

Surveillance of Bad Characters

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India

Surveillance of Bad Characters

Rule SURVEILLANCE-OF-BAD-CHARACTERS of 1897

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Surveillance of Bad Characters Register No. 10 and Register No. 124 Circular [Sanctioned by His Highness the Maharaja Sahib Bahadur in Council vide Resolution No. 3 contained in the State Council proceedings dated 17th April, 1897.] It has been ordered (vide Notification No. 13 sanctioned by State Council Resolution No. 29 dated 2nd January, 1892) that culprits entered in Register No. 10 are liable to punishment under section 188 Ranbir Penal Code in case of infringement of provisions of the said Notification No. Rules, however, have been issued to determine circumstances under which name, of a person should be entered in Register No. 10. The following Rules are, therefore, issued and in accordance with these Rules the Superintendents of Police will enter the names of bad characters in Register No. 10. [The appeal against the order of the Superintendent of Police shall lie to the Sessions Judge.] [See Notification No. 124 infra.] The Police in accordance with these Rules is also competent to enter the names of bad characters No. 9. It will be sufficient that in Register No. 9 names of those persons are entered who have been convicted and sentenced of cognisable offences excepting offences under special or local laws as provided in the Rules.

1.

A person shall not be entered in Register No. 10 unless one or more of the following facts are satisfactorily proved against him :-(a) that he is in the habit of committing cognisable offences : (b) [that there is apprehension of commission of offences on his part if there is no check on his movements and he is not subjected to surveillance] [Clause (b) substituted by C. O No. 536-C of 1947 (G. G. 5th Bhadon, 2004).] ; (c) that he has no ostensible means of subsistence and is released on security for good behaviour. Explanation. - A person who is proved to have been previously convicted thrice of cognisable offences shall be understood to be taken as "habitual offender".

2.

When the superintendent of Police on his own accord or on the report of any officer subordinate to him, may deem it proper to enter the name of a person (coming under the purview of rule 1) in

Register No. 10, he will hear the objections of that person and after fully satisfying himself will order that his name shall be entered in Registered No. 10 subject to any condition which may be considered proper to impose.

3.

In order to comply with an order made under rule 2 a Register in accordance with the form already in vogue shall be kept and maintained and it will be known as Surveillance Register or Register No. 10 and in it the names of all persons as provided in the above rules shall be entered. This Register shall not be destroyed.

4.

On title page of the Register a list of villages and towns situated within the jurisdiction of the Police Station alphabetically arranged with serial number, will be given on the left side and reference to the pages of the register opposite each entry on the right side will be given.

5.

For each village and town so arranged alphabetically as many pages will be allotted as are considered proper.

6.

At the end of the Register sufficient number of pages will be left apart to enter the names and descriptions of such persons whose residence is not known but frequently visit the Illaqa of that Police Station.

7.

Name and description of each culprit shall be entered as far as possible on pages allotted to that village or town wherein he ordinarily resides or which he frequents.

8.

This Surveillance Register will be kept as a confidential document of the Police Department and its contents will not be disclosed except to proper officers of the Department, District Magistrate or higher officers, in ordinary course of business.

9.

Police surveillance shall comprise such close watch over the movements of the person under surveillance, by Police Officers, village headman and village watchman, as may be practicable

without any illegal interference.

10.

The Sessions Judge, Superintendent of Police or any other Officer empowered by the Government in this behalf, shall examine such entries in the Register from time to time. They shall have power to remove the names of persons from the Register on account of good behaviour or for some other reasons. In case such officer is other than the Superintendent of Police, he shall inform the Superintendent of Police, of such removal of names. A bad character may apply to the Superintendent of Police for the removal of his name from the Register on the ground that entries of good behaviour have been made in his favour and the Superintendent of Police may, after making enquiry, pass proper orders on such application. Appeal from such orders also shall lie to the Sessions Judge. Entries in Register No. 9 by Superintendent of Police

11.

Irrespective of the fact whether a person is entered in Register No. 10 or not, a Register will be maintained in the office of the Superintendent of Police of each District in the form already prevalent, for entering the names of persons who are convicted of any of the cognisable offences.

12.

Entries in this Register will be made in accordance with the report of subordinate officers in case-(a) order is not appealable, immediately on receipt of the report ;(b) order is appealable, but no appeal is filed, after expiry of period of limitation of appeal ;(c) appeal is filed, on receipt of report that appeal is rejected and sentence is maintained.

13.

It will be the duty of every Court Inspector or Assistant Court Inspector, or any official appointed to conduct cases that he should report immediately to the Superintendent of Police about the decision of cases referred to in the aforesaid rule for making entries in the Register. Register Book of Police Station

14.

In every Police Station a Register known as Conviction Register according to the prescribed form will be kept and maintained in which names of all those persons shall be entered who have been convicted of cognisable offences and who reside within the jurisdiction of that Police Station or visit that Illaqa and in this Register all proved crimes shall also be recorded.

15.

All the provisions of rules 4 to 7 of this circular with respect to Register No. 10 will apply to Register No. 9 i.e. Police Station Register just as those are applicable to Register No. 10.

16.

In accordance with the aforesaid provisions entries shall be made by the Officer-in-charge of the Police Station personally or under his supervision by a subordinate.

17.

After making the entries in the aforesaid Register it shall be the duty of the Officer-in-charge of the Police Station to produce it at the time of inspection before the Superintendent of Police who will sign the entries after ascertaining and checking, if these have been made from information received through proper sources such as report from Police Station or Judicial Department etc. The officer making the entry shall keep the papers (according to which entries were made in the Register) with due care and in such manner that in case of inspection and checking corresponding papers may easily be traced out.

18.

Entries in the Register shall not be disclosed at all to persons whose names have been entered in the said Register or to persons to whom such disclosure is not necessary as part of legitimate duty.

19.

The Register will not be open to inspection merely as a record to help in the preparation of a challan or as a record of previous conviction. A person entered in the register shall not be subjected to surveillance so long as his name is not entered in Register No. 10 according to aforesaid rules. Any employee of the Police Department who keeps a watch on a person whose name is not entered as a matter of fact, in Register No. 10, shall be suspended.

20.

The Superintendent of Police, from time in time, will make necessary correction by removing the names of persons who died or gave up their residence in that Illaqa.