

# **Bihar Anti Terrorist Squad Rules, 2014**

BIHAR

India

## **Bihar Anti Terrorist Squad Rules, 2014**

### **Rule BIHAR-ANTI-TERRORIST-SQUAD-RULES-2014 of 2014**

- Published on 25 July 2014
- Commenced on 25 July 2014
- [This is the version of this document from 25 July 2014.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Anti Terrorist Squad Rules, 2014Published vide Notification No. 7/B.P.M.-20-01/2014/HP 6252, dated 25.7.2014Last Updated 13th February, 2020No. 7/B.P.M.-20-01/2014/HP 6252. - Whereas various terrorist outfits have attacked at several places in the country, which caused loss of many lives among the civilian population and security forces. According to the inputs from intelligence agencies the State of Bihar is also on the hit-list of the terrorist organizations. In this context, the State Government has constituted the "Anti Terrorist Squad" in order to effectively control the scourge of terrorism.Now, therefore, in the exercise of the powers conferred under section 55 read with section 94 of Bihar Police Act, 2007 (Act, 07, 2007), the Governor of Bihar is, hereby, pleased to make the following rules for the regulation, administration, and operations of the Anti Terrorist Squad.

#### **1. Short title, extent and commencement.**

(1)These rules may be called the "Bihar Anti Terrorist Squad Rules, 2014."(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force at once.

#### **2. Definitions.**

- In these rules, unless otherwise required in any other text,i. "State Government" means the State Government of Bihar;ii. "ATS" or "Squad" means the Anti Terrorist Squad;iii. "Headquarters" means the Headquarters of the Anti Terrorist Squad, Bihar;iv. "Director General" means the Director General of Police, Bihar;v. "Inspector General" means the Inspector General of Anti Terrorist Squad;vi. "Unit" means a unit, branch, division, cadre, etc. under the Bihar Police;vii. "Agency" means a department, institution, organization, etc. of other State Governments or the Central Government or International Organizations;viii. "Coordination" means such functions whereby an effective relationship is built up through cooperation or synchronization and integration of professional activities;ix. "Cell" means a functional division under the Anti Terrorist Squad, Headquarters;x. "Division" means the territorial division under the set-up of Anti Terrorist

Squad;xi. "Police Act" means the Bihar Police Act, 2007;xii. "Police Manual" means the Bihar Police Manual, 1978;xiii. "Anti-national" means as implied in the Sec. 2(1)(d) of the Bihar Police Act, 2007;xiv. "Terrorist Activities" means the activities as defined under section 2(1)(g) of the Bihar Police Act, 2007 or under chapter-IV of the Unlawful Activities (Prevention) Act, 1967;xv. "Acts of terrorism" means terrorist activities or activities of anti- national elements threatening internal security;xvi. "Terrorist" means both the individual and the groups;xvii. "Counter terrorism measures" means both preemptive and post incident actions.xviii. "Source" means a variety of intelligence sources accessed, or deployed and securely managed by the ATS;xix. "Agent" means any confidential human source that is recruited and reviewed by the ATS;xx. "Data" means any information or professional facts duly retained in the computer system or stored as a hard copy/ audio-video recording, etc.;xxi. "Techniques" means systemic procedure or special method or application of technology or skills in using gadgets;xxii. "Expert" means the expert as defined under the section 45 of the Indian Evidence Act or expert of technique;xxiii. "Post" means the any of the posts created for the Anti Terrorist Squad, Bihar to which these rules apply;xxiv. "Personnel" means the person holding a regular post or working under an agreement/ contract in the ATS;xxv. "Supervisory Officers" means the IG, DIG, SP or Additional SP or DSP in-charge of a Division;xxvi. "Ministerial Staff" means the Section Officer, Assistant, Stenographer Clerk, Assistant accountant, etc. posted in the ATS;xxvii. "Technical Staff" means the Technical Officer, Senior Scientific Officer or Assistant Scientific Officer, Computer Programmer, Computer Data Entry Operator, Photographer posted in the ATS;xxviii. "Grade 4 Staff" means laboratory bearer, Dog Squad staff, cooks, water bearer, sweeper posted in the ATS;xxix. "Medical Staff" means the Medical Officer and pharmacist, compounders posted in the ATS;xxx. "Tactics" means specific operations to counter acts of terrorism or neutralize terrorists;xxxi. "Appendix" means the appendix to these Rules.

### **3. Constitution and general control.**

(1)The State Government with due regard to the urgent need of effectively controlling the acts of terrorism has created the Anti Terrorist Squad. The related Government Order may be referred to at appendix I.(2)In the exercise of the powers conferred under section 2(s) of the CrPC the State Government has created the Anti Terrorist Squad Police Station with its jurisdiction over the whole of the State of Bihar.The related Government Notification may be referred to appendix II.(3)The Anti Terrorist Squad has been formally constituted under the Bihar Police organization. Necessary posts have been created in the ATS under the Inspector General, who is the senior most in rank in the Squad and shall be directly accountable to the Director General of Police.(4)By virtue of the State Government Notification, the Anti Terrorist Squad Police Station shall investigate those cases which are taken over by the Anti Terrorist Squad. The ATS Police Station shall function at the Headquarters at Patna. The Officer-in-charge of the ATS Police Station shall be of the rank of a Deputy Superintendent of Police selected from the available strength by the Inspector General.Investigation will be mandated to the officers of suitable rank as per the requirement of law.(5)The Anti Terrorist Squad has been created with special purpose within the organization of Bihar Police and, as such, the personnel posted in the Squad shall not be deployed for any other duties.

## **4. Responsibilities.**

- The main responsibility of the Anti Terrorist Squad is to effectively control the acts of terrorism and neutralize terrorists as enshrined in the relevant order of the State Government.

## **5. Charter of Duties.**

(1) For the purpose of countering terrorism the Squad shall collect intelligence about terrorists and their activities and shall neutralize them by using special tactics and also investigate and prosecute acts of terrorism. (2) The Anti Terrorist Squad shall also coordinate with their counterpart agencies operating in other States/Central Government agencies and international organizations keeping in view of the fact that terrorism has national and international ramification.

## **6. Intelligence related functions of the Squad.**

(1) Intelligence related functions of the Anti Terrorist Squad shall be according to the following: (a) Collection, collation and analysis of intelligence related to terrorism; (b) Exchange and dissemination of intelligence with the State Special Branch and other units or agencies of other states and the Central Government and to conduct secret verifications; (c) Identification of sensitive spots within the state in the context of internal security where terrorists and anti-national elements can hide, operate or find logistic support; (d) Deployment of sources and agents for the purpose of surveillance or gathering information about the terrorist outfits, their supporters, harbourers, and such elements who spread terrorism through indoctrination, etc. (e) Monitoring of suspected communications, interactions, and financial transactions of terrorists or such elements within and outside the country; (f) Identification and tracking of offenders indulged in the smuggling of FICNs, narcotics, automatic firearms, explosives, etc. or indulging in Hawala transactions and money laundering etc. for carrying out acts of terrorism; etc. (2) The Deputy Superintendents, Inspectors and Sub-Inspectors will be entrusted with the work of collection of intelligence and conducting field verifications and the Assistant Sub-Inspectors, Havildars and Constables will assist them. (3) Supervisory Officers shall reduce all secret inputs as "Intelligence Report" in the prescribed format (referred to in appendix III). All verified intelligence reports (covert and overt) pertaining to the prevention or detection of terrorism shall be entered in the data-bank of the Squad. (4) For the purpose of collecting intelligence, Secret Service Fund shall be allocated to the Squad that will be disbursed by the Inspector General as per the requirement. (5) Open sources of intelligence, such as newspapers, television, library, internet, reports from various government departments, etc. shall be regularly filtered and evaluated. (6) The true identity or nature of the intelligence source shall not be revealed and no personnel of the Squad shall be forced to divulge his source of human intelligence. (7) The product of secret surveillance and undercover operations, where the sensitivity or perceived need for confidentiality is attached to the technique, personnel, or circumstances surrounding the activity, shall not be made public and immunity from disclosure may be sought in judicial or quasi-judicial proceedings. (8) The Inspector General shall develop an internal mechanism of regulating sources and agents such as, dual reference in the Confidential Source Register, cross-verification, debriefing, periodical evaluation of the agent, etc. The procedures shall not be disclosed to anybody outside the Squad. (9) The Inspector General shall develop standard operating

procedures for handling and dissemination of intelligence material such as sanitization before uploading the content of intelligence reports, coding before sharing, grading for security classification and risk assessment prior to dissemination. The procedures shall not be disclosed outside the Squad.(10)The Inspector General shall publish a monthly Secret Digest based on the input of intelligence and transmit it in a sealed cover to the Director General and Home Department. No other personnel shall, in any case, divulge intelligence reports or any information which they have gathered in the course of their duty.(11)The Inspector General shall constitute an "Integrated Information Technology Cell" under a Nodal officer not below the rank of an Additional Superintendent for the purpose of obtaining telephone records or other records or intercepting communications, etc. as per the procedure prescribed under law. One or more personnel deputized by the Inspector General will receive data on authorized e-mail addresses and telephone numbers and every data so obtained shall be properly logged.

## **7. Tactics related functions of the Squad.**

(1)Special Weapon and Tactics Groups (SWAT)and Anti Sabotage Teams (AST) shall be constituted from amongst the personnel of the Anti Terrorist Squad.(2)Tactics may comprise of specialized professional activities, such as urban warfare, close quarter combat, hostage rescue, tactical crowd control, strategic observation, and preemptive neutralization of terrorists, etc. The Special Weapon and Tactics Groups(SWAT) may operate in uniform as well as carry out undercover operations in plain clothes under the command of superior officers.Anti Sabotage Teams (AST) shall be self reliant in handling and deactivation of hazardous material, including IEDs.(3)Personnel for Special Weapon and Tactics Groups(SWAT) and Anti Sabotage Teams (AST) shall be specially trained by professional trainers from various agencies.(4)The Special Weapon and Tactics groups (SWAT) shall be engaged round-the-clock in shifts and periodically sent on training. Special arrangements shall be made for their regular training, fitness, accommodation, transport, weaponry and apparatus, etc. This group shall not be engaged in any other duty.(5)Inspector General can formulate tactical plans based on intelligence inputs about terrorists or their activities and carry out followup operations by deploying such groups under the command and control of supervisory officers. Planned campaigns against terrorists can also be given a special name.(6)It shall be binding upon other units of the state police to cooperate with the Squad in the execution of their tactical plans.(7)The Inspector General shall be competent to requisition the services of other departments or outside agencies in order to neutralize serious situations.(8)In order to make counter-terrorism operations successful and self-sustaining, ex-service personnel of the Indian Army, who are experts in IED de-mining, Field Craft, etc., may be deployed as Special Commandos under due agreement with the State Government.

## **8. Investigation and prosecution related functions of the Squad.**

(1)The Squad shall suo motu investigate offences pertaining to terrorist activities as referred to appendix IV-Part A.(2)The Squad, under the orders of the Director General or a competent Court, shall also take over the investigation of offences by anti national elements as referred to appendix IV-Part B.(3)The offences as referred to appendix IV-Part C, such as dealings in Fake Indian Currency Notes, smuggling of narcotics, automated fire arms, or explosives, Hawala or money

laundering, citizenship, visa and passport frauds involving foreign nationals, cyber crimes, and other organized crimes, which at any stage of investigation indicate a nexus with terrorism shall also be taken over by the Squad under the order of the Director General or a competent Court.(4)The Inspector General of the Anti Terrorist Squad shall be competent to issue orders for registration of a Preliminary Enquiry based on Intelligence Report or specific or generic cases based on Source Information. A preliminary enquiry should be completed within a period of three months and if sufficient evidence is brought forward upon verification, it may be converted into an FIR.(5)It shall be mandatory upon all units of the State Police to inform the Anti Terrorist Squad as expeditiously as possible on any terrorist incident occurring in any police station of the State. The officers of the concerned unit shall continue to discharge their legal responsibilities until the matter reported has been duly registered for investigation by the Squad.(6)Cases that are taken over by the Squad for investigation after a relatively long period of time will not be re-registered upon handover of the case from the original Police Station to ATS Police Station.(7)The powers to control the investigation of cases shall be vested with the Inspector General, ATS who shall constitute sufficient number of investigation teams and allocate supervisory and technical officers for the on-going investigations. He shall pass the Final Order on completion of the investigation.(8)The cases shall be supervised by officers of and above the rank of Additional Superintendent, who shall submit their Supervision Notes and Progress Reports to the Inspector General. Supervision shall involve participation in investigation as well. The Plan of Investigation may be collectively drawn. The supervisory officer can communicate with the agencies of the Central Government or other State Governments on the matters of investigation and prosecution. The supervisory officers should monitor searches, review the questionnaires for examination of suspect or accused persons, and monitor trials. They should ensure observance of ethical practices and lawful procedures by the investigating officers.(9)Any officers of the ATS of, or above, the rank of Sub-Inspector may, subject to the order of the Inspector General, exercise throughout the State of Bihar, any of the powers of the officer-in-charge of the Police Station for the purpose of investigation. The police personnel below the rank of Sub-Inspector shall assist in investigation, court procedures, etc.(10)Female police personnel will be required to be present during the custody, or recording of the statement of women, or search and inquiries in a residential area.(11)Customary forensic and cyber forensic labs and photography section shall be established in the Squad. The scientific /technical officers shall collect evidence from the scene of crime or any place, and process, examine, and analyze it themselves and whenever necessary, also get it examined by competent laboratories/ institutions outside.(12)The Assistant Prosecution Officer of the Squad shall advise on legal matters during the course of investigation. They shall be responsible for vetting the final report, presenting exhibits, documents and witnesses in the court, conducting trials, monitoring appeals and revisions, preparing the rejoinder to the writs and petitions filed before the court from time to time, etc. Special counsels may be engaged on payment basis for the prosecution of special cases.(13)The offences investigated by the ATS shall be tried in the court having territorial jurisdiction over the offence committed. However, the cases originally registered in the ATS Police Station will be transmitted to the Chief Judicial Magistrate, Patna. In future, as the necessity arises, special designated courts can be created for exclusive trial of acts of terrorism.(14)The Police Inspectors and higher officers in the Squad authorized by the Inspector General will be eligible to travel by air to different parts of the country whenever so demanded by the urgency of the task or in view of the risk attached to the accused in custody. Inspector General shall obtain approval/post-facto approval for such travelling from the Director General.(15)The

Director General may issue order to attach any member of the state police to the Squad for an enquiry or investigation upon recommendation by the Inspector General.(16)The Inspector General shall communicate upon the matters of investigation and prosecution with the NCB-India or the International Criminal Police Organization (Interpol), foreign data suppliers, such as the service providers, etc., whenever there are connections abroad. If legal assistance is needed abroad, he can correspond with the Ministries of Home and External Affairs through the State Government. The Inspector General shall also execute a Letter Rogatory himself or authorize execution by any officer on his behalf.(17)An up-to-date mobile cyber lab and appropriate technological applications with secure networking shall be in place for quick processing of digital evidence.(18)There shall be a state-of-the-art interrogation set-up in place.(19)The Squad shall draw a specific witness protection strategy in each case and may accordingly take legal measures to protect the witness during court proceedings.(20)The Medical officer of the Squad shall be competent to collect bio-medical clues from scene of crime, issue injury reports, interpret medico-legal reports and examine the accused, etc.(21)A language lab will be developed in the Squad for learning communication skills and different languages. Services of professional translators will be hired to interpret the statements/documents and they will be cited as witnesses.

## **9. Coordination related functions of the Squad.**

(1)Coordination with the State Police units-The officers of ATS and other units shall maintain close coordination and share intelligence regarding terrorism on an institutional basis and also cooperate in the matters of secret verification, tactical operation, and investigation as per the laid down procedure.(2)Coordination with other departments of the State Government The Inspector General may obtain information or other details from any department of the State Government in the context of terrorism. The concerned departments shall extend cooperation to the ATS in counter terrorism measures, or developing infrastructure, or responding to a crisis, etc.(3)Coordination with other agencies-The supervisory officers of the Squad will share information, on need basis, with the agencies of other State Governments/Central Government and also cooperate in the matters of investigation as per the laid down procedure. Due courtesy shall be extended to the outside officers visiting the State ATS in accordance with the requirements of protocol. The Inspector General shall bring to the notice of the Director General the important facts emerging from various formal and informal coordination meetings.(4)Cooperation with public-The services of capable persons may be utilized in such matters like collection of intelligence, secret surveillance, or special technical support. Seminars and workshops shall be organized with the purpose of creating awareness on terrorism and counter measures.(5)The State Government shall nominate the Inspector General of the Anti Terrorist Squad as the Nodal Officer on the subject of terrorism who will discharge all duties and responsibilities entrusted upon him by the State Government and the Director General.

## **10. Legal rights and duties.**

(1)The legal rights and duties enjoined upon the personnel of the Squad shall be governed by the Police Act, Police Manual,Service Conduct Rules, the Code of Criminal Procedure and the laws on terrorism and related crimes enforced from time to time and the directives and guidelines framed under the law by the State Government or the Director General of Police, Bihar.(2)In the context of

"Terrorist Activities", as defined under the section 2 (g) of the Police Act, the role, functions, duties and responsibilities, as defined under the section 31 sub-clauses (c), (e), (f), (g), (l) and (p) of the Police Act shall be relevant. (3) The identity of Sources and agents supplying secret information to the Anti Terrorist Squad shall not be disclosed under the provision of Police Manual Rule 710 (b). Raids upon secret information shall also necessitate protection from exposure of the informant under the provision of Police Manual Rule 165 (a). (4) The Standard Operating Procedures regarding Telephonic Interception as approved by the State Government (referred to appendix V) shall be applicable to the Squad, however, the justification for monitoring may be in connection to a Preliminary Enquiry for preempting terrorist activity rather than a regular case. (5) Under the Service Conduct Rules, Indian Official Secrets Act, 1923 and Police Manual Rule 710 (a), the personnel of the ATS, including those working under agreement or contract, shall be prohibited from communicating to anybody, whosoever any information or revealing any government document or other facts to which access is obtained in the course of the discharge of their official duty. (6) The Inspector General shall be competent, under the provisions of section 52 of the Police Act, to take appropriate steps to develop work oriented technological systems for which he may purchase techniques from appropriate source and also hire technical experts in the Squad. (7) In view of the National Security, it is absolutely essential that no information is shared with the Media regarding anti-terrorist operations. Only the factual details of apprehended persons and recoveries may be revealed by the authorized spokesperson on completion of the operations. In this context, the State Government advisory on media policy and the Police Order, referred to appendix VI, shall apply. (8) The personnel deployed under agreement as Special Commandos in the Squad shall be treated as Special Police Officers under the provision of section 19 of the Police Act. (9) By virtue of the Government Notification, the ATS Headquarters shall also obligate the functioning of a Police Station where a General Diary in accordance with the section 32 of the Police Act and other records prescribed in the Police Manual shall be maintained by the SHO, ATS Police Station. The officers of and above the rank of a Sub-Inspector deputed at any scene of crime in the State for investigation are empowered under section 8 (3) of Police Act and CrPC to exercise the powers of SHO, ATS. (10) The personnel of the Squad shall derive their powers of investigation from the Criminal Procedure Code and relevant provisions of the special acts related to the offence and in accordance with the Police Manual. Only a Deputy Superintendent or above can investigate case under UA(P) Act. (11) The official duty of the police personnel in the Squad involves extreme high-risk, as affirmed by the Government Order referred to in appendix I. Hence, Standard Operating Procedures shall be in place conforming to the principles regarding private defence (section 96 of IPC) in such matters like confrontation with terrorists, or apprehension and pursuit of the terrorists and anti-national elements, etc. while deciding the applicability of section 197 of the CrPC. (12) Incidents of terrorism fall under the exceptional circumstances in context of the section 36 of the Police Act, whereby any police officer not below the rank of a Police Sub-inspector of the state cadre may be exclusively attached with the ATS for the purpose of an enquiry or investigation (as defined under the Police Manual Rule 411). (13) The Assistant Prosecution Officer of the Squad shall function in accordance with the provisions of the Criminal Procedure Code, 1973, Police Manual, 1978 and the Prosecution Manual, 2003. (14) The Scientific and Technical officers shall duly certify the report on the material/digital evidence that was examined by them and they will be treated as experts as per the requirement of section 45 of the Indian Evidence Act. The Medical Officer will also be an expert. The Medical Officer of the Squad shall examine the arrested person as per the requirement of section 54

of CrPC.(15)The Senior and Assistant Scientific Officers of the Squad may participate in forensic investigations along with other Government Scientific Experts (including the Chief Inspector of Explosives) and can satisfactorily depose on their behalf in the court under the provisions of section 293 (4) CrPC.(16)The provision of section 161 (3) CrPC for audio-video electronic recording of interviews or examination of suspects/accused shall be ordinarily employed.(17)When an arrest is made the guidelines stipulated in the orders of the Apex Court, National Human Right Commission and the relevant provisions of CrPC shall be complied with in letter and spirit. Also, these guidelines shall be clearly displayed at the ATS Police Station.(18)The Inspector General of the Anti Terrorist Squad may exchange information with the International Criminal Police Organization (Interpol) on international issues involving terrorist activities in which context the provisions of Police Manual rule 410 (g) and (h) and appendix 95 shall be applicable to the ATS.(19)Inspector General may move the Government of India through the Home Department of the State Government to act further in the matters of transmission and action on Letter Rogatories (under section 166-A, and 166-B CrPC), investigation abroad (in accordance with the Treaty For Mutual Legal Assistance or sections 188, 189 CrPC as and where applicable), and issues of deportation, extradition etc.(20)In the event a person belonging to terrorist or anti-national outfits operating in other states or a foreign national or a non-resident Indian with foreign citizenship has been arrested under section 41 (1) (g) CrPC with arms, explosive, fake currencies, fake passports, or in violation of visa conditions, etc. at any Police Station, then besides the Police Headquarters and the State Special Branch, ATS shall also be duly informed. A preliminary verification may be initiated by the ATS for their activities in the State of Bihar.

## **11. General Administration.**

(1)The overall administrative control of the Anti Terrorist Squad will be vested with the Director General of Police. The superintendence and operational control of the Squad will be vested with the Inspector General, ATS.(2)The Inspector General shall be responsible for assigning duties, training, discipline, and welfare of the personnel deployed in the Squad. He shall discharge his administrative responsibilities with the help of the Deputy Inspector General and other supervisory officers.(3)The Inspector General shall issue orders concerning internal working of the Squad from time to time which will be constantly reviewed so as to devise the best practices.(4)The guidelines for coordination with outside agencies and other government departments shall be formulated and duly approved by the Director General.

## **12. Administrative Set-up.**

(1)The Police Force of the Squad shall comprise of the Inspector General, Deputy Inspector General, Superintendent, Additional and Deputy Superintendents, Sergeant Major, Sergeant, Inspector, Sub-inspector, Assistant Sub-inspector, Havildar, Armourer and Constables.(2)Besides the Police Force, the establishments of the Ministerial Staff, Medical Staff, Assistant Prosecution Officer along with the fourth grade employees shall be looked after in accordance with the provisions of the Police Manual.(3)The personnel employed in the Squad for Forensic or technical work shall not be considered Police Officers and their service matters shall be looked after in accordance with the State Service Conduct Rules.(4)There shall be various functional components in the Squad, such as



an Integrated Information Technology Cell for IT related issues; a Secret Cell for processing the intelligence reports; a Coordination Cell for reviewing the matters of coordination and internal working; a Training Centre of the ATS; Special Weapon and Tactics Groups; Anti-sabotage Teams, Crime Cell and Legal Cell.(5)By virtue of the Notification of the State Government, the jurisdiction of the ATS extends to the whole of Bihar. The Inspector general may constitute Territorial Divisions under Deputy Superintendents for administrative and operational purposes.

### **13. Posting.**

(1)The Director General shall submit the proposal to the State Government Home Department for posting the Police Officers of and above the rank of Deputy Superintendents.(2)The posting of Assistant Prosecution Officer, Senior and Assistant Scientific Officers, Medical Officer and the Ministerial Staff in the Squad shall be made through respective departments.(3)The Inspector General shall carry out a screening of the personnel below the rank of Deputy Superintendents, prior to their induction in the Squad, and get the approval of the Director General as per the Police Order referred to the appendix VII A.(4)In view of the specialized facets of ATS functioning, an objective criterion shall be adopted for screening referred to the appendix VII B.(5)For deployment in the Special Weapon and Tactics Group, persons should fulfill the fitness criteria referred to appendix VII C.(6)The appointment to the posts of technical staff and Grade-4 Staff shall be done by due selection process referred at appendix VII D. Provisions under the policy of the State Government regarding reservation shall be adhered to in the matters of appointment.

### **14. Tenure.**

(1)The tenure of personnel in the Squad shall be normally for a period of three years. The Inspector General can recommend for extension or redeployment of a person having special qualifications for another term.In the event of promotion during deployment to the Squad, an extension shall be permitted from the date of promotion.(2)The Inspector General will recommend for three options of choice posting for the personnel who have served satisfactorily for full tenure.(3)Any personnel can be repatriated on administrative grounds at any point of time. No person who has been awarded major punishment concerning the acts of indiscipline during their posting in the Squad shall ever be taken into the Squad in future.

### **15. Training.**

(1)Personnel deployed in the Squad shall be given Induction training and regular training.(2)The Inspector General shall make arrangements for training in consultation and coordination with the Directorate of Training and Bihar Military Police Headquarters.(3)The personnel of the Squad shall be trained to hone their skills in the domain of ATS functioning, i.e. Intelligence Trade craft, investigation, computer work, Anti-Sabotage Craft and Tactics. They will be sent to the Training Centers of Army, Central Armed Police Forces, Central Agencies and other States and instructors from these institutes will also be regularly invited to ATS.(4)The Anti Terrorist Squad shall develop various modules of training at its own Training Centre which will be headed by an officer not below the rank of an Additional S.P.The ATS Training Centre can have its emblem and be presented with

colors which can be displayed during the ceremonial parades by the uniformed personnel of ATS.

## **16. Resources.**

(1) Allocation of resources to the ATS and its modernization plan shall be dealt with the Police Headquarter in the same manner as adopted for other units of the State Police. (2) The resources allocated to the Squad shall be maintained in accordance to the Financial Rules, Police Manual and guidelines issued by the State Government/the Director General. The resources of the Squad shall not be reallocated to any other unit without assigning reasons. (3) In view of the high-risk involved in the nature of ATS working, the weapons, equipment and vehicles of the Squad shall be safeguarded in the weaponry, stores, and motor transport section within the ATS campus. Till the time infrastructure of the ATS is fully established, adequate arrangements of storage and upkeep of ATS resources will be made at local BMP units at Patna. (4) In view of the sensitivity, urgency and confidentiality in Information Technology related works of the ATS, the Inspector General shall be competent to purchase the latest applications and hire the services of the technical experts from the open market.

## **17. Land, building and accommodation.**

(1) A detailed project shall be worked out to meet the requirements of land, building and accommodation for infrastructural development of the Anti Terrorist Squad. (2) Action will be taken to ensure that cent-percent accommodation is provided to the personnel of ATS. (3) For territorial divisions of ATS, safe houses may be hired on market price for fulfilling the official and operational needs. (4) Since the ATS Headquarters functions round-the-clock and emergency meetings, nonstop technical surveillance, sustained interviews and custodial interrogation, etc. are integral part of its functioning; the Squad shall be equipped with facilities of canteen, rest rooms, conference rooms, library, etc.

## **18. Communications and Information Technology.**

(1) There shall be a separate band for wireless communication and two or more CUG Networks of mobile service for the Squad. (2) An Integrated Information Technology Cell encompassing a range of surveillance equipment, infrastructure for research and retrieval of information from computer searches, systems for data and process modeling, advanced office software products, etc. shall be developed in the Squad and managed by an officer of or above the rank of an Additional Superintendent. The selection of the right personnel to work in the IT environment would require key technical skills that are demanded and they would be required to undergo integrity checks and formally to acknowledge their responsibility. (3) Officers of the rank of Police Sub-inspector and above shall be provided with laptop and data card for internal communication and properly accessing the single Integrated Information Technology Cell on 'need to know' basis. (4) The services of experts, such as System Engineer/ technicians, for 24/7 server maintenance or periodical security audit, or hand holding support and training of the personnel of the Cell, could be hired on contract basis. (5) Fail safe security measures shall be enforced for integrated Information Technology Cell including security vetting for the personnel, regulation of entry by using bio-metric I-cards, CCTV

and alarms, and communications security measures, such as passwords and access rights, virus protection, laptop and computer policy, e-mail security, enhanced audit procedures, protective markings for sensitive information on databases, etc.

## 19. Records.

(1)The officer-in-charge of the notified Anti Terrorist Squad Police Station shall be provided with the prescribed Police Station records from the Government Press.(2)Access to ATS Headquarters shall be controlled by boom barrier and also under watch by CCTV/Bio metric card and entries at the gate shall also be recorded by the sentry.(3)The Section Officer of the ATS shall maintain records of the establishment, attendance, leave, notices etc. in respect of the personnel at the Headquarters, general administrative orders, and the minutes of the meetings and conferences in accordance with the prescribed norms. He will distribute work among the ministerial staff and ensure proper receipt and dispatch of the Dak and maintenance and movement of files.(4)The records of the reserve, weaponry, motor-transport, procurement, etc. shall be maintained by the Sergeant Major as per the requirements of the Police Manual.(5)The Secret papers, including Intelligence Reports and records related to Preliminary Inquiries, and case investigation shall be maintained in the Confidential and Crime Cells, respectively under the control of an officer not below the rank of a Sub-Inspector deputized by the Inspector General.(6)The office work of each of the Supervisory officers and Assistant Prosecution Officer shall be looked after by an Assistant Sub-Inspector.(7)As the ATS has been allocated a separate budgetary sub-head, cash and account books shall be maintained in the Headquarters by an Assistant Accountant who will report to the Drawing and Disbursing Officer of the time.(8)There shall be a 24/7 Control Room in the Headquarters where the records vide the Police Manual Rule, 1225, such as the general diary, wireless log book, telephone register, duty roster, disposition and contact details of personnel, maps, contingency plan, remote communications, etc. shall be maintained.(9)The Confidential Source Register, intelligence reports, and dossiers being confidential in nature shall be kept in the Secret Cell, where all intelligence inputs, including the products from the Integrated Information Technology Cell, shall be processed for uploading in the database. There is no general need for the retention of hand-written reports provided the "identical input" is digitized. Secret Fund shall be duly accounted for.(10)Every record obtained in the Integrated Information Technology Cell shall be logged in accordance with the prescribed Standard Operating Procedures (referred to Appendix V). Intercepts and Transcripts shall be periodically deleted and saved in a high capacity server. The Nodal Officer shall submit each proposal for Telephonic Interception in file to obtain the written permission of the Inspector General. In special cases, on due justification forwarded by the Inspector General, interception of suspect communication can be permitted to continue beyond three months.(11)The interrogation reports of terrorists, Notices and relevant inputs on modus operandi etc. received from other agencies, dossiers of absconders etc., shall be kept as a permanent record under the provisions of section 31 (p) of the Police Act.(12)The situation reports during operations and draft Press notes that are communicated to the Police Headquarters shall be kept in record until the matter is finally disposed off.(13)Daily press, TV clippings and other open source intelligence shall be entered into an extract.(14)Records of investigation, supervision and prosecution shall be maintained as per the Police/Prosecution Manuals.(15)The Inspector General shall submit a monthly report on the scenario of terrorism in the state including its boundaries to the Director General and Home

(Special) Department in the form of a Digest. There may be a Press in the Squad for publishing various materials required to be disseminated.

## **20. Miscellaneous.**

(1)The State Government has declared the duty charter enjoined upon the personnel of the Squad as extremely High-Risk, who shall therefore, be entitled for special risk allowance as notified by the State Government.(2)Secret Fund and Fund for Professional and Special Services shall be disbursed to the Squad on priority.(3)The personnel and members of public shall be suitably rewarded for their efforts in controlling the menace of terrorism or for apprehending terrorists, anti national elements, etc. in accordance with the relevant orders in this regard.(4)For the purpose of deciding the matters of gallantry, a confrontation or direct engagement with terrorists shall not be the lone criterion, and in addition, the risk involved in intelligence gathering and measures taken for preempting acts of terror shall also be considered for a gallantry reward.(5)The personnel of the Squad shall not ordinarily be required to wear uniform, except when they are engaged in activities such as training, overt operation and strategic observation, attending to the duty at Headquarters, ceremonial drill, etc.(6)The personnel will not be permitted to use their I-Card except for official purposes. They shall carry identity cards even when deployed in plain clothes, however, not at the time of under-cover operations under the command of the supervisory officer.(7)The personnel of Squad will maintain absolute confidentiality about their campus and establishment.(8)ATS will not display any visible insignia or logo or banner, however, the Training Centre shall be an exception.(9)The vision of the Anti Terrorist Squad is to set the standards of excellence in counter terrorism measures in a holistic manner, i.e. intelligence, tactics, investigation and coordination.(10)The threat of terrorism may increase or decrease or may remain the same and the type of terrorism and location are difficult to predict. However, the Anti Terrorist Squad is expected to constantly work upon the technological project of designing flexible Anti-terrorist systems based on an array of scenarios for the State of Bihar.

## **21. Interpretation and Amendment.**

(1)The provisions under these Rules shall be interpreted and applied by the State Government and the Director General of Police, Bihar in the light of the Police Act, Police Manual, and laws dealing with terrorism coming into force for the time being, law or rulings by the Constitutional Courts, and also the constitutional arrangements or agreements between the State Government and the Union or International Treaties signed by the Government of India on the matters related to terrorism.(2)These rules lay down protocol for the working of the Anti Terrorist Squad. The amendments in the Rules may be proposed in accordance with the changes in the organizational structure or laws in force from time to time.Appendix I[See Rules 3(1), 10(11), 20(1)]Letter No-1/M2-10-01/2009 Home Police.....5723Government of BiharHome (Police) DepartmentTo,The Accountant General ( A&E)Bihar, Patna.Through- The Finance Department.Patna Dated 30 July, 2013Subject - Sanction toward the creation of 344 (three hundred forty four) posts for the establishment of Anti Terrorist Squad to control terrorist acts in the State of Bihar.Order - Sanctioned.

**2. Various terrorist outfits have attacked at several places in the country, which caused loss of many lives among the civilian population and security forces. According to the inputs from intelligence agencies the State of Bihar is also on the hit-list of the terrorist organizations. In this context, in order to effectively control the acts of terrorism in the State of Bihar, the State Government has duly considered the creation of the "Anti Terrorist Squad" and the sanction of the following thereof:-**

(i) A total of 344 ( three hundred fourty four) posts are sanctioned for the establishment of Anti Terrorist Squad as given below:-

Sl. No.	Designation	No. of Posts	Pay Band
1	2	3	4
1.	Inspector General	1	37,400-67,000
2.	Deputy Inspector General	1	37,400-67,000
3.	Superintendent of Police	1	15600-39,100
4.	Deputy Superintendent of Police	6	9,300-34-800
5.	Sergeant Major	1	9,300-34-800
6.	Inspector	12	9,300-34-800
7.	Sergeant	2	9,300-34-800
8.	Sub- Inspector	38	9,300-34-800
9.	Assistant Sub- Inspector	16	5,200-20,200
10.	Havildar	16	5,200-20,200
11.	Constable	194	5,200-20,200
12.	A.S.I. (Armourer)	1	9,300-34,800
13.	Computer Programmer	2	9,300-34,800
14.	Computer Data Entry Operator	4	5,200-20,200
15.	Assistant Prosecution Officer	1	9,300-34,800
16.	Senior Scientific Officer	1	9,300-34,800
17.	Technical Officer	2	9,300-34,800
18.	Scientific Assistant	4	9,300-34,800
19.	Laboratory Bearer	2	4,440-7,440
20.	Photographer	1	9,300-34,800
21.	Medical Officer	1	9,300-34,800
22.	Compounder-cum -Pharmacist	3	5,200-20,200
23.	Dog handler	2	4,440-7,440
24.	Assistant Dog Handler	2	4,440-7,440
25.	Cook for the Dog Squad	2	4,440-7,440

26.	Assistant	2	9,300-34,800
27.	Stenographers	4	5,200- 20,200
28.	Cooks	10	4,440-7,440
29.	Water Bearer	10	4,440-7,440
30.	Sweeper	2	4,440-7,440

(ii)The personnel deputed/ posted in ATS shall be deployed to perform such tasks to which an extremely high-risk is attached.(iii)The personnel of ATS will be entitled for the 30% (thirty percent) of their basic pay as risk allowance.

**3. An estimated expenditure of Rs.15,03,11,964.00/- (fifteen crore, 03 lacs, 11 thousand nine hundred sixty four rupees) will incur on the salary/allowances towards sanctioned posts.**

**4. This amount shall be drawn under the non-plan head of the budget head - 2055- police-104-special police, sub-head-0004- Anti Terrorist Squad.**

**5. The Deputy Inspector General of Police posted in the Anti Terrorist Squad will be the Drawing and Disbursing Officer and the amount will be withdrawn from Sachivalya Treasury, Sinchai Bhawan, Bihar, Patna. Yours Sincerely, Sd./Illegible, Joint Secretary to Government.**

Appendix II[See Rules 3(2), (4), 10(9) (13)(17), 12(4), 19(1)]Government of BiharHome (Police)DepartmentNotificationThe 29th April 2013No. 2/Pl-10-14/12 H.(P)-3210 - In exercise of the powers conferred by sub-Section (s) of Section-2 of the Code of Criminal Procedure, 1973, the 'State Government, hereby, creates "Anti Terrorist Squad Police Station," with effect from the date of Publication of this notification. Its jurisdiction shall be the whole of the State of Bihar. This Police Station shall investigate those cases which will be taken over by the "Anti Terrorist Squad" The in-charge of this Police Station shall be an officer of the rank of Deputy Superintendent of Police.Appendix III[See Rules 5(3), 6(9)(10), 8(4), 12(4), 19(9)]FormRestricted Intelligence Report

Organization and Officer	Date of Report				
Source Or Reference No.	Reference Or Log No.		Time		
Source Evaluation	AAalways reliable.	BMostly reliable.	CSometimes reliable.	DUnreliable.	EUnreliable source
Intelligence Evaluation	1Known to be true without reservation.	2Known personally to source but not to officer.	3Not personally known to source but corroborated.	4Cannot be judged.	5Suspicious be false malicious

Handling CodeTo be completed at the time of entry into anintelligence system and reviewed on dissemination	1Registration of a case may be recommended oroperations undertaken on source information (special conditionsapply specific legal provisions to be mentioned when offencesare made out and connecting records, etc.be attached in file).	2May be disseminated within the Squad/ to otherunits for Preliminary Enquiry and use after verification(authentication)needed;action taken report sought).	3May be disseminated to outside agencies forsharing intelligence only (Sanitized report)only be disseminatedand further updates can be sought).	4May be disseminated within the Squad (for non-prosecution use only).	5No further dissemination ( file closed) referred to originator.
--	---	--	---	---	--

Report(Specific details shall be mentioned)

(Continued on nextsheet)

Order(registration/ operation/ dissemination to)

:RiskAssessment:(Ethical/Personal/ Operational)SecurityCategory: (Top Secret/Secret/Confidential/Restricted)

Record location on the system of theSecret Cell

Signature of the competent Authority:

Totalnumber of pages:Signatureoriginator:(All continuationsheets to be initialed).

Record to be initialed).

Not to be disclosed outside the Anti Terrorist Squad Issue date:Kaushlendra Pathak,Additional Secretary to the Government,Home (Police) Department.Appendix IVPart - A[See Rule 8(1)]

**1. The Unlawful Activities (Prevention) Act, 1967 (37 of 1967) and scheduled offences thereof;**

**2. The Anti-Hijacking Act, 1982 (65 of 1982);**

**3. The Suppression Unlawful Acts Against Safety of Civil Aviation Act, 1982 (66 of 1982);**

- 4. The SAARC Convection (Suppression of Terrorism) Act, 1993 (36 of 1993);**
- 5. The Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 (69 of 2002); (may be applicable on continued offence during navigation from the Bay of Bengal through the National Waterway 1 within the State of Bihar)**
- 6. The Atomic Energy Act, 1962 (33 of 1962);**
- 7. The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005);**

Part - B[See Rule 8(2)]

- 1. Offences under Chapter VI of the Indian Penal Code [Sections 121 to 130 (both inclusive)];**

**2.**

Prevention of Seditious Meetings Act, 1911 read with relevant sections of Chapter VIII of IPC (applicable in duly proclaimed area and when the meetings ).

- 3. Offences within the meaning of section 153B IPC(prejudicing National Integration),**
- 4. Harboursing terrorists or members of banned organizations under sections 52A, 157 or 212 IPC**

Part - C[See Rule 8(3)]

- 1. Sections 489A to 489 E (both inclusive) of the Indian Penal Code.**
- 2. The Narcotic Drugs and Psychotropic Substances Act, 1985**
- 3. The Explosive Substances Act, 1908 and Explosives Act, 1884**
- 4. Arms Act, 1959**



## **5. Official Secrets Act, 1923**

**6. Offences committed to subvert Indian Economy with suspected terror funding, e.g. Counterfeiting or forgery of a valuable security, Government stamp, etc. or fraudulent financial transactions through Banking or Non-Banking channels or Hawala (transfer of money without physical movement) under relevant sections of the IPC, Prevention of Money Laundering Act, 2002, Foreign Exchange Management Act, 1999 etc.**

**7. Offences against National Security committed by illegal immigrants or foreigners in addition to law-breaking under Passport Act, 1967, Registration of Foreigners Act, 1939, Foreigners Act, 1946, and The Emigration Act, 1983 or connected with absconders under section 7 (3) of National Security Act, 1980 (65 of 1980)**

**8. Abetting, conspiring or attempting to commit, inciting, participating as an accomplice in the commission of any of the offences listed above.**

Kaushlendra Pathak, Additional Secretary to the Government, Home (Police) Department. Appendix V[Rules 6(11), 10(4), 18, 19(10)] For Telephone Interception Standard Operating Procedures (S.O.P) of Bihar (Home Department 09-01/HS(TI) CELL-2010-1091, Dated 17.08.2012) Legal Provisions:

**1. Section 5(2) of the Indian Telegraph Act, 1885 empowers the Central and the State Governments to stop/detain and intercept any message or class of messages on the occurrence of any public emergency, or in the interest of public safety, if satisfied that it is necessary or expedient to do so, in the interest of sovereignty and integrity of India, the security of the State, friendly relations with foreign states, maintenance of public order or for preventing incitement to the commission of an offence. The Indian Telegraph Rules, 1951 as amended in 2007 vide GSR 193(E) dated March 1, 2007 spell out the procedures for interception of message(s) with checks and balances, in accordance with the Supreme Court directives for checks and balances in the interest of privacy and fundamental rights delivered on December 18, 1996 in connection with the writ-petition (c) No.256 of 1991 (PUCL v/s the Union of India and others).**

**2. Section 69 of the Information Technology (Amendment) Act, 2008 empowers the Central and State Governments to issue directions to intercept, monitor or decrypt, or cause to be intercepted or monitored or decrypted, any information generated, transmitted, received or stored in any computer resource in the interest of the sovereignty or integrity of India, defence of India, security of state, friendly relations with foreign states or public order, or for preventing incitement to the commission of any cognizable offence relating to above, or for investigation of any offence. The procedure and safeguards have been prescribed/notified vide the Information Technology (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009 issued through Gazette Notification dated October 27, 2009.**

**3. For effective implementation of the law, rules and regulations, as well as, for the protection of individual privacy and fundamental rights, the following Standard Operating Procedures (SOPs) are prescribed for implementation by all the Authorised Security and Law Enforcement Units of the Government of Bihar:**

(i) In this SOP, unless the context otherwise requires, (a) 'Competent Authority' means the Secretary to State Government of Bihar in charge of the Home Department. (b) 'Designated Officer' means an officer not below the rank of Inspector General of Police especially authorised by the Director General of Police, Bihar for matter relating to interception of messages etc. (c) 'Nodal Officer' means any officer not below the rank of Superintendent/Additional Superintendent of Police or equivalent specially designated by the Director General of Police, Bihar for receipt/storage/usage of intercepted messages and for Liaison/communication with the designated Nodal Officers of the Telecom Service Providers and for various other responsibilities assigned hereunder in the SOP. (d) 'System Administrator' means an officer not below the rank of Sub-Inspector of Police or equivalent who shall carry out day to day functional requirements of operating and maintaining all records pertaining to telephone/internet based interception. (e) Unless the context otherwise requires, an 'Authorised Security and Law Enforcement unit' will include units of District Police, Railway Police, Special Branch, Criminal Investigation Department, Economic Offence Wing, Special Task Force, Vigilance Investigation Bureau and Special Vigilance Unit (SUV) of the Vigilance Department of the State Government of Bihar. (f) 'Special unit' means a sequestered and secure unit created in the office of each of the Nodal Officer and Designated Officer, where all matters pertaining to management of monitoring system, processing of proposals for interception of messages, etc., implementation of orders, storage and destruction of output, sharing and maintenance of records are to be handled. (ii) Directions for interception and monitoring of any message or class of messages, or any information generated, transmitted, received or stored in any computer resource shall be issued by the Competent Authority i.e. Home Secretary, Government of Bihar. In absence of Home Secretary, such order may be made by an officer not below the rank of Joint Secretary, who has been duly

authorised by the Home Secretary.(iii)The request for interception and monitoring shall be made by the Nodal Officer through the Designated Officer, giving justification, in accordance with Section 5(2) of the Indian Telegraph Act, 1885 or Section 69 of the information Technology (Amendment) Act, 2008 and as per the enclosed Proforma A (new case) and B (renewal).(iv)The proposal shall be made after considering the possibility of acquiring necessary information by other means. The proposal shall be made only when it is not possible to acquire the information by any other reasonable means.(v)The proposal and related correspondence /records shall be classified as 'SECRET'.(vi)The authorization order of the Competent Authority shall be kept in the records of the Competent Authority in a secure way.(vii)In emergent cases, as indicated in sub-rule(l) of Rule 419A of the Indian Telegraph Rules, 1951, in remote areas and for operational reasons, where obtaining of prior directions for interception of messages is not feasible; the required interception shall be carried out with the prior approval of the Designated Officer not below the rank of Inspector General of Police duly authorised in this regard by the Director General of Police, Bihar, but it shall be the responsibility of the Designated Officer to ensure that concerned Competent Authority is informed of such interceptions within 3 working days and that such interceptions shall be got confirmed by the Competent Authority within a period of 7 working days.(viii)If the confirmation from the Competent Authority is not received within the stipulated 7 working days, such interception shall cease forthwith and the Competent Authority shall be informed accordingly in writing. The intercepted message and the associated records shall be destroyed within 48 hours unless those are required for the purpose of investigation, enquiry or judicial proceedings before a competent court. Such message or class of messages shall not be intercepted thereafter without the prior approval of the Competent Authority.(ix)Further, even in a case where the Designated Officer has started interception without the approval of the Competent Authority and, thereafter, decides to discontinue the same even before the intimation has been sent to the Competent Authority, as mentioned in Para (vii)above, the Competent Authority's ex-post facto approval shall nevertheless be obtained within 7 days.(x)Special Unit(s), headed by a Nodal Officer, shall handle all matters pertaining to management of monitoring system, processing of proposals for interception of messages, etc., implementation of orders,storage and destruction of output, sharing and maintenance of records.(xi)The Nodal Officer shall depute a System Administrator for carrying out day to day functional requirements of operating, maintaining and upkeep of systems (hardware/software), as well as, official records pertaining to telephone/internet based interception.(xii)All officers posted in the special unit(s) shall be duly vetted before induction and, thereafter, biennially to the satisfaction of the Nodal Officer.(xiii)Strict access control mechanism should be established around the sequestered unit ensuring that no intercepts/transcripts are carried outside the facility without due authorization of Nodal Officer.(xiv)The contents of intercepted communications shall be conveyed to the concerned quarters within the Authorised Security and Law Enforcement unit(s) observing all departmental security precautions applicable to 'Secret' information/paper.(xv)Within the Authorised Security and Law Enforcement Agencies, with the approval of the Nodal Officers, the original inputs/transcripts/extracts can be shared on need to know basis. The original input/transcripts shall be returned to the Special Unit(s) within a fort night, if not required for the purpose of investigation, enquiry or judicial proceedings. In the operational interest, the concerned quarter may retain the contents at its end by suitably masking the origin and mode of collection.(xvi)The original intercepts and transcripts shall be deleted destroyed by the Nodal Officer every 6 months with proper record of destruction and if any of them

has/have to be kept beyond that period, for functional requirements or for enquiry, investigation or judicial proceedings, approval of the Designated Officer shall be obtained. A separate SOP, outlining the procedure for destruction of records, is attached vide Appendix-A.(xvii)The Special Unit(s) of the Authorised Security and Law Enforcement units shall maintain proper records mentioning therein, the intercepted message or class of messages, the particulars of persons whose message have been intercepted, the name and other particulars of the officer or the authority to whom the intercepted message or class of messages has been disclosed, the number of copies of the intercepted message or class of messages made, the mode or the method by which such copies are made, the date of destruction of the copies so made, and the duration within which the directions remain in force.(xviii)The direction for interception shall be conveyed to the designated Nodal Officers of the Service Providers by the Competent Authority. Confirmation regarding issue of interception orders shall be conveyed to the concerned Designated Officers and Nodal Officers by electronic means.(xix)The interception order shall be delivered in writing to the designated Nodal Officer of the Service Provider by a Special Messenger deputed in Telephone Interception Cell of Home Secretary, Bihar and an acknowledgment obtained from them confirming receipt of the order.(xx)The original inputs/transcripts/extracts shall not be shared/disclosed for any other reason except for the purpose of enquiry, investigation or judicial proceedings before a competent court or for functional requirements. While sharing, the extracts should be modified in such a fashion that sources and mode of collection of information is not revealed. An SOP outlining procedure for disclosure/sharing is attached vide Appendix-B.(xxi)An Internal Evaluation Committee (IEC) shall be constituted by the Director General of Police, Bihar comprising of all Designated Officers of the Authorised Security and Law Enforcement Units and shall be headed by an officer authorised specially on this behalf by the Director General of Police, Bihar. The IEC shall prepare a bi-monthly report on the requisitions made for interception and monitoring and information utilized within and outside the agency. The report should be forwarded by the head of IEC to the Competent Authority every two months. An SOP for bi-monthly certification by the Head of IEC to the Competent Authority is attached vide Appendix-C.(xxii)The IEC shall hold bi-monthly coordination meetings with Nodal Officers of all Service providers operating in the State of Bihar and the minutes of this meeting shall be shared with the Nodal Officers of the Authorised Security and Law Enforcement Units, Nodal Officers of the Service Providers, Designated Officers and the Competent Authority.(xxiii)The office of the Competent Authority shall preserve the record of those intercepted messages which have been retained by the concerned Authorised Security and Law Enforcement Units for the purpose of enquiry, investigation or judicial proceedings before a competent court.(xxiv)The office of Competent Authority shall convey the findings of the Review Committee to the concerned Authorised Security and Law Enforcement Units immediately after the meeting prescribed under the rules.Kaushlendra Pathak,Additional Secretary to the Government,Home (Police) Department.Appendix VI[Rules 10(7), 19(12)]File no. 3/Vividh-50-27/2013 3159 HPHome DepartmentGovernment of BiharPatna, 09th April, 2014Office MemorandumSubject: - Advisory on Media Policy of Police-regarding

**1. A good relationship of Police with media helps focus on the positive work done by the Police and the good detective and investigative efforts made. When crimes occur, the situation should be used to put the crime and law**

**order situation in correct perceptive, bring out efforts being made by the Police to nab the accused, prevent unnecessary panic, and send a message to the public from the angle of crime prevention and alert them against terrorist acts etc. Press communiques and conferences form a vital component of communication channel between police and media, However, while sharing information with the public through the media, adequate precautions need to be taken to ensure that only authentic and appropriate information as is professionally necessary is shared without hampering the process of investigation or issues of legal/privacy rights of the accused/victims and matters of strategic and national interest.**

**2. It is therefore, advised that following guidelines may be scrupulously adhered to while dealing with media:-**

I- Only designated officers should disseminate information to the media on major crime and law and order incidents, important detections, recoveries and other notable achievements of the Police. II- Police Officers should confine their briefings to the essential facts and not rush to the press with half-baked, speculative or unconfirmed information about ongoing investigations. The briefing should normally be done only at the following stages of a case: a. Registration b. Arrest of accused persons c. charge-sheeting of the case d. Final outcome of case such as conviction/acquittal etc. In a case that attracts the interest of the media, a specific time may be fixed everyday when the designated officer would make an appropriate statement of the investigation. In the first 48 hours, there should be no unnecessary release of information except about the facts of the incident and that the investigation has been taken up. III- The general tendency to give piecemeal information/clues, on a daily/regular basis, with regard to the progress/various lines of investigation, should be strongly discouraged so that the investigations are not compromised and the criminals/suspects do not take undue advantage of information shared by the Police authorities about the likely course of the investigation. IV- Meticulous compliance with the legal provisions and Court guidelines regarding protection of the identity of juveniles and rape victims should be ensured, and under no circumstances should the identity of juveniles and victims in rape cases be disclosed to the media. V- Due care should be taken to ensure that there is no violation of the legal, privacy and human rights of the accused/victims. VI- a- Arrested persons should not be paraded before the media, b- Faces of arrested persons whose Test Identification Parade is required to be conducted should not be exposed to the media. VII- No opinionated and judgmental statements should be made by the police while briefing the media. VIII- As far as possible, no interview of the accused/victims by the media should be permitted till the statements are recorded by the Police. IX- The professional trade craft of policing and technical means used for the detection of criminal cases should not be disclosed as it alerts potential criminal to take appropriate precautions while planning their next crime. X- In cases where National security is at stake, no information should be shared with the media till the whole operation is over or until all the accused persons have been apprehended. XI- The modus operandi of carrying out the operations should not be made public. Only the particulars of apprehended persons and details of recovery should be revealed to the media on completion of the operations. XII- There

should not be any violation of court directions and other guidelines issued by the authorities from time to time on this matter. XIII- Preferably, there should be one officer designated as the Public Relations Officer to handle the immediate information needs of all media persons and give the correct and factual position of any crime incident. XIV- As and when instances of misreporting or incorrect reporting of facts/details pertaining to an incident or the department comes to notice, a suitable rejoinder should immediately be issued and, in more serious cases, the matter should be taken up at the appropriate levels for remedial action. XV- Any deviation by the Police Officer/official concerned from these instructions will be viewed seriously and action should be taken against such Police Officer/official. Sd/-Illegible, Special Secretary to the Government. Appendix VII [See Rule no. 13, 7(4)] VIIA. Police Order for posting of Inspectors and Non-gazetted police personnel in the ATS (Circulated vide Memo no. 3510/L-2/52-4-09-2008 of The Office of the DGP Bihar dated 18.12.13) For posting to the Anti Terrorist Squad that has been created in order to effectively control the acts of terrorism in the State of Bihar, the Inspector General shall conduct screening of Inspectors/Sergeant Major and Non-gazetted police personnel from the existing organization of the State police, who will be then posted for three years under the approval of the Director General of Police. The personnel of the "Anti Terrorist Squad" shall perform tasks to which an extremely high-risk is attached. The personnel, who have satisfactorily accomplished the assigned tasks including training in a satisfactory manner, shall be posted at one of the three recommendations of choice posting proposed by the Inspector General, Anti Terrorist Squad. Sd/-Illegible, Director General of Police, Bihar VII B. Criteria for Screening for induction in the ATS (Circulated vide fax message no. 30/ATS/Estt.5/13, dated 18.12.13)

- 1. Only proposals containing certified Service Record and Annual Confidential Character Report duly forwarded by the superintendents of various Police Units shall be considered. It will be compulsory that the Integrity is certified; no adverse entry is recorded in the last three years and the person is not placed under suspension at the time of screening.**
- 2. The person should be medically fit and not be suffering from any serious ailment; his age should be below 45 years in the case of a field posting.**
- 3. The person to be inducted in the SWAT should be under 30 years of age and fulfill the criterion of physical fitness as laid down at appendix V.**
- 4. For special purposes such persons will be given preference who possess computer skills; or know languages English, Bangla, Arabic, etc. or who are Science graduates or sharp shooters.**

VII C. Criteria for Screening for deployment in the Special Weapons and Tactics Group of the ATS (Circulated vide memo no. 53/ATS, dated 14 February, 2014)

**1. Personnel. - Inspectors/sub-Inspectors/Asst. sub-Inspectors/Head Constables with Minimum service of three years in armed police units and the youngest and the fittest Constables from police training institutes of CTS, Nathnagar and BMP, who are willing to be deployed as SWAT commandos for counter terrorist operations.**

**2. Eligibility. - Personnel detailed should meet the following criteria:**

A: They should be below 30 years of age  
B. Should be medically fit to undergo strenuous duty and should not have any disability in the Cardio-vascular state, Vision acuity, and Motor co-ordination.  
C. Physical efficiency standards - 5 km run - 28 minutes/ 60 meter sprint 11-12 sec/ 9" ditch (clear 2.95 mtr ditch/ Horizontal rope - traverse 9 mtr /Vertical rope - climb 4 meters  
D. Physical proficiency standards - 2.4km run -10 minutes & 30 seconds/100 meter sprint 16-17 seconds/ Chin ups-08-09/ Sit ups 25-29/ 5 meter shuttle 11-12  
E. Firing Standards- should be proficient in handling their personal weapon (rifle , carbine in deliberate, lying and unsupported standing position) and firing with AK-47 and MP5.  
F. They should have adequate knowledge of map reading, use of binocular, compass, etc.

**3. Training. - They may be trained in counter terrorist operations at higher centers such as the NSG, Army, etc. and regularly trained at the local BMP.**

**4. Clothing and Equipment. - Complete Black and Khaki Uniform sets, Blankets, Mosquito Net, Ground Sheet, Rain Coat, PT Shoes, Shoes DMS/Ankle, Jungle Shoes, Small Pack with Braces, Web belt, Anklets, Rifle sling, Water bottle will be issued to them.**

**5. The mess. - SWAT Group mess shall be run by personnel themselves, however, permanent staff cooks and water bearer will be provided to assist them in running the mess. The temporary follower staff, if deployed will be paid 50% of his wages and 50% will be borne by the personnel.**

**6. Accommodation. - The Squad should also take care in selection of accommodation for SWAT staff particularly with regard to their discipline and round-the-clock deployment and urgency of operations.**

**7. Fitness. - The Medical Officer shall be responsible to regularly certify their medical fitness and freedom from contagious diseases.**

**8. Entitlement. - Risk allowance, special compensation and family pension in the event of death on the call of duty, special groups insurance, cent-percent accommodation.**

VIID. Criteria for the appointment to the posts of Technical Staff and Grade-4 Staff in the ATSA appointments to the sanctioned posts of Technical Staff (Technical Officer, Photographer, Computer programmer, Computer data Entry Operator) and Grade-4 Staff (Dog Handler, Assistant Dog Handler, Cook Water Bearer, Pharmacist, Lab Bearer, and Sweeper) in the ATS shall be done by due selection process. The Inspector General shall advertise the posts of technical staff and Grade-4 Staff. In order to make the selection process transparent the applicants shall be subjected to test and interview. Both written and practical tests will be conducted for selecting technical staff; whereas practical tests only will be held for selecting the Grade-4 Staff. The Inspector General shall constitute a Selection Board comprising of the experts in the concerning field and Police Officers of or above the rank of Superintendent. Experts from the Information Technology Institutes of repute/ Army veterinary core/ veterinary and general hospitals/Hotels, FSL experts/Science Lecturers shall be invited as Board members as per the requirement. The proceedings at interview and practical test shall be recorded and video graphed. The Appellate Authority shall be vested in the Inspector General.