

The Jaunsar-Bawar Pargana (District Dehradun) Revenue Officials (Special Powers) Order, 1977

UTTAR PRADESH

India

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Rule

THE-JAUN SAR-BAWAR-PARGANA-DISTRICT-DEHRADUN-REVENUE- of 1977

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The Jaunsar-Bawar Pargana (District Dehradun) Revenue Officials (Special Powers) Order, 1977In exercise of the powers under Section 2 of the Jaunsar-Bawar Pargana (District Dehra Dun) Revenue Official (Special Powers) Act, 1958 (U. P. Act No. 27 of 1958) and in supersession of all previous orders issued under the said section, the Governor is pleased to make the following Order, namely :

1. Short title and commencement.

(1)This Order may be called the Jaunsar-Bawar Pargana (District Dehradun) Revenue Officials (Special Powers) Order, 1977.(2)It shall come into force with effect from the date of its publication in the Gazette.

2. Investing Revenue Officials with the powers of police officer or an Officer-in-charge of a Police Station.

- In addition to the police officers, entrolled under the Police Act, 1861 (Act No. V of 1861), the revenue officials, namely, the Naib-Tehsildar, Kanungo and Patawari in the Jaunsar-Bawar Pargana, District Dehra Dun, shall exercise the powers and perform the functions and the duties of a police officer or an Officer-in-charge of a Police Station to the extent hereinafter specified, in the whole of Jaunsar-Bawar Pargana except in the village which are under the jurisdiction of the Regular Police.

3. Powers and duties of Revenue Officials.

- Subject to Clause 2, Naib-Tahsildar, Kanungo and Patwari and exercise the powers and perform the functions and the duties of an Officer-in-charge of a Police Station under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) and the powers, functions and duties of a Patwari as a Police Officer under this Order shall be as stated in the instructions for patwaris contained in the Appendix to this Order.

4. Appointment and Punishments of ex-officio Police Officers.

- Subject to Clause 5 all persons empowered under this Order shall in respect of their police powers, functions and duties be appointed, rewarded, punished and dismissed by the authorities empowered to appoint, reward, punish and dismiss them in respect of their revenue or other functions.

5. Regulation of ex-officio Police Officers.

- Subject to orders of the Commissioner of the Division, the Patwaris in the exercise of their police powers and performance of their police functions and duties shall be under the control of the Collector, Dehra Dun. Appendix (See Para 3) Instructions regarding the Chief Duties which Patwaris shall perform as Police Officers

1. Section 154, Criminal Procedure Code. - Where there are no Regular Police in the Jaunsar-Bawar Pargana of District Dehra Dun. Patwaris shall perform police duties in their circle, and this part of their duty shall be important as that of collecting revenue demands. A Patwari has within his circle the powers of a Police officer-in-charge of a Station.

2. Section 157, Criminal Procedure Code. - When any complaint of an offence is made to the Patwari, he shall enter the substance of the complaint in the words of the complainant in the register of reports of crimes. The complaint shall be read out to the complainant and he will be required to sign or attest it with his mark. One copy shall be given to the complainant, the second shall be sent to the Sub-Divisional Magistrate, and the third shall remain in the register.

3. Section 172, Criminal Procedure Code. - If the offence is a cognizable one, the Patwari shall proceed to the spot and commence enquiry. He shall enter day by day all the proceedings in connection with the investigation in his special diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places

visited by him and a statement of the facts ascertained through his investigation. One copy of this diary shall be sent daily to the Sub-Divisional Magistrate and the order retained in the diary. When the investigation is completed and if the offence is prima facie proved, the accused, with any property discovered or any weapon or instrument connected with the offence, together with the result of the investigation, shall be sent to the Magistrate Court under the custody of such persons or villagers as the Patwari may consider proper. If the offence is bailable and the accused is willing to give sufficient bail, he shall not be sent under custody but bail shall be taken from him to appear before the Magistrate on a day fixed and such bail bond shall be sent with the result of the investigation.

4. Section 170, Criminal Procedure Code. - If by any general district order the Patwari has to submit the result of investigation through the Tahsildar or other hill police official, he shall send the accused, or the report only if the accused is submitted to bail, and the things connected with the offence, to such officer. The complainant and the witnesses are not to be sent under arrest. They should be required to give a muchalka (bond) to appear before the Magistrate on a fixed date.

5. Section 158, Criminal Procedure Code. - If the offence is not prima facie proved, the Patwari shall take a bond from the accused to appear before the Magistrate, if necessary, and submit the result of the investigation to the Magistrate for order.

6. Sections 170 and 171, Criminal Procedure Code. - When information as to the commission of a cognizable offence is given against any person by name, and the offence is not of a serious nature, or if the Patwari considers that there is not sufficient ground for entering on an investigation he need not proceed to the post, but shall send a report to the Sub-Divisional Magistrate, giving his reasons for not taking up the investigation. He need not proceed to investigate the following offences, unless the complainant expressly so wishes, viz., thefts under Sections 379, 380 and 381, Indian Penal Code, when the property stolen is less than Rs. 10 in value.

Lurking house-trespass or house breaking under Sections 453, 454 and 457, Indian Penal Code, where no theft or other offences are actually committed and attempts thereof.

7. Section 157, Criminal Procedure Code. - If the offence reported is a non-cognizable one, the Patwari shall refer the informant to the Magistrate. If the Magistrate orders the Patwari to investigate a non-cognizable offence, he shall investigate it in the same manner as if the offence were a cognizable one.

8. Section 155, Criminal Procedure Code. - When any serious offence, such as murder, dakoiti, robbery or important theft, house-breaking, riot of grievous hurt, occurs in his circle, the Patwari shall, on obtaining information, at once send reports to the District Magistrate and the Sub-Divisional Officer, and proceed to the spot to make investigation in the manner described in the above rules. If any person is wounded and is not already under proper treatment he should, unless his friends object, be sent to the nearest hospital for treatment in charge of his relations or friends or if any one is murdered, the dead body shall be sent for post mortem examination, in the manner described in paragraph 10. The statement of the wounded person, if the wounded is serious and is likely to cause death, shall be taken down at once in the presence of the malguzar and other respectable men of the village, and it shall be signed by them as well as by the person making the statement, the accused-person should also be present, when possible, and allowed an opportunity of questioning the wounded person.

9. Section 162, Criminal Procedure Code. - If any death takes place by accident or under suspicious circumstances, the Patwari shall at once send a report to the nearest Magistrate empowered to hold inquests and proceed to the spot and in presence of two or more respectable inhabitants of the neighbourhood make an investigation. If the friends and relations of the deceased state that the death is accidental and this is confirmed by the enquiry, permission may be given to bury or cremate the body, and the Patwari shall send the result of the inquiry signed by respectable inhabitants and the friends and relations of the deceased to the Magistrate.

10. Section 174, Criminal Procedure Code. - If, however, after examining the dead body, there appears any suspicion that death is not accidental, -the dead body shall be sent at once in a shell or litter (if a shell is not available) covered with charcoal and sprinkled, with "kisis" if procurable, in charge of the villagers to the nearest Civil or Assistant Surgeon. A report of the

circumstances under which the body was found, noting any marks or wounds discovered, their position and size, being accurately described, and any facts likely to have caused death that may have been discovered, must be forwarded with the dead body to the Civil or Assistant Surgeon. The persons escorting the dead body are not to be changed on the way. The Patwari shall continue the enquiry and endeavour to ascertain the facts connected with the death, and submit his report to the Sub-Divisional Officer.

11. In cases of suspected poisoning, before sending the body for medical examination, the Patwari shall observe the following directions :

(1)Any food, specially flour and sweet-meats, drink, tobacco or drugs, and especially the food and drink last partaken of by the deceased should be carefully brought away, and sealed and forwarded to the Civil Surgeon.(2)Any vomitted matter, which may be on the person or bed should be carefully taken up with a clean rag, which should be put into a packet and sealed up.(3)Any clothing, matting, wood and mud flooring or manure, or dirt heap into which any vomitted matter has soaked, should be forwarded under a sealed cover.(4)The contents of any vessel containing vomitted matter should be carefully put into a bottle and sealed up and forwarded.(5)Information on the eight following points shall be elicited as early as possible and entered in the special diary : (a)The interval between the last time that the person who is supposed to have been poisoned ate and drank anything or took any medicine, and the first appearance of symptoms of poisoning.(b)The interval between the last time of eating or drinking either food or medicine and the occurrence of death (if death occurred).(c)Whether the person moved from the place where the first symptoms were noticed, and if so, how far he went?(d)What the first symptoms of poisoning were?(e)Whether vomitting or purging occurred?(f)Whether the person became drowsy or fell asleep?(g)Whether any cramps or twitching of the limbs were observed or tingling of the skin or throat?(h)Any other symptoms noticed.

12. In case of hanging the following instructions shall be observed:

(1)If possible before the body is cut down or removed, the strangulating medium should be noted and any lividity of face, especially of lips and eyelids, any projection of the eyes, the state of the tongue whether enlarged and protruded or compressed between the lips, the escape of any fluid from the nostrils or mouth and the direction of its flow.(2)When the body is cut down or the strangulating medium removed, particular note should be made of the neck whether bruised along the line of strangulation.(3)The direction of the mark must be noted whether it is circular or oblique.(4)The state of the thumbs should be noted whether crossed over the palm.(5)The materials by which hanging or strangulation have been effected would, if possible, be brought away and forwarded.

13. Sections 160 and 161, Criminal Procedure Code. - In making investigations the Patwari may summon any person to give evidence who may be supposed to know anything about the case. The witnesses shall be examined orally and the substance of their evidence shall be recorded in the special diary.

14. Section 51 (1), Criminal Procedure Code. - When the Patwari arrests any person under any charge for which a warrant can be issued, he shall at once search his person, any article or any instrument or weapon found on his person shall be placed in safe custody. If the accused person is a female, search shall be conducted by a female. Search shall always be made in presence of two independent witnesses.

15. Section 51 (2), Criminal Procedure Code. - In all cognizable cases sent up for trial or for orders a plan of the scene of the crime shall be sent.

16. Sections 41 (1) and 41 (2), Criminal Procedure Code. - The Patwari shall arrest any person within his circle who-(1) is reasonably suspected of having been concerned in a cognizable offence or being a deserter from the army, (2) is a proclaimed offender, (3) is a bad character and tries to conceal himself under suspicious circumstances or can give no satisfactory account of himself or is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen. If any Police Officer enters his circle in search of any criminal the Patwari shall give all assistance in his power to such officer in the arrest of the criminal.

17. Sections 129 (1) and 129 (2), Criminal Procedure Code. - The Patwari shall order any unlawful assembly at any place within his circle to disperse at once, and if it does not disperse, the Patwari shall disperse it with the aid of the villagers and report the circumstances to the Sub-Divisional Magistrate and the District Magistrate.

18. Section 149, etc. Criminal Procedure Code. - If there is apprehension of any riot or other cognizable offence in his circle the Patwari shall to the best of his ability take measures to prevent it. For this purpose he may without warrant arrest any person designing to commit the offence if the offence cannot otherwise be prevented.

19. Section 151, Criminal Procedure Code. - The first Schedule appended to the Criminal Procedure Code, details which offences are cognizable and which are bailable, and the necessary information is added to these rules giving this detail for the offences usually dealt with by Patwaris, Patwaris are not responsible for the correct classification of offences as they have not the necessary knowledge to enable them to do this.

20. When going round his circle the Patwari shall see that no one possesses arms without a licence, and if the period of any licence has expired, he shall take possession of the arms and report the matter to the Magistrate. The Patwari shall also see that no one uses any arms in contravention of the terms of his licence. If any one is found committing a breach of the terms of his licence the arms shall be seized and the matter forthwith reported to the Magistrate.

21. The Patwari shall also inspect from time to time any licensed shop for sale of ammunition or of explosives situated within his circle, and see that no one acts contrary to his licence, reporting the result of his inspection to the Magistrate:

Detail of offences usually dealt with by Patwaris showing whether cognizable or bailable

Section of Indian Penal Code	Offence	Whether cognizable by Patwari or not	Whether bailable or not
1	2	3	4
143	Being member of an unlawful assembly	Cognizable	Bailable
147	Rioting	Do	Do
160	Committing affray	Non-cognizable	Do
173	Preventing the service or the affixing of any summons or notice or the removal of it when it has been affixed, or preventing a proclamation	Do	Do
184	Obstructing sale of property offered for sale by authority of a public servant	Do	Do
186	Obstructing public servant in discharge of his public functions	Do	Do
187	Omission to assist public servant when bound by law to give such assistance	Do	Do
188		Do	Do

	Disobedience to order lawfully promulgated by public servant if such disobedience cause obstruction, annoyance or injury to persons lawfully employed		
189	Threatening a public servant with injury to him or one in whom he is interested to induce him to do or forbear to do any official act	Do	Do
212, 216 and 216-A	Harbouring an offender	Cognizable	Do
224	Resistance or obstruction by a person to his lawful apprehension	Do	Do
225	Resistance or obstruction to the lawful apprehension of another person or rescuing him from lawful custody	Do	Do
231 and 232	Counterfeiting coin	Do	Non-bailable
233 and 234	Making, buying or selling instruments for the purpose of counterfeiting any coin	Do	Do
235	Possession of instruments or material for the purpose of using the same for counterfeiting coin	Do	Do
239 and 240	Having any counterfeit coin known to be such when it came into possession and delivering the same to any person	Do	Do
242 and 243	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	Do	Do
271	Knowingly disobeying any quarantine rule	Non-cognizable	Bailable
277	Defiling the water of a public spring or reservoir	Cognizable	Do
302	Murder	Cognizable	Non-bailable
304	Culpable Homicide not amounting to murder	Do	Do
307	Attempt to murder	Do	Do
309	Attempt to commit suicide	Do	Do
312	Causing miscarriage	Non-cognizable	Bailable
317	Exposure of child under 12 years of age by parent or person having care of it with intention of wholly abandoning it	Cognizable	Do
318	Concealment of birth by secret disposal of dead body	Do	Do

323	Voluntarily causing hurt	Non-cognizable	Do
324	Voluntarily causing hurt by dangerous weapons or means	Cognizable	Do
325	Voluntarily causing grievous hurt	Do	Do
326	Voluntarily causing grievous hurt by dangerous weapons or means, or burning	Do	Non-bailable
328	Administering stupefying drug with intent to cause hurt	Cognizable	Non-bailable
332	Voluntarily causing hurt to deter public servant from his duty	Do	Bailable
352	Assault	Non-cognizable	Do
353	Assault or use of criminal force to deter a public servant from discharge of his duty	Cognizable	Do
354	Assault or use of criminal force to a woman with intent to outrage her modesty	Do	Bailable
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation	Non-cognizable	Do
363	Kidnapping	Cognizable	Non-bailable
368	Concealing or keeping in concealment a kidnapped person	Do	Do
370	Buying or disposing of any person as a slave	Non-cognizable	Bailable
372	Selling or letting to hire a minor for purposes of prostitution	Cognizable	Non-bailable
376	Rape	Do	Do
377	Unnatural offences	Do	Do
379	Theft	Do	Do
380	Theft in a building or tent	Do	Do
384	Extortion	Non-cognizable	Bailable
392	Robbery	Cognizable	Non-bailable
395	Dacoity	Do	Do
396	Murder in dacoity	Do	Do
397	Robbery or dacoity with attempt to cause death or grievous hurt	Do	Do
411	Dishonestly receiving stolen property knowing it to be stolen	Do	Do
414	Assisting in concealment or disposal of stolen property knowing it to be stolen	Cognizable	Non-bailable
428 and 429	Mischief by killing, poisoning, maiming or	Do	Bailable

	rendering uselesany animal		
435	Mischief by fire or explosive substance with intent to causedamage	Do	Do
436	Mischief by fire or explosive substance with intent todestroy a house	Do	Non-bailable
454	Hiding in a house or house-breaking in order to thecommission of an offence of theft	Do	Do
456	Hiding in a house or house-breaking by night	Do	Do
457	Hiding in a house or house-breaking by night in order to thecommission of an offence	Do	Do
497	Adultery	Non-cognizable	Bailable
498	Enticing or taking away or detaining with criminal intent amarried woman	Do	Do
Other Offence against sections of Indian Arms Act Laws	Cognizable	Do	