railway Police Inspector shall send extracts relating to cognizable crime from his daily report to the Superintendents of the districts concerned.

(d) Similarly, information of matters, such as crime committed outside railway limits, traced by the District Police to within railway limits, shall be forwarded to the Superintendent of the Railway Police.

576. Railway Police officers will invariably ask for the co-operation of the District Police in the following cases:—

(i) when a serious theft has occurred from a goods wagon or shed;

(ii) when a series of thefts has occurred, or is occurring from goods wagons or sheds, of property entrusted to the railway as carrier, or of railway material, carriage fixings, etc., from station yards and carriages.

577. In cases of crimes committed within railway limits, which it may be necessary to follow up within the jurisdiction of District Police, the Railway Police shall take any legal steps that may be necessary outside railway limits, but at the same time shall give immediate information to the District Police, who shall be bound to co-operate to the utmost of their power reporting their proceedings to the Superintendent. Mutatis mutandis, the same course shall be followed when crimes committed outside are traced to within railway limits.

578. The District Police shall give immediate information, to the Railway Police of property found or offenders arrested by them in cases committed within the jurisdiction of the Railway Police, 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. In serious cases the District Police shall take up the investigation until the arrival of the Railway Police, when the case shall be made over to them.

579. The Superintendent of Railway Police shall send the rolls of absconders in railway police cases to the Superintendent of the district in which the absconder lives or has relations or associates. The Superintendent shall have the particulars entered in his register in accordance with the rules.

580. (a) The Superintendent of Railway Police shall not pass orders for the surveillance of any person residing outside Bengal without previous consultation with the Superintendent of the district in which the person ordinarily resides. The district Superintendent shall not remove from surveillance any person concerned in a railway police case without the consent of the Superintendent of Railway Police.

(b) The surveillance of bad characters as laid down in Chapter VI shall remain with the District Police. The watching of bad characters arriving and departing by train and generally within railway limits, however, is a matter for co-operation between the District and the Railway Police. Officers in charge of district police-stations may when necessary depute constables in plain clothes 'to the railway stations for this purpose. Only constables well acquainted' with the bad-

characters of the district shall be deputed. They shall always carry their appointment certificates to denote -their -identity.

581. In order to be acquainted with their appearance. Railway Police officers shall pay domiciliary visits to such railway criminals as live- within easy distance of the railway or such other criminals as are selected by the District Police officers for watch by the Railway Police. For this purpose Railway Police officers may accompany the Sub-Inspector of the District Police when he pays domiciliary visits to such criminals.

582. A list of itinerant railway criminals, viz., those who are known or suspected to be committing crime at different places in the Railway district, shall be maintained and kept up to date in the office of the Superintendent, Railway Police. Extracts from the list shall be sent to railway police-stations where such criminals are likely to commit -crime. The list shall contain the residence add pers6nal description of the criminal and the cases in which he has been convicted or suspected, and shall be maintained according to the individuals chief rondos operandi, both in the office of the Superintendent and the police-station. If the criminal lives within 'railway limits, the staff 'of the railway police-station shall be responsible for his surveillance, In other cases this duty shall fall upon the stall of the district police-station in which he resides, but domiciliary visits should be made in the day time not less frequently than once a quarter by the officers of the railway police-station with some of 'their constables 'for 'the purpose of 'acquainting themselves with the appearance and habits of the criminal.

583. The Superintendent of Railway Police may, in consultation with the Superintendent of the district in which a railway criminal ordinarily resides, order the opening of a' history sheet in B. P. Form No. 81 if he considers that the criminal requires special attention. The history sheet shall be prepared and maintained by the officer in charge of the district police station and its number communicated to the Railway Police officer' concerned' who 'will keep a note of it in the list 'mentioned in the previous regulation, or in a supplementary list- of history sheet men Important information regarding the' bad character, such as absence from home, conviction, etc., shall be communicated by the district police-station officer for entry 'in the list.

In the case of homeless persons such history sheets, whenever necessary, shall be opened and maintained by the officer in charge of the railway police-station where the suspect chiefly operates.

584. (a) Railway Police constables shall be deputed in turn to the neighbouring district police-stations and the Sub-Inspectors in charge shall take steps to -familiarise them with the personal appearance of railway 'criminals or such other bad characters as make frequent use of the railway for committing crime. The officer in charge of the district police-station 'shall arrange' to "replace the 'Railway constables so deputed by some of his constables, if so required by the Railway Police officer.

(b) When the District Police has under observation a wandering or other gang which may use the railway for 'eluding 'Vigilance, the officer in charge shall inform the officer in charge of the nearest railway police-station and the latter will depute Railway constables' to 'know the chief

members of the gang, the places of these constrains 'being filled temporarily by constables from the district police-station,' 'if 'necessary.

585. Minute books shall be maintained at each railway police-station containing requests and suggestions received from the District Police with action taken thereon. The books shall be frequently examined by inspecting officers to ensure that proper action is taken. (See regulation 387.)

IV.—RAILWAY POLICE-STATIONS AND INVESTIGATION AND PROSECUTION OF CASES.

586. (a) The jurisdiction of a railway police-station shall ordinarily be a section of line varying in length with local circumstances, but never greatly exceeding 100 miles.

(b) The railway police-station building, when possible, shall be on the platform. A sign-board shall be fixed in a conspicuous place outside, and there shall be a notice-board also on which all proclamations and notices by the police shall be pasted.

587. In exercise of the powers conferred by sub-section (3) of section 2 of the Police Act, 1888 (III of 1888), the Central Government has authorised every Circle Inspector and station Sub-Inspector of the Special of the Special Police district constituted by the notification of the Government of India in the Home Department No. F. 106/28-1/36 Police, dated the 1st April 1937, to exercise the powers of an of officer in charge of a district police-station, throughout the local limits of any police-station in the province of Bihar, where any portion of such limits is traversed by the section of the railway line over which he police shall has authority.

588. All cognizable crime committed within railway limits shall be registered and investigated by the Railway Police. It is not to necessary to wait for the complaint of a railway official, except in cases under section 101 of the Indian Railways Act, 1890. (See regulation

589. In cognizable offences under the Indian Railways Act, 1890, the station-master or other responsible officer of the company will ordinarily be the informant under section 154 of the Code of Criminal Procedure. Should the occurrence of a cognizable offence come to the notice of a police officer, and the responsible railway official decline to lay information in ordinary cases, the police shall submit a first information report and delay enquiry pending orders of the Magistrate under section 157 of the Code of Criminal Procedure. In urgent and serious cases the police shall proceed with the enquiry even though no information be laid.

590. No prosecution for an offence under section 101 of the Indian Railways Act, 1890, shall be instituted by a police officer without the sanction of the Superintendent of the Railway Police concerned, which shall be communicated immediately it is accorded to the Agent or the Manager of the Railway.

591. Persons arrested under section 132 of the Indian Railways Act, 1890, for failure or refusal to pay the excess charge or other sum demanded under section 113 of that Act can only be sent up in custody if they are unable to give bail or if their true name and address are not

ascertained. Section 113 does not apply to cases of fraudulent intention which are covered by section 112.

592. The police shall, when requested in writing by a railway officer duly authorised by the Agent or the Manager, take charge of persons arrested by railway servants under section 132 (1) of the Indian Railways Act, 1890, and forward them in custody to the Magistrate or release them on bail or personal recognizance. They shall also when necessary conduct the prosecution of such cases in court.

Note.—(i) The written request of the railway officer must contain sufficient material to justify the action of the police officer in taking charge of the accused person, and should ordinarily be in the form of a charge-sheet specifying the alleged offence and the names of the witnesses. In the case of a person travelling without a ticket it should be made clear that there is reason to believe that he has refused on demand to give his and/or address, or the name and address given by him are incorrect.

(ii) Except where a Magistrate has ordered an enquiry under section 155(2) of the Code of Criminal Procedure, it is the duty, of the railway authorities and not of the police to enquire into the truth of the charge for which a person is arrested under section 132, of the Indian Railways Act, 1890, by a railway official and made over to the police.

(iii) In case not covered by the above rule it is open to the police to use the powers of arrest conferred on them by section 132 of the Indian Railways Act, 1890.

593. (a) The servants of the railway administration being liable to arrest for breaches of the law like any other members of the community, it is the duty of the officers of the administration immediately to relieve from duty any man whose presence is required by the police to answer to a criminal charge. In such cases notice of arrest shall be given at once by the police to the local head of that department to which the person arrested belongs. If in any case the duty on which the person to be arrested happens to be engaged is such that his immediate arrest would cause risk and inconvenience (e.g., if he were driving a train and no other driver were at hand, or if he were a station-master), the police shall make all arrangements necessary to prevent escape and apply to the proper quarter to have the accused relieved, deferring arrest until he is relieved.

(b) The necessity for providing substitutes where servants of the railway administration have required to sign recognizances to appear before a Magistrate renders it necessary that the police shall immediately advise the local head of the department to which the person required to appear may belong, whenever such occasion arises, and shall take care that time is allowed for their relief to be effected.

594. (a) The exercise by the Railway Police of the power of arrest without warrant, given them by section 131 of the Indian Railways Act, 1890, for offences under section 101 of the same Act, is discretionary. It should be exercised only in extreme cases as for instance, when—

(i) there has been loss of life or serious injury to person; or

- (ii) a person is caught in the commission of a grave offence; and
- (iii) the accused is likely to abscond or to continue to endanger the safety of the public.

When arrest is made without warrant, immediate intimation of such arrest must be given to the head of the railway employees department. Under ordinary circumstances, no immediate arrest is necessary, and application should be made for a warrant in the usual manner.

(b) When the arrest of railway servants for offences under section 101 of the Indian Railways Act, 1890, is effected by warrant, in the absence of any direction to the country under section 77 of the Code of Criminal Procedure, the warrant should be executed by a police officer of rank superior to that of an Assistant Sub-inspector.

595. (a) The term “missing goods” is applied to any property entrusted to a Railway company for conveyance, regarding which information of short delivery or non-delivery is given by the consignor or consignee or by the Railway.

(b) The following “missing goods” cases are classified as cognizable —

(i) Cases in which, though wagons arrived with seals intact, the packages or coverings of packages have obviously been cut or tampered with.

(ii) Short receipt of goods from wagons arriving with seals missing, damaged or deficient or with top fasteners or ventilators open.

(iii) Goods missing from wagons with seals replaced by bazar locks.

(iv) Abstraction of goods by boring into bottoms of wagons or trucks.

(v) Cases in which articles, or goods have been abstracted from booked luggage or parcels.

(vi) Goods missing from station premises or goods sheds.

In order to trace easily, such cases shall be distinguished by writing the letters “M.G.” in red ink in column 3 of the Khatian (B. P. Form No. 69) and the Village Crime Note Book (B. P. Form No. 78).

(c) Enquiry will commence at the station at which the defect or shortage is discovered or reported. If it transpires that the offence occurred in the jurisdiction of some other police-station, the investigating officer may, with the approval of his inspector, transfer the ‘case, together with all papers, to that police-station and send intimation of such transfer to the Magistrate having, jurisdiction over his police-station.

596. Whenever cattle are found trespassing on any railway provided with fences suitable for the exclusion of such cattle, the Railway Police, or any servant of -the railway, may take or -

send such cattle to the nearest police-station, district or railway, and give information to the officer in charge of such station by -a written memorandum containing the following particulars:—

- (i) the description and number of The cattle seized;
- (ii) the - date, hour and place of seizure;
- (iii) the name of the person ordering or making the seizure;
- (iv) the names of the persons who witnessed the trespass.

The officer in charge of the station shall send such cattle to the nearest pound and report the case for the orders of the Magistrate (vide section 125 of the Indian Railways Act, 1890).

597. (a) Officers of railway police-stations shall deal promptly with passengers who give any information so that they may, if possible, continue their journey in the same train. It may in certain circumstances be advisable for the police officer to board the train and travel for some distance with the informant, rather than detain him.

(b) The ticket of a passenger detained for the purposes of a police enquiry or to give evidence in court can be made available by a subsequent train or steamer, as the case may be.

(c) The police officer detaining the passenger should promptly report the matter to the station-master and also explain to him the reason for detention, whereupon the station-master will make necessary entries on the back of the ticket. When the passenger is no longer required, the Sub-Inspector in charge of the police-station having jurisdiction over the railway station or any other police officer (not below the rank of Sub-Inspector) shall issue to the detained passenger for submission to the station-master concerned, a certificate in B. P. Form No. 129 with a request to allow him to proceed on his journey with his original ticket. The counterfoils of the certificate should be kept open for inspection by the officers of the Railway Traffic Department.

598. (a) Bills on account of the travelling expenses and diet for of prisoners in police custody and the cost of conveyance of stolen property and other articles shall be submitted monthly by station officers to the Superintendent of Railway Police for counter-signature. After countersignature, the Superintendent shall return them to the station officer who will send them for payment direct to the Magistrate within whose jurisdiction the railway police-station is situated.

(b) When it is necessary for persons made over to the Railway Police under section 132 of the Indian Railways Act, 1890, read with section 113 of that Act to be sent up to the Magistrate's court and the question of diet charges arises through their detention in custody, such charges should be met by the Magistrate, the above procedure for the submission of the bills being followed.

599. Notifications defining the jurisdiction of Magistrates to whom reports should be made in cases of railway accident and criminal cases occurring on railway lines are published in the

Calcutta Gazette from time to time and reproduced in the Police Gazette. The officers concerned shall note them carefully and keep them in a permanent guard file for guidance.

600. (a) Police reports in railway accident cases, as well as other police papers connected with railways, shall, be submitted to the Magistrate through the Court officer and not direct.

(b) In the Howrah and Sealdah courts the Railway Police court staff shall conduct the prosecution of railway police cases. In other courts the procedure detailed below shall be followed:—

(i) The District Police staff shall be primarily responsible for the prosecution of railway police cases. When a railway Police case comes into court, the District Police Court officer shall place the case properly before the Magistrate, and see that the defendants and witnesses are present and the papers of the case are in proper order.

(ii) In cases under the Indian Railways Act, 1890, the management of the person to conduct the prosecution and where this is done, the responsibility of the District Police ceases. In cases where a technical knowledge of the working of the railway is required, a special railway prosecuting officer, if available, shall be deputed by the Superintendent of Railway Police, to assist the district prosecuting staff or to conduct the prosecution.

(iii) The District Police Court officer shall be furnished with charge-sheets, briefs and case diaries.

(iv) Intimation of the result of trials and of appeals in all railway police cases shall be communicated by the Court officer direct to the Inspector of the circle from which the cases have been sent up.

(v) Relevant extracts from Court officers daily undertrial reports in respect of railway police cases shall be submitted direct to the Superintendent of the Railway Police concerned in B. P. Form No. 101.

601. (a) It has been arranged with the railway authorities that when any consignment of arms, ammunition, military stores or explosives of any kind is received for despatch, the station-master of the despatching station shall telegraph to the receiving station-master, who should immediately advise the consignee to be prepared to take delivery and also inform the officer in charge of the local railway police-station, if there is any, of the arrival of the consignment. The consignment shall be weighed and checked by the station-master with the particulars given in the way-bill as well as with the license in the presence of the officer in charge (where there is a local railway police-station) or any other officer deputed by him. If any discrepancy is found or suspected by the station-master or the outward condition of the parcel shows signs of having been tampered with, the station-master will withhold delivery and immediately inform the officer in charge of the nearest railway police-station, as well as that of the nearest district police-station if he is more readily available, and the consignment will be opened in the presence of the officer

in charge who arrives first. A report by telegram should at the same time be sent by the station-master to the Superintendent of Railway Police.

(b) Whenever the officer in Charge of a police-station receives information of any discrepancy being found or suspected In any consignment of arms, ammunition, military stores or explosives, he shall at once proceed to the station concerned, check the contents of the consignment and start enquiry, if necessary.

(c) If any consignment fails to reach the station of destination within a reasonable period from the date of booking, the station-master of the station to which such consignment is booked shall report the fact by telegram to the Superintendent of Railway Police and the officer in charge of the railway police-station and enquiries shall be made with all possible speed, by telegram, if necessary, to trace out the consignment.

(d) The following rule shall be observed in respect of such consignments booked to (or from) any of the services of the India General Navigation Company, Limited, and the River Steam Navigation Company, Limited:—

On the arrival of the consignment the local agent or sub-agent of the company concerned shall send a special notice to the consignee immediately advising him to arrange with the police to take delivery. A copy of this advice shall, in every case, be sent to the officer in charge of the local police-station who shall come and check the consignment and allow delivery to be made, if it is found in order. Where there is no police-station within 3 miles of the steamer station, however, the consignment shall be checked by the steamer agent or sub-agent, and if any discrepancy is found or suspected he shall withhold delivery and immediately inform the officer in charge of the local police-station, or the railway police-station, if nearer.

V—ACCIDENTS.

602. The Superintendent of Railway Police is primarily entrusted with the duty of investigation in cases of accident. When a District Police officer in charge of a station receives a report of an accident, he should proceed to the spot, make a preliminary enquiry and see that no persons abscond. On the arrival of the Railway Police, he should leave the case in their hands. Accidents on Railways for which no Railway Police are sanctioned will be investigated by the officers of the District Police having jurisdiction.

NOTE.—The rules framed under section 84 of the Indian Railways Act, 1890, regarding notices of and enquiries into accidents will be found in Appendix XXIX.

603. The bodies of persons killed in an accident may be sent, after the inquest, for post mortem examination to the nearest medical officer empowered to hold such examination after which the bodies may be delivered to the relatives or friends of the deceased. Persons injured may be sent for treatment to the same medical officer or to a railway medical officer whichever is more convenient.

The police cannot compel a person to go to a medical officer for treatment; but if he is required as a witness, they may proceed under section 171 of the Code of Criminal Procedure (i.e., he may be made to execute a bond to appear).

VI—REGISTERS AND RECORDS, REPORTS AND RETURNS.

604. The first information report shall be sent to the Court of the Magistrate having jurisdiction and a copy of it to the Superintendent of Railway Police. All serious crimes shall also be reported to these officers as well as to the District Magistrate having jurisdiction.

605. The Superintendent of Railway Police shall submit special reports in cases mentioned in Appendix XV, in accordance with the instructions laid down therein.

606. (a) Officers in charge of railway police-stations shall send intimation of the following occurrences by telegrams with a view to ensuring prompt dissemination of intelligence, regarding crime and criminals operating on railways and to securing better co-operation between the different sections of the Railway Police:—

Class of case.

(i) Serious thefts, robberies, and dacoities on running passenger

(ii) Escapes from police custody.

(iii) Drugging and swindling (cases in which professional criminals are concerned).

(iv) Important captures by the Railway Police of members of known criminal tribes.

To be reported to-

To the Circle Inspector, Railway
Police.

To the Railway Police at all junction stations on the home line.

To all Superintendents of Railway Police in Bengal.

To Assistant to the Deputy Inspector General, Criminal Investigation Department.
To Special Assistant to the Deputy Inspector-General, Intelligence Branch. (In cases in
Which revolutionary activity is suspected or apparent.)

To the Circle Inspector, Railway
Police.

To the Railway Police at all junction stations on the home line.

To all Superintendents of Railway Police in Bengal.

To Assistant to the Deputy Inspector
General, Criminal Investigation Department.

To all Superintendents of Railway Police in Bengal.

To Assistant to the Deputy Inspector-General, Criminal Investigation Department.

(b) Brief details of any person or class suspected should always be given; but care
must be taken- to make each telegram as concise as possible.

(c) A post copy of the telegram should on the same date be forwarded by the officer
in. charge of- the police-station to the- Superintendent with a covering letter giving full details of
the occurrence.

(d) Superintendents of Railway Police, on receipt of these wires, should use their own
discretion as regards repeating the telegrams to the police-stations on their respective lines.

NOTE.—It must be clearly understood that these orders relate to the Railway Police only The
District Police are not entitled to use the railway telegraph system free of cost and all officers of
the Railway Police must also understand that the use of telegrams free of cost is restricted to ca-
in which either the Railway Company or their passengers are concerned.

607. (a) The result of every police investigation into the cases mentioned in paragraph 28 of
Appendix XXIX, shall be reported in B.P. Form No. 130, to the Magistrate having jurisdiction,
to the Agent or Manager of the Railway and to the Government Inspector.

(b) Reports shall be made in the same form to the Range Deputy 1861.] Inspector-General
and the District Magistrate in the following cases:—

(i) collisions between trains;

(ii) derailment, or attempted derailment of train by obstruction placed on the. permanent way
or otherwise;

(iii) serious accidents, i.e., in which lives are lost, or many persons injured, or in which much
damage is done to the permanent way or rolling-stock and traffic is suspended for a Considerable
time.

(c) Copies of first reports only in all serious cases mentioned in (ii) shall be submitted in
duplicate by the Superintendent of Railway Police direct to the Inspector-General

608. (a) The Railway Police shall maintain a Village Crime Note-Book in the same form as used by the District Police. Ordinarily each railway station together with the portion of the line between its own down distant signal and the down distant signal of the next station up the line shall form one union. In the case of stations with very large sheds and yards (to be specified by the Superintendent), the sheds and yards may be treated as separate unions,

(b) In Part I shall be entered cases of theft, house-breaking, robbery, dacoity, murder, drugging, swindling and cases under sections 126 to 129 of the Indian Railways Act, 1890, including attempts to commit the same. Localised crime shall be entered in black ink and unlocalised crime in red.

In Part II shall be entered the names of persons convicted of offences specified in regulation 394 who reside permanently within the jurisdiction of the union or have no fixed place of residence and are convicted of any such offence occurring in the union.

Part III shall besides ether matters as laid down in regulations 391 and 400 contain entries about important railway criminals or gangs of such criminals residing in the district union or town through which the railway line covered by the railway union passes, as well as cases of railway obstruction and important accidents or any other matter of interest in connection with railway or railway crime. Reference shall also be made to cases occurring outside railway limits in which railway servants or labourers are concerned or suspected.

(c) The other regulations relating to the Village Crime Note Book as laid down for the District Police shall apply mutalis mutandis to the Railway Police.

609. A list of periodical reports and returns due to and from the different offices is given in Appendix XII.

610. A list of registers and files to be maintained in the different offices is given in Appendix XIII.

CHAPTER IX.

Criminal Investigation Department.

I—FUNCTIONS OF THE DEPARTMENT.

611. The Criminal Investigation Department which includes (1) the Intelligence Branch, (2) the Criminal Intelligence Bureau, (3) the Photographic Bureau and (4) the Finger Print Bureau, is under the control of a Deputy Inspector-General.

612. (a) The functions of the Intelligence Branch are to collect and collate information of a political nature.

(b) The functions of the rest of the department include the following:—

- I. The collection and distribution of information relating to—
- (1) The classes of crime detailed below which are ordinarily the work of professional criminals: —
 - (i) dacoity;
 - (ii) highway, railway or mail robbery;
 - (iii) counterfeiting coin or stamps, forging Government currency or promissory notes and uttering or being in possession of the same;
 - (iv) drugging or poisoning;

 - (v) swindling;
 - (vi) murder for gain;
 - (vii) insurance frauds of serious nature;
 - (viii) cases of bank frauds.
 - (2) Professional criminals and criminal tribes whose operations extend beyond the limits of a single district.
- II. (i) To control, assist or advise as circumstances require, enquiries or investigations into crime of the classes described in (I) above.
- (ii) To control or assist enquiries and investigations in connection with cases under sections 400 and 401 of the Indian Penal Code, and proceedings under sections 109 and 110 of the Code of Criminal Procedure against members of specially formidable gangs or criminals.
- (iii) To control prosecutions arising out of the institution of false civil suits (vide Appendix XXX).
- III. To assist or advise the local police in, or to take control of, enquiries or investigations into other serious crime in which such control, advice or assistance is invoked by local authorities with the approval of the Inspector-General or as ordered by the Inspector-General or any higher authority.
- IV. To make enquiries concerning crime described in (I) above and other crime with the approval or under orders of the Inspector- General or any higher authority.

NPTE.—Counterfeit coins presented at railway stations should be transmitted to the Mint for examination by the Deputy Inspector-General to whom the Railways shall transmit copies of their statement of counterfeit coins, and who should detain one specimen of similar coins when more than one is received by the Railways (Government Circular No. 24F., dated the 11th March 1912). Enquiries regarding obscene publications will be dealt with by the Criminal Investigation Department.

613. “Investigation” in the above regulation has the meaning attached to it in the Code of Criminal Procedure. “Enquiry” means and the collection of information prior to an investigation. The power to investigate does not arise until either there is reason to suspect the commission of a

cognizable offence, which an officer-in-charge of a police-station is empowered to investigate under section 156 of the Code of Criminal Procedure (see also section 157), or, if the offence be non-cognizable a Magistrate directs an investigation under section 155 of that Code.

614. Information relating to serious crime, criminals and other matter of interest to the police is chiefly collected from—

- (i) special reports, first information reports in swindling and express letters as laid down in Appendix XV;
- (ii) special reports received from other provinces;
- (iii) confessions of convicts;
- (iv) case histories kept on record in the Criminal Intelligence Bureau;
- (v) finger print slips received in the bureau;
- (vi) notices received for insertion in the Criminal Intelligence Gazette;
- (vii) Police Gazettes of other provinces and of Calcutta;
- (viii) reports on crime and criminals received from officers.

NOTE.—It is also the duty of the Assistant to the Deputy Inspector-General to peruse weekly the gazettes of other Provinces, and extract there from all matters of interest to the police in Bengal for publication in this province.

615. The Criminal Intelligence Gazette is the principal medium for distribution of information. Information is also communicated, if available, on receipt of references from the District Police to the Criminal Intelligence Bureau, Finger Print Bureau and other sections of the Criminal Investigation Department.

11.—CONTROL AND ASSISTANCE IN ENQUIRIES AND INVESTIGATIONS.

616. The Deputy Inspector-General, Criminal Investigation Department, may either assume control of enquiries or investigations, subject to the provisions of regulation 612 or may advise or assist without assuming control.

617. With the assumption of control the responsibility is transferred from the Deputy Inspector-General of the Range to the Deputy Inspector-General, Criminal Investigation Department. The former shall refrain from passing any orders or comments on enquiries or investigations controlled by the latter.

Such control includes the determination of the broad lines of enquiry or investigations, as well as such supervision of the conduct of the same thereafter as will prevent serious errors or irregularities. Superintendents of districts, except in the special cases mentioned in regulation 621, are responsible under such control, for the details of enquiry or investigation within their districts, but they shall, in all cases controlled by the Criminal Investigation Department, consult the Deputy Inspector-General of that department before ordering the submission of charge-sheets or final reports. In enquiries or investigations in which the Criminal Investigation Department assists or advises the responsibility of control remains with the Deputy Inspector-General of the

Range. The Deputy Inspector-General, Criminal Investigation Department, shall issue no orders in respect of enquiries or investigations of which he has not assumed control.

618. (a) The Deputy Inspector-General, Criminal Investigation Department, may assume control of an enquiry or investigation at any stage. On assuming control he shall inform the Deputy Inspector-General of the Range forthwith, sending a copy of his intimation direct to the Superintendent or Superintendents concerned.

(b) In excise cases in which the investigation must extend to more than one district, or in which there are intricacies which cannot be dealt with without the aid of a specially skilled detective, the services of an officer of the Criminal Investigation Department, shall be requisitioned by the Commissioner of Excise. In emergencies such requisition may also be made by an officer of lower rank. The Deputy Inspector-General, Criminal Investigation Department, shall, if he thinks fit and if he has an officer available, depute one and also decide whether the officer deputed shall be placed at the disposal of the Commissioner of Excise or whether the control of the enquiry shall be taken over by the Criminal Investigation Department.

619. In cases controlled by the Criminal Investigation Department, the Deputy Inspector-General, Criminal Investigation Department, will sanction and pay the rewards. In such cases every list containing recommendations for rewards for police officers and outsiders shall be submitted by the Criminal Investigation Department Inspector to the Superintendent concerned after allowing the Circle Inspector or Inspectors interested in the case an opportunity of expressing an opinion. The Superintendent will then submit the list with his remarks to the Deputy Inspector-General, Criminal Investigation Department, through the Range Deputy Inspector-General.

620. The Deputy Inspector-General, Criminal Investigation Department, may assist an enquiry or a series of enquiries, e.g., a dacoity campaign or an investigation at any stage and depute officers of his department to co-operate with the local police. He shall inform the Deputy Inspector-General of the Range forthwith, sending a copy of his intimation direct to the Superintendents concerned.

621. The Deputy Inspector-General, Criminal Investigation Department may direct enquiries or investigations of a special nature in which Superintendents have no Local interest such as enquiries in connection with false civil suits to be conducted by officers of his department under his immediate control instead of through the Superintendent of the districts after obtaining the sanction of the Inspector-General by a general or special order.

622. In cases in which the services of officers of the department are placed at the disposal of Superintendents without control being assumed, such officers shall work under the Superintendent's exclusive control and responsibility.

623. All officers of the department shall submit personal diaries which shall comprise a brief record of their movements day by day together with separate sheets describing the work done upon each enquiry or investigation on which they are engaged. The diaries shall be in B. P. Form No. 136. When officers are required to conduct investigations in person they shall submit case

diaries prescribed under section 172 of the Code of Criminal Procedure and need not submit enclosures with personal diaries.

624. Officers of the Criminal Investigation Department shall submit fortnightly reports showing the progress of investigations or enquiries which they are engaged. Copies of these reports shall be sent to the Superintendents concerned.

625. (a) In enquiries or investigations taken under control except those falling under regulation 621 no copy of the diary, enclosure and progress and progress report shall be sent to the Superintendent, and another to the Deputy Inspector-General, Criminal investigation Department. In the case of a Sub-inspector of the department, the diary, enclosure and progress report intended for these officers, shall be submitted through the Circle or Criminal investigation Department Inspector under whom the Sub-Inspector is working. A copy of any order, instruction or remark of any kind passed by the Superintendent upon a diary or report of an officer of the Criminal Investigation Department shall be forwarded to the Deputy Inspector-General of that Department; orders passed by that officer are governed by regulation 626. Any orders or instructions given by the Superintendent that are intended or likely to divert a Criminal Investigation Department officer from any line of enquiry he wishes to follow or action he wishes to take shall be reduced to writing, a copy being sent, without delay, to the Deputy Inspector-General, Criminal investigation Department. In enquiries or investigations under the direct control of the Deputy Inspector-General, Criminal Investigation Department, under regulation 621 a copy of the diary, enclosure and progress report shall be submitted direct to the Deputy Inspector-General, and need not pass through the Superintendent.

(b) An officer of the department deputed under the regulation 620, to assist enquiries or investigations shall submit the diary, enclosure and progress report as laid down in clause (a) above.

(c) An officer of the department placed under the Superintendent under regulation 622, shall submit a copy of his personal diary to the Superintendent of the district or the Circle Inspector, according to his rank. A copy shall be sent to the Criminal investigation Department through the Superintendent for information only.

(d) In cases in which officers of the department are required to conduct investigations in person, their diaries under section 172 of the Code of Criminal Procedure shall be submitted according to the regulations for the submission of case diaries, whilst their personal diaries shall be submitted as directed in clauses (a), (b) and (c) above.

626. (a) Inspectors and superior officers of the Criminal Investigation Department are superior in rank to an officer-in-charge of a police-station and as such may, under section 551, Code of Criminal Procedure, exercise throughout the local area to which they are appointed, the same powers as may be exercised by an officer-in-charge of a police-station within the limits of his station. They accordingly have power to detail a Sub-Inspector of the Criminal Investigation Department to investigate a particular case when it is considered desirable that the case should be so investigated.

(b) (i) Officers of the department deputed to districts in cases or enquiries taken under control, except in those mentioned in regulation 621, shall work in subordination to the Superintendent of the district, who shall be responsible for controlling their movements and proceedings, subject to orders received from the Deputy Inspector-General, Criminal Investigation Department. Diaries, enclosures to diaries and progress reports shall be submitted in accordance with regulation 625. But all other reports and communications as between the department and the officer deputed and all orders issued from the department shall pass through the Superintendent, except in cases of extreme emergency. In such cases, copies of the orders or communications shall be forwarded simultaneously to the Superintendent.

(ii) They shall, in case of enquiries, in which the department assists, work in subordination to the Superintendent, who shall control their movements and proceedings relating to the cases and enquiries of his district.

(iii) When an enquiry or investigation taken under control or assisted by the department covers more than one district, the officer deputed shall send copies of enclosures to each Superintendent concerned.

(c) The Superintendent of the district, who controls the movements of an officer as laid down in clause (b) above and receives his diaries in accordance with regulation 625 shall pass his travelling allowance bills.

(d) The position of officers of the department vis-a-vis subordinate local officers shall be determined in the absence of special order to the contrary, by their relative rank.

(e) Officers of the department deputed to districts shall not be employed by the Superintendent upon any enquiry or investigation other than that for which they are deputed without the sanction of the Deputy Inspector-General, Criminal Investigation Department.

627. Cancelled. (Vide G. O. No. 2856P1., dated 14th August 1944.

628. (a) it is the desire of the Provincial Government that where a gang is known to exist, steps should be taken to prosecute the members in specific cases. If, however, it is thought that this procedure will not effectively break tip the organisation and there appears to be sufficient material for the institution of a gang case (sections 400 and 401 of -the Indian Penal Code), the Superintendent will request the Deputy Inspector-General, Criminal Investigation Department, to depute an experienced Inspector of his department to collate the -evidence available. On conclusion of this enquiry the Inspector will place before the Superintendent and the Government Pleader of 4he- district concerned a report accompanied by statements based on the different headings of clause (b) below. The Superintendent will forward it with his -and the Government Pleader's opinion through the Distinct Magistrate, to the Deputy Inspector-General, Criminal Investigation Department. The Deputy Inspector-General will consult the Legal Remembrance and if he concurs will sanction the institution of the case and inform the Inspector-General and the Deputy Inspector-General of the- Range. (Sec regulation 1126).

(b) Though no enact rules can be prescribed for the investigation of gang casts, as each case has its peculiar features, the following general instructions are laid down for the guidance of police officers in such cases. Evidence on the points noted below must always be sought for and obtained, if possible:—

(i) Evidence of the existence of a gang for the purpose of committing dacoity, robbery or theft during the time specified in the charges (established by proof of facts as contemplated in section 10 of the Indian Evidence Act, 1872).

(ii) Evidence of the association of the suspected persons for the purpose of committing dacoities or thefts.

(iii) Evidence of relationship by blood or marriage amongst the members of the gang.

(iv) Evidence in corroboration of the approver's statement on material points as contemplated in section 114 (b) of the Indian Evidence Act, 1872, duly verified by a responsible police officer.

(v) Evidence of confessions of co-accused previously recorded at different times and places (vide sections 30 and 114 of the Indian Evidence Act, 1872).

(vi) Evidence of specific cases of dacoities and thefts committed by the gang.

(vii) Evidence of the recovery of property stolen in dacoities and thefts or suspicious property found in possession of the accused.

(viii) Evidence of the simultaneous absence from their homes in batches or singly of known members of the gang coincident with the occurrences of dacoities and thefts in the neighbourhood.

(ix) Evidence of any increase or decrease in the number of dacoities or thefts coincident with the presence or absence of the members of the gang.

(x) Evidence of the cessation of dacoities and thefts in the affected area after the arrest of the members.

(xi) Evidence of the habitual commission of dacoities or thefts to be proved by an aggregate of acts.

(xii) Evidence of changes of residence to avoid suspicion.

(xiii) Proof of previous convictions for dacoities and thefts (the former alone can be proved in a case under section 400 of the Indian Penal Code, but convictions under sections 379, 380 and 457, etc., of the Indian Penal Code, can be proved on a charge under section 400 or 401 of the Indian Penal Code, to establish the habits of individuals or the association of the members).

(xiv) Proof of orders under section 110 (a), (b) and (c) of the Code of Criminal Procedure requiring any of the accused persons to give security for his good behaviour, to prove that the person is a habitual thief (vide unreported case of Emperor versus Meher Au Sarkar and others, decided on the 20th March 1901 by J. J. Prinsep and Hill).

(xv) Proof of orders for security for good behaviour, when two or more of the accused have been bound over in one proceeding under section 110 (a), (b) and (c) of the Code of Criminal Procedure as evidence of association [vide section 117 (4) of that Code].

(xvi) Documentary evidence in the shape of relevant entries in enquiry slips, in the surveillance register, the Village Crime Note Book, and other registers which are required by order of the Inspector-General to be maintained at a police-station. This evidence would probably be admissible under section 35 of the Indian Evidence Act, 1872; but, if not, might be used under section 159 of that Act to refresh memory.

(c) Much evidence which is not ordinarily admissible in criminal cases, is admissible in cases under sections 400 and 401 of the Indian Penal Code, as the persons accused in these cases are in fact members of a conspiracy, and so section 10 of the Indian Evidence Act, 1872, will apply. Previous convictions of dacoity are admissible in a case under section 400, and thefts under section 401 of the Indian Penal Code, under explanation 2, section 14 of the Indian Evidence Acts 1872 (Emperor versus Nava Kumar Patnaik, I C.W.N., Page 146).

Much of the evidence enumerated under the different heads above will be admissible under section 11 of the Indian Evidence Act, 1872.

629. A separate file shall be opened for every enquiry and investigation in which the department takes part, whether by control or assistance, which shall contain copies of all orders or communications issued and of all diaries, reports and communications received.

630. (a) Every officer of the department deputed to a district or to Calcutta shall carry with him a letter addressed to the Superintendent or the Commissioner of Police, as the case may be, either describing the nature of the enquiry on which he is sent or, in cases where great secrecy is required, authorizing him to explain the object of his mission verbally. In cases, in which the officer is not to work in subordination to the Superintendent, the Superintendent will arrange to give him such assistance as may be necessary.

(b) Such letters shall be delivered personally, unless the Deputy Inspector-General otherwise directs.

(c) Where an officer so deputed has occasion to Visit a district, to the Superintendent of which he has not received a letter of introduction, he shall invariably report his arrival to the Superintendent and establish his identity, if required to do so, by means of his detective warrant, or otherwise.

631. The rules regarding detective warrants will be found in Appendix XXXI.

632. (a) A Criminal Intelligence Bureau is attached to the Department to enable it to deal effectively with professional and organized crime, and to supply investigating officers with all information which is on record regarding any particular class of crime or criminal.

(b) A "General Index to the information on record" under which information has been compiled and classified in the Bureau is shown in Appendix XXXII.

633. (a) When a case occurs in a district in which the modus operandi shows any interesting peculiarity or novelty or indicates that any of the classes of criminals mentioned in Appendix XXXII or any other known class of itinerant professional criminal is concerned and the accused is unknown or has absconded after committing the investigating officer shall make a reference to the Criminal Intelligence Bureau in B. P. Form No. 137. The descriptive roll in column 7 of the form shall be carefully prepared as far as practicable in accordance with the instructions contained in Appendix -X. Such references shall be made at the earliest possible moment and shall be replied to by the Bureau with the least possible delay.

(b) In cases where the accused is under arrest and finger prints have to be sent to the Finger Print Bureau under regulation 493, no separate reference shall ordinarily be made to the Criminal Intelligence Bureau. In such cases, the Criminal Intelligence Bureau will peruse the search reference slips (B. P. Form No. 53) received in the Finger Print Bureau, make a search in addition to that made by the latter and communicate all available information of 'value to the Court officer concerned.

634. On receipt of the elimination list as provided in regulation the officer-in-charge of the Finger Print Bureau shall eliminate all useless or out-of-date information.

1V.—PNOTODNAPHIC BUREAU.

635. A Photographic Bureau is attached to the department. The staff of trained photographers is available—

- (i) to take photographs of criminals.
- (ii) to take photographs of foot and finger prints, hand-writing and forged notes,
- (iii) to take photographs of scenes of crime, and
- (iv) to make enlargements and prepare photographs for reproduction in print.

636. Photographs of a number of notorious criminals, classified in Appendix XXXIII, are on record. Superintendents and the Assistant to the Deputy Inspector-General, Criminal Investigation Department, shall secure the portraits of such criminals whenever possible. Photographs, however, can only be taken in accordance with the provisions of the Identification of Prisoners Act, 1920 (Act XXXIII or 1920).

637. (a) A list shall be maintained by the officer-in-charge of the Photographic Bureau showing the places in the province where local photographers reside who have agreed to take photographs for the department at reasonable rates. Whenever possible, in order to save the expense of travelling the services of such photographers shall be utilised.

(b) In places where no local photographer resides, or in cases where a large number of criminals are required to be photographed separately, a photographer from department shall be deputed.

NOTE.—When a private photographer or a photographer of the department below the rank of Sub-Inspector is employed to take the photograph, an officer not below the rank of Sub-Inspector shall be present when the photograph is taken [vide section 2(b) of the Identification of Prisoners Act, 1920].

638. (a) Photographs shall ordinarily be taken of the head and shoulders only, in full face and profile, and in quarter plate size.

(b) Prisoners should be photographed in ordinary and not in prison dress.

639. (a) Photographs of prisoners should only be taken by order of a Super- intendment or officer of higher rank.

(b) Photographs should only be taken-

(i) in connection with an investigation, inquiry or trial; and

(ii) in the case generally of prisoners accused of classes of offences for which a photographic record is deemed necessary.

(c) (i) In respect of photographs taken under clause (b) (i) the Superintendent, when sanctioning the taking of the photograph, will state the number of copies to be printed from the negative. When a photographer, other than an officer of the Photographic Bureau, is employed, an officer not below the rank of Sub-Inspector shall be present when the photograph is taken; he shall also be present when the negative is developed and when the prints are taken. When the number of prints ordered by the Superintendent has been completed, the Sub-Inspector shall take possession of the negative and prints and forward them in a sealed cover to the Superintendent, who will keep the negative in his personal custody. When the investigation, enquiry or trial is completed, the negative and prints will be forwarded to the Deputy Inspector-General, Criminal Investigation Department, for disposal. The same procedure shall be adopted when an officer of the department below the rank of Sub-Inspector is employed to take the photograph, but when the officer taking such photograph is of or above the rank of Sub-inspector it will not be necessary for another officer to be present Section 2(b) of the Identification of Prisoners Act, 1920].

(ii) Negative sent by post should be carefully packed in soft paper and enclosed in a wooden box. Card-board boxes should not be used, owing to the danger of damage from the post-office stamp.

(d) Photographs of persons arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards should be taken only in cases where the place of occurrence and the place of arrest are so far apart that it would cause unnecessary inconvenience to take the arrested person or persons to the spot without applying the preliminary test.

(e) A photograph intended to be used for the purpose of identification should be placed in a sealed cover with eight or ten photographs of other persons, taken under similar conditions and despatched by the Superintendent in whose district the case is registered to the officer deputed to conduct the identification or to the Superintendent, if the identification is to take place in another district, with instructions that the packet should not be opened until the time of identification, and then only in the presence of the witness whose identification is to be tested, and either of the Magistrate or of the two or more respectable persons invited to preside over the identification.

(f) (i) Photographs for record under clause (b) (ii), will ordinarily only be taken after the conviction of accused persons. But in the case of persons accused of drugging, coining, note forgery, professional swindling, railway thefts and professional pocket-picking on a second conviction, murder of women accompanied with robbery; and also in the case of all persons belonging to the registered criminal tribes, e.g., Barwars, Sanauriahs, Chain Mallabs, Marwari

Bauriabs, Muzaffarpur Sonars, Jadia Brahrnins and Bhamptas, photographs should be taken for record whether the accused arrested is convicted or not; provided that, except in the case of criminal tribes, the negatives and photographs of the unconvinced persons of the classes mentioned above must always remain in the personal custody of the Deputy inspector-General, Criminal Investigation Department. They should be placed in sealed covers in an iron safe, the key of which will remain either with the Deputy Inspector-General himself or his Assistant.

(ii) Mounted copies shall be kept of all photographs taken or received, and shall be classified according to the classes mentioned in Appendix XXXIII.

Copies of photographs in Excise or Opium Act cases shall be supplied to the Excise Bureau.

(g) Formal certificates of the precautions and of the identification proceedings should be made by the officer responsible and attached to the investigation record. The certificates in the forms below should be signed by the officer taking the photographs and by the officer conducting the identification proceedings:

I CERTIFY that under the orders of the Superintendent I took photographs of
son of
of village....., police-station
district, accused or suspected in case No
of police-station....., district

That all the negatives taken by me and the prints struck off from the negative have been forwarded to the Superintendent.

NOTE.—If the photograph was taken by a photographer not belonging to the Photographic Bureau, the officer present under clause (C) (I) will submit the certificate stating that he was present when the photograph was taken, developed and printed, and that all the negatives and punts were forwarded by him to the Superintendent.

Certificate to be given by the officer conducting the identification.

CERTIFIED that I received a sealed cover from..... and that this cover was not opened until the time of the identification. I also certify that when the cover was opened the following witnesses were present

.....
The packet, when opened, contained
.....photographs, and these were all handed together to the witness who, in the presence of the abovenamed witnesses to the identification, picked out the photograph numbered.....

NOTE.—This certificate should also be signed by the witnesses to the identification.

(h) Subject to the provisions of clause (1). if an untried prisoner, who has not been previously convicted, shall have been photographed, all photographs (both negatives and copies) shall be forthwith destroyed or handed over to such prisoner in the event of his being released without trial or discharged or acquitted by any court, unless the court or (if such person is released without trial), the District Magistrate or Subdivisional Magistrate for reasons to be recorded in writing, otherwise directs.

640. When the opinion or evidence of a handwriting expert is considered necessary by any judicial officer in a criminal case, a report should be sent by, or through the District Magistrate to the Deputy Inspector-General, Criminal Investigation Department, informing him at the same time of the date by which the opinion of the expert will be required. If the services of the Government expert attached to the Criminal Investigation Department are available or can be made available by the mentioned, the Deputy Inspector-General will arrange for that officer to do the preliminary work, calling for the necessary documents to be examined by the expert who will give an opinion and, if necessary, give evidence in court. Otherwise the Deputy Inspector-General will refer the matter to the Superintendent and Remembrance of Legal Affairs, who will, on his authority, arrange for the engagement of a private expert if he is satisfied that expert opinion is required to meet the ends of justice in the case and determine the scale of fees to be paid to such, experts. The fees charged by such an expert for appearance before a court as a

witness are debatable to the allotment for “Diet and travelling allowance of witnesses” of the officer at whose instance the requisition is made, or to his allotment for “Other contingent charges” if the fees are paid for obtaining his opinion. In making their report to the Deputy Inspector-General, District Officers should mention the state of their allotments under these heads.

The scale of fees for the Government expert when his service will be requisitioned in private cases, will be as follows: —

- (i) for giving opinion -a minimum fee of Rs.60 per case.
- (ii) for giving evidence in Court—a fee of Rs.60 per case per diem.
- (iii) for photographic enlargement—Rs. 10 for each copy of enlargement.

The usual travelling allowance of the expert and his pay for the period of his absence from headquarters should also be borne by the party concerned.

[See Appendix XVII, paragraph 23.]

641. The expert attached to the department can give an opinion on matters relating to foot prints. His services for taking moulds and tracings of prints may either be requisitioned by investigating officers or moulds and tracings may be sent to him for examination and opinion.

642. The expert attached to the department can give an opinion on matters relating to note forgery. His services should be requisitioned when required by investigating officers.

V.—FINGER PRINT BUREAU.

643. (a) The principal duties of the bureau are—

- (i) to test, classify, index and arrange slips received for record;
- (ii) to search slips received for search and communicate results;
- (iii) to intensify prints, on exhibits received and have photo prints taken for comparison;
- (iv) to examine and test all work connected with the finger print system at central and district jails.
- (v) to eliminate slips in accordance with the provisions of regulation 646.

(b) The officer-in-charge is responsible for the maintenance of efficiency of the bureau and for controlling the movements of experts and dealing with all questions arising from points brought to notice by experts in course of their visits to districts and jails.

(c) The staff of the bureau shall consist of officers not below the rank of Sub-Inspector who are experts holding certificates of efficiency as laid down in regulation 652.

644. (a) The staff of the bureau shall receive increments of pay as laid down in regulation 775.

(b) The senior experts employed in the bureau will be granted the honorary rank of Inspector on completion of 21 years service in the Police Department and 12 years in the bureau on the distinct understanding that the privilege conferred does not imply any kind of financial consideration. They will enjoy all other privileges of Inspectors in the- regular cadre.

645. (a) Finger print slips received for record shall be tested, classified, indexed and arranged by experts. The classification and arrangement shall be done in accordance with the instructions contained in the Finger Print Companion written by Rai H. C. Basu Bahadur.

(b) All slips received for search should be returned with a report on the counterfoil of the search slip as early as possible.

(c) Slips submitted for search, in which the prints have not been taken in the proper sequence, or are so blurred as to render classification impossible, should be returned without search and fresh slips demanded.

(d) Every slip received for record shall be carefully scrutinized before being classified, tested and recorded, and if found deficient in any respect shall be returned with an objection slip (B. P. Form No. 138) for the submission of an amended or fresh slip.

(e) This slips of persons reported to have died in jail shall be removed from the record and destroyed at once. In all other cases of reported death the date of the death report shall be marked in red ink across the slip, which shall remain in the record for another two years when it will be removed and destroyed.

646. In addition to other removals, all slips should come under examination periodically to see if they can safely be removed after such- reference to the local police officers as may be deemed necessary. The following rules shall be observed in eliminating slips from the records: —

(i) The slips of all persons who are not members of a criminal tribe and who are not professional poisoners, note-forgers, coiners, arms-smugglers, dacoits or swindlers shall ordinarily be removed 10 years after the expiry of the last sentence.

(ii) The slips of all persons not dealt with under clause (i) and those of seamen convicted of arms smuggling shall be removed on their attaining the age of 70 years, but in the case dacoits a reference should be made to their home districts if they happen to be identified or to the district of last conviction, if unidentified.

(iii) In the case of a slip that is on record in more than one bureau, the decision as to its removal under clause (i) shall rest with the bureau of the province in which the person's home is situated. Intimation of such removal and of any death removal shall be sent by that bureau to the other bureaux in which slip is on record.

647. Superintendents of Jails shall, not later than the second lease notices week of each month, send to the Deputy Inspector-General, Criminal Investigation Department, direct, after filling in the release portions, the duplicate P.R. slips issued under the second paragraph of regulation 501, of all prisoners convicted under sections 395, 396, 397, 399, 400, 401, 402 and 412 of the Indian Penal Code, who are due for release in the following month.

On receipt of the intimation the Assistant to the Deputy Inspector-General such arrange to have them photographed in accordance with regulation 636 and publish illustrated supplements to the Criminal Intelligence Gazette where necessary as laid down in regulation 72.

648. On receipt of a report that a person whose finger prints are on record has been declared a proclaimed offender, or has escaped from jail or from lawful custody, or has absconded after committing some offence, or has evaded surveillance or has been lost sight of, a red slip in the form below will be attached to the slip, so that immediate information may be given to the police by whom the absconder is wanted, in the event of such absconder's finger prints being subsequently received for search. In such cases a copy of the red slip, together with the absconder's classification number, will be sent by the bureau receiving the report to the other bureaux in which the absconder's finger prints are on record, if no report of such absconding has already been made to them by the District Police:—

ABSCONDER.

Name

Case for which
wanted, date,
warrant, etc.

Intimation of arrest to be sent to

649. Superintendents, of Jails shall, not later than the second week of each month, fill in the release portion of the duplicate P. R. slips issued under regulation 501 in the case of non-Asiatic prisoners due for release in the following month and send the same direct to the Deputy Inspector-General, Criminal Investigation Department, after noting therein the date, route, boat, etc., on or by which such prisoners would be travelling in order that such information may be sent to the Director, Intelligence Bureau, Government of India, for transmission to the country of their origin.

650. (a) The Finger Print Bureau shall send prompt intimation to the district concerned whenever a member of a registered criminal tribe or a convict admitted to a lunatic asylum is traced in the bureau.

(b) In the case of P. R. convicts sent to a lunatic asylum from a jail, this fact shall be noted in the F. P. slips by the Finger Pont Bureau on receipt of intimation direct from jail.

651. One Sub-Inspector from each of the Dacca and Bakarganj Ranges and two-Sub-Inspectors from each of the remaining three Ranges will be deputed annually to the bureau for a ten months' course of training.

The number to be deputed from each Range may, however, be altered with the sanction of the Inspector-General provided that the total sanctioned number to be trained is not exceeded.

651A. Three Sub-Inspectors, two of whom in Handwriting and one in Ballistics along with Footprint and Photography, will be trained each year at a time for a period of nine months.

652. (a) Certificates of efficiency shall only be granted by the Assistant to the Deputy Inspector-General, Criminal Investigation Department, to officers who have undergone a thorough certificates in the Finger Print Bureau and have passed the test laid down by the head of that office, under the personal supervision of the Assistant to the Deputy Inspector General.

(b) Certificates so granted shall remain in force for three years only from the date of issue and can only be renewed if the officers holding them return to the Finger Print Bureau for a period of not less than one week, and satisfy the Assistant to the Deputy Inspector-General that they have retained their knowledge and are still fit to hold the certificate. It shall not be necessary for officers attached to the bureau to renew their certificates of efficiency after three years.

(c) Certificate of efficiency shall be granted by the Deputy Inspector-General of Police, Criminal Investigation Department, to officers who have passed in the final test in Handwriting and Ballistics. Certificate so granted shall remain in force for three years only from the date of issue and can only be renewed if the officers holding them return to the Handwriting, Ballistics and Footprint Sections for a period of one week and satisfy the Deputy Inspector-General of Police that they have retained their expertise and are fit to hold the certificate. This will, however, not apply to officers who are attached to these Sections.

653. Experts from the Finger Print Bureau shall be deputed regularly to examine and test all work connected with the print system at central and district

654. (a) The experts shall (i) test F.P. slips prepared by proficient, see that all particulars recorded thereon are correct and complete, especially details of previous convictions, and note and initial the work "tested" in the jail admission register, on the back of the P. R. slips, and on the history ticket; (ii) prepare fresh EP slips of prisoners whose slips bear blurred or indistinct impressions; (iii) see that finger prints have been taken of all P.R. prisoners, and that the necessary endorsements have been made on the P.R. slips and history ticket, and in the jail admission register; (iv) see that, in the case of prisoners transferred to other jails, P.R. slips or untested F.P. slips have been forwarded to the district concerned; (v) see that, in the case of admissions by transfer, P.R. slips or untested F.P. slips have been duly received; (vi) scrutinize the court conviction register, the register of unidentified prisoners, the book of P.R. slips, the despatch cheque book and the files of jail parade reports and release notices, and see that all necessary steps in respect of these records have been duly taken. All errors and omissions shall be brought to the notice of the Superintendent.

(b) The experts shall instruct local officers in taking in deciphering finger prints.

655. Experts shall submit a muffasil diary in duplicate in B. P. Form No. 18 describing their movements and work to the Assistant to the Deputy Inspector General, Criminal Investigation Department, through the Superintendent of the district concerned. Superintendents shall forward one copy of the diary with their remarks on all points requiring explanation, and retain the other which, when all action is complete, shall be kept in a separate file to enable subsequent touring experts to check the correction of irregularities previously noticed and to facilitate the inspection of P.R./F.P. work by superior officers.

656. (a) Experts may be cited as witnesses to prove previous convictions of under-trial prisoners only when the ordinary methods fail, but they shall not be so cited by subordinate police officers without the sanction of the Superintendent. An expert can only prove identity under sections 45 and 73 of the Indian Evidence Act, 1872, when jail warders, police officers and complainants and witnesses in previous cases can prove both identity and previous convictions.

(b) Finger Print Experts employed in districts may dispose in court as laid down in regulation 498.

(c) If no certificate expert can be procured locally to give evidence, application shall be made to the Deputy Inspector-General, Criminal Investigation Department, who will arrange for the attendance of a certificated expert from the Finger Print Bureau.

(d) Any case in which a Magistrate declines to accept the uncorroborated evidence of the finger print expert shall be brought to the notice of the Deputy Inspector-General, Criminal Investigation Department, and if the Magistrate in the judgment has made any comment on the subject, a copy of the judgment shall accompany the report.

657. All covers containing papers concerning finger prints and questions arising there from shall be marked "F. P. B." in conspicuous characters and addressed to the different bureaux as shown in Appendix XXXIV.

CHAPTER X. Establishments.

658. (a) The strength and distribution of the Indian Police and of the Bengal Police Service cadres shall be shown in the "Gradation List of Police Officers in Bengal" which is published periodically.

(b) The cadres for Inspectors, of all branches, and for Sergeants shall be shown on a provincial basis in separate parts of a gradation list which is printed in April each year and maintained up to date in the office of the Inspector-General.

(c) The cadre for Sub-Inspectors of the Criminal Investigation Department and of the Intelligence Branch shall be shown in a gradation list printed in April each year and maintained by the Deputy Inspector-General, Criminal Investigation Department and Intelligence Branch.

(d) There shall be in each Range a cadre for Sub-Inspectors, in all branches of the District and Railway Police, serving in the districts within it: this cadre will be shown in a gradation list which shall be printed in April each year and maintained up to date in the office of the Deputy Inspector-General.

(e) There shall be for each district separate cadres for (i) Sub-Inspectors, (ii) Assistant Sub-Inspectors, (iii) head constables, (iv) naiks and (v) constables, both of the Unarmed Police and of the Special Armed Force, which shall be shown in the district gradation list maintained under regulation 913.

659. (a) The police establishment of each district is based on a calculation of the actual number of officers required for every duty for which proper authority exists together with a casualty reserve as explained below.

(b) When transferring Sub-Inspectors from one district to another within the Range the Deputy Inspector-General shall see that proportionate numbers of senior and junior officers are kept in each district.

(c) The numbers of officers of different ranks in each district, whether of the Unarmed Police or of the Special Armed Force, who are assigned to the various duties for which proper authority exists, shall be shown in allotment statements which are prepared in the office of the Inspector-General and printed periodically. All changes shall be noted in these statements by the Superintendent concerned as soon as he is informed of them.

660. (a) The reserve for the Indian Police Service is provided in the rank of Assistant Superintendent for leave, deputation and training.

(b) In the rank of Sub-Inspector there is in the Unarmed Police—

(i) a casualty reserve calculated at 14 per cent. of the sanctioned number of Deputy Superintendents, Indian Inspectors and Sub-Inspectors, in the district, and intended to provide for vacancies caused by leave granted to such officers and not by any other casualties, and

(ii) a reserve for replacing probationers under practical training.

(c) There is a casualty reserve in the rank of Sergeant, allotted on a Range basis and calculated at a fixed percentage of the sanctioned number of European Inspectors and Sergeants to provide for vacancies caused by leave granted to such officers.

(d) In the Special Armed Force there is no casualty reserve in the rank of Sub-Inspector.

(e) At the Police Training College there is no casualty reserve in the rank of Sub-Inspector.

(f) In the rank of constable there is casualty reserve calculated at a percentage (which varies with the healthiness of the district) of the sanctioned number of Assistant Sub-Inspectors, head constables and constables. It provides for all vacancies in the ranks of such officers, whether caused by the grant of leave (including hospital leave) or by any other casualty such as training at the Training College, suspension, or (until new appointment are made) retirement~ death, resignation and dismissal.

661. (a) Without a reference to the Deputy Inspector-General of the Range a Superintendent shall not make any permanent change in the number of officers allotted for any prescribed duty or to any police-station in the district or undertake any new duties of a permanent nature.

(b) If a Superintendent considers it necessary either of his own motion or at the request of the District Magistrate, to undertake any new duty of a permanent or recurring nature for which no provision exists in the allotment statement, he shall at once report the facts to the Deputy Inspector-General and apply for the necessary increase of the force. If the matter is urgent he shall furnish the necessary force from the existing strength pending the receipt of orders from the Deputy Inspector-General.

(c) These orders do not prohibit the employment—

(i) of the Unarmed Police on any temporary duty which although not shown in the allotment statement, falls within the sphere of legitimate police work, or

(ii) of the Special Armed Force in any part of the district for the preservation of law and order, but the Superintendent shall submit a report to the Inspector-General through the Deputy Inspector-General of the Range if he finds it necessary to employ a detachment of the Special Armed Force away from headquarters continuously for six months.

Explanation. —In this regulation “permanent” means for more than six months.

662. If the actual strength of any rank exceeds the sanctioned scale in any district and the excess cannot be adjusted against scale, vacancies in the next higher rank, the Superintendent shall report the circumstances to the Deputy Inspector-General, who shall either adjust the excess against deficiencies in other districts of his Range or, if this is not possible, report the facts to the Inspector-General. The Inspector-General is authorised to sanction any excess in a district scale provided that the provincial scale is not exceeded.

663. (a) The Inspector-General shall, from time to time, notify for each district in the Police Gazette the number of officers of each rank in the Unarmed Police who shall constitute a mobilization contingent available under his control for use in emergencies in any part of the province.

(b) In each district the number of officers of each rank to be supplied from each police-station or subordinate post shall be specified in the standing mobilization orders (B. P. Form No. 139) which shall be kept in the Superintendent’s office and of which every Inspector in the district shall have a copy.

(c) The Superintendent shall from time to time select officers who shall form the mobilization contingent. He shall take care that the Sub-Inspector selected have the requisite qualifications for such commands and that the men are those most likely to be suitable; if the Special Armed Force of the district is not composed of Gurkhas or Garhwalis, he should select men who have recently served in the Special Armed Force. All selections shall be communicated to the officer-in-charge of each police-station concerned in B. P. Form No.140.

(d) Against the name of each officer selected for the mobilization contingent there shall be entered ink the letter “M”—

(i) in the register of disposition of force (B. P. Form No. 171) and in the gradation list (B. P. Form No. 173) kept in the Reserve office, and

(ii) in the disposition list kept in each police-station.

(e) Whenever an officer selected for the mobilization contingent is transferred or otherwise becomes unavailable, the officer-in-charge of the Reserve office shall report the fact to the Superintendent who shall make a fresh selection under clause (c).

(f) In order not to deplete the staff of individual police-stations, an officer who orders a partial mobilization should consider the desirability of calling up only a portion of the prescribed contingent from a large number of police-stations instead of the full contingent from a few.

(g) When only a part of the contingent is to be mobilized, the Superintendent himself shall choose from the names marked “M” in the disposition list, the officers who are to be sent from different police-stations and shall cause their names to be entered in the district order book.

(h) Mobilization orders issued to police-stations shall state clearly—

(i) the names of the officers to be sent, if the mobilization is partial only;

(ii) the place to which they shall proceed. which shall ordinarily be the headquarters of the district;

(iii) the officer to whom they shall report themselves; and

(iv) whether they are to be armed.

(i) On receipt of mobilization orders the officer-in-charge of a police-station shall supply the officers required from it; if any such officer is not available, a substitute shall be supplied, unless the mobilization is for the annual training.

(j) If a Superintendent needs additional officers for patrols as an emergency preventive measure when there is a serious outbreak of dacoity in the district, he may order mobilization of Assistant Sub-Inspectors and constables only: supervision of the officers employed on patrol duty should be left to the Inspectors and the officers-in-charge of police-stations where they are so employed.

(k) (i) When in any emergency, after all the force available in his district has been mobilized, a Superintendent considers reinforcements to be necessary, he shall submit to the Deputy Inspector-General of the Range an application for them, which shall be accompanied (or, if the application is by telegram, shall be followed immediately) by a memorandum stating why reinforcements are necessary and how he has utilised his own force to meet the emergency. He shall forward a copy of the application and of the memorandum to the Inspector-General for information.

(ii) When a Superintendent considers in a grave emergency that the force available in his district is inadequate, he may call upon the Superintendent of a neighbouring district for immediate assistance; but he should at once report any such action to the Deputy Inspector-General of the Range who shall keep the Inspector-General informed.

(1) A Deputy Inspector-General may order mobilization in any district, and with the consent of the District Magistrate may utilise its contingent within any other district within his Range. He shall keep the Inspector-General informed of all extensive measures of mobilization within his Range, and shall report to him any refusal of consent by a District Magistrate.

(m) If a Deputy Inspector-General cannot find sufficient officers in his Range to deal with an emergency within it, he shall apply to the Inspector-General for assistance from districts of other Ranges.

(n) The training of mobilization contingents is governed by regulation 795.

664. (a) Notwithstanding the provisions of regulation 685 a Superintendent, when called on by the Superintendent or District Magistrate of a neighbouring district or by the Commissioner for immediate assistance in a grave emergency, may move all or part of his emergency force beyond the limits of the district even though he has not received orders from the Deputy Inspector-General of the Range: but if he does so, he shall at once inform the District Magistrate and report the facts to the Deputy Inspector-General, who shall keep the Inspector-General informed.

(b) When a Superintendent is ordered by the Deputy Inspector-General of the Range in an emergency to send reinforcements to another district, he shall in the first place, with the permission of the District Magistrate, depute officers immediately from his emergency force and after a week, if they are still absent (or at once, if he considers this desirable), shall mobilise and call in to headquarters an equivalent number of officers from police-stations or subordinate posts. If the District Magistrate refuses permission, the Superintendent shall report the fact by telegram to the Deputy Inspector-General.

665. (a) Notwithstanding the provisions of regulation 685 the Inspector-General has full authority to withdraw from any district, for special or emergent duty anywhere outside it-

- (i) all or part of the Special Armed Force, and
- (ii) all or part of the sanctioned allotment of any police-station or subordinate post.

(b) (i) Except in sudden emergencies when the necessity for the employment of extra police could not be foreseen, the Inspector-General shall not withdraw any part of the sanctioned allotment under clause (a) (ii) without giving reasonable notice of his intentions to the District Magistrate and securing his consent.

(ii) If the District Magistrate objects to the intentions of the Inspector-General, he shall refer the question to the Divisional Commissioner; and, if the Divisional Commissioner does not agree with the Inspector-General the latter shall accept the Commissioner's opinion or shall refer the matter to the Provincial Government,

(c) When the Inspector-General has in a sudden emergency withdrawn police from the sanctioned allotment of any police-station or subordinate post under clause (a) (ii) without securing the consent of the District Magistrate, he shall at once give intimation of his action to him to the Divisional Commissioner.

666. (a) The supply of a permanent police guard to a Government Department or to a private party requires the sanction of the Provincial Government. Every application for such a guard shall forthwith be submitted to the Inspector-General with the opinions of the Superintendent and the Deputy Inspector-General of the Range as to the necessity of the guard.

(b) Permanent police guards supplied to banks, to railways other than State Railways and to other non-Government concerns shall be considered as part of the regular establishment employed on normal duties and not as additional police appointed under section 13 or 14 of the Police Act, 1861 to keep the peace. Credits for the cost of these guards will be treated as provincial receipts, recoveries being made by the Accountant-General.

(c) The Superintendent may at his discretion supply to another Government Department or, subject to regulation 669, to a private party such temporary police guards as he thinks necessary, provided that, if he proposes that such guards should be in excess of the sanctioned allotment of the district, he must obtain the sanction of the Provincial Government through the Deputy Inspector-General of the Range and the Inspector-General. An application for such sanction shall be submitted in a self-contained report, which shall state—

- (i) the reasons for the entertainment of extra police;
- (ii) the number of such police to be entertained;
- (iii) the period for which they are expected to be required; and
- (iv) an estimate of the Cost.

667. All applications for additional police under section 15 of the Police Act, 1861, shall be drawn up by the Superintendent in a report which shall be submitted to the Provincial Government through District Magistrate, the Deputy Inspector-General of the Range, the Commissioner of the Division and the Inspector-General. In cases of emergency the District

Magistrate shall submit copies of the report simultaneously to the officers named above and to the Provincial Government.

The conditions under which the employment of additional police is admissible are laid down in section 15 of the Police Act, 1861, and the report should show clearly that those conditions exist, and the extent to which the existing police force has proved inadequate. Brief accounts of specific instances of lawlessness should also be given, while the area in which the force is to be posted should be precisely specified. A draft proclamation should accompany the application and the letter should state roughly the cost of the force to be employed and the duration of its employment. In calculating the cost all the items mentioned in Appendix XXXV should be taken into account together with the average pay of each rank. Constables of this additional force should always be of the Special Armed Force and their average pay will therefore include the special pay of that force.

As soon as possible after the Provincial Government has decided that the area in such a disturbed or dangerous state that the appointment of a certain force of additional police is necessary, a further report should be submitted to the Provincial Government, through the same channels, recommending what portion of the force should be paid for by the local inhabitants and what inhabitants should be exempted. To enable the Provincial Government to appreciate the incidence of the charge, the union board or chaukidari assessments of the persons who are to bear the cost should be reported.

Immediately after the force is actually employed an estimate of the cost likely to be incurred should be submitted by the Superintendent to the Inspector-General through the District Magistrate and Deputy Inspector-General of the Range. If it is desired to retain the whole or part of the additional police for a further period formal application should be made to the Provincial Government through the same channels, at least one month before the expiry of the term for which the force has been sanctioned. If the question of curtailing the sanctioned period is raised, it should be remembered that the men are ordinarily engaged for a fixed period and must be paid for that period. After the force has been withdrawn a statement of the actual cost of the force prepared in accordance with Appendix XXXV and showing the sums realised from sale-proceeds of building materials, costs, etc., should be submitted by the Superintendent through the District Magistrate and the Deputy Inspector-General of the Range to the Inspector-General for transmission to the Provincial Government.

Nom.—The orders of the Provincial Government for the assessment and collection of the amounts payable under section 15 of the Police Act, 1861, are contained in Bengal Government Order No. 8454P., dated the 1st December 1913.

668. When a guard is sanctioned, the date of its deputation from the district headquarters shall be communicated by the Superintendent to the Inspector-General, the Accountant-General and the official to whom the guard is supplied. Similar reports shall be sent to the same authorities when any change is made in the strength of the force sanctioned, or when a guard is withdrawn. The date of the return of the guard to headquarters shall be treated as the date of the withdrawal of the guard and reports submitted accordingly.

669. The following principles shall be followed in dealing with applications from private parties for additional police under section 13 of the Police Act, 1861:—

(i) Additional police shall not be deputed unless the necessity for them has been established or when the desired result can be obtained by the institution of proceedings under the preventive sections of the Code of Criminal Procedure.

(ii) The prevention of any breach of the peace is one of the regular duties of the police; and when there is a dispute the cost of additional police deputed for this purpose shall be met by the Provincial Government and never by a party to the dispute.

(iii) The cost of additional police shall be charged to a private person in non-contentious cases only, that is to say, when a person acting within his rights finds himself in a position where the ordinary protection of the police is not sufficient. For example, it may be charged to a person on whose application additional police are deputed to keep order among people assembled at a mela or to guard money or other valuables which he has to transport from one place to another, particularly if it be through dangerous country.

(iv) The Superintendent shall consult the District Magistrate before passing orders, whenever there is time to do so. When the matter is very urgent, he may himself depute the necessary police, but he shall lose no time in informing the Magistrate and consulting him as to whether the applicant or the Provincial Government shall bear the cost.

(v) In estimating the strength of a guard to be supplied to a private person, a Superintendent shall have regard to the question of providing its relief.

(iii) Whenever police are supplied to private parties or persons on payment in cases where no extra establishment is entertained, immediate information should be sent to the Accountant-General of the fact, of the period for which the police are to be furnished and of the amount to be recovered.

670. (a) If any person on whose application additional police have been deputed under section 13 of the Police Act, 1861, wishes them to be withdrawn before the expiry of the term fixed when they were deputed, they shall, subject to the proviso to that section, continue to be at his charge until the expiry of such term or until a reasonable time has elapsed for them to be recalled to headquarters and for extra men to be discharged.

(b) In any other case, if the question arises of retaining extra police for a shorter period than that sanctioned by the Provincial Government it should be remembered that they are ordinarily engaged for a fixed period and must be paid for that period.

671. The cost of additional police deputed under sections 13, 14 or 15 of the Police Act, 1861, shall be calculated for the purposes of regulations 666(c) and 667 in the manner laid down in Appendix XXXV.

672. (a) When a guard is supplied to another Government Department, its cost (including pay and contingencies) shall be borne by the Police Department, unless it is a guard over a health camp.

(b) If a guard is in addition to the sanctioned allotment of the district, the pay bill shall be separate from the district pay bill and the number and date of the letter conveying the sanction of the Provincial Government shall be quoted in it.

673. (a) Temporary police guard may be supplied for extraordinary duties to private bodies and individuals in the town of Darjeeling. On each occasion the Superintendent shall decide, in consultation with the Deputy Commissioner of the district, whether the application for such guards shall be complied with or not.

(b) The cost of these guards shall be charged according to the following daily rates:—

Daily rates.

Rs.	as.Inspector..	..	..15	0Sub-Inspector..	..	..6	0Sergeant..	..
	..12	8Assistant Sub-Inspector						
	Head constable..	..	..2	0Constable1	8			

In addition to the above local allowance should be charged at the following rates:—

Rs.	as.Inspector..	..	..4	0Sub-Inspector..	..	..3	0Sergeant..	..
	..3	0Assistant Sub-Inspector..	..	..2	0Constable1	8		

(c) If the duty lasts for 8 hours or less, a full day's charge shall be recovered. If it lasts for more than 8 hours, reliefs will be provided and double rates charged.

(d) The cost thus recovered shall be credited into the treasury intact, but the local allowance shall, at the end of each month, be drawn in a separate bill quoting this regulation as authority and paid to the officers deputed. The credit into the treasury shall be given in two distinct items, one for local allowance and another for the daily rates of recovery, and the refund bill shall specify the date of credit into the treasury as well as the names and designations of the officers to whom payments are to be made.

The entire recoveries should be credited to "XXIII—Police—Police supplied to Public Departments, Private Companies and Persons".

674. (a) (i) Special police officers should be appointed under section 17 of the Police Act, 1861, only to meet cases of sudden emergency and, therefore, only for the time during which the special cause of disturbance exists, e.g., during a religious festival or during the existence of a flood which may lead men to cut an embankment which it is essential to preserve.

(ii) Special police officers should not be appointed when there are disputes regarding rights in land which have to be settled in the civil courts. In such cases, if the locality is in a disturbed

or dangerous condition and if the ordinary preventive sections of the Code of Criminal Procedure are found to be insufficient for the maintenance of peace, it may be necessary to appoint additional police under section 15, but not special police under section 17 of the Police Act, 1861.

(b) An application for the appointment of special police officers shall contain all the necessary particulars, of which the principal are—

(1) the period for which the officers are required;

(ii) the limits within which they are to be employed.

(iii) the grounds for apprehending disturbance of the peace; etc., where no such disturbance has already occurred; and

(iv) the reasons why the police force ordinarily employed is insufficient.

(c) The Magistrate should pass orders under section 17 in proper form for which the sample given in Appendix XXXVI will serve as a guide.

675. (a) The Provincial Government has a right to call on any resident in the immediate neighbourhood to assist the police in the discharge of their legitimate duty of preserving the public peace when any breach of it is threatened; but it is not right to appoint the ringleaders of contentious factions as special police officers for the purpose of humiliating them in the eyes of their neighbours. It would, however, be reasonable so to appoint them during a time of excitement on the ground that it is desirable to select leading and influential men whose authority is likely to be respected by the mass of the population, because their presence, while employed in patrolling the streets or on other duties assigned to them by the police in matters of watch and ward, would show that they were engaged not in fomenting the disturbance but in using their influence to repress them.

(b) Any person who refuses to serve as a special police officer or who, when serving as such, disobeys lawful orders, is liable to prosecution under section 19, and not under section 29 of the Police Act 1861.

676. (a) Every effort should be made to spare special police officers any avoidable inconvenience or hardship. No more should be required from them than is necessary to enable them to perform the duty of keeping the peace which the law imposes on them; they should be employed in the manner best suited to make their personal influence felt and should not be assigned menial or unreasonable duties. The post of special police officer is to be regarded not as in any way dishonourable or involving harsh conditions but as an honourable office to which men are appointed for the preservation of the public peace.

(b) The requirements in respect of discipline should usually be light. Any conditions which might be regarded by local residents as offensive and unnecessarily irksome should not be

insisted upon Physical drill, for instance, would in most cases be inappropriate and the saluting of officers below the rank of Inspector unnecessary; while parades or attendance at the police-station, when necessary, should be so regulated as not to cause hardship.

(c) It is unnecessary to prescribe a regular uniform. A distinguishing badge, such as a red or dark blue armlet, would probably meet all requirements. Special Police Officers need not be called upon to wear belts.

677. The Bengal Police Special Constabulary Reserve is established under section 2 of the Police Act, 1861, to assist the regular police force in any emergency in the maintenance of law and order and the prevention of sabotage.

The rules for this Reserve which have been framed under section 12 of the said Act will be found in Appendix XXXVII.

678. Constables enlisted in temporary vacancies shall as soon as possible be absorbed, if found suitable, in permanent vacancies; if there are not likely to be sufficient permanent vacancies within the period for which they have been temporarily entertained, the Superintendent shall give early intimation to the Deputy Inspector-General of the Range who may be able to arrange for those remaining to be absorbed in other districts.

679. All reductions in establishment shall be promptly carried out. When there is likely to be any delay, immediate representation shall be made.

680. (a) Application for temporary appointments for which the sanction of the Provincial Government is required shall be made to the Deputy Inspector-General at least two months, and in cases of appointments for which the sanction of the Central Government is required, at least four months, before the expiry of the term of sanction.

(b) A temporary establishment shall, under no circumstances, be retained beyond the sanction period without obtaining fresh sanction and similarly no temporary establishment shall be entertained without first obtaining the sanction of the Provincial Government.

681. Early in July each year detailed statements of the permanent establishment (together with an abstract) existing on the 1st July shall be prepared in Bengal Form No. 2440 and submitted to the Deputy Inspector-General by all heads of officers to the Range Deputy Inspector-General concerned, who should check them and submit a consolidated statement for the Range to the Inspector-General. Similar statements shall be submitted to the Inspector-General from the Criminal Investigation Department and Intelligence Branch. In forwarding the statement the Deputy Inspector-General will certify that the total number of officers in each rank is within the sanctioned scale. Full instructions are given in notes appended to the form and in article 62, Civil Account Code. The statement should be carefully checked with service books and a certificate endorsed on it thus:-- "compared with service books and found to agree". In preparing a consolidated statement for the province, the Inspector-General's office will see that the total number of officers in each rank is within the sanctioned scale.

CHAPTER XI.

Special Armed Force.

EMERGENCY FORCE GUARDS AND ESCORTS.

682. At the headquarters of every district except the Railway Police districts there shall be a Special Armed Force which shall provide (i) an emergency force at headquarters, (ii) an emergency force at selected subdivisions, (iii) guards and (iv) escorts. It shall include armourers, buglers and the casualty reserve separately calculated on a variable percentage of the total number of head constables and constables of the Special Armed Force sanctioned for the district.

683. (a) The Special Armed Force shall be constituted by drafts from the ordinary police of the district out of which as many men as possible shall pass through this force for training, but in posting men Superintendents shall see that those who are unsuitable by physique or any other reason are not drafted into this force. All members of the district force are liable to a term of service in this force for a period of two years at a time and no one shall be kept there for more than this period at a stretch against his will) except under the orders of the Range Deputy Inspector-General. A constable may if he so desires volunteer for permanent service in the Special Armed Force. These orders do not apply to districts, where the Special Armed Force is constituted of Gurkhas and Garhwalis who shall not serve in other departments of the district force. In other districts, the proportion of the armed force to consist of Gurkhas, Garliwalis and Punjabis shall from time to time be fixed by the Inspector-General and the members of these classes, not being qualified for police-station duties, etc., shall not serve in other departments of the district force.

(b) Constables during their period of service in the Special Armed Force shall draw a special pay of Rs.2 per mensem.

684. (a) All available force at headquarters shall be drilled every morning except Thursday and on holidays. The Superintendent shall prepare a weekly programme of the drill and exercises, including games, to be performed each day, and of the instructional and other lectures to be given. Riot drill shall be practised frequently and route marches undertaken occasionally. When outdoor work is impracticable, indoor instruction in the treatment of arms and ammunition should be substituted.

(b) Muster parades shall be held once a week at all district and subdivisional headquarters, which shall be attended by all available officers. The day and hour for these parades shall be fixed by the Superintendent at district, and by the Subdivisional Police Officer or Circle Inspector at subdivisional headquarters.

685. A portion of the Special Armed Force shall always remain in readiness at the headquarters lines or at subdivisions for dealing with the local disturbances. This shall be known as the "emergency force". It shall always remain up to full strength, the personnel will be found from the Special Armed Force and each officer shall take his turn of guard, escort or other duty as occasion requires. The actual number of officers allotted for the emergency force shall always be

actually present at headquarters unless a party is specially permitted to be absent with the sanction in writing of the District Magistrate. If frequent reductions have to be made in the strength of the emergency force, the Fact shall be reported to the Deputy Inspector-General of the Range.

686. Superintendents and Additional Superintendents should, when at headquarters, attend parade in uniform at least once a week and their Assistant and Deputy Superintendent at least twice a week. Their attendances shall be noted by their initials, against the heading “Actually on parade” in the morning report. Superintendents are responsible that the force is properly instructed and trained in all items of police drill.

687. Officers below the rank of Inspector belonging to the Un-armed Police who may, for any reason, be temporarily at headquarters, shall be under the Armed Inspector and subject to the same routine and discipline as officers of the Special Armed Force.

688. All Sergeants of the Bengal Police shall be deemed to be of the rank of Sub-Inspector for the purpose of the exercise of any power which has been declared under the provisions of the Bengal Public Gambling Act, 1867 (Bengal Act II of 1867), as subsequently amended, and the Bengal Excise Act, 1909 (Bengal Act V of 1909), as subsequently amended to be exercisable by a police officer of the rank of Sub-Inspector

689. (a) The officers named below are competent to indent for guards escorts for the purpose of guarding or escorting prisoners, lunatics or treasure, currency notes, etc., opium, liquor in bond, and other valuable property of the Crown:—

Commissioners,

Judges.

The Registrar, High Court, Dacca (on pay day).

The Secretary, Board of Revenue, Government of East Bengal, Dacca.

Accountant General, East Bengal, Dacca. Magistrate of Districts.

Assistant Secretary, Communication, Buildings and Irrigation Department of East Bengal, Dacca (for escort of treasure only).

Settlement Officers (escorts only).

Subdivisional Magistrates

Munsifs.

Divisional Forest Officer and Range Officers of the Sundarban Forest Division (for the purpose of escorting remittances from Forest Ghat, Khulna, to the State Bank of Pakistan Rhulna).

Executive Engineers (for escort of treasure only).

Assistant Manager of the Pakistan Government Press, Tejgaon, Dacca.

Superintendents of Jails.

Officers-in-charge of Treasuries.

Subdivisional Officers, Telegraphs.

The Divisional Forest Officers and the Range Officers, Chittagong Hill-tracts Division (for escort of treasure only).

Resident Engineers of Electric Supply Cos. at Chittagong Rhulna, Chandpur, Brabmanbaija and Rajshahj (for escorting money from office to the local Treasuries or Banks).

Assistant Collector of Central Excise and Land Customs in East Pakistan (for the purpose of transporting gold and other valuables from the respective districts to Dacca as and when necessity arises).

Land Customs Officer, Benapole, Jessore (for escort of treasure and valuable seized goods from Benapole to Jessore and vice-versa once a month only).

The Manager of the Branches of the National Bank of Pakistan (for the purpose of escorting remittances from the Branches of the National Bank of Pakistan in the districts of Chittagong, Tippera and Mymensingh to the State Bank of Pakistan, Dacca).

The Manager of the Branches of the National Bank of Pakistan (for the purpose of escorting remittances from the Branches of the National Bank of Pakistan in the districts of Dacca and Tippera to the State Bank of Pakistan, Dacca).

(b) If any officers ask for guards or escorts that are not provided for by these regulations, they shall be informed that they must obtain the sanction of the Provincial Government through the head of their department without which the required guards or escorts cannot be furnished.

690. (a) Instructions for giving notice to postmasters of escorts passing between stations and headquarters will be found in regulation 241.

(b) In special cases when large sums have unexpectedly to be sent to any office the head of the local post office may ask the Superintendent for a special escort, and when this can be given without interfering with other work it shall be supplied without payment. It must, however, be distinctly understood that this regulation confers no right to indent for escort.

691. (a) If the number of men available for duty in the lines permits, Superintendents, when requested, shall supply one or two constables to Magistrates and Commissioners to guard their houses during their absence from headquarters.

(b) If the District Magistrate so desires, a guard of one head constable and six constables shall accompany him on the occasion of his visits to the interior . Such a force is intended as a guard of honour for the chief executive officer of a district, as well as for court purposes and the custody of under-trial prisoners, and no special sanction is necessary. A similar guard shall be supplied to the Divisional Commissioner when on tour at a district or subdivisional headquarters. At other places no guard shall be supplied unless he desires it. Intimation of the Commissioner's desire for a guard will be sent by him. to the Superintendent in sufficient time to allow for the deputation of the guard.

(c) Any guard required for the custody of under-trial prisoners with Magistrates in camp shall be supplied by the police.

692. Officer of the Communications and Works Department, when marching or in camp on public duty, shall be allowed a police guard without charge, for the protection of public property, on the application of an officer not below the rank of Executive Engineer Such guard shall. not be supplied unless the officer travelling is in charge of Government money or valuable Crown property, or unless the country is disturbed.

693. (a) With the sanction of the Provincial Government police guards may be supplied to railways under construction.

When guards are supplied to a railway at its own request for the performance of duties which are not part of the ordinary functions of the police, their cost shall be charge to the railway.

(b) Railway bridges, in common with other railway goods and premises, will ordinarily be protected by watchmen in the employ of the railway concerned. In the event of the replacement of these watchmen by police guards—

(i) when the services of the police guards are placed at the disposal of the railway at the request of the railway administration, the cost of the guards will fall upon the railway;

(ii) if the substitution is made on general ground of State policy and the service is taken over by the police as part of its regular duties, the charges will fall upon the Provincial Government and will be debited to police.

694. Guards supplied to railways and other parties shall be employed only in the district in which they are supplied, as the Superintendent is responsible for their behaviour and inspection Should the party to whom a guard has been supplied desire its transfer, to another district, it may be transferred as required. The Superintendent of the district to which it is transferred shall then furnish the force and arrange for the proper inspection of the guard.

695. The following are the rules for the guidance of armed guards, applicable to guards over treasuries and magazines. A translation of these rules into the vernacular spoken by the police, shall be hung up in a conspicuous place where the officers on duty can see and study them.

NOTE. —The rules shall be considered applicable, as far as possible to all guards over prisoners, treasures, arms, ammunition, or other property or persons.

(1) For each sentry posted, there must be specific orders by the Superintendent defining (i) the sentry's beat and front, (ii) the position of the guard when it is required to fall in and (iii) the distance at which intruders are to be challenged.

NOTE.—Where the guard room is at some distance from the sentry's beat the Superintendent shall arrange for a separate sentry over the guard.

(2) When a sentry, who is to be posted at a new post has reached the post assigned to him, he shall be ordered to halt and face in the required direction. The officer posting the sentry shall then read and explain the orders to him, telling him the object for which he is posted and showing him the front of his beat. A copy of the orders for each post shall be hung up at the post.

(3) Sentries are to remain on the alert; they must not quit their arms, lounge, sit or lie down, take of any part of their uniform, or on any account converse with any one or quit their post. Sentries should ordinarily traverse the full extent of their beat at least once five minutes, unless local orders to the contrary are prescribed.

(4) A sentry moving about on his post shall always turn outwards when turning about.

(5) On the occasion of the relief of the sentries, one of the head constables of the guard shall invariably post them, except where there is only one head constable, and then the lance-naik or senior constable of the guard may be deputed to see to the relief of the sentries during the day, but never during the night. Sentries shall load and unload their muskets only under the order of the Guard Commander.

(6) When a sentry violates his orders and is put upon his trial, the head constable or any other officer who posted him shall be called to prove the orders of that particular post.

(7) Head constables or other officers relieving sentries, as well as the sentry, shall satisfy themselves on the occasion of each relief that all fastenings are secure. This should be particularly observed when relieving sentries at night.

(8). Sentries will be relieved every two hours. Guards at headquarters will be relieved daily and at subdivisions at least every fortnight, provided that where the local conditions are exceptional and the difficulties of sending relief's are great, the maximum period may be extended to a week in the former case and to one month in the latter with the special sanction of the inspector-General. [See also clause (d) and note (iv) of regulation 1222.1

(9) Treasury guards will invariably be relieved at the hour at which the treasury is opened. Whenever the office-in-charge of the guard or the guard itself is relieved, the treasurer or some responsible officer appointed by him must go round with both the relieved and the relieving

officers. They should examine all the doors and windows with their fastening as well as the treasure chest and receptacles, and each should satisfy himself as to the safe condition of everything in the treasury strong-room building. A joint verbal report that the above rule has been complied with should be made to the Treasury Officer directly after such examination, and to the senior police officer present on arrival in office, if the latter is within reasonable distance of the guard. A note will also be entered in the roster book. [See clause 16.]

(10) The treasury strong-room or receptacles for treasure contained therein must on no account be opened or shut by a treasury officer except in the presence of the sentry and the officer on duty.

(11) As soon as the treasury is opened for the day, the doors and windows of the strong-room and their fastenings should be scrutinized, and the sials, locks, hinges, bolts staples and chains of all receptacles of treasure in charge of the guard should be carefully examined. When the treasury is closed the Treasury officer should summon the officer in-charge of the guard and the sentry on duty and direct them to satisfy themselves that everything is securely fastened, more particularly the treasury doors and windows. Entries to the above effect will be made on each occasion in the roster book.

(12) Special and immediate report must be sent to the Treasury officer and to the senior police officer present in the station should any thing be found wrong or should any lock, bolt or other fastenings be found out of order or bear signs of having been tampered with.

(13) On such occasions or when any other defect or loss is noticed, no member of the guard shall leave the premises, until permitted to do so by the investigating officer.

(14) No box or other receptacle containing treasure shall be left outside the treasury rooms. If on any special occasion, this is found to be unavoidable, the Treasury officer shall at once report the matter to the senior police officer present at the headquarters or subdivisional station, who shall make special arrangements for the safe custody of the treasure, and report the necessity for such special arrangements to the Deputy Inspector General of the Range. Should any of the officials of the Collectorate keep money or valuables in any place other than the treasury-room the box containing such shall be properly secured and placed outside under the direct charge of the sentry, in the presence of the officer of the guard. The guard will only be responsible for such chests or safes as are kept outside the strong-room which are secured embedded in the wall or flush with the ground. In no case will the guard be responsible for the contents. When such chests are opened, the officer-in-charge of the guard must be present, and he must test the lock or padlock as soon as it is again closed.

(15) No safe, chest, or any receptacle containing cash belonging to any department other than the treasury shall be placed under watch of the treasury guard sentry without the written permission of the Superintendent or in his absence, the officer in charge of his duties. (The police cash chest forms an exception.)

(16) A roster of duty in 13. P. Form No. 141 shall be kept by every officer-in-charge of a guard. The left-hand page should be written up every morning showing the names of sentries and hours

of relief. On the right-hand page should be noted all reliefs, entries regarding which shall be signed both by relieving and relieved officers, all inspections of guards, doors, windows, padlocks, etc., the rounds of Treasury officer on opening or closing of treasuries, the visits of round officers any temporary change or illness of sentries or of any member of the guard, any permission granted to any 'member of the guard to leave the permits, as well as any other item of important which may -come to the notice of the officer-in charge. It will be signed by all round and inspecting officers, including gazetted officers, who shall make any remarks that may be necessary about the condition of the guard.

(17) All head constables on guard duty shall be armed with muskets

(18) (i) All sentries guarding buildings which contain treasure, or arms shall be armed with rifles and shall wear on pouch of 20 rounds only, which will contain 15 rounds of 303 ball ammunition in chargers. All members of the guard including sentries will have magazines charged both by day and night but no round should be in the breach. Only when caution is called for by circumstances or previous information sentries on duty will have one round in the breach with remaining 4 rounds in the magazines but safety catches will be kept in the rear.

To avoid accidental firing the sentries should unloaded the chamber as soon as there be no cause for caution. On no account will safety catches be pushed forward when sentries challenge.

(ii) Treasury guards or other relief's shall carry twenty rounds of ball ammunition whenever they move.

(iii) One sealed box (as received from the arsenal) containing ball ammunition (which will be changed once a year) shall be kept at each Treasury and Sub-treasury guard room for emergency. The sealed box will be kept in a strong wooden box which will be attached by a chain to the arms rack and well raised off the ground. One key shall be kept by the Guard Commander and a duplicate by the Court officer.

(19) During the day half the guard shall always remain at the treasury dressed and accoutred but from half an hour after sunset to sunrise the whole guard shall be present. Members of the guard shall not be allowed to go to the bazar for their meals.

(20) No fire shall on any account be allowed in treasury buildings. For lighting the zone of fire there should be powerful oil lamps with concave reflecting mirrors placed on posts, if necessary, in such a position as to throw a broad beam of light illuminating as large a field as possible, and at the same time Leave the sentry in shadow. Each sentry should also be provided with a bull's-eye lantern to enable to look when necessary, into the strong-room, which will be left in darkness. The number of lamps required must vary according to the conditions of the treasury building but the Superintendent, who is responsible for the safety of the building, must be the final judge of the number required subject to the control of the Range Deputy Inspector-General. The lamps lanterns and sufficient oil of 150 flash point shall be provided by the Collector or other officer in charge of the treasury, who shall also arrange for the daily cleaning and

maintenance of the lamp and lanterns, which shall be renewed from time to time on the reasonable demand of the Superintendent.

(21) At headquarters, the Superintendent shall either himself inspect the guard or cause it to be inspected by his Assistant or other officers at short intervals. The Armed Inspector shall visit the Sadar treasury guard at least once in every 24 hours, and he shall visit it between the hours of midnight and 3 a.m. once a week. His visits must be at uncertain hours and shall occasionally be so timed that he will be present at the time of the relief of sentries. Where there is a Sergeant or a Sub Inspector in the Special Armed Force, this officer may be occasionally, deputed instead of the Inspector, but in no case shall the Inspectors visits be less than three by day and one by night in the week. In addition an officer shall be told off daily to visit all guards (see regulation 696), similarly, at subdivisional headquarters, the Circle Inspector and in this absence, the Court officer, shall depute an officer once by day and once by night to visit the treasury guard. He shall also himself visit the guard at least twice by day and once by night each week when at headquarters. In subdivisions where a Subdivisional Police Officer is posted, that officer shall visit the sub-treasury guard at least twice a week at night. it is the duty of superior officers to see that all officers visiting rounds are thoroughly acquainted with their duties and the points to which they should attend. Round officers shall invariably turn out the guard and not merely content themselves with visiting the sentries at night. They shall test the ability of the sentry to call out the guard from his post.

(22) Alarm parades.—q) For emergency force.—During the inspection of the guard the Superintendent shall occasionally test the mobility of his emergency force by holding an alarm parade at the treasury. In carrying this out the following points should be observed. The emergency force shall carry out all movements at the double. They shall take every advantage of cover and avoid getting bunched up. Their primary objects is to take possession of and hold the treasury. An alarm parade register in B. P. Form No. 142 shall be kept in the treasury guard room and shall be written up by the senior officer attending the parade.

(ii) For Guard The men of die guard on hearing the alarm shall proceed direct to their posts remaining there in defence of the treasury till the arriva~1 of the emergency force or until further orders.

(iii) For unarmed police Officer of this branch at district and subdivisional headquarters shall also attend alarm parade.

(23) Between sunset and sunrise sentries on treasuries shall call out the number of their post and “All is well” every half hour. H any sentry fails to do so, the fact shall beat once reported by any other sentry to the officer-in charge of the guard.

(24) Where there are telephones connecting treasury guards and headquarters force, the relieving sentries at each end shall always, between sunset and sunrise, ring up to find out whether the telephone is in working order. If they fail to get a reply, a constable shall be sent from the headquarters force to see whether the wires have been tampered with. An extra constable shall be kept for this purpose alone in the guard-room of the headquarters force. The head constab7e, when visiting his sentries, shall also ring up occasionally A register shall be

maintained in which the name of each sentry on the treasury guard shall be noted as soon as he rings up headquarters

(25) The bulk of cash at subdivisional treasuries shall be kept under double locks, the key & the one remaining with Subdivisional Magistrate and of the other with the treasurer.

(26) The duplicate keys of the Chubb's locks which are in use for the record-room doors of the offices of Collectors are to be placed in a sealed packet and handed over to the office-in-charge of the treasury guard. The sealed packet will be examined once a week by the record-room Deputy Collector. The Registration record-room keys may be similarly made over to the police guard, in which case, the sealed packet will be examined once a week by the District Sub Registrar. But except as provided for below on officer-in-charge or constable of any guard shall take charge of the key of any strong-room, safe or receptacle in which treasure is kept.

(27) When the nazir or any responsible member of the office establishment of the civil court does not reside in the close vicinity of the court house, the duplicate keys of the office shall be handed over to the officer-in-charge of the treasury guard, in a cover secured with the seal of the court, The officer-in-charge shall only deliver up the keys in the event of an alarm of fire between sunset and sunrise, or upon presentation of written order from one of the presiding officers of the courts concerned.

(28) Should any one approach the post or building between the hour of sunset and sunrise the sentry must challenge such person and order him to halt. Should he fail to get a satisfactory reply he will bring his rifle to the 'ready' and take off the safety catch, at the same time calling out loudly for the guard to stand to'. Should the intruder still fail to obey the order to halt and persist in approaching the sentry's post, the sentry should again order him to halt and, at the same time, threaten to fire; Should the intruder still refuse to halt, the sentry may, at his discretion, use his bayonet or fire. Should there be more than one intruder and should they disobey the orders of the sentry and attempt to rush the building, he should not hesitate to open fire at once.

(29) Arms belonging to members of the guard who are not on duty should be kept in strong wooden racks, the muzzles of the rifles being passed through holes bored in the head rail of the rack, the heel-plates embedded in deep sockets in the lower rail, and an iron rod with a round knob at one end and a ring at the other passed through the upright of the rack and the trigger guards of the rifles and secured by a padlock, the key of which will be in possession of the head constable. A box with a padlock should also be provided in which to keep the packets and loose rounds of members of the guard who are not on duty, the head constable being responsible for their distribution and collection respectively, when the guard falls in at sunset and sunrise for inspection. The head constable and all the guard shall be accommodated in one room, if possible, the arms being kept in the same room at a distance from windows and doors. The Superintendent should see that no one can enter the guardroom, except by a door in full view of the sentry.

NOTE.—The arms and ammunition of officers on duty shall remain with them.

(30) The entire guard shall be paraded in uniform under arms at sunrise and sunset and shall be carefully inspected by the officer in command. He shall then read out the orders in force

relating to the guard, the roster of duty for the day, and shall collect or distribute 4ie ammunition as detailed above before discharging the guard.

(31) The following are the duties of head constables in charge of guards and sentries. Superintendents and other inspecting officers shall see that these orders are strictly followed:—

(i) Each guard shall ordinarily be in the charge of not less than two head constables. The senior head constable shall be solely responsible for the guard unless he is too ill to carry out his duties when he shall hand over the command to the other head constable and at once inform his superior officer and get relieved.

(ii) Both head constables shall not be absent from the guard at one and the same time.

(iii) If the senior head constable leaves the guard for any reason he shall inform the junior head constable, stating where he is going and the length of time he is likely to be absent, so that he can easily be called, if required. The fact must also be entered in the roster book.

(iv) The junior head constable shall only leave the guard with the sanction of the senior head constable. This must also be recorded in the roster book.

(v) The duties should be divided between the head constables according to mutual arrangement. Two hours on and two hours off or four hours on and four hours off are suitable periods. The term agreed upon is to be shown in the roster book.

(vi) The head constable on duty shall not sleep during his turn of duty and he shall be responsible for the proper supervision of the guard during his turn of duty.

(vii) The head constable while on duty shall—

(1) visit the sentries every hour;

(2) see that the sentries are properly and punctually posted and relieved and know their orders, and actually be present at each posting and relief;

(3) see that the sentries perform their duties properly;

(4) see that the guard is ready to turn out at a moment's notice and that it does so-smartly;

(5) see that the men are properly dressed and accoutred;

(6) see that the arms and ammunition in his charge are kept in their right places; and

(7) see that all other property or persons under his charge are being properly looked after.

(viii) The senior head constable shall be responsible for the conduct of his men and the cleanliness of the arms of the guard.

NOTE. —The rules regarding strong-rooms and the methods for the storage of

coins in Government treasuries are laid down in the Provincial Treasury Rule and the Subsidiary Rules made hereunder.

696. An officer shall be told off daily to visit all guards once a night, at uncertain hours. The name of this officer, with other particulars shall be entered in a register in B. P. Form No. 143. No entry in the district order book is needed. The Superintendent shall see that the hour of visiting the guards is varied, and that the services of the officer detailed are also utilized for seeing that the Town Police are on the alert. On the following morning the officer who visited the guards shall submit report in B.P. Form No. 144. In subdivisions this register shall be kept by Circle Inspectors.

697. (a) No guard shall be supplied except upon real emergency to any jail without the knowledge of the Inspector-General of Prisons and the approval of the Range Deputy Inspector-General.

(b) If in any emergency a Superintendent may think it his duty to supply a guard, the fact shall be reported at once to the Deputy Inspector-General.

(c) The occasions on which the Jail Superintendent may apply for police guard and the rules pertaining to them are in Appendix XXXVIII.

698. Rule 474 of the Bengal Jail Code is reproduced for the information and guidance of police officers—

“Where the police lines are sufficiently near a jail for the alarm signal to be heard there the constables stationed at the police lines shall take part in alarm parades, and if there is an outbreak they shall march to the jail to assist to quell it. The Superintendent shall make with the Superintendent of Police such arrangements as seem advisable for a concerted plan of action in ‘the case of an outbreak.’”

NOTE.—In view of the fact that the Superintendent of Police is specially trained in the duties connected with the quelling of disturbances, this rule should be interpreted to mean that in the event of an outbreak in a jail the Superintendent of the Jail should ordinarily ask the Superintendent of Police to take charge of the operations. The Superintendent of the Jail will continued to remain in charge of the jail, (Government of Bengal Revenue Department, Order No. 2385 R. J., dated the 7th March 1923.)

699. (a) When a police guard is supplied, the senior police officer present shall take command present shall take command of all those who form the guard, whether of guard, police, warders, chaukidars or the like.

(b) The officer-in-command is responsible for the conduct of the guard. The Superintendent shall either himself inspect the guard or cause it to be inspected at short intervals.

(c) Accommodation shall be provided and arrangements for water supply shall be made by the department to which, or person to whom, the guard is furnished; but when guards are supplied for jail health camps, if the Superintendent can supply tents, they shall use them instead.

700. (a) The Armed Inspector is responsible for telling off head constables, naiks and constables for guard and escort duties. Before the force leaves the police lines the Armed Inceptor or in absence, the Sergeant or the Sub-Inspector instructor shall satisfy himself that it is properly equipped and shall make a note of such inspection in the roster of duty.

(b) Guards and escorts shall not take with them any articles that are not part of their uniform except bedding and that only if long distances have to be travelled.

701. (a) Escorts shall be furnished only on written indents from competent authority. A separate requisition shall be made for each escort required in B.P. Form No. 145 and escort shall be distinguished from each other by the number of the requisition. Persons authorised to indent for escort parties shall be supplied with books of requisition forms by the Superintendent.

(b) The Superintendent shall determine the strength of the escort to be supplied when it is not laid down by rule. (See regulations 704- 707.)

(c) Forty-eight hours' notice in ordinary cases and 72 hours' notice in the case of escorts proceeding beyond the limits of the province (exclusive of Sundays and holidays) shall be given to the Superintendent to enable him to furnish an escort of the proper strength. But in urgent cases, on requisition from competent authority, Superintendents shall do their best to supply or relieve escort at short notice.

(d) Superintendents shall report promptly to the Deputy Inspector-General of the Range, by telegram when necessary, when they anticipate difficulty in providing escort within the time fixed by district officers. In such cases special arrangements shall be made by the Deputy Inspector-General for the supply of the force.

(e) As a rule railway and inland steam navigation lines shall be utilized as much as possible, and the shortest road from one place to another shall be taken.

(f) When large escorts are sent sufficient accommodation in the train or steamer or bus shall be reserved in good time and each Assistant Sub-Inspector or head constable shall be definitely in charge of a specified number of men of whom he shall have a list.

(g) All arrangements as regards carriage shall devolve upon the officer to whom the escort is supplied, and shall not in any way form part of the duty of the police. [see regulation 703(b).]

(h) Prisoners and treasure shall not, except under special circumstances, be sent together.

(i) Superintendents shall not despatch treasure or receive charge of it for despatch by railway until assured that arrangements have been made for receiving it at the station of arrival.

(j) Escorts shall never travel by night, except when proceedings by railway, steamer or boat, or under special instructions; and the marches shall be regulated so as to take advantage of police-stations or other places of security in which to lodge prisoners and treasure when halting for the night.

(k) With a view to utilize as much as possible escorts returning to their districts, indenting officers having prisoners or treasure to be escorted to any place on the line of march shall apply to the senior local police officer present to depute a return escort or any portion of it for this purpose, and such police officer shall, unless there be good grounds for refusal, comply with the requisition and make all necessary arrangements in accordance with rule, sending by the next post, to the Superintendent of the district to which the escort belongs, a copy of the orders he has given to the officer-in-charge of the party.

(l) Advantage shall be taken of returning escorts whenever possible for the despatch of treasure or prisoners to the district to which they belong or any district on their line of route. Officers-in-charge of escorts of any kind shall, on arrival at their destination, enquire from the authorities of the district whether any prisoners or treasure are awaiting transfer to their own district or to any district en route, and shall take charge of any that may be made over to them for escort. The escort commander shall report himself to the local Superintendent who shall make any arrangement that may be necessary for strengthening the return escort. Escorts arriving at Calcutta shall enquire at both the Alipore and the Presidency Jails.

(m) Escorts, when halting at headquarters or subdivisions, prior to escorting prisoners or treasure back to their own districts, shall remain together in the police lines or the police-station compound.

(n) When any treasury official is sent in charge of a remittance he shall remain present whilst the treasure is being examined and shall take back all bags and padlocks. If the escort is returning to the station of original despatch, the chests, etc., should be sent back under its charge, coolies, cart-hire and freight being paid by the treasury.

(o) Male prisoners when heavily fettered, shall, invariably be conveyed to and from railway and steamer stations in carts, or carriages.

(p) Female and juvenile prisoners shall be separated as far as possible from adult male prisoners. Female prisoners whether convicted or under-trial while on transit shall invariably be accompanied by a female warder to be furnished by the Jail Department.

(q) When an escort proceeds by boat or road, and one or more nights may be expected to intervene before it arrives at its destination, one hurricane lantern for every 10 men, with a sufficiency of oil or funds to procure it, shall be made over to the senior officer of the escort by the Reserve office for use during the journey. In every place, hut or tent, where prisoners are confined or treasure guarded during halts, and at every place of detention on railways owing to change of trains or steamers, etc., at night, a hurricane lantern shall be suspended, so that the treasure or prisoners may be in the full light.

(r) The segregation of prisoners, etc., travelling by railway is obligatory whenever—

(i) military prisoners are sent;

(ii) the aggregate number of prisoners and guards sent exceeds eight in number,

(iii) even one prisoners is sent, if violent or dangerous; and

(iv) insanes, civil or military, are sent.

(s) Whenever compartments are reserved for the transport of prisoners or lunatics or iron frames attached in order to segregate prisoners or lunatics, payment shall be made at the rates charged by the different railways to the general public for reserved accommodation. In other cases prisoners may be carried by ordinary trains at ordinary rates.

(r) When convicts proceed the whole or part of their journey by road, they shall not be marched more than 20 miles in one day. [Sect clause (i).]

(u) U) When at any time it becomes necessary to allow convicts to stop for necessary purposes, the whole party shall be halted, and not more than two convicts at a time detached for such purpose. These convicts shall have shackles put on their legs singly and The handcuffs being then removed, they shall be allowed to proceed to a distance of not more than 12 paces from the escort. The halting place shall be carefully selected in a clear and open piece of ground. The handcuffs shall not be removed until the leg-shackles are securely adjusted and vice-versa.

(ii) Ordinarily two~ halts shall be permitted in one day to attend to necessary purposes, in addition to the authorized halt, to allow the convicts to cook and eat their food.

(iii) When a police-station lying en route is used as a halting place the officer-in-charge of such police-station shall give all reasonable aid to the escort commander but all arrangements for feeding and guarding the convicts devolve during the halt on the police escort and not on the local police.

(iv) To prevent dangerous overcrowding, each lock-up in which prisoners are accommodated for the night, shall be measured and the number the room is capable of holding shall be printed on the door. Each prisoner shall have not less than 9 square feet of sleeping space and at least 10 square inches of ventilating openings.. In very hot weather vernadabs shall, if possible, be occupied instead of closed rooms,

(v) At stations where there is a railway police lock-up, all prisoners escorted by the District Police may, if a bait is necessary, be placed in the lock-up, the escort providing the sentry.

(w) (i) The regulations regarding escort of prisoners by railway shall, as far as possible, be applicable in case of escort of prisoners by steamer. Prisoners sentenced to more than 6 months rigorous imprisonment, prisoners awaiting trial for serious offences who have previous convictions, or who are reported to be dangerous, should be put in leg-shackles as well .as

handcuffs. At night a light chain should be passed through the fetters of each prisoner and the end tied to the sentry, or the ends padlocked to stanchions.

(ii) A chain should also be used whenever a prisoner goes to the closet, the end of the chain being passed under the door.

(iii) On river steamers the escort commander shall report all circumstances connected with the convicts in his custody to the Commander or Serang of the steamer or flat, to whom he shall apply in all difficulties for advice and assistance and from whom he will receive all orders, necessary for the safe custody and well-being of the convicts.

(x) Men supplied from police-stations to strengthen escort shall be relieved at the next police-station in the line of route.

702. (a) On receipt of an escort requisition, the head clerk shall fill up the printed order on the reverse of it, showing the strength of the escort and the amount of daily allowance or mileage, if any, considered necessary to be advanced to the escort, and shall lay the requisition and the necessary pay cheque, if any, before the Superintendent for approval and signature, after which he shall send them to the Armed Inspector.

(b) The Reserve officer shall then prepare a command certificate in B. P. Form No. 10 after entering on it the annual serial number of the escort, the names of all the men composing the escort, the name of the relieving station, if any, the number of railway warrant, if any, or the amount, if any, advanced for travelling expenses; and any particulars furnished by the jail or asylum authorities as to the dangerous character, etc., of prisoners or lunatics. The Reserve officer shall be responsible for explaining all details entered in the command certificate to the escort commander and shall direct him to report himself with his party to the indenting officer half an hour before the time fixed, and also to the chief police officer of the place of destination after making over charge of the prisoners or treasure.

(c) The Armed Inspector shall make over the money advanced to the escort commander, take his receipt on the pay cheque, and give him the command certificate and such further instructions as are necessary.

(d) When the same boat or conveyance is used by both prisoners or treasure, etc., and by the escort, a fair proportion of the hire should be defrayed by the Police Department. [Note (K), Appendix B, Bengal Government Circular No. 1F., dated the 21st March 1907]

(e) Advances under article 159, Civil Account Code, limited to actual expenses may be made to Inspectors and all non-gazetted police officers employed on escort duty or camp guard if required to perform journeys by road, steamer or railway for which traveling allowance is admissible under the Fundamental and Subsidiary Rules.

(f) For the payment of expenses incurred in bringing under-trial prisoners to the Magistrates' Court. (See regulation 333.)

(g) On return of the escort, the Armed Inspector or the Reserve officer, as the case may be, shall fill up the memorandum at the foot of the escort requisition and return it with the balance, if any, due to the Provincial Government to the head clerk, who shall adjust the account, either receiving the unexpended balance or paying the balance due to the escort. From the escort requisition and command certificate the accountant shall prepare the travelling allowance bill for the escort and shall return the requisition and the command certificate duly defaced to be filed with the counterfoil of the latter.

P.R.
T

P.R.T
565

P. R. T, 565

P.R
T

P.R.T
565

P.R
T