

# **TAMIL NADU POLICE**

# **STANDING ORDERS**

**VOLUME – I**

**(CORRECTED UP TO 31<sup>ST</sup> MAY, 2019)**

**APPROVED BY GOVERNMENT VIDE**

**G.Os.Ms.No.362, Home (Pol.12) Department, Dated: 28.09.2020  
and 438, Home (Pol.12) Dept. Dated: 29.10.2020.**

**O R D E R S**

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**GOVERNMENT OF TAMIL NADU**

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## PREFACE

Police Department is a highly interactive and dynamic organization. Policemen are required to handle situations of different nature. These situations, sometimes, are unpredictable being sporadic, sudden and spontaneous in nature. Policemen of all ranks, under all circumstances, are expected to work, always, in accordance with the provisions of the laws of the land. In order to deal with the routine and static functions, as well as, for handling the dynamic and ever changing law and order incidents, they need to have clear and specific instructions for dealing with all these situations.

In order to enable the Policemen and officers function lawfully and for discharging their various duties efficiently, various legal provisions and orders of the Government are incorporated in PSO, Volume-I which is made available to them as a reference and guide book during an hour of need. In addition to dealing with the organizational and administrative subjects, the Police Standing Orders deal with all subjects and points pertaining to maintenance of law and order and crime management.

PSO, Volume-I contains - orders in 47 chapters. PSO, Volume-II deals with the special and local laws pertaining to Tamil Nadu. All the forms contained in the old PSO, Volume-III are being modified to cater to the requirements of the present scenario, involving computerization of documents and e-governance. PSO, Volume-IV relates to the office manual that is required for administrative work performed by the Executive Officers and Ministerial Staff of the Police Department.

## **CHAPTER I**

### **INTRODUCTION (1 to 5)**

**1.** The Police force of the State is under the general control of an officer of the rank of Director-General of Police, who is being chosen from among the Directors General of Police, in consultation with the Union Public Service Commission, as per directions issued by the Hon'ble Supreme Court in the case of Prakash Singh and others Vs Union of India and others and also as per sec 3 of the Tamil Nadu Police (Reforms) Act,2013. The Director General of Police, who is chosen in the above manner is designated as the Head of Police Force. He is assisted by Additional Directors-General of Police, Law & Order, Administration, Headquarters and Welfare in Chief Office. The Addl. Director General of Police, Law & Order supervises the work of Zonal Inspectors General of Police and Commissioners of Police in Cities, except Greater Chennai Police, which is normally headed by an Additional Director General of Police. A few other Additional Directors General of Police are in charge of special functions such as Intelligence, Crime, CB CID, Special Investigation Division, Police Welfare, Railways, Armed Police, Enforcement, Tamil Nadu Uniformed Services Recruitment Board, Economic Offences Wing, Civil Supplies, Training, Tamil Nadu Police Academy, Traffic & Road Safety, Technical Services, Operations, Home Guards, Social Justice & Human Rights, Special Task Force, Coastal Security Group, State Crime Records Bureau, Police Housing Corporation and Crimes against Women & Children. The Inspectors General of Police, who assist the Additional Directors General of Police, are supported by Deputy Inspectors General of Police, some in charge of territorial ranges consisting of a given number of districts and others in charge of the special functions mentioned above.

**2.** The commissioner of Police, Greater Chennai Police is assisted by two Additional Commissioners of Police of the rank of Inspector General of Police, Joint Commissioners of Police of the rank of Deputy Inspector General of Police, Deputy Commissioners of Police of the rank of Superintendents of Police and Assistant Commissioners of Police of the rank of Deputy Superintendent of Police. The Greater Chennai Police has 4 zones each of which is further divided into 3 Districts. Whereas, the zones are headed by Joint Commissioners of Police, the districts in Greater Chennai Police are headed by Deputy Commissioners of Police. The Commissioners of Police in other cities namely, Madurai, Coimbatore, Trichy, Salem, Tiruppur and Tirunelveli, which are normally headed by Inspectors General of Police, who are assisted by Dy.

Commissioners of Police who in turn are assisted by Assistant Commissioners of Police. Geographically, Tamil Nadu Police department consists of 7-cities and 31-Police districts. The Police districts are grouped into 11-Police ranges which are further grouped into zones namely North, West, Central and South zones. Whereas, the zones are headed by Inspectors General of Police, the Police ranges are headed by Deputy Inspectors General of Police. Apart from the 11-Police ranges, there is a separate range for Railway Police. Each Police district in the State is under the charge of a Superintendent of Police, assisted by Joint Superintendents of Police, Assistant Superintendents of Police or Deputy Superintendents of Police in-charge of subdivisions in the district and by an Additional Superintendent of Police, Headquarters and Administrative Officers in the District Police Office.

3. Totally, there are 248 Police Sub-Divisions each of which is divided in to Circles/Police stations, which are under the charges of Inspectors of Police. In respect of circles, there will be more than one Police station. Mostly, circles have light Police stations and are located in rural areas. The Government of Tamil Nadu classified the Police stations in Greater Chennai Police into Metropolitan City Police Stations type-I and type-II. Metropolitan type-I Police Station has a sanctioned strength of 1-Inspector of Police, 9-Sub-Inspectors of Police, 10-Head Constables, 25-Grade I-PCs and 45-Grade II PCs for L&O wing and 1-Inspector of Police, 3-Sub-Inspectors of Police, 2-Head Constables, 10-Grade I PCs and 14-Grade II PCs for crime investigation wing. Thus, Metropolitan type-I Police station has a total sanctioned strength of 120 police personnel. Metropolitan type-II Police Station has a sanctioned strength of 1-Inspector of Police, 7-Sub-Inspectors of Police, 10-Head Constables, 18-Grade I PCs and 40-Grade II PCs for L&O wing. The Crime Wing of Metropolitan type-II Police Station has a sanctioned strength of 1-Inspector of Police, 2-Sub-Inspectors of Police, 2-Head Constables, 6-Grade-I PCs and 13-Grade-II PCs. Thus, the metropolitan type -II Police Station has a total sanctioned strength of 100 Police personnel. The Police Stations in the rest of Tamil Nadu except the Greater Chennai Police are classified into heavy, medium and light police stations. The light police stations are headed by the Sub-Inspectors of Police and having a sanctioned strength of 1-SI, 1-HC, 3-Grade-I PCs and 15-Grade-II PCs for L&O Wing and 1-SI, 1-HC, 1-Grade-I PC and 7-Grade-II PCs for the Crime Investigation Wing. Thus, a light Police Station has a total sanctioned strength of 30 Police personnel. A medium Police Station has a total sanctioned strength of 50 Police personnel headed by an Inspector of Police, who is supported by 2-SIs, 4-HCs, 4-Grade-I PCs and 23-Grade-II PCs in L&O Wing and 1-SI, 1-HC, 1-Grade-I PC and 13-Grade-II PCs in Crime Investigation Wing. A heavy Police Station has a sanctioned

strength of 1-Inspector of Police, 3-SIs, 6-HCS, 7-Gr.I PCs and 37-Gr.II PCs for L&O wing and 1-Inspector of Police, 2-SIs, 2-HCs, 3-Gr.I PCs and 18-Gr.II PCs for Crime Investigation wing. Thus, a heavy police station has a total strength of 80 police personnel.(G.O.Ms.No.59, Home (Police-14) Department, dated 21.01.2011).

**4.** A Police outpost is the smallest field formation unit of the Police department. Police outposts are integral parts of the Police Station and there may be one or more outposts falling under the jurisdiction of a Police Station. Police outposts are often non-investigative units and their primary purpose is to function as watch and ward, patrolling and surveillance units of the Police Station. A Police outpost is placed under the charge of an officer of the rank of SI/HC looking after the area of its coverage, policing important law and order situation of the area and its overall nature of being part of a Police Station. The sanctioned strength of an outpost varies from 4 to 10 policemen besides the in-charge SI or HC, depending on the necessity. The out posts are being upgraded as Police Stations in a phased manner. As of the year 2018, there are 27 outposts, including, 10 outposts of Railway Police.

**5.** The Village Police (Thalayari), who are under the exclusive control of the Collector and his subordinates in the Revenue Department, assist the Police.

## **CHAPTER II**

### **RECRUITMENT, PAY ETC. OF ALL INDIA & STATE SERVICE OFFICERS**

#### **6. Indian Police Service -**

(1) The Indian Police Service Cadre has been created by Parliament under Article 312 of the Constitution. The recruitment and conditions of the Indian Police Service are governed by the provisions of the Indian Police Service (Recruitment) Rules, 1954. These rules are framed in exercise of the powers conferred by sub-section (4) of section 3 of the All India Services Act, 1951 (Central Act LXI of 1951). These rules and regulations are contained in the All India Services Manual, issued by the Government of India, Ministry of Home Affairs.

#### **(2) Direct recruitment -**

Direct recruitment to the cadre shall be made by the Central Government, from among the citizens of India, on the results of a competitive examination conducted by the Union Public Service Commission. Direct recruitment to the I.P.S. is made through combined competitive examinations held by the U.P.S.C., for the I.F.S., the I.A.S., the I.P.S., and a few other Central Services, Class I & II. The maximum age limit prescribed for appearing for the examination is 32-years. Age relaxation of three years is applicable for the members of backward classes and five years for Scheduled Caste/Scheduled Tribe communities. The pattern of examination is being changed

from time to time to pave the way for the most fool-proof search for the talent and also to ensure merit in the selection process.

(3) 33 1/3% of the senior posts in Tamil Nadu cadre of the Indian Police Service are reserved for promotion of officers of the Tamil Nadu Police Service as per Indian Police Service (Recruitment) Rules, 1954 Indian Police Service (appointment by promotion) Regulations 1955 and IPS (Regulations of Seniority) Rules 1988, 1997 and 2012. The remaining 66.67% are open to officers recruited direct. Direct recruits, who are called Regular Recruits, join the IPS Cadre of Tamil Nadu Police as 'Assistant Superintendents of Police'.

*[IPS(Recruitment) Rules, 1954]*

## **7. Rates of pay for officers of the Indian Police Service -**

The scales of pay admissible to officers of the Indian Police Service are as per the VII Pay Commission recommendations which were implemented by the Central Government vide Notification No.14021/1/2016-AIS (II), dated 27.09.2016 of the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India (G.O.Ms.No.965 Home (Police I) Dated: 30.12.2016). The details of scales of pay for various stages in Indian Police Service are as follows:

A. Junior Scale level-10 in Pay matrix.

B. Senior Scale:-

(i) Senior Time Scale level-11 in Pay matrix.

(ii) Junior Admn .Grade level-12 in Pay matrix.

(iii) Selection Grade level-13 in Pay matrix.

C. Super Time Scale:-

(i) DIG level-13A in Pay matrix.

(ii) IGP level-14 in Pay matrix.

D. Above Super Time Scale:-

(i) ADGP level-15 in Pay matrix.

(ii) DGP level-16 in Pay matrix.

(iii) Head of Police Force level-17 in Pay matrix.

Superintendent of Police level-12 in Pay matrix (Non-Cadre)

[As per VII Pay Commission orders][G.O.Ms.No.59, Home (Pol.14) dated: 21.01.2011]

## **8. Senior and Junior scales of pay -**

Assistant Superintendents of Police enter service on the 'junior scale' i.e level 10 of pay matrix as per VII Pay Commission and after completion of four years of service, they will be moved to the 'senior scale', i.e. level 11 of pay matrix and appointed to the post of Joint Superintendents of Police subject to the condition that they pass all departmental examinations.

(G.O. Ms. No, 2596, Home, 10th October 1972.)

## **9. Regulation of initial increments -**

(1) An Assistant Superintendent of Police shall draw his second and the third increments as soon as he passes the prescribed departmental examination or examinations irrespective of his length of service. He shall not be entitled to any further increments, unless he has been confirmed in the service and after confirmation, he shall be entitled to draw pay at the rate corresponding to his position in the time scale.

(2) A member of the I.P.S. under training in the State should qualify himself in the prescribed departmental examinations. The increments, which fall due after joining the State Government, but before the expiry of two years, shall be granted as a matter of course. In case, a member of the service does not successfully complete the prescribed examinations within the prescribed period, the increments due to the member of the service thereafter will be withheld. Subject to the provisions of **Rule 7 of the Indian Police Service (Pay) Rules, 1954**, the increments so withheld will be released to the member of the service from the date of his successful completion of the examinations prescribed, and future increments will accrue to him as if no increments were withheld; but arrears for the period during which the increments were withheld will not be paid. Under Rule 7 of the Indian Police Service (Pay) Rules 1954, the first two increments may be granted to a member of the service on completion of the Accounts Higher, General Law Part I & II and State Examinations. The increments shall be granted from the date following the last day of the examinations irrespective of the length of service of the member.

***NOTE: - An Assistant Superintendent of Police becomes eligible for confirmation on completion of two years of service, subject to passing of tests in the I.P.S. Probationers' Final Examination.***

(3) The confirmation, or otherwise, after completion of training where such training is prescribed, of all members who are directly recruited to the service will be governed by the provisions contained in the Government Servants' (Probation) Rules. All appointments by promotion

shall be on probation for a period of two years on duty. Any member so promoted may, after the expiry of the said two years, be appointed permanently to such post, if his work during the period in such post is found satisfactory.

(G.O. Ms. No. 2627, Home, 27th September 1971)(All India Services (Probation) Rules, 1954)

#### **10. Number of appointments above the time-scale (i.e. Selection Grade posts)**

The number of posts in the Selection Grade in a State cadre shall be equal to twenty-five percent of the total number of senior posts in the State. A member of the service will be eligible for appointment to the Selection grade after completion of 13 years of service calculated from the year of allotment assigned to him. He will be entitled to draw pay in the selection grade only on appointment to that grade. Appointment to the Selection Grade and to posts carrying pay above the selection grade of pay in the Indian Police Service will be made by selection on the ground of merit and suitability with due regard to seniority

(G.O. Ms. No. 36 Home, 9th January 1975)

#### **11. The Tamil Nadu Police Service Recruitment, pay etc. -**

The rules prescribing the methods of recruitment, conditions of service, etc., are available in the Tamil Nadu Services Manual, Volume-II.

#### **12. Increments--Withholding of -**

(1) Government have laid down that where it is proposed to withhold an increment in an officer's pay as a punishment, the authority inflicting the punishment should, before the order is actually passed, consider whether it will affect the officer's pension, and if so, to what extent; if it is decided finally to withhold the increment, it should be made clear in the order that the effect of the punishment on the pension has been considered and that the order is intended to have that effect.

(2) Stoppage at the efficiency bar has been recognized to be a punishment, but the orders above regarding withholding of increment should not, however, be regarded as applicable to stoppage at an efficiency bar.

(3) Provided that the penalty of withholding of increment shall not be imposed on a Police Officer, if the said penalty cannot be given effect to fully while in service;

(4) Provided further that in cases where the penalty of withholding of increment cannot be given effect to fully for any contingency that arose after the penalty of withholding of increment is imposed, the monetary value equivalent to the amount of such increments that cannot be given effect to shall be recovered from the pension;

(5) Provided also that, in cases of withholding of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld shall be recovered.

(G.O.Ms.No.113 P&AR (N) Department Dated: 02.08.2006)

### **13. Promotion from Tamil Nadu Police service to Indian Police Service -**

Promotion from the Tamil Nadu Police Service to the India Police Service will normally be to the rank of Superintendent of Police, the ultimate object being the reservation for the officers of the Tamil Nadu Police Service to the extent of not exceeding 33 1/3% of the senior posts on the Tamil Nadu Cadre of the Indian Police Service.

### **14. Grants for uniforms -**

The rules regulating the grants to the officers of the Indian Police Service for purchase and renewal of uniform are contained in the Indian Police Services (Uniform) Rules, 1954, issued by the Central Government. Rules regulating the initial and renewal grants to the officers of the Tamil Nadu Police Service are in the special rules framed for the service and are available in Volume II of the Tamil Nadu Services Manual.

### **15. Resignation of appointment –**

No officer of the Indian Police Service or the Tamil Nadu Police Service is entitled to resign his appointment without the previous sanction of the Central Government or State Government as the case may be.

## **CHAPTER III**

### **TRAINING OF ALL INDIA & STATE SERVICE OFFICERS**

### **16. Assistant Superintendents of Police to be on probation —**

(1) An Assistant Superintendent of Police on appointment will be on probation for a period of two years from the date of his appointment.

(2) Every probationer shall, on appointment, undergo training for a period of not more than one year at the Sardar Vallabhai Patel National Police Academy and he shall undergo training in such indoor and out door subjects, as laid down by the Central Government from time to time. At the end of the period of his training, at the said Academy, every probationer shall be required to obtain such marks at a final examination to be conducted, as the Central Government may, in consultation with the Union Public Service Commission, decide. The subjects of the said examination shall be such, as the Central Government, may in consultation with the Union Public Service Commission prescribe and will include tests in riding, drill, etc. This will be followed by

three months training at the State Police Academy for instruction in local laws, State Police Standing Orders and local languages.

(3) Training in district —

Upon completion of their institutional training, an Assistant Superintendent of Police will be posted to district for practical training. He will be placed directly under the Superintendent of Police, who will be carefully chosen and will be held responsible for having trained the ASP under training in every branch of his work. The Superintendent of Police shall give his close personal attention to all aspects of the training of Assistant Superintendent of Police and should see that he is thoroughly instructed in all branches of the District Police Office. He shall take him on tour and show him how to inspect stations and investigate cases. The Assistant Superintendent of Police will send in a weekly report, which will be submitted, to the Director General. The Assistant Superintendent of Police will also do duty as an Inspector of Police for a period of ten weeks.

(4) Posting to Sub-Division —After an Assistant Superintendent of Police has shown himself capable of taking charge of a Sub-Division, he may be posted to the charge of one.

## **17. Deputy Superintendents of Police -**

(1) The rules regulating the training of Deputy Superintendents of Police recruited direct are in the special rules for the Tamil Nadu Police Service printed in Volume II of the Tamil Nadu Services Manual.

(2) Upon completion of institutional training, a Deputy Superintendent of Police under training will be posted to a district for practical training. He will be placed directly under the Superintendent of Police, who will be carefully chosen and will be held responsible for having the DSP under training, trained in every branch of his work. The Superintendent of Police shall give his close personal attention to all aspects of the training of Deputy Superintendent of Police and should see that he is thoroughly instructed in all branches of the District Police Office. He shall take him on tour and show him how to inspect stations and investigate cases.

## **CHAPTER IV**

### **EXAMINATIONS FOR ALL INDIA & STATE SERVICE OFFICERS**

## **18. Indian Police Service —**

(1) Every probationer shall at or about the end of his period of training in the National Police Academy appear at a final examination, which shall be conducted by the

Director of the Academy, according to the new pattern suggested by the Gore Committee. The Examination shall be in two parts as mentioned below, subject to such changes, as may, from time to time, be prescribed --

### **Part I—Indoor Work**

<b>Sl. No.</b>	<b>Subject</b>	<b>Max. Marks</b>	<b>Duration</b>
1	(a) Modern India and the Role of the Police.  (b) Police organization.  Office Records and Procedure	50	2 hrs.
2	Law (With books)  Paper I—Indian Penal Code  Paper II—Criminal Procedure Code  Paper III—Indian Evidence Act and Minor Acts	100 100 100	3 hrs 3 hrs 3 hrs
3	Police Science.  Paper I—Crime Prevention  Paper II—Crime Investigation  Paper III—Forensic Medicine  Paper IV—Forensic Science  Paper V—Maintenance of Order, Traffic Control and Security of Foreigners  Forensic Science—Practical	50 75 25 50 75 25	2 hrs 3 hrs 11/2 hrs 2 hrs 2 hrs Time to be fixed by the examiner
4	Criminology	50	2 hrs
	Total Marks	700	
5.	Management Concepts and Techniques (Instructors would maintain observation/evaluation sheets carrying marks depending on rating scales)	75	
	Human Behaviour and Police Attitudes (Instructors would maintain observation/evaluation sheets carrying marks depending on rating scales)	75	
	Total Marks	150	850

### **PART II—OUTDOOR WORK**

1	Physical Fitness	50
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2 (a)	Personal performance in Squad Drill, Arms Drill and Sword Drill including turn out	25
(b)	Command & Control	25
(c)	Field craft	10
(d)	Crowd Control	15
3	Weapon Training and Musketry, handling and firing of Rifle, Revolver, L.M.G. and the Sten Gun and acquaintance with the use of Hand Grenades and Tear Smoke	50
4	Equitation (Optional)	25
	Total Mark	200

### **Qualifying Tests**

(2) Every probationer should also be required to obtain such standard of proficiency, as the Director, National Police Academy, might determine with the previous approval of the Central Government in the following subjects—

(a) A regional language, shown in column (2) of the Third Schedule of the Indian Police Service (Probationers' Final Examination) Regulations, 1969 against the State, to which, he got allotted. Where more than one regional language is shown against a cadre, the Director, National Police Academy, should ascertain whether the probationer is familiar with any of them and thereafter decide, in consultation with the State Government, in which one of the regional languages, the probationer should be examined.

(b) Hindi, except for candidates who are examined in Hindi as a regional language. The test in regional language and Hindi would comprise translation, free composition, set composition, conversation and dictation. The probationer's knowledge of grammar would be tested chiefly by composition, conversation and by passages for comment.

(c) Map Reading and Plan drawing.

(d) First Aid and Ambulance Drill. The probationers would be trained and tested in First Aid and St. John's Ambulance Drill.

(e) Swimming (depending upon facilities).

(f) Unarmed Combat.

(g) Lathi Drill.

(h) Motor Transport, which will include driving, maintenance of motor vehicles, elementary knowledge of their working and knowledge of traffic duties.

(i) Wireless training, which will include a general knowledge of the maintenance of the police grid system, mobile wireless patrolling and inter-vehicular communication by wireless.

(3) Every probationer shall be required to obtain such minimum number of marks in each subject as the Director, National Police Academy may determine.

(4) Every probationer shall be required to obtain such standard of proficiency, as the Director, National Police Academy may determine.

*[As per new pattern of Examination]*

## **19. Departmental Tests:**

An Assistant Superintendent of Police shall pass the following departmental tests conducted by the Tamil Nadu Public Service Commission, within a period of four years of his date of appointment to the Indian Police Service.

(1) Assistant Superintendent of Police whose mother tongue is Tamil

- (a) Tamil—Lower Standard.
- (b) Hindi--Lower and Higher Standard.
- (c) Police Standing Orders.

(2) Assistant Superintendent of Police whose mother tongue is not Tamil –

- (a) Tamil—Lower and Higher Standard.
- (b) Hindi—Lower Standard.
- (c) Police Standing Orders.

*NOTE - An I.P.S. Officer, who has taken Tamil in S.S.L.C. or Degree Course, be exempted from passing the Higher Standard Examination in Tamil. He will, however, be tested in Lower Standard only in reading and explaining manuscript of plain handwriting in Tamil. Similarly, an I.P.S. Officer, who has taken Hindi in S.S.L.C. or Degree Course, be exempted from passing the Higher Standard Examination in Hindi. He will, however, be tested in Lower Standard only in reading and explaining manuscripts of plain handwriting in Hindi.*

*[G.O.Ms. No. 639 Home dated 2nd March 1972]*

**20. (1) Deputy Superintendents of Police** — Deputy Superintendents Police recruited otherwise than by promotion from the Tamil Nadu Police Subordinate Service should appear for the examinations specified in the Tamil Nadu Police Service Rules, whenever such examinations are held, until they pass.

(2) They should also appear for a test in "First Aid to the injured" conducted by the St. John's Ambulance Association, whenever such examination is held.

(3) All directly recruited Assistant Superintendents of Police and Deputy Superintendents of Police who have put in about 4 years of service will undergo the refresher course held annually at the Tamil Nadu Police Academy, Chennai, as has been prescribed in Order No. 30.

## **CHAPTER V**

### **PROMOTION OF ALL INDIA & STATE SERVICE OFFICERS**

#### **21. Deputy Inspector-General and Superintendent of Police-Selection Grade -**

(1) Appointments to the Selection Grade in the Indian Police Service are made strictly by selection. All Officers who have rendered exceptionally meritorious service as Superintendents of Police will be deemed eligible for appointment, provided that no officer, who is considered unfit for promotion to the rank of Deputy Inspector General of Police, shall be promoted to that grade. Appointment to the post of Selection Grade Superintendent of Police, will not, however, necessarily mean that the Government have finally decided that the officer, so appointed, is fit for promotion to the rank of Deputy Inspector General of Police, when such a vacancy arises.

(2) Promotion to the rank of Deputy Inspector General of Police is also made by selection.

*NOTE — Officiating appointments to the Selection Grade in the Indian Police Service are admissible.*

#### **22. Termination of probation (Rule 12 of the Indian Police Service (Probation) Rules, 1954) —**

A probationer shall be liable to be discharged from the service-

(1) If he fails to pass the final examination in the circumstances mentioned in rule 9 of the Indian Police Service (Probation) Rules 1954, or

(2) If the Central Government is satisfied that the probationer was ineligible on grounds of nationality, age, health or antecedents for recruitment to the service or is unsuitable for being a member of the service; or

(3) If he is found lacking in qualities of mind and character needed for the service or in constructive outlook and human sympathy needed in the public services generally ‘or’

(4) If he fails to comply with any of the provisions of the Indian Police Service (Probation) Rules, 1954.

(*G.O.Ms.No.1695, Home, dated 24th August 1964.*)

### **23. Seniority -**

The seniority of Regular Recruits shall be decided by the Central Government in accordance with the aggregate of marks obtained by the probationary IPS Officers at the competitive examinations and also at the examinations held during the period of training as defined in the Indian Police Service (Probation) Rules 1954. In respect of the Officers appointed from State Police Service, every member of the I.P.S. is assigned a year of allotment by the Central Government, in accordance with the provisions of the I.P.S. (Regulation of Seniority) Rules, 1988, amended on 31.01.1997 and further amended on 18.04.2012 and the year of allotment, so given, shall determine his seniority in the gradation list..

### **24. Removal from service -**

(1) The authority competent to remove from service a member of the Indian Police Service, who is proved to be unfit for further advancement, shall be the Central Government.

(2) No officer will be so removed, until he has had full notice of the grounds on which inefficiency is charged against him and an opportunity of making his defence.

### **25. Tamil Nadu Police Service Officers -- Removal from service for inefficiency**

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The rules in Order No. 24 (1) regarding the removal of Indian Police Service Officers for unfitness for further advancement apply also to the Tamil Nadu Police Service Officers, except that the power to remove an officer or to order his retirement will be exercised by the State Government.

## **CHAPTER VI**

### **RECRUITMENT, PAY, EXAMINATIONS, ETC., OF SUBORDINATE SERVICE OFFICERS**

**26. The Tamil Nadu Police Subordinate Service – Recruitment, pay etc.** - The rules for the Tamil Nadu Police Subordinate Service and the Tamil Nadu Special Police Subordinate Service issued by the State Government prescribing the methods of recruitment, the conditions of service, the pay and allowances and pensions are in the Tamil Nadu Services Manual Volume—III.

#### **27. Conditions of Service:**

(1) The conditions of service of various ranks of Police have been defined in the rules and orders issued by the Government and the Director-General of Police from time to time. The following, however, are general conditions: --

Every Police Officer shall conform implicitly to all rules which shall, from time to time, be made for the regulation and good order of the service and cultivate a proper regard for its honour and respectability.

(2) He shall serve and reside wherever he may be directed.

(3) He shall appear at all times in such police dress and accoutrements as shall, from time to time, be ordered to be worn by each rank of the service and shall always be neat and clean in his appearance.

(4) He shall act with respect and deference towards all official authorities of the country and with forbearance, kindness and civility towards persons of all ranks. He shall observe a respectable and peaceful line of private conduct and avoid all partisanship.

(5) Any Police officer is liable to get the boot for unfitness, negligence or misconduct and he may be suspended or otherwise punished for minor irregularities by the competent authority.

(6) Every article of dress or accoutrement, quarters, etc, which are supplied to a Police Officer at public cost, shall be immediately delivered up, or vacated, when he ceases to belong to the Police Force.

(7) All members of Police force are expected to:

- (a) uphold & enforce the law impartially and protect life, liberty, property, human rights & dignity of the members of the public;
- (b) promote and preserve public order & harmony.

- (c) prevent & control terrorist activities, breaches of communal harmony, militant activities and other situations affecting internal security;
- (d) protect public properties including roads, railways, bridges, vital installations, etc. against any act of vandalism, violence or any kind of attack;
- (e) prevent crimes & reduce the commission of crimes through preventive measures by aiding and co-operating with other relevant agencies in implementing the measures for prevention of crimes;
- (f) register all complaints brought to them by complainants or their representatives in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging receipt of the complaint;
- (g) register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant;
- (h) create & maintain a feeling of security in various communities for harmonious co-existence and prevent conflicts, besides promoting amity;
- (i) provide, as first responders, all possible help to people in situations arising out of natural or manmade disasters, besides providing active assistance to other agencies in relief and rehabilitation measures;
- (j) aid individuals, who are in danger of physical harm to their person or property, besides extending necessary help and affording relief to people in distress;
- (k) facilitate orderly movement of people & vehicles and control & regulate traffic on roads & highways;
- (l) collect intelligence on matters relating to public peace & tranquillity, national security, all kinds of crimes including social offences & other matters relating to national security and disseminate the same to all the agencies concerned, besides acting on it appropriately; and
- (m) take charge as a Police officer on duty, of unclaimed properties, if any, and take action for their safe custody & disposal in accordance with the procedure established by law.

## **28. Direct Recruitment of Sub-Inspectors and Sub-Inspectors (Armed Reserve)**

Direct Recruitment to the post of Sub-Inspector of Police and Sub-Inspector of Police (Armed Reserve) shall be made as per the Special Rules for Tamil Nadu Police Subordinate Service, as amended from time to time.

## **29. Practical training in districts-**

During the period of practical training of Sub-Inspectors in the districts, Superintendents of Police shall be responsible for seeing that they are posted to circles held by the

best Inspectors of Police. Sub-Divisional Officers will pay personal attention to their proper instructions. These Sub-Inspectors should also be placed in-charge of stations sufficiently heavy, providing adequate avenues of opportunities to learn police work and also for satisfactorily testing their capabilities under careful supervision for periods long enough, a transfer being avoided, if possible, so that the Superintendents of Police can form an opinion as to their suitability for completion of probation or otherwise. The Superintendent of Police in Mofussil and the Deputy Commissioner of Police in cities under the orders of the Commissioners of Police concerned will hold the oral examination in practice referred to in rule 18(a) (1) (ii) of the Special Rules for Tamil Nadu Police Subordinate Services at least twice a year in the case of each Sub-Inspector of Police. The examination will be searching and questions on each of the following subjects and kindred matters will be asked:—

- (1) Investigation of cases, including recording of first information, compiling of diaries, preparing final report, etc;
- (2) Practical work of a station-house officer other than the work relating to investigation of cases, such as the care of arms, kit inspection and maintenance of station records, besides the security of the Police Station itself.
- (3) Practical town duties, beats, regulation of traffic, etc;
- (4) Methods of detection, as illustrated by actual cases;
- (5) Collection of scientific evidence that can withstand the test of legal scrutiny.
- (6) The use of confessions with reference to section 164 (1) and 164 (5) of Cr.PC and also provisions laid down in Section 306 & 307 Cr.PC with regard to tender of pardon;
- (7) Preparation of charge sheet and memo of evidence.
- (8) Assisting the court in expeditious conduct of trial by promptly causing service of summons and executing warrants;
- (9) The treatment of old offenders and the necessity to invoke security provisions, besides mounting surveillance on them;
- (10) Preparation of travelling allowances bills, medical claim bills, contingency bills, etc.

### **30. Annual Refresher Courses for Officers —**

(1) In order to enable Police Officers, to refresh their memories on various subjects relating to law and order, investigation and prevention & detection of crimes, a refresher course will be conducted annually in Tamil Nadu Police Academy for the following categories of officers: —

- (a) All directly recruited Assistant Superintendents of Police and Deputy Superintendents of Police who have put in about 4 years of service;
- (b) All directly recruited Sub-Inspectors of police and promotees, who have completed 4 to 6 years of service in that rank; and
- (c) Sub-Inspectors of Police selected for promotion as Inspectors of Police.

(2) The course, which will last for six weeks, will be common for both the Gazetted and Non-Gazetted officers with a few extra classes for Gazetted Officers on supervision and personnel management. The subjects to be taught during the training, the officers who are to deliver lectures on the subjects and those who are to preside over group discussions are tabulated below. The services of a good Assistant Director of Prosecution will have to be obtained for lectures on law subjects.

(3) At the end of the refresher course, there will be an examination in various subjects taught during the course and results of the examination will be filed in their Personal Files/Service Books. Sub-Inspectors of Police selected for promotion as Inspectors will be required to obtain a minimum of 40 per cent in each subject or total of 50 per cent in all subjects put together with not less than 30 per cent in each subject, failing which they should not be included in the promotion list. For Gazetted Officers, the Deputy Inspectors-General of Police will be the examiner and the result of the examination will be kept confidential and reviewed by the Inspector-General of Police. In respect of Non-Gazetted Officers the results will be filed in their service books and personal files and will be taken into consideration by the State Promotion Board, when considering their cases for promotion. The results of the examination will be viewed only as an additional qualification. The question of retention of an officer in the "C" list, if he fails in the examination, will also be reviewed by the State Promotion Board.

(4) During deputation of Sub-Inspectors of Police at Tamil Nadu Police Academy, for refresher course, the senior most Head Constables in the Stations will officiate as Sub-Inspectors in their place. As regards Sub-Divisional Officers, i.e., Assistant Superintendents of Police and Deputy Superintendents of Police deputed to the refresher course, the Superintendents of Police concerned or other Sub-divisional officer/Deputy Superintendent of Police nominated by the Superintendent of Police will hold additional charge of their posts during their absence.

(5) The period spent on training by the trainees will be treated as duty and their pay and allowances regulated accordingly under the Fundamental Rules. The officers deputed for the refresher course as well as those who deliver lectures and preside over group discussions will draw Travelling Allowance as on tour.

#### **TIME TABLE FOR ANNUAL REFRESHER COURSE FOR OFFICERS**

<b>Subject</b>	<b>Number of Periods (each)</b>	<b>By whom lectures are to be delivered</b>

	<b>periods is 45 minuets)</b>	
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1. Indian Penal Code	12	Assistant Public Prosecutor, Grade I.
2. Criminal Procedure Code (Case Procedure).	18	Assistant Public Prosecutor, Grade I.
3. Indian Evidence Act	12	Assistant Public Prosecutor, Grade I.
4. Special Local Laws		Assistant Public Prosecutor, Grade I.
Group discussions on law subjects by City Public Prosecutor, Chennai on 4 days at 2 Periods each day and by Public Prosecutor, Chennai on 2 days at 2 periods each day.		
5. Medical Jurisprudence	12	By a Forensic doctor from Govt. Medical College Hospital
6. Police Standing Orders (Station Routine and Discipline). Maintenance of records.	12	By the Deputy Inspector General of Police, 'Training and Principal, Police Training College, Chennai.
Group discussions by a Deputy Inspector General Police on Police Standing Orders.	6	By a Deputy Inspector-General of Police or above.
7. Investigation	6	By an Assistant Commissioner of Police Central Crime Branch, Greater Chennai Police or by a Deputy Superintendent of Police from DV&AC or CB C.I.D.
8. Public Relations	12	By DD, PRO from Chief Office or from Greater Chennai Police.
9. Man Management	12	By a Superintendent of Police, who has headed at-least one District and a TSP Battalion.
10. Finger Prints	6	By a Superintendent, Finger Print Bureau or Additional Superintendent, Finger Print Bureau, Chennai.
11. Foot Prints	3	C.I.D. Expert, Chennai.
12. Ballistics	3	By a Ballistic expert from Forensic Science Department, Chennai.
13. Scientific aids to detection	12	By an Assistant Director, Tamil Nadu Forensic

		Science Department, Chennai.
14. Explosives	6	Dy. Controller of Explosives, Shastri Bhawan, Chennai-6.
15. Photography	6	An Assistant Director from Tamil Nadu Forensic Science Department, Chennai.
16. Map Drawing	4	By a Plan Drawing Instructor, Police Training College, Chennai.
17. Juvenile delinquency	6	By a Superintendent of Police, Crime Branch C.I.D. Chennai or Deputy Superintendent of Police.
18. First Aid	6	By St. John Ambulance Association.
19. Wireless state gird.	4	Superintendent of Police (Technical), Tamil Nadu Police Technical Services, Chennai.
20. Drill	30	Tamil Nadu Police Academy Drill Staff or an experienced Commandant from Armed Police.

### **31. Constables—Recruitment —**

(1) In recruiting Constables, Grade -II, consideration must be paid to the question of physique, with regard to the duties required to be performed by the men and the nature of the locality in which they are to be employed.

(2) Ex-inmates of approved schools, who were dealt with under section 19 of Juvenile Justice (Care and Protection of Children) Act, 2000, should not be deemed to be disqualified and suitable for enlistment as Constables. As regards other categories of ex-pupil of approved schools, each case should be considered on its merits.

(3) There is no objection to the entertainment in the Police as buglers of youths, who, though they have committed an offence and have passed through the Special Homes and Observation Homes, have probably been cured of their criminal tendencies.

### **32. Enlistment of Constables, Grade II -**

(1) The Tamil Nadu Uniformed Services Recruitment Board shall conduct a common recruitment to the Posts of Police Constable-Grade-II (Men and Women), Jail Warders Grade II (Men and Women) in the Jail Subordinate Service and Fireman, in the Fire and Rescue Subordinate Service following the norms prescribed for recruitment of Police Constable-Grade-II (Men and Women). The candidates shall be required to give their first, second and third preference for the said

three posts, and the allotment of a candidate selected through the common recruitment among the above three posts shall be made taking into account his preference and depending on his rank and the availability of vacancies in the particular post and is subject to the rule of reservation and communal rotation as laid down in the rules.

Provided also that, if any candidate opts for one post only, and if his turn is not reached for that post, he shall lose his chance, even though he is eligible as per merit list for the other two posts.

*[G.O.Ms.No.247, Home (Pol-VI) Dept., Dated 3.3.2010]*

(2) On recruitment, a Police Constable shall be imparted a rigorous training which will suit the needs of both the out-door duties of Armed Police and the contrasting duties of Taluk Police. The emphasis shall be on good public relations. He shall be specially trained in responding to the needs of the common man as detailed below:-

- (a) to impart knowledge of law with special emphasis on constitutional rights of citizens.
- (b) to give both the critical and practical knowledge about the functioning of Police units, especially Police Station and out posts.
- (c) to teach the scientific methods of investigation.
- (d) to bring about qualitative change in the outlook of Police Constables to maintain good Police – Public relationship.
- (e) to develop their leadership qualities to command and control any crowd, in case of necessity.
- (f) to improve their talents in sports and other extra curricular activities.
- (g) to mould them into first-class citizens and models for others to emulate.

(3) (a) After such training, the Police Constable shall serve in District Armed Reserve where he shall serve for a period of not less than one year, after which he shall be transferred to Taluk Police establishment, depending upon the availability of vacancies.

*(Rule 14B of the Special Rules for Tamil Nadu Police Subordinate Service)*

*(One –way recruitment dropped vide G.O.Ms.No.754, Home (Police III) Department, dated: 08.07.2008)*

(b) It is essential that all persons to be recruited as Constables Grade-II should be given adequate notice of the date on which they are to report for duty. It is also very important that there is sufficient time between the date of reporting and the date on which the recruit is to be passported to the Recruits' School, so that during this period the recruit can be vaccinated and inoculated, have his clothing issued and properly fitted, and receive instructions how his

clothing is to be worn. The forenoon of the first day of the month is, from every respect, the most suitable day for a recruit to report for duty.

(c) In order that a recruit may know what his training and terms of services are, and in order to prevent early desertions, the enlistment order should be sent out in the following form: -

Thiru, is appointed as a temporary Police Constable, Grade-II from the date of reporting for duty. He will report for duty at ..... a.m. on ..... at the District Police Office / City Police Office/Police Recruit School.

He will be sent to Police Recruit School on the afternoon of..... to undergo a seven month course of training during which time his pay will be Rs..... and dearness allowance Rs.....

(*Govt. letter Ms.No.753, Home (Police 9) Department, Dated: 18.07.2003 and DGP's Circular No.03587/Rectt 1(2)/2006, Dated: 01.03.2006*)

He is advised to provide himself with a sufficient means to maintain himself until he is passported to the Recruits' School, as he will have to make his own arrangements for his meals and accommodation and under no circumstances, he will be granted any advance of pay on enlistment. While at the Recruits' School, he will be required to take his meals in the School Mess, the cost of the food provided in the school mess will be deducted from his pay".

### **33. Medical examination of recruits –**

Every recruit shall produce a Physical Fitness Certificate as laid down in Rule 14 (b) of the TN Special Police Subordinate Service Rules and in the form prescribed in Annexure-I there to.

### **34. Re-enlistment after resignation —**

(1) Persons who resign their membership of a service can only be reappointed to it on the basis of fresh recruitment.

(2) If a Government servant resigns his appointment, he shall forfeit not only the service in the particular post, which he held at the time of resignation, but also all his previous service in the Government. If such a Government servant is appointed again to Government service, he will not be entitled to count any portion of the service rendered by him, prior to resignation, for any benefit or concession under any rule or order.

(*Rule 41 of the General Rules for Tamil Nadu State & Subordinate Services*)

### **35. Panel for Assistant Law Instructors and Assistant Drill Instructors — Police Recruits' School —**

(1) The procedure for drawing up a panel of Assistant Law Instructors and Assistant Drill instructors in the Police Recruits' School is published in the Manual for Tamil Nadu Police Recruits' Schools. The panel will be maintained by the Deputy Inspector-General of Police, Training and Superintendent of Police, Tamilnadu Police Academy, Oonamanchery, Chennai.

(2) Sub-Inspectors, preferably graduates, who have completed four to six years of service, with a good record of service, alone should be nominated for appointment as Assistant Law Instructors in Police Recruits' Schools. The personal records of the Sub-Inspectors should also be sent along with the nominations.

(3) On receipt of the nominations, the Deputy Inspector-General of Police, Training and Superintendent of Police, Tamilnadu Police Academy, Oonamanchery, Chennai-48 will select the required number of Sub-Inspectors, after interviewing them and keep their names in the panel for appointment as Assistant Law Instructors.

*NOTE: Service in the post of Assistant Law Instructors will be given special weightage for consideration for promotion to higher category by the State Promotion Board (Rule 3 (g) r/w 15A of the Special Rules for Tamil Nadu Police Subordinate Service)*

## CHAPTER VII

### PROMOTION OF SUBORDINATE SERVICE OFFICERS

#### **36. General Principles —**

(1) Promotion shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

(2) Officers responsible for the preparation of promotion lists will regulate the number of officers on each 'C' list to ensure that on each occasion, when a list is prepared or revised, the number of names in it is not more than the total number of vacancies expected to arise during the next year in the category or rank to which officiating promotions from the list are to be made. The vacancies expected to arise should be calculated on the basis of the total number of permanent and temporary posts in existence in the category or rank, the anticipated sanction of new posts in the next year, the requirement of leave reserve, anticipated vacancies due to retirement, promotion, etc. minus the number of persons already in position in that category or rank.

(3) The number to be included each year should be decided and when necessary reviewed by the authority who orders the inclusion of names in the promotion list in question. The authority concerned will also decide the year of seniority above which personnel in each category should be considered for inclusion in the list.

(4) Superintendents of Police and Sub-Divisional Officers will, before handing over charge when proceeding on long leave or on transfer, leave a note for their successors regarding their subordinate officers and men whose cases for promotion should be taken up for consideration.

(5) Inclusions in lists of promotion to various categories will be considered and recommended by Promotion Boards composed as follows:

#### **STATE PROMOTION BOARD**

State Promotion Board for the promotion of Sub-Inspectors of Police to Inspectors of Police and Sub-Inspectors (Armed Reserve) to Inspectors of Police (Armed Reserve) shall consist of Addl. Director General of Police, Law & Order, Addl. Director General of Police, Administration and Addl. Director General of Police, Intelligence. The senior most among them will be the Chairman and the others will be the members of the Board. The Dy. Inspector General of Police, Administration or the Inspector General of Police, Administration will be the Secretary/Convener of the State Promotion Board.

*Chief Office Memo No. A&R 1/123999/2001, Dated: 05.10.2002*

## **RANGE PROMOTION BOARD**

Range Promotion Board for the promotion of Head Constables to Sub-Inspectors (Taluk) and Head Constables to Sub-Inspectors (Armed Reserve) shall consist of Superintendents of Police of the Range, the senior most among them will be the Chairman and others will be the members.

## **DISTRICT PROMOTION BOARD**

District Promotion Board for the promotion of Grade-II Constables to Grade-I Constables and Grade-I Constables to HCs shall consist of the District Superintendent of Police and the senior most Dy. Superintendent of Police, who shall be the Chairman and Member respectively. In respect of promotions to be made in Armed Reserve, Addl. Superintendent of Police, Headquarters and the Dy. Superintendent of Police, Armed Reserve or in the districts where there is no Deputy Superintendents of Police, Armed Reserve any other Sub-Divisional Officer will discharge the duties of Dy. Superintendent of Police, Armed Reserve for this purpose.

(Table given in the 1999 edition of PSO modified into order form as above.)

(6) The Superintendent of Police or Commandant concerned should submit, by dates prescribed, a list of personnel in order of seniority to be considered by the promotion Board. He will record his own view on the suitability or otherwise against each name in the list and enclose their Personal Files and Service Books written up to date. Specific reasons must be recorded against each case that is not recommended.

### **(7) Definition of 'A', 'B' and 'C' list:**

Immediately after a person is included in the promotion list, he is deemed to be in 'C' list.

#### **'B' list: -**

After a person is promoted from the 'C' list, he is deemed to have been brought on to the 'B' list.

#### **'A' list: -**

As soon as he is declared to have completed his period of probation (where such is prescribed), he is deemed to have been brought on to 'A' list. If he is promoted to the posts in which he need not undergo probation, he is deemed to have been brought on to 'A' list straight away.

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**(8) Time Schedule for preparation of "C list: -**

For the purpose of preparation of 'C' lists, the following time schedule should be adhered to

Category <b>(1)</b>	Date of preparing estimate of vacancy. <b>(2)</b>	Date of calling for recommendation roll <b>(3)</b>	Date by which recommendation roll should reach the prmn. Board concerned <b>(4)</b>	Date by which 'C' list should be communicated <b>(5)</b>
Inspector	1 <sup>st</sup> February	15 <sup>th</sup> February	1 <sup>st</sup> April.	1 <sup>st</sup> June
Inspectors (AR)	1 <sup>st</sup> September	1 <sup>st</sup> October	1 <sup>st</sup> November	31 <sup>st</sup> December
Sub-Inspectors	1 <sup>st</sup> January	1 <sup>st</sup> February	1 <sup>st</sup> March	10 <sup>th</sup> April*
Sub-Inspectors (AR)	1 <sup>st</sup> September	1 <sup>st</sup> October	1 <sup>st</sup> November	31 <sup>st</sup> December
Police Constable Grade I and Head Constable	15 <sup>th</sup> April	1 <sup>st</sup> May	1 <sup>st</sup> June	1 <sup>st</sup> August

\*(G.O.Ms.No.27, Home (Pol.III), Dated: 04.01.1978)

**37. Promotion to the posts of Inspectors -**

(1) The Superintendent of Police will prepare and submit annually to his Deputy Inspector General of Police, a list of Sub-Inspectors in order of seniority, who are to be considered for promotion to the rank of Inspectors. This list, which has to be treated as confidential will be accompanied by up-to-date defaulter sheets, Personal Files and Service Books of the officers concerned. The Deputy Inspector-General of Police will scrutinize the recommendations and submit them by 1<sup>st</sup> April to the office of the Director General of Police where they will be processed and placed before the State Promotion Board for consideration. The recommendations of the State Board will be finally placed before the Director-General of Police for his orders approving the inclusion of suitable persons in the 'C' list.

(2) A single state-wide 'C' list will be drawn up for promotion from the rank of Sub-Inspectors of Police to Inspectors of Police.

### **38. Promotion to the post of Inspectors in the Armed Reserve -**

Superintendents of Police will prepare and submit annually to their Deputy Inspectors-General of Police, lists of Sub Inspectors of Police (Armed Reserve), in order of seniority who are to be considered for promotion to the rank of Inspectors of Police (Armed Reserve). These lists, which should be treated as confidential, will be accompanied by the Defaulter Sheets, up-to-date Personal Files and Service Books of the officers concerned. The Deputy Inspectors-General of Police will scrutinize the recommendations and submit them by 1<sup>st</sup> November to the office of the Director-General of Police where they will be processed and placed before the State Promotion Board for consideration. The recommendations of the State Board will finally be placed before the Director-General of Police for his orders approving suitable persons in the 'C' list for promotion.

### **39. Promotion to the posts of Inspectors of Police, Inspectors of Police-Adjutant in the Armed Police Battalions -**

Promotion to the posts of Inspectors of Police and Inspectors-Adjutant in Armed Police Battalions shall be made from the list of qualified candidates suitable for promotion prepared and finalized by a Promotion Board consisting of all the Commandants of the Tamil Nadu Special Police Battalions.

### **40. Promotion to the posts of Sub Inspectors of Police in the District Police: -**

(1) Promotion to the posts of Sub-Inspectors of Police shall be made from the list of qualified candidates suitable for promotion, prepared and finalized by the Range Promotion Board subject to the approval of the Deputy Inspector-General of Police concerned or the Commissioner of Police, Chennai and other Commissioners of Police in rest of Tamil Nadu, as the case may be.

(2) There shall be a single combined list for promotion from the rank of Head Constable to Sub Inspectors of Police. Promotion is made based on seniority and service records. The provision prescribing upper age limit for promotion in rule 3 (c) and rule 3 (d) (ii) of the Special Rules for the Tamil Nadu Police Subordinate Service has been deleted.

*(G.O.Ms.No.1055 & 1056 Home (Police.III) Dept. Dated: 01.11.2006)*

(3) Powers have been delegated to the Deputy Inspectors General of Police/Commissioners of Police to upgrade the HCs as Special Sub-Inspector of Police, provided that they have completed 10 years of service as HCs and 25 years of total service. This up-gradation will be given to those HCs, who are not able to get regular promotion as Sub-Inspectors of Police, from the first of the month succeeding the date of completion of 25 years of total service or 10 years of service as Head Constables, whichever is later.

Provided that conditions stipulated in G.O. (Ms) No.937 Home (Police.3) Department Dated: 21.07.1998 and the Tamil Nadu Government Servants (conditions of service) Act 2016 as amended from time to time, shall be adhered to, while upgrading the rank of police personnel.

*[G.O. (Ms) No.15 Home (Pol.V) Department Dated: 07.01.2010]*

(4) Head Constables considered fit for promotion to the rank of Sub-Inspector shall undergo a course of training for a period of nine weeks in the Tamilnadu Police Academy, Oonamanchery, Chennai-600 127. Each Superintendent of Police will make out a list of Head Constables in his district considered fit for promotion as Sub Inspectors of Police.

(5) The Superintendents of Police and the Deputy Commissioners of Police will submit the list prepared by them to the Deputy Inspectors-General of Police concerned and the Commissioner of Police, as the case may be. The Range Promotion Board constituted for the purpose will select the men for the training. The number of Head Constables to be selected each year will depend on the total number of vacancies of Sub-Inspectors of Police and limitation fixed for such promotion; vide annexure-I to the Special Rules for the Tamil Nadu Police Subordinate Service.

(6) Orders regarding the holding of examinations for Head Constables under training in the Tamilnadu Police Academy, Oonamanchery, Chennai-600 127 and the procedure for fixing seniority etc. are laid down in sub-rule (e) under rule 18 of the Special Rules.

#### **41. Promotion to the posts of Sub-Inspectors in Armed Police Battalions -**

Promotion to the posts of Sub-Inspectors shall be made from list of qualified candidates suitable for promotion prepared and finalized by a Promotion Board consisting of all the Commandants of the Tamil Nadu Special Police Battalions and shall be approved by the Deputy Inspector-General of Police, Armed Police.

#### **42. Promotion to the posts of Head Constables in the District Police and Armed Reserve —**

(1) Grade-I Police Constables should be promoted automatically as Head Constables on completion of 5 years of service as Grade-I Police Constables, from the seniority list maintained for the local Police. All Grade-I Police Constables, will take seniority from the date of their regular appointment, with reference to section 41 (2) of the Tamil Nadu Government Servants' (Conditions of Service) Act.2016.

(2) All Grade-I Police Constables, in the Armed Reserve both in General line and Specialist line, those who have completed 5 years of service as Grade-I Police Constables

should be promoted as Head Constables in seniority in their respective lines without any test. However, a separate test shall be conducted from among Driver Head Constables for the posts of Driver Mechanics.

(3) All vacancies of more than one month in the rank of Head Constables shall be filled by promotion in seniority.

(4) Powers have been delegated to the Superintendents of Police/Commissioners of Police to upgrade Grade-I Police Constables who have not been promoted as Head Constables for want of vacancies, as Head Constables on completion of 5 years of service in the post of Grade-I Police Constable from the first of the month succeeding the date of completion of 5 years.

Provided that the conditions stipulated in G.O. (Ms) No.844 Home (Police.5) Department Dated: 03.06.1997 and in Government letter No. 107160/Police-5/1997-II (Home), dated 07.01.1998 and the TN Government servants (conditions of service) Act 2016 as amended from time to time, shall be adhered to, while upgrading the rank of police constables.

*[G.O. (Ms) No.15 Home (Pol.V) Department Dated: 07.01.2010]*

### **43. Promotion to the posts of Grade I Police Constables in the District Police**

(1) Grade-II Police Constables who have completed 10 years of service will be promoted in seniority.

(2) There will be no probation for Grade-I Police Constables.

(3) Powers have been delegated to the Superintendents of Police/Commissioners of Police to upgrade Grade-II Police Constables who have not been promoted as Grade-I Police Constables for want of vacancies, as Grade-I Police Constables on completion of 10 years of service in the post of Grade-II Police Constable from the first of the month succeeding the date of completion of 10 years.

Provided that conditions stipulated in G.O. (Ms) No.844 Home (Police.5) Department Dated: 03.06.1997 and in Government letter No. 107160/Police-5/1997-II (Home), dated 07.01.1998 and the TN Government servants (conditions of service) Act 2016 as amended from time to time, shall be adhered to, while upgrading the rank of Police Constables.

*[G.O. (Ms) No.15 Home (Pol.V) Department Dated: 07.01.2010]*

### **44. Promotion to the posts of Grade-I Police Constables in Armed Reserve -**

All Grade II Police Constables who are approved probationers and who have completed 10 years of service and not promoted till then for want of vacancies will be promoted as Grade-I Police Constables. However, separate lists will be prepared for constables in the General line and Specialist line. These lists must be drawn up by the District Promotion Board consisting of the

Superintendent of Police, Addl. Superintendent of Police, Headquarters and the Deputy Superintendent of Police, Armed Reserve or in the districts where there is no Deputy Superintendents of Police, Armed Reserve any other Sub-Divisional Officer will discharge the duties of Dy. Superintendent of Police, Armed Reserve for this purpose.

#### **45. Sanction or withholding of increment (Approved Service) —**

(1) An increment is admissible, as a matter of course, unless it is specifically withheld. It may be withheld, as a definite punishment for a specific fault

*(G.O. 1054, Public Services 11<sup>th</sup> June. 1936.)*

(2) Before an increment is withheld, the officer concerned should be issued a charge memorandum calling upon him to show cause as to why action should not be taken against him under rule 3 (a) or 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. On receipt of his explanation, the justification for the imposition of the penalty should then be examined and a statement of the findings and of the grounds thereof should be recorded in the order.

(3) Where it is proposed, to withhold an increment in an officer's pay as a punishment, the authority inflicting the punishment should, before the order is actually passed, consider whether it will affect the officer's pension and, if so, to what extent; if it is decided finally to withhold the increment, the order should make it clear that the effect of the punishment on the pension has been considered and that its effect is intended.

*(G.O. 945 Public 4th August 1920)*

(4) While ordering to withhold an increment, the withholding authority shall expressly state in the order;

(i) the period for which it is withheld.

(ii) that the period for which it is withheld shall be exclusive of any interval spent on leave before that period is completed, and

(iii) whether the postponement shall have the effect of postponing future increments.

*(G.O. 616, Public (Ser.) 14th May 1930 and 511, Public, 27th May 1926)*

(iv) if, it is ordered that the postponement shall have the effect of postponing future increments, the period of punishment shall be inclusive of any interval spent on leave, suspension, etc. as per Fundamental Rules.

(5) (i) Provided that the penalty of withholding of increment shall not be imposed on a Police Officer, if the said penalty cannot be given effect to fully, while in service;

(ii) Provided further that in cases where the penalty of withholding of increment cannot be given effect to fully for any contingency that arose after the penalty of withholding of increment is imposed, the monetary value equivalent to the amount of such increments that cannot be given effect to shall be recovered from the pension;

(iii) Provided also that in cases of withholding of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld shall be recovered.

(*TNPSS (D&A) Rules, F.R. 24*)

## **CHAPTER VIII**

### **REWARDS**

**46. Rewards – Subordinate Police Officers including Policemen in other States in India** - (1) (a) Money rewards within the sanctioning powers of the officers mentioned in order No.47 may be granted only to Constables, Head Constables and Sub-Inspectors of Police for service of special merit but not for regular work, such as taking action on admissions or confessions made after arrest, which shows no outstanding detective skill.

(b) Money rewards may also be granted to the Tamil Nadu Special Police Personnel of and below the rank of Sub-Inspectors for service of special merit but not for regular work, which does not show any outstanding skill.

(c) Money rewards may also be granted in special cases by the Director-General of Police, subject to the monetary limit prescribed in Police Standing Order No.47, to the Non-Gazetted staff of the Finger Print Bureau at Chennai, inclusive of the staff working in the Single Digit Finger Print Sections and also Photographers attached to Photo Section in the districts and the non-Gazetted Technical staff of the Police Telecommunication Branch who have shown outstanding personal initiative and intelligence.

(2) All the Police Officers, other than gazetted officers, may, however, accept money rewards in following cases: -

(a) Rewards offered by the Government -

(b) Rewards offered by private persons subject to orders of the Commissioner of Police or the Deputy Inspector-General of Police, as the case may be, whether the rewards should go to the individual concerned or to a Police fund, or partly to each.

This would necessitate the receipt of the reward money in the first instance by the Deputy Commissioners of Police in cities and the Superintendents of Police in districts and the C.I.D., and subsequent disbursement to the beneficiaries concerned with reference to the sanction of the competent authority. The amounts received should, therefore, be credited in full into the Treasury/Pay and Accounts Office and redrawn at the time of disbursement.

(c) Rewards offered by Courts under Section 11-A of the Tamil Nadu Gaming Act, 1980, and under Section 50 of the Tamil Nadu City Police Act. 1888.

(d) Rewards offered in opium cases and the Dangerous Drugs Act and the rules made there under.

(3) Police Officers of and below the rank of Sub-Inspectors may accept money rewards in the following cases also: --

(a) Rewards offered by the Customs, Salt and Excise department for their good work done as Sub-Inspector and below though they have been promoted at the time of payment; and

*[G.O.Ms.No. 2349, Home, dated 13th August 1977 - R.Dis. 26557/Act-I/76.]*

(b) Rewards offered by other States in India -

(4) Rewards in connection with cases brought to trial should be granted as speedily as possible after convictions. The recommendation roll submitted to the sanctioning authority should from the outset be treated as strictly confidential. It should give information of the sentence passed and of any observations made by the Court on the conduct of the Police; and should narrate the part played by each individual with the reasons for regarding it as specially meritorious in character.

(5) Rewards to Special Branch Assistants, Inspectors of Police, Sub-Inspectors of Police, Head Constables, Police Constables of State Intelligence Wing and District Special Branch may also be granted for passing the proficiency examination in any of the following Regional Languages other than their mother tongue viz. Telugu, Malayalam, Kannada, Hindi, Urdu, Gujarathi, Marathi and Bengali. The Deputy Inspector General of Police, Intelligence, Chennai should conduct these language examinations.

(6) Money rewards within the sanctioning powers of the officers mentioned in Order No.47 may be granted to Police officers and men, mentioned in Police Standing Order No.46 (1) (a) (b) & (c) of Volume-I, who achieve first, second or third place in the Zonal or All India Police (both Sports and Duty Meets) and for achievements in the State, National and International competitions. However, for achievements in the National and International competitions, money rewards, the quantum of which may be changed from time to time, will be sanctioned by the Government

*[G.O.Ms.No.126, Home (Police-7) Department, dated 25.02.2013 and G.O.Ms.No.1149, Home (Police-7) Department, dated 16.12.2013].*

(7) Government employees, who have rendered 25 years of unblemished services under the State Government, shall be sanctioned cash award of Rs.2,000 (Rupees two thousand only) along with a certificate in the prescribed format, issued on the behalf of the Government, duly recognizing their unblemished services. They should not have been imposed any punishment other than "warning" and should not have come to any adverse notice. The appointing authority concerned shall prepare a list of employees, who have completed 25 years of unblemished service on the first January and first July of every year and issue sanction orders for issue of cash award of Rs.2,000 (Rupees two thousand only) each, so as to enable drawing and disbursing Officers to claim the same and make payment to the employees concerned.

Entries shall be made in the Service Books of the employees regarding sanction of the incentive. If charges are pending, their cases shall be deferred and shall be considered, if exonerated of the charges.

*G.O.Ms.No.13, Finance (PC) Department, dated: 04.01.1996*

*G.O.Ms.No.390, Finance (PC) Department, dated: 07.11.2012*

#### **47. Rewards—Sanctioning powers of officers —**

(1) The Director General of Police, Additional Director General of Police, Inspector General of Police or the Commissioner of Police of equal rank may sanction rewards to Police officers up to a limit of Rs.10000 (Rupees ten thousand only), Deputy Inspectors-General of Police up to Rs.5000 (Rupees five thousand only) and Superintendents of Police and the Commandants of Tamil Nadu Special Police Battalions up to Rs.3000 (Rupees three thousand five hundred only) in any one set of circumstances. The maximum rewards that can be sanctioned by the Director- General of Police or the Additional Director General of Police or Inspector General of Police or Commissioners of Police of equal rank to any one Police Officer should not exceed Rs.1000 (Rupees

one thousand only), by the Deputy Inspectors-General of Police to any one Police Officer should not exceed Rs.500 (Rupees five hundred only). The maximum rewards that can be sanctioned by a Superintendent of Police to any one Police officer should not exceed Rs.600 (Rupees six hundred only).

(G.O.Ms.No.943, Home (Police-7) Dept., dated 30.10.2013)

(2) Sub-Divisional Police Officers (or officers of corresponding rank) may sanction rewards to Sub-Inspectors, Sub- Inspectors (Armed Reserve), Head Constables and Constables up to a limit of Rs.1000 (Rupees one thousand only) in any one set of circumstances. The maximum rewards that can be sanctioned by a Sub-divisional Police officer should not exceed Rs.100 (Rupees one hundred only) to any one Police officer.

[G.O. (Rt) No.1170 Home (Police-VII) Dept., Dated: 12.8.97]

(3) The Director-General of Police may sanction a reward of Rs. 500 (Rupees five hundred only) each to the Special Branch Assistants and Inspectors of Police, Sub Inspectors of Police, Head Constables, Police Constables of the State Intelligence Wing and of the District Special Branches who pass the proficiency examination in any of the Regional Languages, viz., Telegu, Malayalam, Kannada, Hindi, Urdu, Gujarathi, Marathi and Bengali other than their mother tongue conducted by the Deputy Inspector-General of Police, Intelligence, Chennai and Rs.300 (Rupees three hundred only) each to those who maintain the efficiency by passing the Annual Regional Language Test.

**NOTE** — *None will be allowed to claim reward in respect of more than two languages other than his/her mother tongue.*

(4) (a) In opium cases, the Director-General of Police may grant a reward without limit, but not exceeding the value of the opium confiscated in the case, plus the amount of any fine imposed, and not less than half the value of confiscated article and fine realized, in such proportions as he may think fit, to any Non-Gazetted Officer of the Police Department (including Inspectors of Police) or any other department and informer and informers who have contributed to the seizure of raw opium or opium mixture or the conviction of the offender.

(b) Officers mentioned below may sanction rewards up to the limit noted against each in any one set of circumstances:-

	Rs.
Commissioner of Police in the rank of	
Inspector General of Police	10000

Deputy Inspector General of Police	5000
Superintendent of Police	3000
Sub-Divisional Officers	1000

[G.O. (Rt) No.1170 Home (Police-VII) Dept., Dated: 12.8.97 and G.O.Ms.No.943 (Home) Police-VII, dated 30.10.2013].

(c) The maximum reward that can be sanctioned by the Inspector General of Police and Commissioner of Police of equal rank to any one Police Officer in a case should not exceed Rs.1000 (Rupees one thousand only). Deputy Inspector-General of Police to any one Police Officer in a case should not exceed Rs.500 (Rupees five hundred only). The maximum reward that can be sanctioned by the Superintendent of Police to any one Police Officer in a case should not exceed Rs. 600 (Rupees six hundred only). The grant of rewards by Sub-divisional Officers or officers of corresponding rank is restricted to Police subordinate of and below the rank of Sub-Inspectors of Police and Sub-Inspectors of Police (Armed Reserve). The maximum rewards that can be sanctioned by a Sub-Divisional Officer should not exceed Rs.100 to any one Police Officer.

G.O.Ms.No.943 (Home) Police-VII, dated 30.10.2013].

(d) The above order will also apply in the matter of sanction of rewards detected under the Dangerous Drugs Act and the rules made thereunder.

#### **48. Recapture of escaped sub jail prisoner –**

A reward to a Police Officer for the recapture of a prisoner who has escaped from a subsidiary jail is payable by the Police Department.

(G.O. 876, Judl. 29 May 1905.)

#### **49. Rewards by other departments —**

(1) Rewards granted to Police Officers by officers of other departments including Tamil Nadu Electricity Board may be disbursed to them direct; the Commissioner of Police or Superintendent of Police, as the case may be, being informed of the fact.

[G.O. 876, Judl. 29 May 1905]

(2) Rewards granted to the constabulary by the Collector of Central Excise will be paid by the Assistant Collector to the Inspector of Police, who will disburse them, sending particulars to the Superintendent of Police for entry in the man's service roll and small service book.

**NOTE** —*The Superintendent of Police should disburse the reward amounts in the above cases only after the issue of a District order.*

(3) Rolls applying for reward for the recapture of escaped prisoners from District and Central Prisons will be sent to the Superintendent of the prison concerned for transmission to the Inspector-General of Prison. They must clearly show that the officer recommended is deserving of reward.

## **50. Rewards for saving life and property and putting out fires, etc. —**

Rewards for saving life, whether from fire or otherwise, are ordinarily granted by the Collector. The Director-General also is empowered to sanction rewards to Police Subordinates for rescuing life and property and putting out fire, etc., subject to the financial limit prescribed in Order No.47.

(G.O. Ms. No. 876, Judl. 29th May 1905 and 458 Public (Pol.) 26th August 1935)

## **51. Rewards for the capture of deserters —**

Rewards are granted by the military authorities for the apprehension of deserters from the Army, but they will not be given in cases in which the deserter gives himself up nor when there is collusion between him and his captor as to the reward.

## **52. Rewards offered by other states in India —**

Acceptance of any present, emolument, or offer of any kind from or under any foreign State without the consent of the President is prohibited under the Constitution. Permission to accept rewards offered by other States in India or officers of such States empowered by them to grant rewards may be granted by the Director-General of Police and the Commissioner of Police. Quantum of rewards offered by other States will be decided by the States concerned.

## **53. Publication of grant of rewards—**

Rewards granted by Government or by the Director-General of Police will be published in the Police Gazette. Rewards granted by the Commissioners of Police, the Deputy Inspectors-General or Police and Superintendents of Police will be published in the Police Crime and Occurrence sheet.

#### **54. Forms of rewards –**

Rewards may generally take the form of money, clothes or jewellery. But, medals also may be granted in exceptional circumstances with the prior approval of the Government.

*[G.O. Ms. 1463, Home, 27 May 1955]*

#### **55. Rewards to private persons –**

(1) Rewards to private person for the apprehension of offender and for intelligence leading to the discovery of crime may be sanctioned and paid by the under mentioned officers up to the limits shown against each in any one set of circumstances: -

*(G.O. Ms. No. 498 Judl. 12th March 1913 and 880, Judl. 17th April 1914 and 2279 Home (Judi 18th Nov. 1920)*

	Rs.
Director-General of Police	500
Commissioners of Police,	500
Deputy Inspectors-General of Police	300
Collector	200
Superintendents of Police	150

(2) The State Government may, in recognition of special service rendered to the Police or to the criminal administration, by a private person, make a gift to that person, or to his heir or widow, of a State land or may grant him or his heir or widow, an assignment of land, whichever period may be the longer. The grant may be made partly in the form of a gift of land and partly in the form of an assignment either of the land revenue of that land or of other land. The grant will be made on the condition that it will not be alienated without the sanction of the Collector and when it is in the form of an assignment of land revenue, it will be subject to the condition of loyalty and good conduct.

*(G.O. Ms.No. 880, Judl. 17th April 1914 and 2209 Home Judl. 18th Nov. 1920)*

**NOTE** - Village officers and village servants should be regarded as "private persons". Officers of other department, not being village officials, cannot be regarded as "Private persons" for the grant of rewards. Before a reward is paid to such officer, local departmental superiors should be consulted.

(3) The Director-General of Police has been empowered to grant rewards in opium cases without limit, but not exceeding the value of the opium confiscated plus any fine amount collected in the particular case. The under mentioned officers may sanction and pay rewards to private persons up to the limit shown against each in any one set of circumstances for good work done in opium cases.

	Rs.
Commissioner of Police/	
Inspector General of Police	500
Deputy Inspector General of Police	300
Superintendent of Police	150

(G.O. No. 1953, Home, dated 12th July 1958)

#### **56. Grant of Certificates and Letters of Thanks –**

(1) Collectors are permitted to issue formal proceedings conveying their thanks to public servants or private persons for the services rendered and such proceedings will be published in the District Gazette. It will generally be sufficient to communicate a copy of these proceedings to the individuals concerned, but, if exceptional circumstances require it, Collectors may issue certificates engrossed on parchment paper in acknowledgement of the services rendered. The issue of printed certificates is prohibited. Parchment sheets can be had on application to the Director of Stationery and Printing.

(G.O. 323, Pub. 16 March 1914 and 2<sup>4</sup>, Home (Jul, 7th Aug. 1920)

(2) Superintendents of Police may grant to private individuals and others, letters of thanks or in exceptional circumstances, certificates engrossed on parchment paper acknowledging services rendered by these persons to the Police in cases where money rewards are not appropriate.

(G.O. 389, Judl. 1<sup>st</sup> Sep. 1927)

#### **57. Certificates to private individuals — Grant by Non-Gazetted (Subordinate Service) Police Officers — Prohibited -**

Police officers of non-gazetted rank (Subordinate Service) are prohibited from granting certificates in their official capacity to private individuals and others for any services rendered to the Police.

## **58. Meritorious Service Entries and Good Service Entries —**

(1) Meritorious Service Entries will be awarded for conspicuous good work meriting special recognition. Police Officers up to the level of Inspectors of Police will be eligible for these awards, which will be sanctioned by the Additional Director-General of Police, as detailed below:

S.No	The wing in which Inspectors of Police	To whom delegation of powers given
1	Crime Branch, CID Wing	Additional Director-General of Police, Crime Branch, CID, Chennai.
2	State Intelligence Wing	Additional Director-General of Police, Intelligence, Chennai.
3	Civil Supplies, CID	Additional Director-General of Police, Civil Supplies, CID, Chennai.
4	Crime	Additional Director-General of Police, Crime, Chennai.
5	Economic Offences Wing	Additional Director-General of Police, Economic Offences Wing, Chennai
6	Coastal Security Group CID	Additional Director-General of Police, Coastal Security, Chennai
7	Prohibition Enforcement Wing	Additional Director-General of Police, Enforcement, Chennai
8	Chennai Police	Additional Director-General of Police & Commissioner of Police, Chennai Police.
9	Tamil Nadu Special Police Battalions	Additional Director-General of Police, Armed Police, Chennai.
10	All Districts and Cities (except Chennai City) and other Special Units not mentioned above.	Additional Director-General of Police, Law and Order, Chennai.

[G.O. Ms. No.510 Home (Police.1) dated 08.05.2008]

(2) Good Service entries will be awarded for good detection, display of skill or any work meriting special recognition. Good Service Entries will be awarded to Sub-Inspectors of Police, Head Constables and Constables by the Sub-divisional Police Officer or an officer of corresponding rank and to all other subordinate Police Officers by the Superintendent of Police.

(G.O. Ms. No. 173, Home, dated 21st. April 1977)

(3) Meritorious Service Entries and Good Service Entries awarded to Inspectors, Inspectors (Armed Reserve) and Inspectors of Tamil Nadu Special Police Battalions will be entered in their service books and Good Service Entries awarded to officers of lower rank will be entered both in their service books or service rolls and small service books. A district order is to be issued in each case.

(G.O. Ms. 95, Home, dated 10th Jan. 1957)

**(A) The President's Police Medal (PPM) and Police Medal (PM)-**

(1) The President's Police (PPM) and the Police Medal (PM) will be awarded to the members of Police Force in consideration of meritorious service or gallantry and outstanding devotion to duty. Recommendation for the award of the medals for gallantry should be marked secret and submitted to the office of the Director-General of Police through the Deputy Inspector-General and Zonal Inspector General of Police concerned immediately after the performance of the acts, which occasion the recommendations, the written opinion of the District Collector concerned should also be obtained and forwarded in such cases.

(2) In other cases, the awards will be made twice a year on the occasion of the Republic Day (26<sup>th</sup> January) and the Independence Day (15<sup>th</sup> August). Recommendations for the awards which are due with the Government by the 10<sup>th</sup> September and 1<sup>st</sup> April should be marked secret and submitted through the Deputy Inspector-General and Zonal Inspector General of Police concerned so as to reach the Office of the Director General of Police by the 6<sup>th</sup> July and 15<sup>th</sup> February respectively each year. Full names of the individuals recommended, their ranks, the number of years of their service in the Police and full details of their previous good work and of the particular act or acts for which the grant of the medal is recommended with dates of incidents referred to should be given. A list of good service entries and rewards earned by them should accompany the recommendations. It should also be stated whether the nominees have at any time incurred the censure of a court or have been concerned in proceedings that have been censured by courts of law.

(3) On receipt of the recommendations from the various Units in respect of Subordinate Service officers, they will be scrutinized with regard to eligibility etc., in the office of the Director-General of Police and placed before the Director-General of Police, through the State Medal Board, who will make his final recommendations to the Government. In respect of State Service Officers, below the level of Deputy Inspector-General of Police, a seniority list of such officers eligible for the award will be drawn up and placed

before the State Medal Board, which will make such recommendations as it deems fit and place them before the Director-General of Police, who will make his final recommendations to the Government. In respect of officers at the level of Additional Director-General of Police, Inspector General of Police and Deputy Inspector-General of Police, a list of such of them as are eligible will be placed before the Director-General of Police for his decision as to whom to recommend.

The Statutes and Rules governing the award of the President's Police Medal and the Police Medal are printed below-

### **The President's Police Medal and the Police Medal.**

#### **NOTIFICATION**

New Delhi, the 1st March 1951.as amended up to 28<sup>th</sup> July, 2006

The President is pleased to institute the following awards to be conferred on the members of Police Forces and Central Police/Security Organisations, throughout the Indian Union in consideration of meritorious service or gallantry and outstanding devotion to duty, to be designated "President's Police Medal" and "Police Medal" respectively and to make, ordain and establish the following statutes governing them which shall be deemed to have effect from the twenty-sixth day of January in the year one thousand nine hundred and fifty.

#### **President's Police Medal.**

Firstly — The award shall be in the form of a medal and styled and designated the "**PRESIDENT'S POLICE MEDAL**" (hereinafter referred to as the Medal).

Secondly -- The Medal shall be circular in shape, made of silver with gold gilt, one and three eight inches in diameter and shall have embossed on the obverse the design of a Heraldic Star in the centre and words "President's Police Medal" above and 'INDIA' inscribed on the lower edge thereof. Hindi and English inscriptions shall be separated by a small star on either side. On the reverse, it shall have embossed the State Emblem in the centre and the words "**FOR GALLANTRY** or **"FOR DISTINGUISHED SERVICE"**", as the case may be, on the upper and lower edge respectively. The words "Satyameva Jayate" shall be embossed below the State emblem. The State emblem and the writings around it shall be encircled by a wreath. On the rim, the name of the person to whom the medal has been awarded shall be inscribed.

Thirdly — The medal shall only be awarded to those who have either performed acts of exceptional courage and skill exhibited conspicuous devotion to duty as members of a

recognized Police Force and Central Police/Security Organisations, within the territory of India.

Fourthly — The names of those to whom this medal may be awarded shall be published in the Gazette of India and a Register of such names shall be kept in the Ministry of Home Affairs by such person as the President may direct.

Fifthly - Each medal shall be suspended from the left breast and the riband, of an inch and three-eighth in width, shall in the case of distinguished service, be half blue and half silver white; and in the case of awards for acts of exceptional courage and gallantry the riband will be half blue and half silver white, the two colours being separated by a vertical red line one-eighth inch in width.

Sixthly - Any act of gallantry which is worthy of recognition by the award of the **PRESIDENT'S POLICE MEDAL**, but is performed by one upon whom the Decoration has already been conferred may be recorded by a Bar attached to the riband by which the medal is suspended. For every such additional act, an additional Bar may be added and for each Bar awarded, a small silver rose with gold gilt shall be added to the riband, when worn alone.

Seventhly — It shall be competent for the President to cancel and annul the award to any person of the above Decoration and that there upon his name in the Register shall be erased. It shall, however, be competent for the President to restore any Decoration, which may have been so forfeited. Every person to whom the said Decoration is awarded, shall, before receiving the same, enter into an agreement to return the medal if his name is erased as aforesaid. Notice of cancellation or restoration in every case shall be published in the Gazette of India.

Eighthly — It shall be competent for the President to make rules to carry out the purposes of these statutes.

### **"Police Medal"**

Firstly — The award shall be in the form of a medal and style and designated the **POLICE MEDAL** (hereinafter referred to as the Medal)

Secondly — The Medal shall be circular in shape, made of bronze one and three eighth inches in diameter, and shall have embossed on the obverse the State Emblem in the Centre, and the words "POLICE MEDAL" inscribed thereunder. The words "Satyameva Jayate" and "POLICE MEDAL" shall appear on the upper edge and lower edge respectively. Hindi and English inscriptions shall be separated by a small star appearing on either side. On the reverse, it shall have embossed the words "Indian Police" on the upper and lower sides

respectively. Those inscriptions shall be separated by two parallel horizontal straight lines, wherein the words "FOR MERITORIOUS SERVICE" or "FOR GALLANTRY" shall be inscribed. This will be semi circled by wreaths on either side of these lines. On the rim, the name of the person to whom medal has been awarded shall be inscribed.

Thirdly — The medal shall be awarded to those members of a recognized Police Force or Central Police/Security Organisations only within the territory of India, who have performed service of conspicuous merit and gallantry.

Fourthly — The names of those to whom this medal may be awarded shall be published in the Gazette of India and a Register of such names shall be kept in the Ministry of Home Affairs by such person as the President may direct.

Fifthly — Each medal shall be suspended from the left breast and the riband, of an inch and three-eighth in width, shall be dark blue with a narrow silver stripe on either side and a crimson stripe in the centre, and in the case of award for acts of conspicuous gallantry, each of the blue portions of the riband shall contain a silver line down the middle.

Sixthly — Any distinguished conduct or act of gallantry which is worthy of recognition by the award of the "POLICE MEDAL", but is performed by one upon whom the Decoration has already been conferred, may be recorded by a Bar attached to the riband by which the medal is suspended. For every such additional act, an additional Bar may be added and for each Bar awarded, a small silver rose shall be added to the riband, when worn alone.

Seventhly — It shall be competent for the President of India to cancel and annul the award to any person of the above Medal and that thereupon his name in the Register shall be erased. It shall, however, be competent for the President to restore any medal, which may have been so forfeited. Every person to whom the said Decoration is awarded shall, before receiving the same, enter into an agreement to return the medal, if his name is erased as aforesaid. Notice of cancellation or restoration in every case shall be published in the Gazette of India.

Eighthly — It shall be competent for the President to make rules to carry out the purposes of these statutes.

In accordance with the Statutes relating to the award of the President's Police Medal and the Police Medal, the following rules governing them, are notified:

### **President's Police Medal**

(1) Recommendations for award on the ground of conspicuous gallantry shall be made as soon as possible after the occasion on which the conspicuous gallantry was shown; and in special circumstances the recommendations for awards on other grounds may be made at any time for an immediate award.

(2) All recommendations shall state the name and rank of the person recommended, the name of the Police Force or the Unit of the Central Police/Security Organisation of which he is or was a member and particulars of the gallantry or service for which the grant of the medal is recommended.

(3) The number of medals awarded for distinguished service in any one year shall not exceed one hundred and forty (140). There will be no limit in respect of the award of Gallantry Medals, in a year.

(4) The medal shall be awarded —

(i) For conspicuous gallantry in saving life and property or in prevention of crime or arresting criminals, the risks incurred being assessed with due regard to the obligations and duties of the officers concerned;

(ii) a specially distinguished record in Police Service;

(iii) success in organizing Police Force or the Units of Central Police/Security Organisations, under special difficulties;

(iv) special service in dealing with serious or widespread outbreaks of crime or public disorder; and

(v) prolonged service, but only when distinguished by very exceptional ability and merit.

(5) When awarded for gallantry, the medal shall carry monetary allowances at the rates and subject to the conditions set forth below. The charges thereof shall be borne by the revenues of the State-Union Territories concerned in respect of recipients belonging to the State-Union Territories and by the respective Central Police/Security Organization in respect of officers belonging to these organizations.

(a) Where an officer who has already been awarded gallantry Medal and a Bar or Bars thereto for gallantry is subsequently awarded, the President's Police Medal for a further act of gallantry, he shall be paid a monetary allowance attached to the latter medal in addition to the original allowance and not the full allowance attached to the medal itself. Where an officer who has already been awarded the Indian Police Medal for gallantry is subsequently

awarded the President's Police Medal for a further act of gallantry, he shall be paid the full allowance attached to the latter medal in addition to the original allowance.

(b) The allowance shall be granted from the date of the act, for which the award is given, and unless, it is forfeited for misconduct, shall continue until death.

(c) Where a recipient is in receipt of the allowance at the time of his death it shall be continued for life or till re-marriage of his widow (the first married wife having the preference). In the case of a posthumous award of the medal-or-Bar, the allowance shall be paid from the date of the act for which the award is made, to the widow (the first married wife having preference) for her life or till re-marriage;

(d) when the award is made posthumously to a bachelor, monetary allowance shall be paid to his father or mother and in case, the posthumous awardee is widower, the allowance shall be paid to his sons, below 18 years of age, or unmarried daughter as a case may be.

(e) All the recipients of the gallantry award shall be entitled to the monetary allowance on a uniform rate irrespective of their ranks. The rates of monetary allowance for the Medal and for the Bar to the Medal shall be as fixed by the Central/State Government from time to time.

(*Government of India Ministry of Home Affairs (Giri Mantralaya Lr.No.11026/04/08/Pma dt.05.09.2008 and G.O.Ms.No.27, Home (SC) Department, dated 07.01.2015)*)

(6) The medal is liable to be forfeited, when the holder is guilty of disloyalty, cowardice in action or such conduct, as in the opinion of the President, brings disrepute to the force.

(7) Recommendations for the announcement of awards for distinguished service on the 26<sup>th</sup> January (Republic Day) and 15<sup>th</sup> August (Independence Day) should be forwarded so as to reach the Secretary to the Government of India, Ministry of Home Affairs not later than the 26<sup>th</sup> October and the 15<sup>th</sup> May respectively each year.

## **POLICE MEDAL**

1. Recommendations for awards on the ground of conspicuous gallantry shall be made as soon as possible after the occasion on which the conspicuous gallantry was shown and in special circumstances, recommendations for awards on other grounds may be made at any time for an immediate award.

2. Each recommendation will state the name and rank of the person recommended, the Police Force or the Unit of the Central Police/Security Organisations, which he is or was a member and particulars of the action or service for which the grant of the medal is recommended.

3. The number of medals awarded in one year (excluding Bars) shall not exceed one thousand, three hundred and fifteen (1315), but if the President considers that special circumstances in any one-year justify the award of medals in excess of 1315, the ceiling will be relaxed.

No. of Police Medal for Meritorious Service available on the occasion of Independence Day, 2018.

Sl.No	Name of the State/ Organization	No. of Medals available in a calendar year	No. of Medals awarded on the occasion of Republic Day 2018	No. of Medals available on the occasion of Independence Day 2018
1	Andhra Pradesh	29	14	15
2	Arunachal Pradesh	03	00	03
3	Assam	27	00	27
4	Bihar	34	17	17
5	Chattisgarh	20	11	09
6	NCT of Delhi	33	17	16
7	Goa	03	01	02
8	Gujarat	34	09	25
9	Haryana	23	11	12
10	Himachal Pradesh	07	03	04
11	Jammu & Kashmir	33	17	16
12	Jharkhand	23	09	14
13	Karnataka	37	19	18
14	Kerala	20	06	14
15	Madhya Pradesh	33	14	19
16	Maharashtra	79	39	40
17	Manipur	13	07	06
18	Meghalaya	05	03	02

19	Mizoram	05	03	02
20	Nagaland	10	00	10
21	Odisha	22	07	15
22	Punjab	29	14	15
23	Rajasthan	32	16	16
24	Sikkim	02	02	00
25	Tamil Nadu	42	21	21
26	Telangana	23	13	10
27	Tirupura	12	04	08
28	Uttar Pradesh	145	70	75
29	Uttarkhand	10	05	05
30	West Bengal	40	18	22
	Total States	828	370	458
31	Assam Rifles	26	08	18
32	BSF	92	46	46
33	CISF	47	24	23
34	CRPF	114	57	57
35	ITBP	23	12	11
36	NSG	08	04	04
37	SSB	22	12	11
	Total CAPFs	332	163	169
38	M/o Railways	30	13	17
39#	UTs	18	05	13
40	CBI	30	21	09
41	IB	40	26	14
	Total CPOs	70	47	23
42@	CABINET SECRETARIAT	12	07	05
43*	MINISTRY OF HOME AFFAIRS	25	11	14
	Grand Total	1315	616	699

# Combined Quota of Union Territories @ Combined Quota for Organizations under Cabinet Secretariat.

\*Combined quota for all Ministries, BPR&D, SVPNPA, NCB, NCRB, NIA, NDHF, BCAS, DCPW, NEPA, NHRC, NICFS

4. The Medal will be awarded: —

- (i) For conspicuous gallantry. Awards for gallantry will be made as soon as possible after the event occasioning the grant.
- (ii) For valuable services characterized by resource and devotion to duty including prolonged service of ability and merit.

5. (a) When awarded for gallantry, the Medal shall, subject to the conditions set forth for the President's Police Medal for gallantry and the Bar thereon, carry a monetary allowance on a uniform rate as fixed by the Central/State Government from time to time, irrespective of the rank of the recipient. The charges thereof shall be borne by the revenues of the State/Union Territories concerned in respect of the recipients belonging to the State, Union Territories and by the Central Police/Security Organizations concerned, in respect of the recipients belonging to these organizations.

*(Government of India Ministry of Home Affairs Lr.No.11026/04/08/Pma dt.05.09.2008)*

(b) Where an officer who has already been awarded either the Indian Police Medal or that medal and a Bar or Bars thereto for gallantry is subsequently awarded the Police Medal for a further act of gallantry, he shall be paid a monetary allowance attached to the latter medal in addition to the original allowance and not the full allowance attached to the medal itself. Where an officer who has already been awarded the King's Police and Fire Services Medal for gallantry is subsequently awarded the Police Medal for a further act of gallantry, he should be paid the full allowance attached to the latter medal in addition to the original allowance.

6. The medal for gallantry shall be worn next to and immediately after the "PRESIDENT'S POLICE MEDAL" for distinguished service.

7. The award of the medal will not be a bar to the subsequent award of the PRESIDENT'S POLICE MEDAL.

8. The medal is liable to be forfeited when the holder is guilty of disloyalty, cowardice in action or such conduct as in the opinion of the President, brings the force into disrepute.

9. Recommendations for the announcement of awards for meritorious services on the 26<sup>th</sup> January (Republic Day) and the 15<sup>th</sup> August (Independence Day) should be forwarded so as to reach the Secretary to the Government of India, Ministry of Home Affairs not later than the 26<sup>th</sup> October and 15<sup>th</sup> May respectively each year.

10. The following is the enhanced Gallantry allowance for the recipients of the above medals with effect from 13.05.2013.

<b>Sl.No.</b>	<b>Name of the Medal</b>	<b>Gallantry Allowance</b>
1	President's Police Medal for Gallantry	Rs.3,000/- p.m.
2	Each of Bar to President's Police Medal for Gallantry	Rs.3,000/- p.m.
3	Police Medal for Gallantry	Rs.1,500/ p.m.
4	Each of Bar to Police Medal for Gallantry	Rs.1,500/- p.m.

*[G.O.Ms.No.27, Home (SC) Department, dated : 07.01.2015].*

The payment of the above allowance shall continue to be in force subject to all other terms and conditions contained in the respective Statutes and Rules governing the award of the above Medals.

*[Letter No.11026/04/08-PMA Dated: 05.09.2008 of the Under Secretary to Government of India, Ministry of Home Affairs, New Delhi – 110 001]*

11. The recommendations for consideration of the award of the service medals on the occasion of Independence Day and Republic Day shall be in the prescribed proforma along with the following documents.

- (i) The citation of each officer recommended for award of PPM/PM should not exceed 200 words. It may be noted that three sets of the material for consideration in each case of the person recommended for the award of PPM/PM duly filled in the prescribed proforma are to be sent/submitted online, which should be mandatorily supported by OTP (one time password).  
--- Annexure –I form
- (ii) Integrity/character and antecedent certificate in respect of the recommended officers in the prescribed proforma.

--- Annexure –II form

- (iii) A certificate, after verifying the service records of the officer recommended, to the effect that the officer had not been awarded the medal in the past. It is advised that seniority should be given priority. However, officials who are not above board should not be recommended. It should be certified that no punishment or penalty has been inflicted on the officer during the period under review, i.e. 10 years.

--- Annexure –III form

- (iv) A minimum service of 18 years for Police Medal and 25 years for Presidents Police Medal for distinguished service is required irrespective of rank and service. Police officers not having clean image should not be recommended.
- (v) A Group A officer can be sponsored for the medal not more than three times. This condition takes effect from Republic Day 2018.
- (vi) Minor penalty/censure should be counted only for the review period (last 13 (10+3) years) and not for whole service.
- (vii) Police personnel should be physically fit and may be SHAPE 1 category. Relaxation for SHAPE 2 category may be in exceptional cases. The sponsoring organization will have to issue a separate certificate in respect of medical fitness after receiving physical/medical fitness certificate in the medical certificate proforma from an authorized medical officer. Guidelines for physical/medical fitness in connection with the award of Police Service Medal to Police officers shall be strictly followed in letter and spirit while issuing medical fitness certificate.

--- Annexure –IV form

- (viii) Police medal should not be awarded to more than 50 % of the total strength of Group A service in each batch of the cadre including IPS. For counting 50 % of the batch in each cadre, a block of 5 batches, starting from first and sixth year of every decade, shall be taken together.
- (ix) 2 passport size photographs are required for the award of PPM.
- (x) ACR grading for 10 years should be strictly indicated in the prescribed proforma. Where non initiation certificate is reported for certain period, the record of such officers for equal period/years preceding the period under review, should be sent.
- (xi) It should be ensured that the IPS officers recommended for award of medal have submitted AIPR for the previous year to the Cadre Controlling Authority (IPS-II Section MHA, North Block, New Delhi). In the absence of AIPR for the previous year, the vigilance clearance will not be granted and as such, the IPS officers will not be considered for award of service medals on the occasion of Republic/Independence Day.
- (xii) List of names in respect of officers recommended for award of medals in English and Hindi should be sent for preparation of notification and scrolls. The recommending organizations must ensure that the names and designation of the officers

recommended are correctly indicated in Hindi and English, since the notifications in respect of the award of service medals, are issued bilingually.

- (xiii) Contact of number of forwarding officers will have to be indicated.
- (xiv) Serial No.1(b), 5, 8(b), 13,19, & 20 of the proforma prescribed for citation must be filled in without fail.
- (xv) Limited number of recommendations, ordinarily 1.5 times, commensurate with the number of medals allotted to jurisdiction of each sub-committee may be sent.
- (xvi) No objection certificates (NOC) from the parent cadre should invariably be obtained so that if any complaint/court case/departmental proceedings are pending or contemplated against the personnel recommended, the same becomes available with the recommending authority. Similarly, the lending department will also obtain no objection certificate from the borrowing department, even after the officers are repatriated to their parent cadre. In case an officer on Central deputation moves from one department to another department or organizations on lateral deputation, the employer who initiates medal proposals should seek no objection certificate from the other organizations/departments concerned and the parent cadre as well. The recommending authority is solely responsible for submission of NOC in time, in respect of the police officer recommended for PPM/PM during his period of deputation.
- (xvii) The recommendation received after due date will not be considered. The recommendation will not be accepted, if they are not submitted online. The hard copy should also be forwarded.
- (xviii) For being eligible for PPM, there should be a minimum of six year gap after the award of police medal for meritorious service. However, in exceptional cases, where the IPM was delayed for no fault of the individual officer and also he is left with a shorter period to retire, less than the required gap, the gap of six years may be relaxed up to four years, provided that the officer has a minimum of five outstanding and three very good gradings for the period under review.
- (xix) Age of the nominee is taken into consideration for recommendation by preferring the older ones to younger ones, when other things are equal.
- (xx) Due attention has to be paid to accommodate candidates belonging to SC/ST, the women and minorities.

**RECOMMENDATION FOR THE AWARD OF PRESIDENT'S POLICE MEDAL FOR DISTINGUISHED SERVICE / POLICE MEDAL FOR MERITORIOUS SERVICE**

1	(a) Name (As per Service Record) (In Capital Letter)	First Name	Middle Name	Surname		
	(b) Name in Hindi (Mandatory)					
2	Father's / Husband's Name	First Name	Middle Name	Surname		
3	Date of Birth/Sex	Date	Month	Year		
4	Age as on Independence Day /Republic Day of the Year	Year		Month		
5	Whether belongs to SC/ST/OBC/General (Mandatory)					
6	Initial appointment	Date of joining	Rank	Service	Cadre	Category(IPS/Group-A Non-IPS/ASI to Inspector Equivalent/Constable Equivalent)
7	Total Police Service as on Independence Day /Republic Day of the Year					
8	Present posting, with complete postal address with PIN code	Designation	Place	PIN code	Date	
	b) Above details in Hindi(Mandatory)					
9	Whether on deputation	Yes	No			
	If yes, Date of joining on deputation	Date	Month	Year		

10	Rewards	No in Rs.	Total amount
	A)Cash Awards		
	B)Others		
	i) Commendation		
	ii)Appreciation		
	iii)Good Service Entries		
	iv)Any other rewards(Specify)		
11	Year and occasion of award of Police Medal for Meritorious Service	Year Occasion(RD/ID)	
12	Punishment(s)	Details of Penalty	Year(s)
13	Medal Category (Mandatory)		
14	Details of any enquiry pending against the officer		
15	Details of disciplinary proceedings pending /contemplated against the recommended, if any	Year	Nature of allegation
16	Details of the court cases pending against the recommended, if any	Year	Present Status Details of charge
17	ACR Grading for last 10 years  In case of maximum 3 NIC, ACR grading for last 13 years  Similarly, in case ACR is given as per Calendar year,  OS-Outstanding; VG-Very Good, G-Good; AV-Average; NIC-Not Initiating Certificate; Adv- Adverse; Ms- Missing; NA- Not applicable (ACR's are not written in case of Constable and below in some organisations)  *ACR gradings should be distinctly indicated as Outstanding, Very Good, Good, Average, etc..  Wherever different grading are applicable in different cadre, the same should be converted by the recommending organization into the equivalent acceptable ACR grading ( Viz,	Year Grading	

	OS, VG, G, AV, NIC, NA) before forwarding the recommendation								
18	ACR Grading for last ten years  In Number	OS	VG	G	AV	NI C	AD V	NA	MS
19	Email address (Mandatory)								
20	Mobile Number(Mandatory)								
	Brief description of work justifying award of Medal(No posting details) In order of importance (not exceeding 200 words each)								

Signature of Recommendation Authority:

Name :

Designation :

Contact No :

Date :

## **Annexure-II**

### **INTEGRITY CERTIFICATE**

Certified that the Integrity of Shri/Smt/Ms \_\_\_\_\_ (in English for Notification) \_\_\_\_\_ (in Hindi for preparation of Scrolls) \_\_\_\_\_ (Designation) S/o \_\_\_\_\_ Date of Birth(BOD) \_\_\_\_\_ recommended for award for \_\_\_\_\_ on the occasion of Independence Day / Republic Day is above suspicion and that he was not concerned in any proceedings that were censured in a Court of Law. It is further certified that no judicial or departmental proceedings are being contemplated/pending against him. Similarly, no vigilance case is pending/ contemplated against him. It is also certified that the officer recommended has not been given any major penalty or punishment in the period under review i.e. last 10 years.

2. It is also certified that character & antecedents (of the proposed awardees) have been duly verified and nothing adverse reported against him.

Signature/ Digital Signature\_\_\_\_\_

Name\_\_\_\_\_

Director General of Police/Addl. Director General of Police

Signature / Digital Signature:\_\_\_\_\_

Name\_\_\_\_\_

Deputy Secretary to the Government

Contact No:\_\_\_\_\_

## **Annexure-III**

### **Certificate**

It is certified that it has been checked and verified from the records of Shri/Smt/Ms. \_\_\_\_\_ Designation \_\_\_\_\_ and it is confirmed that he/she has not been

earlier awarded the President's Police Medal for Distinguished Service/ Police Medal for Meritorious Service for which he/she is being recommended.

Signature / Digital Signature\_\_\_\_\_

Name of the Officer\_\_\_\_\_

Designation\_\_\_\_\_

Date\_\_\_\_\_

Official Stamp\_\_\_\_\_

\*Note: Head of the organization (officer signing the certificate) is responsible for factual correctness of service details/ certificate which include Annexure-I to III.

#### **Annexure-IV**

#### **PHYSICAL / MEDICAL CERTIFICATE**

Certified that the  
Shri/Smt/Ms \_\_\_\_\_ S/o \_\_\_\_\_ Designation \_\_\_\_\_ Date \_\_\_\_\_ of  
Birth(BOD) \_\_\_\_\_ recommended for award for \_\_\_\_\_ on the occasion of  
Independence Day / Republic Day has been awarded medical category \_\_\_\_\_ (\*) as per the  
Medical examination carried out on \_\_\_\_\_ (date) by authorized Medical Officer/ Medical  
Board.

Signature/ Digital Signature\_\_\_\_\_

Name \_\_\_\_\_

Director General of Police/Addl. Director General of Police

Signature / Digital Signature:\_\_\_\_\_

Name \_\_\_\_\_

Deputy Secretary to the state Government

Contact No:\_\_\_\_\_

Note1: Medical category should be awarded as per guidelines for criteria of physical /  
Medical fitness for awarding Police Medal to the Police Personnel.

Note2: Medical examination of the person should be carried out by the Medical Officers of  
State / Central Government / Autonomous Body Hospital

\*SHAPE-1/ SHAPE-2/ SHAPE-3/ SHAPE-4/ SHAPE-5

## **(12) TRAVEL CONCESSION FOR RECIPIENTS OF PRESIDENT'S POLICE MEDAL (PPM) AND POLICE MEDAL (PM)**

- (i) Recipients of President's Police Medal and Police Medal for Meritorious service, who are above the age of 60 years, are entitled to concession in rail fare (50% for men & 60 % for women).
- (ii) Recipients of President's Police Medal for gallantry and Police Medal for gallantry (serving & retired) are entitled to 75% concession on journey to be undertaken by them in Economy Class on domestic sectors and for that purpose concessional tickets are issued by the Indian Airlines.
- (iii) Recipients of the above mentioned medals are issued computerized passes to enable them to avail admissible concessions. The recipients of the above said medals, shall apply for computerized passes in the prescribed format with a copy of relevant notification (awarding medal) and stamp size photograph through the organization concerned and in case of retired officers, through the organization where they last served or from where they had retired.

[Letter No. 11019/19/2009-PMA, Government of India, Ministry of Home Affairs, Police Division (PMA CELL), Dated 04.12.2009.]

## **59 (B): INSTRUCTIONS ON SENDING RECOMMENDATION ROLLS FOR VARIOUS STATE MEDALS: -**

(a) The details of recommendations due from the Unit officers in respect of various medals awarded to the Police Personnel both by the Government of Tamil Nadu and by the Government of India are furnished in the statement below:-

(b) The following are the guidelines for sending Medal recommendations:

(i)The Medal Boards should be conducted at the Zonal level under the Chairmanship of respective Zonal Inspector General of Police or Commissioner of Police.

(ii)Each Special Unit will have its own Board headed by the Director General of Police or Additional Director General of Police or Inspector General of Police, who is the head of the Special Unit.

[Standing Instructions-82-2014 vide C.No.41359/Medal.1/2012, dated 26.05.2014 of the Director General of Police].

(iii) The Commissioner of Police, Chennai City will be the head of the sub-committee for Chennai City and Chennai City will be considered as a separate zone for this purpose.

(iv) Citations in respect of each officer or Police personnel, as the case may be, should be gone through personally and signed by the Superintendent of Police in districts and countersigned by

the Deputy Inspector-General of Police whereas in the case of cities, citations should be gone through personally and signed by the Commissioner of Police.

(c) On receipt of the recommendation rolls of the Range/City/Unit, the Zonal Medal Board will scrutinize the recommendations and forward the same to the Director-General of Police along with their recommendation, before the due date prescribed, for each medal. The Range DIGs/COPs and the Zonal IGP and the heads of the Special Unit may fix up their time table to ensure this. This arrangement is made to have a thorough scrutiny of the citations. The citations, written in a pleasing manner and good language, should be corrected at the zonal level/unit level and furnished in a page (300 words). The citations should be submitted in Tamil also for the medals awarded by the Government of Tamil Nadu. The citations should be counter-signed accordingly.

(d) The following are the points to be followed in respect of each of the following popular medals for recommendations sent periodically by the unit officers.

S.No		<b>Medals</b>
1		Tamil Nadu Chief Minister's Police Medal for Gallantry and Outstanding Devotion to Duty (Anna Medal) to be announced on 15 <sup>th</sup> September -To be sent to Chief Office by 25 <sup>th</sup> May every year.
2		Tamil Nadu Chief Minister's Medal to Home Guards and Civil Defence for Gallantry and Outstanding Devotion to Duty (Anna Medal) to be announced on 15 <sup>th</sup> September - To be sent to Chief Office by 25 <sup>th</sup> May, through the ADGP, Home Guards.
	i ii iii	<u>The eligibility criteria for all the above two medals:</u> Individual must have completed 10 years of service. Individuals are eligible only once in their service. Those who have been awarded the President's Police Medal for Distinguished Service Medal/Police Medal for Meritorious Service in a year are not eligible for the award of the medal for outstanding devotion to duty for the next three years.
3.		<u>Medal allowance:</u> For the medal – Devotion to duty - Only lumpsum grant will be allowed and not any monthly allowance.

		For Chief Minister's Gallantry award shall be entitled (to monetary allowance of Rs.300/- per month.) lumpsum of Rs.5 lakhs-G.O.Ms.No.92, Home (SC) Department, dated: 05.02.2014
4.		Tamil Nadu Chief Minister's Police Medal for Excellence in Investigation announced on the occasion of Independence Day. (To be sent to Chief Office by 20 <sup>th</sup> February) through the ADGP/IGP, Crime Branch CID, Chennai.
	i	<u>Eligibility criteria for the above medal:</u> Seniority will not be a criterion for selecting the nominee for this award.
	ii	An awardee who has received this medal in any year should not ordinarily be nominated again for this award for another three years.
	iii	The medal should be recommended only in accordance with the gradation of excellence in the investigation of crime and not according to rank or service seniority.
	Iv	Only Crime cases should be taken in to account and cases of law and order nature should not be taken in to account. Even in crime cases, the cases that have ended in conviction should be taken in to account for recommendation.
5.		Tamil Nadu Chief Minister's Police Constabulary Medal awarded on the Pongal Day (14 <sup>th</sup> January) -To be sent to Chief Office before 31 <sup>st</sup> October.
	i	<u>Eligibility criteria for the above medals:</u> Individual must have completed 10 years of service.
	ii	Should not have been awarded the same medal earlier.
	iii	Gr.II PCs to Head Constables and SSIs in Tamil Nadu
	iv	clean defaulter sheet for the last ten years (G.O. Ms.No.656 Home (SC) Dept. Dated 09.06.2008).
	v	Should be recommended strictly in accordance with seniority.
	vi	To be restricted to 12% of the total strength, subject to the limit of 3000 medal per year including V&AC personnel.
	vii	If charge /enquiry is pending or under contemplation, the same should be

6.	viii	<p>recorded and such personnel should not be recommended for the medal. However, if further action is dropped and when they become eligible, they may be recommended for the award of the medal in the succeeding year.</p> <p>Eligible only once in their service.</p> <p>The awardee shall be entitled to monetary allowance of Rs.300/- per month.</p> <p><i>G.O.Ms.No.523, Home (SC) Department, dated: 16.06.2018</i></p> <p>Tamil Nadu Chief Minister's Police Medal for Excellence in Public Service awarded on the occasion of Independence Day - August 15<sup>th</sup> To be sent to Chief Office before 31<sup>st</sup> March every year.</p> <p><u>Eligibility criteria for the award of above medal</u></p> <p>a) All police personnel from the rank of Constable to DGP are eligible.</p> <p>b) Individuals must have completed a minimum of 5 years of service.</p> <p>c) To be recommended to those officers who have done exemplary public service and who have shown keenness, Zeal and interest in selflessness, public service of higher order without being detrimental to the official work.</p> <p>d) There shall be an interval of two years from the award any other medal.</p> <p>e) Awardees who have received this medal in any year should not ordinarily be nominated again for this award for another three years. (G.O.Ms.No.19 Home (SC) Dept.Dt.06.01.2005).</p> <p>f) For the award of this medal, only a lumpsum grant @ Rs.5,000/- will be allowed and no monthly allowance.</p> <p>g) Any important work that promotes better rapport between the police and public..</p> <p>h) Seniority will not be a criterion for selecting the nominee for this award.</p> <p>Awarded to only 5 persons in a year</p>
7.	i	<p>Tamil Nadu Chief Minister's Medal for Excellence in Finger Print Science awarded on the birthday of Dr.C.N.Anna Durai, Former Chief Minister of Tamil Nadu falling on 15<sup>th</sup> September -To be sent to Chief Office through the IGP, SCRB before 25<sup>th</sup> May.</p> <p><u>Eligibility criteria for the award of this medal:</u></p> <p>Officers of the rank of SI (FP) to SP (FP) are eligible. Only Two persons will get this medal in year.</p>

	<p>ii For uniqueness and innovation in dactylographic and/or dactyloscopy having a potentiality to increase the probability of infallibility in identifying the author of the chance prints.</p> <p>iii For winning a gold medal or first place in Scientific Aids to Investigation, and acquiring recognition in a National forum like National Crime Records Bureau through outstanding contribution.</p> <p>iv For tracing and developing Finger Prints in the highly risky and challenging environment, leading to detection of a sensational case.</p> <p>v For those who successfully identify maximum number of chance prints in a year.</p> <p>vi For conspicuous devotion to duty over a period of 10 years in service. For consideration under this clause of service, seniority should be taken in to account. The members will be eligible only once in their service for being awarded a medal under this clause.</p> <p>vii For awarding a medal under rule (i) to (iv), there shall be a gap of three years.</p> <p>viii. (<i>G.O.Ms.No.788 Home (SC) Dept. Dt.08.09.2005</i>).</p> <p>For the award of this medal, lumpsum grant alone will be allowed and no monthly allowance.</p>
8.	<p>Tamil Nadu Chief Minister's Police Medal for Excellence in Technical and Specialized Services on the occasion of Pongal Day -To be sent to Chief Office before 31<sup>st</sup> October every year.</p> <p><u>Eligibility criteria for the award of above medal</u></p> <p>i) All police personnel in Police Radio Branch, Dog Squad and Police Photographers.</p> <p>ii) Those who have shown their ability, keenness, zeal and capacity for hard work of a really high order, if no one is found suitable in a particular year, no medal shall be awarded in that particular year.</p> <p>iii) Two medals shall be awarded to the personnel in each of the three wings, in the following manner:-</p> <p>a) One for exceptional professionalism coupled with technically challenging pursuit – number of years of service or the seniority need not be taken into account – A member shall be eligible for the award of a subsequent medal after a gap of three years.</p>

	iv	b) The second one for continued dedicated and unblemished service for more than ten years – Should have completed a service of 10 years and also they should be considered strictly according to seniority – Shall be only once in service – They shall become eligible for the award, but with a gap of three years from the award of the previous medal.
	v	IGP and Director, SCRB will be Nodal Officer in respect of Police Photographers.
	vi	IGP, Operations will be Nodal Officer in respect of Dog Squad personnel.
	vii	IGP, Technical Services will be Nodal Officer in respect of the Technical Staff of the Police Telecommunication Branch.  They shall be granted lumpsum grant for different ranks at the rates fixed from time to time. No monthly allowance will be given.
9.	i)	Gandhi Adigal Police Medal for Outstanding work in curtailing illicit liquor to be announced by the Government on the 2 <sup>nd</sup> October of every year and awarded on the occasion of Republic Day – January 26 <sup>th</sup> -To be sent to Chief Office before 10 <sup>th</sup> day of June every year through ADGP/IGP Prohibition Enforcement Wing  <u>Eligibility criteria for the award of above medal</u>
	ii)	Individual must have completed 5 years of service.
	iii)	Should not have been awarded the same medal earlier.
	iv)	The outstanding performance in curtailing illicit liquor should be considered. The nomination for the award of Medal for outstanding work shall not be done in a routine manner and should be done in all seriousness. The standard of cases detected shall be so high that the work deserves proper recognition by way of award of a medal.
	v)	Those who have been awarded, the President's Police Medal for distinguished service/police medal for meritorious service, Tamil Nadu Chief Minister's Police Medal for outstanding devotion to duty in a year, are not eligible for the award of this medal for the next three years.
	(vi)	The recommendations should be routed through the District Collector.
	(vii)	They shall be granted lumpsum grant at the rates fixed from time to time. No monthly allowance will be given.  Five officers of and below the rank of DSP are entitled to this medal.

- (e) All proposals for Medal recommendation should contain the following:
- (i) Proforma I and II
  - (ii) Citations in English and Tamil in one page
  - (iii) Integrity Certificate
  - (iv) ACR grading for 10 years, where the minimum prescribed service is 10 years and above.
  - (v) Defaulter sheet with details of the charges and punishments.
  - (vi) Combined seniority list of personnel considered.
  - (vii) A soft copy of the above details.
- (f) The general condition for all the medals is that the personnel recommended must maintain clean defaulter sheet and that there should not be any adverse report, no charge or enquiry of any kind, pending or under contemplation against the personnel recommended. However, in exceptional cases, if a particular person, who has done excellent performance, is recommended for award of medal inspite of minor punishment on charges of frivolous nature in the "Recommendation" column with details, it is up to the decision of the State Medal Board to consider such cases.
- (g) While filling up the name of the personnel recommended, it should be in Bold and Capital letters with initial. For women personnel, indication regarding Selvi or Tmt. should be furnished without fail. Similarly, the reward and default particulars furnished in the combined seniority list of personnel recommended, in the individual recommendation roll and in the citation, must tally with each other. The individual recommendation roll should be like a book of A4 size in a proper wrapper and the Name/Designation/unit of the personnel should be indicated properly in the wrapper. Whenever there is some default or adverse report, particularly for the recommended cases, the details of such default or adverse report must be furnished without fail. The ACR gradation for the past 10 years, required to judge the suitability of the individual, should be furnished without fail in the proper form. If the PF of the individual is in transit, the unit officer should depute the staff to ascertain the gradation before convening the Range/City/Unit Medal Board and recommendation and consideration should be based on the same. Simply ignoring the ACR gradation on the plea that the Personal File is sent to Chief Office/not received from the previous station/ not available should be avoided. In order to avoid this lapse, before sending the Personal File, the ACR gradation should be taken and kept attested by the unit officer concerned.
- (h) **THE POLICE ESTABLISHMENT BOARD TO MAKE RECOMMENDATIONS OF ALL MEDALS:**

The Police Establishment Board constituted vide Section 8 (1) of the Tamil Nadu Police Reforms Act 2013 (Act 221/2013) consisting of the following Officers shall make recommendations to the Government for the award of various medals (both State and Central Medals) as per the time schedule fixed for the purpose, in exercise of powers conferred under section 8 (3) © of the said Act.

- (a) Additional Director General of Police (Administration);
- (b) Additional Director General of Police (Law and Order);
- (c) Additional Director General of Police (Head Quarters); and
- (d) Additional Director General of Police (Intelligence).

The Director General of Police shall be the Chairperson and the senior-most Additional Director General of Police shall be the convenor of the Board.

(i) While sending the recommendation rolls, the clearance certificate from the Vigilance & Anti-corruption and Special Branch, CID should also be enclosed in respect of each person recommended.

*(Circular Memorandum Rc.No.11403/Medal.I/2003 Dated: 01.08.2003 of the Director General of Police, Tamil Nadu, Chennai)*

(j) Out of a total of 100 medals allotted in the rules governing the award of the Tamil Nadu Chief Minister's Medal for Outstanding devotion to duty, 4 medals should be earmarked for the police personnel serving under ADGP, TNPA and ADGP, Training. Similarly, out of the total number of Government India medals allotted for this state to be awarded every year on the occasion of Republic Day/Independence Day, recommendations should be made for the award of 2 medals to the police personnel serving under ADGP, TNPA and ADGP, Training. For this purpose, 3 names may be recommended in consonance with the proportion for other police personnel. If no suitable person is available, the medal earmarked for training personnel may be allotted to other eligible personnel.

*(Government Letter No.SC/1414-2/2002 Home (SC) Dept. Dated: 02.05.2002)*

(k) Too many decorations on an officer within a short period may not be conducive to the morale of the force and, hence, those who are awarded the 'Governor's Medal for Vigilance – Tamil Nadu' or the Tamil Nadu Chief Minister's Police Medal or the Government of India Medal, need not be considered for a minimum of two years for award of any other medal.

*(Chief Office F.Dis.406/Con.II (1)/84 – D.Dis.11956/S.R. I/1981 Dated: 07.03.84)*

## **59-C- UTKRISHT AND ATI UTKRISHT SEVA PADAK:**

**Ministry of Home Affairs**

**NOTIFICATION**

New Delhi, 23<sup>rd</sup> July, 2018

No. 11024/02/2018-PMA – The Union Home Minister is pleased to

institute an award for permanent Police personnel and other permanent support staff working in Central Armed Police Forces, State/UT Police Forces, Central Police Organisations, Assam Rifles, National Security Guards, Intelligence organizations of the Central Government/State/UT/CAPF, Home Guards and any other armed Police force of the Union throughout the Indian Union in consideration of the long service, based on the length of service after 15/25 years of service to be designated “UTKRISHT SEVA PADAK” and “ATI UTKRISHT SEVA PADAK” and to make, ordain and establish the following statutes governing them which shall be deemed to have effect from the date of their notification.

### **UTKRISHT SEVA PADAK**

**Firstly** — The award shall be in the form of a Medal styled and designated as the “UTKRISHT SEVA PADAK” (hereinafter referred to as Medal).

Secondly – The Medal shall be circular in shape, made of cupro –nickel and will be of silver colour, one and three eighth inches in diameter, and shall have embossed on the obverse the design of “OUTLINE OF MAP OF INDIA” in the Centre and shall have engraved “UTKRISHT SEVA PADAK” in Hindi on the upper edge and the words “UTKRISHT SEVA PADAK” in English inscribed on the lower edge thereof. On the reverse, it shall have embossed the State Emblem in the centre and the words “SATYAMAVE JAYATE”. in Hindi shall be embossed below the State Emblem. The words “BHARAT SARKAR” in Hindi followed by “Government of India” in English will be embossed below “SATYAMAVE JAYATE”.

**Thirdly-** The Medal shall only be awarded to those who have either performed their duties with conspicuous devotion, skill and courage as members of Police forces within the territory of India, continuously for 15 Years.

**Fourthly** – The names of those to whom this Medal may be awarded may be kept in the Register of such names which will be maintained by concerned States/UT/s/CAPFs/CPOs.

**Fifthly** – Each Medal shall be suspended from the left breast and the riband, of an inch and three eighth in width, shall, in the case of UTKRISHT SAVA PADAK, be half blue and half red of the standard size.

**Sixthly-** It shall be competent for the Union Home Minister to cancel and annul the award to any person of the above decoration and that thereupon his name in the Register shall be erased. It shall, however, be competent for Union Home Minister to restore any decoration, which may have been so forfeited. Every person to whom the said decoration is awarded shall, before receiving the

same, enter into an agreement, to return the medal if his name is erased as aforesaid. Notice of cancellation or restoration in every case shall be entered in the Register.

**Seventhly-** It shall be competent for Ministry of Home Affairs to make rules to carry out the purpose of these Statutes.

### **ATI UTKRISHT SEVA PADAK**

**Firstly-** The award shall be in the form of a Medal and styled and designated the “ATI UTKRISHT SEVA PADAK” (hereinafter referred to as the Medal).

**Secondly-** The Medal shall be circular in shape, made of cupro-nickel and will be of golden colour, one and three eighth inches in diameter, and shall have engraved on the obverse the design of “OUTLINE OF MAP OF INDIA” in the Centre and shall have engraved “ATI UTKRISHT SEVA PADAK” in Hindi on the upper edge and the words “ATI UTKRISHT SEVA PADAK” in English inscribed on the lower edge thereof. On the reverse, it shall have embossed the State Emblem in the Centre and words “SATYAMAVE JEYATHE” in Hindi shall be embossed below the State Emblem. The words “BHART SARKAR” in Hindi followed by “Government of India” in English will be embossed below “SATYAMAVE JAYATE”

**Thirdly –** The Medal shall only be awarded to those who have either performed their duties with conspicuous devotion, skill and courage as members of Police forces within the territory of India, continuously for 25 Years.

**Fourthly –** The names of those to whom this medal may be awarded may be kept in the Register of such names which will be maintained by concerned States/UT/s/CAPFs/CPOs.

**Fifthly-** Each Medal shall be suspended from the left breast and the riband, of an inch and three eighth in width, shall, in the case of ATI UTKRISHT SAVA PADAK, be one third yellow and one third Red.

**Sixthly-** It shall be competent for the Union Home Minister to cancel and annul the award to any person of the above decoration and that thereupon his name in the Register shall be erased. It shall, however, be competent for Union Home Minister to restore any decoration, which may have been so forfeited. Every person to whom the said decoration is awarded shall, before receiving the same, enter into an agreement, to return the medal if his name is erased as aforesaid. Notice of cancellation or restoration in every case shall be entered in the Register.

**Seventhly-** It shall be competent for Ministry of Home Affairs to make rules to carry out the purpose of these Statutes.

**Ministry of Home Affairs**

**NOTIFICATION**

**New Delhi, 23<sup>rd</sup> July, 2018**

No. 11024/02/2018-PMA – In accordance with the Statute ‘Seventhly’ of the statutes relating to the award of UTKRISHT SAVA PADAK, the following Rules governing the award of the Medal are notified which shall be deemed to have effect from the date of their notification:-

**UTKRISHT SEVA PADAK**

1. Recommendation for award on the ground of continuous service shall be made as soon as possible after the completion of 15 years of continuous service
2. All the recommendations shall state the name and rank of the person recommended, the name of the Police Force, or the Unit of the Central Police/Security/Intelligence Organizations of which he is or was member and particulars of the service for which the grant of the medal is recommended.
3. The number of medals awarded for UTKRISHT SAVA PADAK should not be more than 1% of the sanctioned strength of the Police Force of the State /UT/CAPF/COP/AR/NSG and Intelligence organization of Central Government
4. The medal shall be awarded for:
  - (i) 15 years of continuous service ; and
  - (ii) A special distinguished record in Police service or in the Units of Central Police/Security Organization/Intelligence Organisation.
5. The Heads of Police Departments in the State/Union Territories that is, Director General of Police and Heads that is Director Generals/Director of the Central Armed Police Force and Central Police Organisations/Director of Intelligence Agencies are delegated the powers to award Utkrisht Seva Padak to their eligible Police personnel.
6. The Medal is liable to be forfeited when the holder is guilty of disloyalty or such conduct as in the opinion of the Government brings the force into disrepute.
7. The medal will be announced on any suitable date as fixed for the purpose by the State/UT/CAPF/Security organization.
8. The Ministry may lay down Standard Operating Procedure (SOP) for giving effect to these Rules.

9. In case of any dispute or complaint arising in connection with the award of the Medal, the decision of the Union Home Minister shall be Final.

10. The quota of the medal and Selection Procedure for awarding the medal be prescribed in the Standard Operating Procedures (SOPs) made under these Rules.

### **ATI UTKRISHT SEVA PADAK**

1. Recommendation for award on the ground of continuous service shall be made as soon as possible after the completion of 25 years of continuous service.

2. All the recommendation shall state the name and rank of the person recommended, the name of the Police Force, or the Unit of the Central Police/ Security Organizations of which he is or was a member and particulars of the service for which the grant of the medal is recommended.

3. The number of medals awarded for ATI UTKRISHT SEVA PADAK should not be more than 0.5% of the sanctioned strength of the Police Force of the State/UT/CAPF/AR/NSG and Intelligence Organization of Central Government.

4. The medal shall be awarded for

- (i) 25 years of continuous service; and
- (ii) A special distinguished record in Police service or in the Units of Central Police / Security Organization/Intelligence Organization.

5. The Heads of Police Department in the Sates/Union Territories that is, Director General of Police and Heads that is Director Generals/Director of the Central Armed Police Forces and Central Police Organizations /Director of Intelligence organisation are delegated the powers to award Ati Utkrisht Seva Padak to their eligible Police personnel.

6. The Medal is liable to be forfeited when the holder is guilty of disloyalty or such conduct as in the opinion of the Government brings the force into disrepute.

7. The Medal will be announced on any suitable date as fixed for the purpose by the State /UT/CAPF/Security organization.

8. The Ministry may lay down Standard Operating Procedure (SOP) for giving effect to these Rules.

9. In case of any dispute or compliant arising in connection with the award of the Medal, the decision of the Union Home Minister shall be final.

10. The quota of the medal and Selection procedure for awarding the medal may be prescribed in the Standard Operating Procedures (SOPs) made under these Rules.

## **STANDARD OPERADING PROCEDURE (SOP) FOR AWARED OF “UTKRISHT SEVA PADAK”& “ATI UTKRISHT SEVA PADAK”**

### **UTKRISHT SEVA PADAK**

- (a) Ministry of Home Affairs, Government of India has instituted a scheme for award of Medal to the permanent Police personal and other permanent support staff working in Central Armed Police Forces, State/UT Police Forces, Central Police Organisations, Assam Rifles, National Security Guards, Intelligence Organizations of Central Government/State/UT/CAPF, Home Guards and any other armed Police Force of the Union. The Medal will be named as “UTKRISHT SEVA PADAK”.
- (b) The medal will be announced every year on any suitable date as fixed for the purpose by the State/UT/CAPF/ Security organisation. DGs of the respective State/CAPFs/COPs/Intelligence Agencies will constitute a committee headed by SDG/ADG to screen nominations as per prescribed norms and proforma (Annexure-I).
- (c) The inaugural year's medals under this Scheme will be announced on any suitable date as fixed for the purpose by the State/UT/CAPF/Security organisation during 2019 for the performance up to the year 2017-18. Serving personnel who have completed 15 years of service before the declaration of UTKRISHT SEVA PADAK may also be considered for giving the medal.

### **2. Objective**

The objective of institution of the UTKRISHT SEVA PADAK is as follows:-

- (a) To recognize the long and unblemished service rendered by personnel during the past 15 years, with certain level of professional excellence.
- (b) To promote greater professionalism and excellence in service amongst the serving personnel of Police Organisations and Intelligence Agencies.

### **3. Quota of medals**

- (a) The total number of Utkrisht Seva Medal should not be more than 1% of the sanctioned strength of Police/Intelligence personnel of State/UT/CAPF/CPO/Intelligence Agency.
- (b) 1% is the maximum cap rank wise, subject to the eligibility conditions, the number of awardees in any rank shall in no case exceed 1% of the sanctioned strength in the rank (Constable/Head Constable, ASI/SI/Inspector, Dy.SP & above).

(c) Prior confirmation of the total number of medals to be awarded by State/UT/CAPF/CPO/Intelligence Agency must be obtained from MHA each year before issue of order/notification for awarding such medals based on the list approved by the DGP/DG.

#### **4. Awards of the Medals**

The DGP/Head of CAPF/CPO/Intelligence Agency may award the medal to permanent personnel who are eligible on all parameters. The names of such medal awardees shall be entered in the register of such names which will be kept in the State/UT Police and by the respective units of CAPFs/CPOs/ Home Guards/Intelligence agency.

#### **5. Eligibility criteria**

(a) The award shall be made to Police personnel of the above mentioned agencies in recognition of outstanding or meritorious service performed by police personnel along with Smart Policing.

(b) The nominee should have completed not less than Fifteen years of service for Utkrisht Seva Medal, on 1<sup>st</sup> April of the year of nomination. Personnel, who are eligible for the ATI UTKRISHT SEVA PADAK, will not be eligible for the UTKRISHT SEVA PADAK.

(c) The APAR/ ACR assessment year is declared as the year of consideration for the purpose of the award of this Medal.

(d) No Judicial Proceedings/Departmental Enquiry should be pending against the recommendee at the time of considering his/her name for the Medal.

(e) The recommendee should not have been given any major penalty in the period under consideration. An Integrity Certificate to this effect should be furnished by the Head of unit of CAPFs/States/CPOs/Home Guards/Intelligence Agencies as per Performa in Annexure-II of SOP.

(f) As defined in department rules, any punishment previously awarded should not be within currency period.

(g) Consideration for APAR/ ACRs

i. APAR/ACR grading shall be considered for all ranks for awarding of medal. In the event of the system of APAR/ACRs not being in place in some states, a grace period of one year shall be given to adopt the practice of APAR/ACR for all ranks.

- ii. States which do not have APAR/ACR should introduce a separate form for the purpose on the lines of APAR/ACR of Government of India.
- iii. For States which don't follow APAR/ACR system for Constable and other ranks, citation/ self-appraisal will be taken from the individual whose name is being considered for the award.
- iv. The grading for all ranks for awarding the medal should not be less than "Good" in the last 5 preceding years. There should, at the time of considering his/her name for medal, not be any adverse entry in the last 5 preceding years.
- v. The officers nominated for the award of the medal shall also be assessed on the following ten parameters of 'SMART' Policing to the extent applicable to the organization:-
  - 1. Strict
  - 2. Sensitive
  - 3. Mobile
  - 4. Modern
  - 5. Alert
  - 6. Accountable
  - 7. Reliable
  - 8. Responsive
  - 9. Techno-savvy
  - 10. Trained.

## 6. Screening Procedure

The screening procedure for selection of the candidates will be as follows:

- (a) The DGP/Head of CAPF/CPO/Intelligence Agencies will finalize the nominations of the candidates based on the recommendations of the apex committee. Only those personnel who fulfill the eligibility criteria will be approved.
- (b) Apex Committee at State/CPO/CAPF/Intelligence Agency level shall be constituted in each State/CPO/Intelligence Agency by the DGP/DG/Director. This committee, by whatever name called, should be headed by SDG/ADG rank officer. The committee should have at least three members. An Officer whose name is being considered for the Medal shall not be a member of the committee.
- (c) Such number of Lower level Committee may be constituted by DGP/Head of CAPFs/CPOs/Intelligence Agency as are necessary for screening at various levels in the organization. Recommendations of these committees will be finally considered by the apex committee.
- (d) The prescribed committees will assess the suitability of the candidate on the basis of the following criteria:-
  - i. Length of service
  - ii. APAR/ ACR for the period under consideration.

- iii. Citations given by the applicant officer.
  - iv. Mark of the nominee personnel on the ‘SMART’ Policing parameters to the extent applicable to the organization.
  - v. Previous rewards, commendations and decorations.
  - vi. Performance of the recommendee in the filed/area of expertise/specialization.
- (e) Documents to be forwarded by the Lower Committees to the State/CAPF/CPO/Intelligence Agency level Committee shall be as under-
- I. Committee proceedings with the list of candidates
  - II. Duly filled and counter signed Annexures I to IV as mentioned in the SOP
  - III. Marks of the nominee officer on the ‘SMART’ Policing parameters as awarded by the Reporting Officer and the Reviewing Officer.
  - IV. APAR/ACR grading for period under consideration as per details given in Annexure-I of SOP. Copies of last 5 years’ APARs to be enclosed.
  - V. Details of the previous rewards, commendations and decorations.
  - VI. Citations given by the applicant officers.
  - VII. Two recent passport size photographs of the recommendee.

## 7. **Withdrawal of Medal**

The Union Home Minister who has conferred the medal is competent to withdraw the medal if the holder is found guilty of disloyalty or brings the force to disrepute such as removal, major penalty, criminal offence etc. or any such conduct as may be found unbecoming in the opinion of the Government of the State or the Union.

## 8. **Design and description of medal**

The design and description of the medal is given in Annexure-V of SOP.

9. The Heads of Police Departments in the States/Union Territories that is, Director General of Police and Heads that is Director Generals/Director of the Central Armed Police Forces and Central Police Organizations/Directors of Intelligence Agencies are delegated the powers to award Utkrisht Seva Padak to their eligible Police personnel.

## **ATI UTKRISHT SEVA PADAK**

**(1)**

- (a) Ministry of Home Affairs, Government of India has instituted a scheme for award of Medals to the permanent Police personnel and other permanent support staff working in Central Armed Police Forces, State/UT Police Forces, Central Police Organizations, Assam Rifles, National Security Guards, Intelligence Organizations of Central Government/State/UT/CAPF, Home Guards and any other armed Police Force of the Union. The Medal will be named as “ATI UTKRISHT SEVA PADAK”
- (b) The medal will be announced every year on any suitable date as fixed for the purpose by the State/UT/CAPF/Security organization. DGs of the respective states/CAPFs/CPOs/Intelligence Agencies will constitute a committee headed by SDG/ADG to screen nominations as per prescribed norms and proforma (Annexure-I).
- (c) The inaugural year’s medals under this Scheme will be announced on any suitable date as fixed for the purpose by State/UT/CAPF/Security organization during 2019 for the performance up to the year 2017-18. Serving personnel who have already completed 25 years of service before the declaration of ATI UTKRISHT SEVA PADAK may also be considered for giving the medal.

**2. Objective**

The objective of institution of the ATI UTKRISHI SEVA PADAK is as follows:-

- (a) To recognize the long and unblemished service rendered by personnel during the past 25years, with certain level of professional excellence.
- (b) To promote greater professionalism and excellence in service amongst the serving personnel of Police organizations and Intelligence Agencies.

**3. Quota of medals**

- (a) The total number of Ati Utkrisht Seva Medal should not be more than 0.5% of the sanctioned strength of Police/Intelligence personnel of State/UT/CAPF/CPO/Intelligence Agency.

- (b) 0.5% is the maximum cap rank wise, subject to the eligible conditions, the number of awardees in any rank shall in no case exceed 0.5% of the sanctioned strength in the rank (constable/Head constable, ASI/SI/Inspector, Dy.SP & above).
- (c) Prior confirmation of the total number of medals to be awarded by State/UT/CAPF/CPO/Intelligence Agency must be obtained from MHA each year before issue of order/notification for awarding such medals based on the list approved by the DGP/DG.

#### **4. Awards of the Medals**

The DGP/Head of CAPF/CPO/Intelligence Agency may award the medal to permanent personnel who are eligible on all parameters. The names of such medal awardees shall be entered in the register of such names which will be kept in the State/UT Police and by the respective units of CAPFs/CPOs/Home Guards/Intelligence Agency.

#### **5. Eligibility criteria**

- (a) The award shall be made to Police personnel of the above mentioned agencies in recognition of outstanding or meritorious service performed by Police personnel along with Smart Policing.
- (b) The nominee should have completed not less than twenty five years of Service for Ati Utkrisht Seva Medal, on 1<sup>st</sup> April of the year of nomination.
- (c) The APAR/ACR assessment year is declared as the year of consideration for the purpose of the award of this Medal.
- (d) No judicial proceedings/Departmental Enquiry should be pending against the recommendee at the time of considering his/her name for the Medal.
- (e) The recommendee should not have been given any major penalty in the period under consideration. An Integrity certificate to this effect should be furnished by the Head of unit of CAPFs/States /CPOs/ Home Guards/Intelligence Agencies as per proforma in Annexure-II of SOP.
- (f) As defined in department rules, any punishment previously awarded should not be within currency period.
- (g) Considerations for APAR/ACRs
- (I) APAR/ ACR grading shall be considered for all ranks for awarding of Medal. In the event of the system of APAR/ACRs not being in place in some states, a grace period of one year shall be given to adopt the APAR/ACR for all ranks.

- (II) States which do not have APAR/ACR should introduce a separate form for the purpose on lines of APAR/ACR of Government of the India.
- (III) For States which don't follow APAR/ACR system for Constable and other ranks, citation/self-appraisal will be taken from the individual whose name is being considered for the award.
- (IV) The grading for all ranks for awarding the medal should not be less than 'Good' in the last 5 preceding years. There should, at the time of considering his/her name for medal, not be any adverse entry in the last 5 preceding years.
- (V) The officers nominated for the award of the medal shall also be assessed on of following ten parameters of 'SMART' policing to the extent applicable to the organization:-
  - 1. Strict
  - 2. Sensitive
  - 3. Mobile
  - 4. Modern
  - 5. Alert
  - 6. Accountable
  - 7. Reliable
  - 8. Responsive
  - 9. Techno-savvy
  - 10. Trained.

## **6. Screening Procedure**

The screening procedure for selection of the candidates will be as follows:-

- (a) The DGP/Head of CAPF/ CPO/Intelligence Agencies will finalize the nominations of the candidates based on the recommendations of the apex committee. Only those personnel who fulfill the eligibility criteria will be approved.
- (b) Apex Committee at State/CPO/CAPF/Intelligence Agency level shall be constituted in each State/CPO/CAPF/Intelligence Agency by the DGP/DG/Director. This committee, by whatever name called, should be headed by SDG/ADG rank officer. The committee should have at least three members. An officer whose name is being considered for the Medal shall not be a member of the committee.
- (c) Such number of Lower level Committees may be constituted by DGP/Head of CAPFs/CPOs/Intelligence Agency as are necessary for screening at various levels in the organization. Recommendations of these committees will be finally considered by the apex committee.
- (d) The Prescribed committees will assess the suitability of the candidate on the basis of the following criteria –

- I. Length of service**
- II. APAR/ACR for the period under consideration.**

- III.** Citations given by the applicant officer.
- IV.** Marks of the nominee personnel on the ‘SMART’ Policing parameters to the extent applicable to the organization.
- V.** Previous rewards, commendations and decorations.
- VI.** Performance of the recommendee in the filed/area of expertise/specialization.

(e) Documents to be forwarded by the Lower Level Committee to the State/CAPF/CPO/Intelligence Agency level Committee shall be as under-

- I.** Committee proceeding with the list of candidates
- II.** Duly filled and counter signed Annexure I to IV as mentioned in the SOP
- III.** Mark of the nominee officer on the ‘SMART’ Policing Parameters as awarded by the Reporting Officer and the Reviewing Officer.
- IV.** APAR/ACR grading for period under consideration as per details giving in Annexure –I of SOP. Copies of last 5 years’ APARs to be enclosed.
- V.** Details of the previous rewards, commendations and decorations.
- VI.** Citations given by the applicant officer.
- VII.** Two recent passport size photographs of the recommendee.

## **7. Withdrawal of medal**

The Union Home Minister who has conferred the medal is competent to withdraw the medal if the holder is found guilty of disloyalty or brings the force to disrepute such as removal, major penalty, criminal offence etc. or any such conduct as may be found unbecoming in the opinion of the Government of the State or the Union.

## **8. Design and description of medal**

The design and description of the medal is given in Annexure-V of SOP.

9. The Head of Police Department in the State/Union Territories that is, Director General of Police and Heads that is Director Generals/Director of the Central Armed Police Force and Central Police Organization/Directors of Intelligence Agencies are delegated the powers to award Ati Utakrishi seva Padak to their eligible Police personnel.

**Annexure-I**

**RECOMMENDATION FOR AWARD OF**  
**UTKRISHT SEVA PADAK/ATI UTKRISHT SEVA PADAK**

1.	Name  (In English capital letters)  (In Hindi)	Surname	Middle name	First name
2.	Father's name	Surname	Middle name	First name
3.	Date of Birth	Day	Month	Year
4.	Age as on____,____,____	Year	Month	
5.	Sex			
6.	Initial appointment	Year	Rank	Service Cadre
7.	Regimental/Force No.			
8.	Total Police service  (As on _____,_____,_____)			
9.	Present posting, with complete postal address.			
10.	Reward	No.	Total amount in Rs.	
	A) Cash Awards			
	B) Others			
	i) Commendations			
	ii) Appreciations			
	iii) Good Service Entries	----		
	iv) Any other			

	rewards(Specify)			
11.	Year of award of IPM/PMG/PPMG etc.			
12.	Punishment(s)	Details of Penalty	Year(S)	
13.	Details of any enquiry pending against the officer			
14.	Details of disciplinary proceedings pending/contemplated against the recommendee, if any			
15.	Details of the court cases pending against the recommendee, if any	Year	Details of charge	Present states
16.	APAR Grading for last 5 years  — — (____ to ____)  OS- Outstanding  VG-Very Good  G - Good  AV –Average  NIC-Non Initiation  Certificate.  Adv- Adverse  NA – Not Applicable	Year	Grading	
17.	In case of NIC corresponding	Year	Grading	

	nos. of APARs Grading beyond 5 years period of reckoning.	
18.	Brief description of work justifying award of Medal (No posting details). In order of importance (approximately 500 words).	

**Signature of Recommending Authority**

Name : -----

Designation : -----

Date : -----

**Annexure – II**

**INTEGRITY CERTIFICATE**

Certified that the integrity of Shri ----- (In English) -----  
----- (In Hindi) S/o -----  
----- (Designation )

----- recommended for the award for UTKRISHT SEVA PADAK/ATI UTKRISHT SEVA PADAK is above suspicion and that he was not concerned in any proceeding that was censured in a court of Law. It is further certified that no judicial or department proceedings are being contemplated/pending against him. Similarly, no vigilance case is being contemplated / pending against him. It is also certified that recommendee has not been given any major penalty in the last Five Years.

It is also certified that the character & antecedents (of the proposed awardee) have been duly verified and nothing adverse reported against him.

Signature -----

Name -----

Head of Unit

Official stamp -----

**Annexure – III**

**CERTIFICATE**

It is certified that it has been checked and verified from the records of recommendee Shri/Shrimati/Ms ----- designation ----- and it is confirmed that he / she has completed 15/25 years of service. It is also certified that he / she has not been earlier awarded UTKRISHT SEVA PADAK/ATI UTKRISHT SEVA PADAK for which he / she is being recommended.

Signature -----

Name -----

Designation -----

Date -----

Official stamp -----

## **'SMART' POLICING PARAMETERS**

Guidelines for evaluation of the nominee personnel on the 'SMART' Policing parameters are hereby provided. The evaluation shall be done by the immediate Reporting officer and the Reviewing Officer on a scale of 1 to 10 on each 'SMART' Policing parameter.

The marks allotted by the Reporting officer shall carry a weightage of 60% while marks allotted by the Reviewing officer shall carry a weightage of 40%. Aggregate weighted marks shall be arrived at by adding them together. The personnel attaining more than 60% of the aggregate weighted score shall be eligible for the medal.

These guidelines are not exhaustive. Other suitable and local parameters may also be considered for evaluation of the nominee personnel.

### **1. Strict**

- (a) Adherence to laid down rules & regulations and Standard Operating Procedures.
- (b) Enforcement of orders along with empathy with the victim.
- (c) Maintenance of discipline for all.
- (d) Self – regulation

### **2. Sensitive**

- (a) Protection of human rights of all persons particularly vulnerable sections of society.
- (b) Gender sensitivity.
- (c) Adherence to grievances redressal mechanism.
- (d) Welfare of troops.

### **3. Mobile**

- (a) Timely sharing of information & intelligence.
- (b) Willingness to respond to a situation.
- (c) Optimizing the available resources.
- (d) Responding in the minimum possible time.

**4. Modern**

- (a) Knowledge of the latest laws/technological/guidelines.
- (b) Use of latest technology.
- (c) Awareness/use of the best global practices.
- (d) Unlearning out-dated practices.

**5. Alert**

- (a) Observation
- (b) Initiative
- (c) Keenness
- (d) Fitness

**6. Accountable**

- (a) General Professional Repute
- (b) Relationship with all stakeholders
- (c) Attitude towards public
- (d) Temperament

**7. Reliable**

- (a) Responding to distress situation
- (b) Ensuring high standards of response
- (c) Team Spirit
- (d) Valuable Orientation

**8. Responsive**

- (a) Responding quickly
- (b) Problem solving approach
- (c) Taking responsibility
- (d) Out of box solutions (within the legal framework)

**9. Techno-savvy**

- (a) Efficiency in communication and delivery of services
- (b) Economy in manpower, removal of redundancy
- (c) Transparency/fairness and objectivity in process and outcome
- (d) Investigation, law and order, detection of crime.

**10. Trained**

- (a) Fulfilling the criteria of compulsory training accomplished or otherwise.
- (b) Individual initiative in attaining training for professional competence and enhancement.
- (c) Specialized courses undertaken.
- (d) Additional weightage for specialized or different stream courses on traffic, communication/wireless/ANO/Jungle warfare etc.

**ANNEXURE – V**

**The design and description of UTKRISHT SEVA PADAK**

- a) The medal shall be circular in shape
- b) The medal shall made of cupro-nickel and will be of golden colour
- c) The medal shall be one and three eighth inches in diameter.
- d) The medal shall have embossed on the obverse the design of-
  - (i) The design of “OUTLINE OF MAP OF INDIA” in the Centre
  - (ii) The medal shall have engraved “UTKRISHT SEVA PADAK” in Hindi on the upper edge and the words “UTKRISHT SEVA PADAK” in English inscribed on the lower edge thereof.

- e) On the reverse, it shall have embossed
    - (i) The state Emblem in the Centre and words “SATYAMAVE JAYATE” in Hindi shall be embossed below the state Emblem.
    - (ii) The words “BHARAT SARKAR” in Hindi followed by “Government of India” in English will be embossed below “SATYAMAVE JAYATE”
  - f) On the rim, the name of the person to whom the medal has been awarded, shall be inscribed.
2. Each Medal shall be suspended from the left breast and the ribbon, of an inch and three eighth in width, shall, in the case of UTKRISHT SEVA PADAK, be half blue, and half red of the standard size.

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### The design and description of ATI UTKRISHT SEVA PADAK

- a) The medal shall be circular in shape
  - b) The medal shall be made of cupro-nickel and will be of golden colour
  - c) The medal shall be one and three eighth inches in diameter.
  - d) The medal shall have embossed on the obverse the design of-
    - (iii)The design of “OUTLINE OF MAP OF INDIA” in the Centre
    - (iv)The medal shall have engraved “ATI UTKRISHT SEVA PADAK” in Hindi on the upper edge and the words “ATI UTKRISHT SEVA PADAK” in English inscribed on the lower edge thereof.
  - e) On the reverse, it shall have embossed
    - (iii)The state Emblem in the Centre and words “SATYAMAVE JAYATE” in Hindi shall be embossed below the state Emblem.
    - (iv)The words “BHARAT SARKAR” in Hindi followed by “Government of India” in English will be embossed below “SATYAMAVE JAYATE”
  - f) On the rim, the name of the person to whom the medal has been awarded, shall be inscribed.
2. Each Medal shall be suspended from the left breast and the ribbon, of an inch and three eighth in width, shall, in the case of ATI UTKRISHT SEVA PADAK, be one third blue, one third yellow and one third red of the standard size.

### 59.D-ASADHARAN AASUCHANA KUSHALATA PADAK

NOTIFICATION New Delhi, 23" July, 2018

No.1 1024/04/2018-PMA - The Union Home Minister is pleased to institute "Asadharan Aasuchana Kushalata Padak" to be conferred on members of Intelligence organizations of Central Government, Intelligence wing/Branch/Special Branch of the State/UT Police Forces, Central Police Organizations (CPOs), Central Armed Police Forces (CAPFs), National Security Guard(NSG), Assam Rifles(AR) in consideration of the exceptional performance, indomitable & daring

intelligence service and to make ordain and establish the following statutes governing them, which shall be deemed to have effect from the date of their notification:-

### **ASADHARAN AASUCHANA KUSHALATA PADAK**

Firstly: The award shall be in the form of a Medal and styled and designated the “Asadharan Aasuchana Kushalata Padak” (hereinafter referred to as the Medal).

Secondly: The Medal shall be circular in shape, made of silver gold gilt, one and three eighth inches in diameter and shall have embossed on the obverse the symbol of “Kautilya” in the Centre with the “Aasuchana Labthe suraksha” (in Hindi) inscribed below and shall have engraved on the upper edge, the words “Aasuchana Seva “ (in Hindi) and the words “Aasuchana Sewa” inscribed on the lower edge. Hindi and English inscription shall be separated by a small Star appearing on either side. On the reverse, it shall have embossed the State Emblem in the centre and words “Asadharan Aasuchana Kushalata Padak” (in Hindi) and “Asadharan Aasuchana Kushalata Padak” on the upper and lower edge respectively. The words “Sathyameva Jeyathe” (in Hindi) shall be embossed below the State Emblem. The State Emblem and the writings around it shall be encircled by a wreath. On the rim, the name of the person to whom the Medal has been awarded, shall be inscribed.

Thirdly: The Medal shall only be awarded to the Members of Intelligence organizations notified by Central Government or Members of Intelligence Branch/Special Branches of State/UT Police and Intelligence Wings of CPOs, CAPF, AR, NSG engaged in Intelligence gathering for combating terrorism/militancy/insurgency etc. and performed acts of exceptional courage and skill in Intelligence gathering, leading to significant breakthrough in unearthing of modules of espionage/insurgency/terrorism/ militancy/organised crimes or in arrest/capture/neutralization of members of such outfits.

Fourthly: The name of those to whom this Medal is awarded may not be published in the Gazette of India for the reason of security of the work and need to safeguard the identity of the person. However, a Register of such names may be kept by such authority as directed by MHA.

Fifthly: Each Medal shall be suspended from the left breast and the riband, of one and three eighth inches in width, shall be half blue and silver white, the two colours being separated by a vertical red line 1/8” in width.

Sixthly: Any act of Intelligence, which is worthy of recognition by the award of 'Asadharan Aasuchana Kushalata Padak' but is performed by one upon whom the Decoration has already been conferred, may be recorded by a Bar attached to the riband by which the Medal is suspended. For every such additional act an additional Bar may be added and for each Bar awarded a small silver rose with gold gilt shall be added to the riband, when worn alone.

Seventhly: It shall be competent for the Union Home Minister to cancel and annul the award to any person of the above decoration and that thereupon his name in the Register shall be deleted. It shall, however, be competent for the Union Home Minister to restore any Decoration, which may have been so forfeited. Every person to whom the said decoration is awarded shall, before receiving the same, enter into an agreement, to return the Medal if, his name is deleted as aforesaid. Notice of cancellation or restoration should not be published in the Gazette of India. However, entries of such effect should be made in the Register.

Eighthly: It shall be competent for Ministry of Home Affairs to make rules to carry out the purpose of these statutes.

#### NOTIFICATION New Delhi, 23<sup>rd</sup> July, 2018

No.1 1024/04/2018-PMA - In accordance with the Statute 'eighthly' of the statutes relating to the award of the "Asadharan Aasuchana Kushalata Padak" the following rules governing them are notified which shall be deemed to have effect from the date of their notification:-

1. Recommendations for award on the ground of performed acts of exceptional courage and skill in Intelligence service, combating terrorism/militancy/insurgency, etc. leading either to significant breakthrough in unearthing of modules of espionage/terrorism/ militancy/ organized crimes or in arrest/capture of members of such outfits, shall be made as soon as possible after the occasion of which the exceptional courage and skill was shown.
2. All the recommendations shall state the name and rank of the person recommended, the name of the Intelligence organizations of Central Government and Intelligence Wing/Branch/Special Branch of State/UT Police, CPOs, CAPF, AR and NSG of which he/she is or was a member and particulars of the Intelligence service for which the grant of the Medal is recommended.
3. The Medal shall be awarded for:
  - (i) Performed acts of skill and exceptional courage in Intelligence gathering for combating terrorism/militancy/insurgency etc., leading either to significant breakthrough in unearthing of modules of espionage/ terrorism/militancy/organized crimes or in arrest/capture of members of such outfits.

- (ii) A special distinguished record of Intelligence service in organizations of Central Government and Intelligence Department/Wing/Branch/Special Branch of State/UT Police, CPOs, CAPF, AR, NSG.
  - (iii) Special efforts in Intelligence gathering against serious or wide spread out breaks of crime or public disorder.
4. There shall be no qualifying service period for the award, which is to be given only for distinguished Intelligence service of very exceptional ability and merit.

5. A three tier Screening procedure will be followed for selection of the candidates for the Medal, as detailed below:

- a) Head of the Intelligence organizations of Central Government and Intelligence Wing/Branch/Special Branch of State/UT Police, CPOs, CAPF, AR and NSG will constitute a committee of senior level officers for screening of nomination at the organization/state level to select the nominees and send the recommendation to MHA.
- b) A Sub Committee headed by Special Director, IB constituted by DIB to scrutinize the recommendations received from Intelligence organizations of Central Government and Intelligence Wing/Branch/ Special Branch of State/UT Police, CPOs, CAPF, AR and NSG through MHA.
- c) A Selection Committee in MHA headed by Home Secretary wherein DIB would be a member and 2 DGsP of State/UT (by rotation in alphabetical order) and 1 DG of a CAPF by rotation (the larger Organisation would be given preference) would screen all the nominations and recommend for award of the Medal every year.

6. The recommendation made by Ministry level Committee will be submitted to the Union Home Minister for his consideration and approval.
7. The Medal is liable to be forfeited when the holder is guilty of disloyalty, cowardice in action or such conduct as in the opinion of the Union Home Minister, brings the force into disrepute.
8. A certificate (Scroll) signed by the Union Home Minister will be awarded to each winner along with the Medal.
9. The Ministry may lay down Standard Operating Procedure (SOP) for giving effect to these Rules.
10. In case of any dispute or complaint arising in connection with the award of the Medal, the decision of the Union Home Minister shall be final.
11. Recommendations for the announcement of the “Asadharan Aasuchana Kushalata Padak” on any suitable date as may be fixed for the purpose by the State/UT/Central Intelligence organizations/entity. The recommendation should reach MHA at least three months before the designated date.

## **STANDARD OPERATING PROCEDURE FOR AWARD OF ASADHARAN AASUCHANA KUSHALATA PADAK**

1. The scheme:

The “Asadharan Aasuchana Kushalata Padak”, will be instituted for the officials working in Intelligence organizations of Central Govt and Intelligence Department/Wings/ Special Branches/Units of all State/UT Police, CPOs, CAPF, AR, NSG.

- (a) The Medal will be announced on any suitable date as fixed for the purpose ° by the State/UT/Central Intelligence organizations/entity. The recommendation should reach in MHA at least three months before the designated date. The respective States/UTs/ CPOs, CAPF, AR, NSG and Intelligence organizations of Central Government after scrutinizing at the State/UT/Organization level by a committee, send the recommendations to MHA (in Annexure-I) from where all the recommendations will be sent to IB for further scrutiny on eligibility criteria by a Sub Committee of senior officers headed by a Special Director and recommend cases to MHA for selection of awardees.
- (b) A Selection Committee in MHA headed by Home Secretary wherein DIB would be a member and 2 DGsP of State/UT (by rotation in alphabetical order) and 1 DG of a CAPF by rotation (the larger organisation would be given preference) would screen all the nominations and recommend for award of the Medal every year.

## 2. Objective :

The objective of institution of “Asadharan Aasuchana Kushalata Padak”, is as follows:-

- (a) To recognize the importance of the personnel working in Intelligence organizations of Central Government, Intelligence Department/Wings/Special Branches/Units in State/UT Police, CPOs, CAPF, AR and NSG throughout Union of India.
- (b) To improve professionalism/efficiency of the personnel working in Intelligence Services in State/UT Police, CPOs, CAPF and Security Organisations in combating terrorism/militancy/insurgency and breakthrough in unearthing of modules of espionage/terrorism/ militancy/organised crimes or in arrest/capture of members of such outfits.
- (c) Consistent excellence or exemplary contribution in the collection, analyzing and dissemination of intelligence in combating terrorism/militancy/ insurgency.

## 3. Quota of Medals :- There is no fixed quota of the medal.

## 4. Certificate along with the Padak :-

- a) A certificate (Scroll) signed by the Union Home Minister will be awarded to the each winner along with the Padak
- b) The name of such Padak awardees shall not be published in the Gazette of India for the reasons of security of the work and need to safeguard the identity of the awardee. However, entries of such effect should be made in the Register

## 5. Eligibility criteria for the award :-

- a) There should not be any minimum qualifying service for the award of Asadharan Aasuchana Kushalata Padak.

- b) The calendar year is declared as the year of consideration for the purposes of the award of the Padak.
- c) A certificate to the effect that the recommendee has/not been awarded the Padak. If awarded, occasion and year of award may be mentioned. (Refer Annexure-III)
- d) Any act of Intelligence which is worthy of recognition by the award of Asadharan Aasuchana Kushalata Padak but is performed by one upon which the decoration has already been conferred, may be recorded by a Bar. For every such additional act an additional Bar may be added.
- e) All the Police officers/members serving in Intelligence Department/Special Branches/Intelligence Wing in State/UT Police, CPOs, CAPF, AR, NSG will continue to be eligible for other awards including President's Police Medal (PPM) and Police Medal (PM).

6. Committee for selection of nominee:-

- a) Head of the organizations, State/UT Police, CPOs, CAPF, AR, NSG and will constitute a committee of senior level officers for screening of nomination at the organization/state level to select the nominees and send the recommendation to MHA.
- b) A Selection Committee in MHA headed by Home Secretary wherein DIB would be a member and 2 DGsP of State/UT (by rotation in alphabetical order) and 1 DG of a CAPF by rotation (the larger organisation would be given preference) in the committee would screen all the nominations and recommend for award of the Medal every year. However, a Sub Committee headed by SD, IB be constituted to scrutinize the recommendations received from State/UT, CPOs, CAPF, AR, NSG.
- c) The Union Home Minister will be the competent authority to approve the recommendations of the Selection Committee.

7. Forwarding of recommendation :-

- a) Duly filled in pro-forma for nomination as per Annexure-I of SOP for the Medal to be signed by the Head of the Department/ organization.
- b) The citation not exceeding 200 words to be prepared by the controlling officer of the Intelligence Department/Wings/Special Branches/Units in State/UT Police, CPOs, CAPF, AR, NSG. The citation should include - nature of contribution, courage or skill shown in the Intelligence work, collection and dissemination of Intelligence, consistent excellence of the work, risk factors involved and challenging situation faced/confrontations, etc. and distinguished track record in the field of Intelligence gathering through human/Technical Intelligence , etc.

8. Withdrawal and restoration of the Padak :-

- a) The Union Home Minister is competent to withdraw the Medal if the holder is found guilty of disloyalty or brings the force to disrepute such as removal, major penalty, criminal offence etc. or

any such conduct as may be found unbecoming in the opinion of the Government of the State or the Union.

b) It shall, however, be competent for the Union Home Minister to restore any Medal which may have been so forfeited. Every person to whom the said decoration is awarded, shall before receiving the same, enter into an agreement to return the Medal if his name is erased as aforesaid. Notice of cancellation or restoration should not be published in the Gazette of India. However, entries of such effect should be made in the Register.

9. Design and description of Padak :- The Medal shall be circular in shape, made of silver gold gilt, one and three eighth inches in diameter and shall have embossed on the obverse the symbol of "Kautilya" in the Centre with the "Aasuchana labthe suraksha" (in Hindi) inscribed on the below and shall have engraved on the upper edge, the words "Rada Gar" and the words "Aasuchana Sewa" inscribed on the lower edge. Hindi and English inscription shall be separated by a small Star appearing on either side. On the reverse, it shall have embossed the State Emblem in the centre and words "Asadharan Aasuchana Kushalata Padak" (in Hindi) and "Asadharan Aasuchana Kushalata Padak" on the upper and lower edge respectively. The words "Sathyameva Jeyathe" (in Hindi) shall be embossed below the State Emblem. The State Emblem and the writings around it shall be encircled by a wreath. On the rim, the name of the person to whom the Medal has been awarded, shall be inscribed.

10. Design of Medal:

#### **ASADHARAN AASUCHANA KUSHALATA PADAK**

Annexure-I

#### **RECOMMENDATION FOR THE AWARD OF ASADHARAN AASUCHANA KUSHALATA PADAK**

Annexure II : INTEGRITY CERTIFICATE.

Annexure III: CERTIFICATE.

## **59 (E)**

### **STANDARD OPERATING PROCEDURE FOR AWARD OF MEDALS UNDER THE SCHEME “UNION HOME MINISTER’S MEDAL FOR EXCELLENCE IN POLICE TRAINING”**

#### **1. The Scheme:**

- (a)** Ministry of Home Affairs, Govt. of India has instituted a scheme for award of Medals to the trainers and other support staff working in Police Training Institutions of State and Central Police Forces. The Medal will be named as “**Union Home Minister’s Medal for Excellence in Police Training**”.
- (b)** The medal will be awarded every year on Republic Day celebrations in the States/UTs and raising day or anniversary of the CAPFs/CPOs. BPR&D will call for nominations from States/UTs/CPOs/CAPFs by 31<sup>st</sup> May of every year. The respective States/CPO/CAPF will send their nominations after completing all the formalities including Tests/screening by State level committee as laid down by 31st August of every year to the DG, BPR&D in the enclosed proforma given at **annexure I**.
- (c)** The Central Committee of BPR&D/MHA will screen all the nominations and recommend to MHA for award of Medals by 15<sup>th</sup> November of every year.
- (d)** MHA will declare the award of Medals by 31<sup>st</sup> December of every year.
- (e)** The inaugural year’s Medals under this Scheme will be awarded on the occasion of 26<sup>th</sup> January, 2016, i.e., Republic Day for the performance during the year 2014-15.

#### **2. Objective:**

The objective of institution of the Union Home Minister’s Medal for Excellence in Police Training is as follows:-

- a) To recognize the importance of training and the trainers in police organizations & make training a respectable assignment
- b) To promote the quality of training in Police Training Institutes in the country

#### **3. Tally of Medals:**

A total of 167 medals will be awarded under various categories (based on sanctioned strength as on 1.1.2013). State/UT/CPO/CAPF-wise distribution of the Medal calculated on the basis of the sanctioned strength of each force has been given in the enclosed appendix – ‘A’. However, number of Medals will be reviewed after every 3 years or whenever there is a major change in the strength of the force.

#### **4. Categories of Medals:**

For the purpose of ensuring representation of everyone involved in the police training, Medals have been divided in the following three categories:

**(a) Indoor Trainers:** Under this category all trainers who impart classroom training including practical classes will be covered (Law, Investigation, Forensic Science etc.)

**(b) Outdoor Trainers:** Under this category trainers who impart field training will be covered (PT, Drill, Weapons, Field Craft etc.).

**(c) Others:** This category will cover all those assisting in the process of successful running of the training programmes such as supervisors, Planners, ministerial Staff, other support Staff etc. (help in practical classes, manning of training cell, hostel, mess etc.)

#### **5. Quota of medals:**

(a) Quota of Medals for States, UTs and CPOs under each category will be as follows:

- i. Indoor – 40%
- ii. Outdoor – 40%
- iii. Others – 20%

(b) Quota of Medals for CAPFs under each category will be as follows:

- i. Indoor – 30%
- ii. Outdoor – 50%
- iii. Others – 20%

- (c) Number of GOs to be awarded Medals will not be more than 50% of the total number of Medals awarded over 10 year block commencing from year 2014-15.
- (d) Wherever only indoor training is being provided, the quota of outdoor medal will be merged with indoor Medals.
- (e) BPR&D will ensure that nominations are invited as per the above quota every year.

#### **6. Certificate and cash reward with the Medals:**

- (a) A Certificate (Scroll) signed by the Union Home Minister and a onetime cash award of Rs.25, 000/- will be awarded to each winner along with the medal.
- (b) The names of such medal Awardees shall also be published in the Gazette of India and a register of such names will be kept in the Ministry of Home Affairs & BPR&D.

#### **7. Eligibility criteria for candidate:**

- (a) The nominee should have completed a minimum of five years of service in the Police Department.
- (b) Only those officers who have completed minimum two years of service in the training institute continuously as on 1st of April of the year of consideration can only be nominated. However, the total length of service in training institute (same or more no. of institutes) should not be less than 3 years. The financial year is declared as the year of consideration for the purposes of the award of this Medal.
- (c) No Judicial Proceedings/Departmental Enquiry should have been in pendency or period of punishment should be in currency against the recommendee at the time of considering his/her name for the Medal. The recommendee should not have been given any major/minor penalty in the last five years. A certificate to this effect should be furnished by the head of State Police or CAPF as per Performa mentioned in **Annexure II**.
- (d) The ACR grading of the nominee should be ‘Outstanding/very good in 3 years out of last 5 years & ‘Good’ in the remaining 2 years. There should not be any adverse entry in the last 5 years.

- (e)** The recommendee should not have been awarded the HOME MINISTERs MEDAL FOR THE EXCELLANCE IN TRAINING on previous occasions. A certificate to that effect should be furnished by the head of State Police or CAPF as per Performa mentioned in **Annexure III.**

## **8. Committees for selection of nominees:**

A three tier screening procedure will be followed for selection of the candidates as under:

### **A. Institution level committee:**

- (i) A three member Committee to be headed by the head of the each institution will be constituted at the institutional level for nomination of the candidates and recommending them to the headquarters level committee. The committee can co-opt one expert each for indoor and outdoor trainee respectively. Only those candidates who fulfill the eligibility criteria strictly will be recommended by this committee subject to maximum three in each category viz. indoor, outdoor and others. The person whose name is being recommended for Medal cannot be the member of the committee.
- (ii) Candidates will be assessed/evaluated as per the evaluation proforma enclosed herewith as **Annexure IV.**
- (iii) Each member of the committee will give separate marks and average will be calculated for the purpose for calculating total marks given to the candidate.
- (iv) Documents to be forwarded by the Institution level committee to the headquarters level committee:
  - a) Duly filled in Proforma for nomination as per the details given in **Annexure I** for Medal which will be countersigned by the headquarters level committee.
  - b) The evaluation and marks sheets in prescribed Performa (**Annexure IV & Annexure V**) (not applicable for 'Other Category' nominees)
  - c) The citation, not exceeding 500 words. In case Head of the Institution is being recommended, the citation will be prepared by his controlling officer.
  - d) A certificate, after verifying from the service records of the nominee, to the effect that he has completed minimum 5 years of service in the department and working in the

- training institute from the last two years continuously (**Annexure III**).
- e) Two recent passport size photographs of the nominee.
  - f) ACR grading for last five years as per details given in **Annexure I**. Copies of last 5 years' ACRs to be enclosed.

### **B. Headquarters level Committee:**

- (i) Headquarters level Committee will be headed by the DG/ADG (Trg.) of State/UT/CPO/CAPF with two other members of the level of ADG/IG level officers. Subject experts as per requirement will be co-opted by this Committee depending upon the kind of training viz. indoor, outdoor or specialized training. All recommendations from various institutes will be assessed & evaluated on ground as per the evaluation Proforma enclosed herewith as **annexure V-A & V-B**.
- (ii) This committee will recommend **three times** the number candidates under each category as per its quota of medals to BPR&D.
- (iii) Documents to be forwarded by the Institution Level Committee to the headquarters Level Committee:
  - a) All documents forwarded by the institution level committee duly countersigned.
  - b) Annexure **V-A & V- B** duly filled in & signed by each member of the committee.
  - c) Integrity /character & antecedent certificate in respect of the nominee in the prescribed Performa (**Annexure II**).

### **C. MHA/BPR&D Level Committee:**

- (i) MHA/BPR&D Level Committee will finally select the candidates to be recommended for award of Medal and send the list to the MHA. This committee will comprise of the following members:
  - a) DG/ADG, BPR&D – Chairman
  - b) Director (Training) – Convener
  - c) Representative of MHA
  - d) CAPFs/CPOs – ADG/IG (Trg.) by rotation
  - e) States/UTs – ADG/IG (Trg.) by rotation

(ii) MHA/BPR&D level committee will assess the suitability of the candidate on the basis of the following criteria:

- a) ACRs, ( for the last 5 years)
- b) Previous Awards, commendations &decorations,
- c) Total length of service
- d) Length of service in a training institute
- e) Citation etc.
- f) Clean Record

(iii) The MHA/BPR&D level committee will have the authority to appoint sub-committees for the purpose of final selection of the nominees.

## **9. Withdrawal of Medal**

The Union Home Minister is competent to withdraw the medal if the holder is found guilty of disloyalty or brings the force to disrepute such as removal, major penalty, criminal offence etc. or any such conduct as may be found unbecoming in the opinion of the Government of the State or the Union.

## **10. Design and description of medal:**

The design and description of the medal has been given in Appendix “B”

### **Annexure-I**

RECOMMENDATION FOR THE AWARD OF HOME MINISTER'S MEDAL FOR EXCELLENCE IN POLICE TRAINING' ON THE OCCASION OF REPUBLIC DAY 2015

1.	Name (In capital letters) (In Devnagri/Hindi)	Surname	Middle name	First Name
2.	Father's Name	Surname	Middle name	First Name

3.	Date of Birth	Day	Month	Year				
4	Age as on 26.01.2013	Year	Month					
5.	Sex							
6	Initial appointment	Year	Rank	Service Cadre				
7	Regimental/Force No.							
8	Total Police Service (As on 26.01.2013)							
9	Present posting, with complete postal address.							
10	Rewards	No.	Total amount in Rs.					
	A). Cash Awards							
	B) Others							
	i). Commendations							
	ii). Appreciations							
	iii).Good Service Entries	--						
	iv). Any other rewards (Specify)							
11	Year of award of IPM/PPM/PPMG etc.							
12	Punishment(s)	Details of Penalty	Year(s)					



Signature of Recommending Authority\_\_\_\_\_

Name:\_\_\_\_\_

Designation:\_\_\_\_\_

Date:\_\_\_\_\_

### Appendix ‘A’

#### State/UT wise distribution of No. of medals

S.No.	State	Sanctioned Strength	Total No. of medals
1.	Daman & Diu, Dadra& Nagar Haveli & Lakshadweep (by rotation)	410/328/349	1
2.	Puducherry	3,951	1
3.	A&N Islands	4,432	1
4.	Sikkim	6,076	1
5.	Goa	7,118	1
6.	Chandigarh	7,873	1
7.	Mizoram	11,246	1
8.	Arunachal Pradesh	12,763	1
9.	Meghalaya	13,141	1
10.	Himachal Pradesh	17,185	2
11.	Uttarakhand	20,193	2
12.	Nagaland	24,282	2
13.	Tirupura	27,339	2
14.	Manipur	31,914	2
15.	Kerala	52,712	3
16.	Orissa	56,840	3
17.	Telengana	56213	3
18.	Haryana	61,681	3
19.	Assam	62,340	3
20.	Chhattisgarh	66,630	4
21.	Jharkhand	73,664	4
22.	Seemandhra	73012	4
23.	Jammu & Kashmir	78,242	4

24.	Punjab	79,478	4
25.	Delhi	81,158	4
26.	Bihar	87,913	4
27.	Madhya Pradesh	90,445	5
28.	Karnataka	91,169	5
29.	Rajasthan	93,469	5
30.	West Bengal	1,09,330	5
31.	Gujarat	1,13,380	5

32.	Tamil Nadu	1,15,080	6
33.	Maharashtra	2,09,441	9
34.	Uttar Pradesh	3,68,230	12
	<b>ALL INDIA</b>	<b>22,09,027</b>	<b>114</b>

**CPOs/CAPFs wise distribution of Medals**

1	Central Reserve Police Force	296752	<b>12</b>
2	Border Security Force	243161	<b>11</b>
3	Central Industrial Security Force	133628	<b>6</b>
4	Sashastra Seema Bal	83409	<b>4</b>
5	Indo-Tibetan Border Police	77022	<b>4</b>
6	Assam Rifles	66412	<b>4</b>
7	BPR&D including CDTs/CAPT		<b>2</b>
8	Intelligence Bureau		<b>2</b>
9	National Crime Records Bureau/NICFS (By rotation)		<b>1</b>
10	National Security Guard		<b>1</b>
11	Directorate of Coordination Police Wireless		<b>1</b>
12	SVP National Police Academy		<b>1</b>
13	Narcotics Control Bureau		<b>1</b>
14	National Investigation Agency		<b>1</b>
15	National Disaster Response Force		<b>1</b>
16	North Eastern Police Academy		<b>1</b>
	Total		<b>53</b>

**Grand Total of medals – STATES/UTS  
medals**

**- 114**

**CAPFs/CPOs - 53**

**Note: Sanctioned strength of less than 10,000 – 1 medal**

- i. After every increase of 25,000 in strength, one additional medal (+/- 5,000)

## **Annexure -II**

### **INTEGRITY CERTIFICATE**

Certified that the integrity of Shri \_\_\_\_\_  
(In English) \_\_\_\_\_ (In Hindi) \_\_\_\_\_ S/o  
Date \_\_\_\_\_ of Birth \_\_\_\_\_ (DOB)

\_\_\_\_\_ (Designation)

\_\_\_\_\_ recommended for the award for Home Minister Medal for Excellence in Training for the year\_\_\_\_\_ is above suspicion and that he was not concerned in any proceeding that was censured in a court of Law. It is further certified that no judicial or department proceedings are being contemplated/pending against him. Similarly, no vigilance case is being contemplated/pending against him. It is also certified that recommendee has not been given any Major Penalty/minor penalty in the last Five Years.

It is also certified that the character & antecedents (of the proposed awardee) have been duly verified and nothing adverse reported against him

Signature\_\_\_\_\_  
Name\_\_\_\_\_  
Director General of police  
Official stamp \_\_\_\_\_

Signature

\_\_\_\_\_  
Name

---

Deputy Secretary of State Government

### **Annexure - III**

#### **CERTIFICATE**

It is certified that it has been checked and verified from the records of recommendee  
Shri/Shrimati/Ms \_\_\_\_\_

designation \_\_\_\_\_ and it is confirmed that he/she has completed minimum 5 years of service and is working in the training institute from last 2 years continuously. It is also certified that he/she has not been earlier awarded Home Minister Medal for Excellence in Training for which he/she is being recommended.

Signature\_\_\_\_\_

Name of the officer \_\_\_\_\_

Designation\_\_\_\_\_

Date \_\_\_\_\_

Official stamp \_\_\_\_\_

**Annexure IV**

**EVALUATION PERFORMA FOR TRAINERS (INDOOR/OUTDOOR)**

**PERSONAL ACCOMPLISHMENT AND TRAINER ATTRIBUTES**

<b>Sl.No.</b>	<b>Parameter</b>	<b>Max. Marks</b>	<b>Marks allotted</b>	<b>Remarks</b>
1.	Educational Qualification	5		a. PhD-5 Marks b. Master's Degree-4 Marks c. Graduation - 3 Marks d. 10+2 -2 Marks e. Matriculation -1 Marks
2.	Medal's /Decoration's	5		a. PPMG/PMG - 5 Marks b. Distinguished service medal - 4 Marks c. Meritorious service medal - 3 Marks d. State Level Award - 2 Marks e. DG Disc /Commendation-1 Mark

3.	Knowledge of subject matter and latest developments	<b>10</b>		Details to be enclosed
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4.	Knowledge of use of latest training Aids	<b>10</b>		Details to be enclosed
5.	Ability to plan curriculum and Lesson plans& actual output	<b>10</b>		Detail to be enclosed
6.	Ability to Prepare Training Materials & actual output	<b>10</b>		Detail to be enclosed
7.	Average of feedback of classes taken(2 Years) in the institute on the scale of 1 to 5	<b>10</b>		Detail to be enclosed
8.	Average of feedback of classes taken outside the institute in other institute on the scale 1 of 5	<b>5</b>		Detail to be enclosed
9.	Innovations in training (infrastructure/training methodology) /Institute development)	<b>5</b>		Detail to be enclosed
10	Research paper /Articles published in International/ National/State level journals	<b>5</b>		(1 Numbers to each Research paper/Article subject to maximum 5) Detail to be enclosed
11	Performance of trainees under his charge	<b>5</b>		Details to be enclosed

12	Overall impression of head of the institution (Internal Assessment)	<b>20</b>		a. Physical fitness, Bearing/posture, Turnout, personal hygiene, etc.	4 Marks
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				<p>b. Communication Skills</p> <p>c. Commitment /motivation level, Sincerity, Responsiveness&amp; reliability</p> <p>d. Leadership Quality, contribution in the development of subordinate instructional staff etc.</p> <p>e. Integrity, Discipline &amp; Punctuality</p>	<p>4 Marks</p> <p>4 Marks</p> <p>4 Marks</p> <p>4 Marks</p>
	<b>Total</b>	<b>100</b>			

**Annexure V – ‘A’****PERFORMA FOR THE ASSESSMENT (INDOOR)**

The observers are requested to carefully observe the learning event and record the reaction for each item. This can be done by marking the number that most closely matches the view in the table mentioned below:

<b>Sl. No.</b>	<b>Items</b>	<b>Poor</b>	<b>satisfactory</b>	<b>Good</b>	<b>Very Good</b>	<b>Excellent</b>	<b>Max marks</b>	<b>Marks allotted</b>
(A)	<b>Knowledge of subject (25)</b>							
1.	Domain knowledge	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	
2.	Knowledge of latest developments	0 - 1	2	3	4	5	<b>5</b>	
3.	Use of example & case studies in teaching	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	
(B)	<b>Presentation style (30)</b>							
1.	Use and quality of visual Aids (PPT & visualizer etc.) and Teaching Methodology (Role-play, Screening of Film, etc.)	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	

2.	Structure of lesson and flow	0 - 2	3- 4	5- 6	7 - 8	9 - 10	<b>10</b>	
3.	Use of Appropriate language, Voice/eye contact /mannerism	0 - 1	2	3	4	5	<b>5</b>	
4.	Voice/eye contact/mannerism	0 - 1	2	3	4	5	<b>5</b>	
(C)	<b>Efforts to Involve Trainees (20)</b>							
1.	Link's to trainee interest / entry behaviour/ Gain attention /Establish rapport /Explain purpose of lecture	0 - 1	2	3	4	5	<b>5</b>	
2.	Inviting /handling question	0 - 1	2	3	4	5	<b>5</b>	
3.	Interactive Feedback by trainees on the scale of 1 to 10	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	
(D)	<b>Performance of trainees under his charge</b>	0 - 1	2	3	4	5	<b>5</b>	
(E)	<b>Viva –voce (20)</b>						<b>20</b>	
<b>TOTAL</b>							<b>100</b>	

**Annexure V – ‘B’****PERFORMA FOR THE ASSESSMENT (OUTDOOR)**

The observers are requested to carefully observe the learning event and record the reaction for each item .This can be done by marking the number that most closely matches the view in the table mentioned below

<b>Sl. No.</b>	<b>Items</b>	<b>Poor</b>	<b>satisfactory</b>	<b>Goo d</b>	<b>Very Goo d</b>	<b>Excelle nt</b>	<b>Max mar ks</b>	<b>Marks allotted</b>
(A)	<b>Knowledge of subject (25)</b>							
1.	Domain Knowledge of the trainer	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	
2.	Knowledge of latest developments	0 - 1	2	3	4	5	<b>5</b>	
3.	Use of example/case studies	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	
(B)	<b>Teaching style (30)</b>							
1.	Turn out and conduct	0 - 1	2	3	4	5	<b>5</b>	
2.	Use and quality of Training Aids and Training Methodology including Emphasis on Practice	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	

3.	Class handling , Use of Appropriate language word of command and control over trainees, Voice/eye contact /mannerism	0 - 1	2	3	4	5	<b>5</b>	
4.	Structure and Flow of session	0 - 1	2	3	4	5	<b>5</b>	
5.	Capability of trainee fault detection and its rectification method	0 - 1	2	3	4	5	<b>5</b>	
(C)	<b>Efforts to Involve Trainees (20)</b>							
1.	Link's to trainee interest	0 - 1	2	3	4	5	<b>5</b>	
2.	Inviting /handling questions	0 - 1	2	3	4	5	<b>5</b>	
3.	Interactive Feedback by trainees on the scale of 1 to 10	0 - 2	3 - 4	5 - 6	7 - 8	9 - 10	<b>10</b>	
(D)	<b>Performance of trainees under his charge</b>	0 - 1	2	3	4	5	<b>5</b>	
(E)	<b>Viva –voce (20)</b>						<b>20</b>	
<b>TOTAL</b>							<b>100</b>	

## **Annexure VI**

### **MARK SHEET**

S. No.	Particulars	Max marks	Mark s allott ed	Weighta ge Factor	Max Marks
1	PERSONAL ACCOMPLISHMENT AND TRAINER ATTRIBUTES  (Annexure V-A )	100		50%	50
2	ASSESSMENT TEST (INDOOR/OUTDOOR)  (Annexure V-B )	100		50%	50
<b>TOTAL</b>		<b>200</b>			100

**Signature**

## **60. Officers on deputation-Procedure regarding recommendation of medal.**

The cases of officers who are on deputation to the organizations like Central Bureau of Investigation, Intelligence Bureau, etc. have to be considered by those organizations. While considering such cases, these organizations refer to the State Government for their concurrence before recommending these cases to Government of India. The State Government in turn, calls for the views of the Director General of Police, who offers his views after scrutinizing their Personal Files.

(a) In order to ensure that the cases of officers on deputation are not left out, whenever recommendations for the award of Medals to Officers of this State are sent to the Government, it should be examined whether any of his seniors are on deputation to the organizations like Central Bureau of Investigation, Intelligence Bureau etc. If any of his seniors are on deputation, the organization to which he is on deputation should be informed of the fact that his junior is being recommended for the award of medal, so that the case of his senior may be considered for the award by the organization, if it so desires.

(b) The cases of the Police officers, who are on deputation for a period of one year or less and where the officers are eligible and considered fit for award, the recommendations should be forwarded by the parent departments to MHA. Where the officers are on deputation for more than one year, the recommendation for the award of medal shall be initiated by the borrowing department.

*MHA Circular No.11019/13/2018-PMA, Dated: 15.03.2018*

## **61. Service in other States—Verification before medals are recommended -**

When a Police Officer is recommended for the award of the President's Police Medal or the Police Medal in recognition of services rendered by him in a State other than that to which he belongs, the facts of the case should be referred for verification to the Director-General of Police of the State concerned and the latter's certificate of verification should be forwarded with recommendation.

*[G.O. 654, Public (Pol.) 2nd December 1932]*

**62. Order of Precedence for Police and other awards** — (1) The Order of precedence wearing of various medals and decorations as determined by the President of India (vide President's Secretariat Notification No.41 Pres.76, dated 16<sup>th</sup> June 1976) is reproduced below:

- (i) President's Police Medal for gallantry.  
(Earlier Police & Fire Services Medal)
- (ii) President's Police Medal for gallantry.
- (iii) Police Medal for gallantry.
- (iv) Wound Medal.
- (v) Poorvi Star.
- (vi) Paschimi Star.
- (vii) Raksha Medal 1965.
- (viii) Sangram Medal.
- (ix) Police (Special Duty) Medal 1962.
- (x) President's Police Medal for distinguished service.  
(Earlier Police & Fire Services Medal)
- (xi) President's Police Medal for distinguished service.
- (xii) Police Medal for meritorious service.
- (xiii) Indian Independence Medal 1947.
- (xiv) Independence Medal 1950.
- (xv) 25th Independence Anniversary Medal.

## **CHAPTER – IX**

### **PROSECUTION OF NON-GAZETTED OFFICERS, LEGAL ASSISTANCE TO POLICE OFFICERS AND THE INSTITUTION OR DEFENCE OF SUITS BY THE GOVERNMENT**

**63. Sanction to prosecute Police Officers** - No criminal prosecution of a Police Officer for an offence committed in his official capacity shall be instituted without the sanction of an officer, not inferior in rank to a Superintendent of Police. This does not affect the right of the magistracy or of private individuals to initiate such proceedings.

**64. Civil suit or Criminal Prosecution by a Police Officer**-Except with the previous sanction of the Director-General of Police, no civil suit or criminal prosecution shall be instituted by a Police Officer in his individual capacity against another Police Officer in respect of (a) wrong(s) done to him in his official capacity, or (b) offences committed against him, by the latter in his private or official capacity.

**65. Prosecution under Police Act for minor offences** - Criminal prosecution of Police Officers under the Tamil Nadu District Police Act, (XXIV of 1859) for minor offences, which can be dealt with departmentally under section 10 of the Act, is illegal.

**66. Punishment after conviction** - (1) A Police Officer convicted of an offence involving moral turpitude and sentenced to undergo imprisonment shall ordinarily be dismissed or removed from service. In cases where a Police Officer is convicted and sentenced to undergo imprisonment for an offence not involving moral turpitude, he may be compulsorily retired from service by the competent authority.

(G.O. Ms. No. 1534, Home, dated 25th May 1956)

(2) A Police officer sentenced to fine only or released under Probation of Offenders Act need not necessarily be dismissed or removed or compulsorily retired. The authority competent to pass an order of dismissal shall decide whether he deserves dismissal, or removal, or compulsory retirement or any other lesser punishment and act accordingly.

(G.O. Ms. No. 2648, Home, dated 28th July 1965)

(3) Notwithstanding anything contained in clauses (1) and (2) the punishment to be awarded to a Police Officer in respect of his conviction for an offence under sections 4, 4-A, 5 or 7 of the Tamil Nadu Prohibition Act 1937, shall be dismissal or removal from service.

(G.O. Ms. No. 3697 Home dated 9th November 1960)

(G.O.Ms.No.2958, Home dated 21<sup>st</sup> November 1969)

(4) Where an order of dismissal or removal or compulsory retirement is called for as a result of the conviction, such order should be passed immediately on conviction by the first trial Court and not postponed till the convicted Government servant has exhausted all his rights of appeal to higher Courts. Even in cases, where sentence is suspended by the Appellate Court, final orders will be passed in the departmental proceedings.

[*G.O.Ms.No.126, P&AR (N), dated 26.04.1995*].

Even in respect of a case, where an order of stay has been given by appellate court, there shall be no change in the position that final orders will be passed in departmental proceedings. However, if the appeal against the conviction is allowed, then the departmental enquiry or proceedings initiated based on the said conviction, can be withdrawn, if pending or appropriately reviewed, if already disposed of.

[*Government letter No. 91/N/2012, P&AR(N), dated 19.06.2012*].

(5) In all cases referred to in clauses (1) to (4) of the above order, a show cause notice should be issued by the competent authority against the penalty to be imposed and the representation if any received in this regard should be duly taken into consideration before orders are passed imposing the penalty, but it is not necessary to follow the elaborate procedure as is being done in other cases i.e. holding an oral enquiry, etc.

(*G.O. Ms. No. 2648, Home, dated 29th July 1965*)

**67. Procedure after acquittal** — The Government have issued the following orders in the matter of reinstatement of a Government servant kept under suspension pending a criminal proceeding against him and of holding a departmental enquiry into the conduct of an officer who has already been tried in a Criminal Court on the facts, which formed the basis of the charge against him.

[*G.O. Ms. No. 186, Judi, 21st January 1884*]

(1) When a Police Officer has been tried and acquitted by a Criminal court or has had his conviction quashed on appeal, he should ordinarily be reinstated.

(2) (a) If on a full consideration of the same facts, a criminal court has arrived at a definite decision which is neither reversed nor modified, it is not expedient that the department should proceed on the basis that proceedings in the criminal court were misconceived or that the judgment was erroneous, but,

(b) If certain facts affecting the charge were not placed before a criminal court or a definite aspect of the case was not considered by it or if the acquittal was on purely technical grounds like lack of sanction, some technical defect in procedure etc., or the facts found proved by the Court were held insufficient to make out a

criminal offence but may make out a departmental irregularity, it is open to the departmental authorities to institute departmental proceedings into the connected matters.

*(G.O. Ms. No. 841, Home, dated 13th March 1967)*

(3) The Government does not wish it to be understood that the departmental authorities are not entitled, on grounds of legitimate suspicion, to order a departmental enquiry in all such cases. They do, however, wish to emphasize that in enquiries of this kind, the departmental authorities should not dissent from the conclusions arrived at by the court of law, unless fresh circumstances have been brought to light like lacunae or defects in the evidence before, or in the procedure of such court.

*[G.O. Ms. No. 841, Home, dated 13th March 1967]*

(4) (i) In the case of an accused official acquitted by Courts of Law, whether on merits or on technical ground or otherwise, it is open to the competent disciplinary authority to institute or continue disciplinary proceedings against the said accused official for the same charges from which he was acquitted by court, if the competent disciplinary authority is of the view that there are good grounds and sufficient evidence to proceed with the departmental disciplinary proceedings and

(ii) In case of acquittal of an accused official by a court, the competent disciplinary authority is of the opinion that the departmental proceedings need not be instituted/continued against him, that competent authority shall, within one month of the date of the judgement (exclusive of the period required for obtaining the copy) shall send a report of such cases to the Government containing justification for the stand taken by him. Every case so reported shall be accompanied by a copy of the relevant judgement of the court.

*(G.O.Ms.No.251 P & AR (Per. N) Dept. dated 21<sup>st</sup> April 1988)*

*[Government letter No. 91/N/2012, P&AR(N), dated 19.06.2012].*

(iii) It is open to the departmental authorities to proceed departmentally against the person who has been pardoned by the court on the ground that he had become an approver in a criminal case.

*[Govt. Lr. No.22106/Police-II/73-7, Home, dated 08.11.1973].*

(iv) (a) When a criminal case is filed solely on a criminal offence committed by the Government servant which is in no way connected with the discharge of his official duties, there is no need to pursue departmental action except placing the Government servant under suspension as contemplated under Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. The ultimate departmental

action can be initiated against the delinquent officer after the result of the criminal case pending against him is disposed of by the court of law.

(b) when both departmental as well as criminal action is initiated for the offences of the kind referred to in para (iv) (a) above, in regard to departmental action, charges may be framed against him for the lapses committed by him and final orders may be passed after obtaining the required registers/records/documents from the court irrespective of the fact whether he is acquitted or not. Thus, the departmental action will be confined to the irregularities or lapse committed by the accused officer with reference to the administrative aspect.

*[Hand book on disciplinary procedures P&AR Department, 2005, page 157].*

(5) If a Police Officer has been punished on the basis of his conviction in a criminal court, and if the conviction itself is later on set aside by another Court, the punishment awarded to the police officer may be set aside by an authority not lower in rank than the highest among the officers who have either awarded the original penalty or have revised it suo-motu or on an appeal or petition from the Police officer concerned in respect of that penalty.

*(G.O.Ms.No.124 P&AR (Per. N) Dept. dated 22<sup>nd</sup> February 1983)*

## **68. Rules for the defence of Police Officers in Criminal prosecutions and Civil Suits –**

(1)(a) Police Officers will always be protected when it appears to the Government that they have acted in good faith, but the Government do not bind themselves to undertake their defence when this is not the case.

(b) When the Government decline to defend, it rests with the officer concerned to take such measures as he considers necessary at his own expense, but if the verdict of the Court is in his favour, the Government will ordinarily reimburse his expenses. It is to be distinctly understood, however, that the Government do not undertake to pay any except reasonable expenses.

*(G.O. Ms. No 1539 Home, 28th July 1936)*

(c) When criminal proceedings are instituted against a Police Officer either by the Government or with their sanction, the Government will, as a general rule, decline to undertake his defence. However, in exceptional cases where the Police Officer concerned is unable to take measures for his defence at his own expense on account of financial or other valid reasons, the Government may sanction the defence provided

(1) the Police Officer undertakes to refund the entire sum incurred by the Government in connection with the conduct of his defence if the case does not end in his favour and

(2) the Government are satisfied about the chances of recovering such sum from the Police Officer.

*(G.O. 1403, Home, 9th May 1956)*

(d) When in pursuance of these rules, a Police Officer engages or is permitted to engage a counsel for his defence, the Government will not entertain any claim for expenditure incurred for such defence in excess of what they would have had to bear, if the appropriate law officer of the Government had been engaged by them for the defence.

(e) In every case to which clause (d) applies, the attention of the Police Officer shall be drawn to the relevant rules governing the payment of fees to the appropriate Law Officers of the Government.

*(G.O.Ms. No. 661, Home, 26th February 1953)*

(f) When a Police Officer engages a private counsel at his own instance, before his defence at state cost is sanctioned, the Government reserves to themselves full discretion either to decline to reimburse the officer or to sanction, only such amount as in their opinion, the reasonable fee payable to the private counsel. It is to be distinctly understood that the Government do not undertake to pay to the private counsel either the entire fee actually paid by the Police Officer or the full fee as prescribed by the Government from time to time.

*(G.O. Ms. No. 327, Home 9th February 1954)*

**(2) Information to be furnished -** When any criminal prosecution or civil suit is instituted against Police Officers except those of the Special Units and any of the City Police Commissionarates, the officer concerned should at once inform the Superintendent of Police of the district in which he is serving. In the case of the officers of the Special Units and the City Police, the report should be made to the head of the Special Unit concerned or the Commissioner of Police concerned, as the case may be.

**(3) Civil suits or criminal prosecution against Police Officers –**

In the case of a civil suit or a criminal prosecution against a police officer in connection with the discharge of his official functions, the following procedure shall be adopted:

(a) (i) **Procedure in Civil suits —** If any suit is instituted against a Police Officer in respect of anything purporting to be done in his official capacity either after the expiry of the period laid down in Section 53 of the Tamil Nadu

Police Act, 1859, or without the notice required by Section 80 of the Code of Civil Procedure, 1908 having been duly served on him, he shall as a rule move the Court to dismiss the suit on the ground that it is instituted contrary to the provisions of those sections. If, however, the provisions of the section are complied with, he shall immediately report to his superior officer all circumstances necessary to the forming of an opinion on the case. When the report reaches the Superintendent of Police or the Commissioner of Police or the Head of the Special Unit concerned, he will at once, after making any enquiry that may be necessary, report the facts fully together with his recommendations to the Collector who shall, after consulting the Government Pleader, forward the report for the orders of the Director General of Police. The Superintendent of Police or the Commissioner of Police or the Head of the Special Unit concerned shall forward a copy of his report through the Range Deputy Inspector-General to the Director General for information.

(ii) In suits in which the fee of the law officer who may be engaged for the defence does not exceed the rates fixed by the Government, from time to time, in respect of the law officers of the Government, the Director-General of Police may himself sanction the fees for the law officers. In all other cases, he shall forward the report with his recommendations for orders of the Government. The scale of fee to be paid to the lawyer will be the fee prescribed by the Government, in the case of the Government Pleader and in the case of private counsel, a fee fixed by the Director-General of Police not exceeding the fee fixed by the Tamil Nadu State Legal Services Authority from time to time and subject to the limit of his sanctioning capacity.

(G.O. Ms. No. 2229, Home dated 15th May 1940)

(iii) The Director-General of Police is empowered to write off costs awarded to Police Officers in civil suits in which the defence of the officers has been sanctioned at public expense, if such costs are irrecoverable.

(G.O. Ms. No. 4263 Home, dated<sup>7</sup> 21st Oct 1940)

(b) (i) **Criminal complaints** — If any criminal complaint is instituted against a Police Officer in respect of any act done by him in his official capacity, he shall see whether such complaint is barred by the limitation imposed by section 53 of the Tamil Nadu District Police Act, 1859 (XXIV of 1959) or Section 81 of the Madras City Police Act, 1888 (Madras Act III of 1888) and if it is so barred, he shall at once move the court to dismiss it on the ground that it was instituted contrary to the provisions of those sections.

(ii) Section 197 of the Code of Criminal Procedure, 1973, lays down special procedure in regard to criminal prosecutions against certain classes of officers. In those cases, there will always be sufficient time to obtain the orders of the

Government as to undertaking the defence of the officer and the officer concerned shall report the facts fully to the Superintendent of Police or the Commissioner of Police or the Head of the Special Unit, who, after making any enquiry that may be necessary, shall report them to the Collector who shall after consulting the Public Prosecutor forward the report for the orders of the Government through the Deputy Inspector-General of Police concerned and the Director-General of Police. In the case of criminal prosecutions against other classes of Police officers, it may frequently be impossible to obtain the orders of the Government before the commencement of the proceedings in Court. In that case, if the fee of the lawyer who may be engaged for the defence will not exceed the rates fixed by the Government, for the whole case, it would rest with the Collector after consulting the Superintendent of Police or the Commissioner of Police or the Head of the Special Unit to decide whether the defence shall be undertaken by the Government or not. If the cost of the defence is likely to exceed the above limits or in the event of disagreement between the Collector and the Superintendent of Police or the Commissioner of Police or the Head of the Special Unit about the defence of the accused Police Officer, the Collector shall instruct the Public Prosecutor to appear for the accused officer at the initial proceedings and request the court to postpone the further hearing of the case, pending a decision by the Government as to whether he should be defended at the cost of the State or not. Information regarding the course, which the local officers have decided to adopt, must be given in the copy of the report to be submitted to the Director-General of Police through the Range Deputy Inspector-General of Police.

(iii) Collectors are empowered to write off compensation awarded by courts and payable by Police officers in criminal cases in which the defence of the officers has been sanctioned at public expense, if such compensation is irrecoverable.

(G. O. 4263, 21st October 1940)

**(c) Cases in Courts in the mofussil -**

(i) In cases against officers of the Railway Police, Special Units or Intelligence Wing concerned or the Cities, instituted in mofussil Courts, the Collector of the district in which the case is instituted shall be considered to be the Collector for the purpose of this rule.

Cases in Courts in Commissionarate —

(ii) **Civil Suits** - In the case of suits instituted in Commissionerates against officers of the Railway Police or Intelligence Wing or the Special Unit, the Head of the Special Unit concerned shall exercise the powers vested, in the district, with Collectors and shall consult the Government Pleader. In cases against officers of the City Police the Commissioner of Police shall, after consulting the

Government Pleader, exercise the powers of the Director General of Police as laid down in PSO 68 (3) (a).

**(4) Criminal Prosecutions ---**

The Head of the Special Unit concerned in the case of prosecutions against officers of the Railway Police or Intelligence Wing or any other Special Unit and the Commissioner of Police, in case against officers of the City Police respectively, shall perform the functions and exercise the powers vested with Collectors in the districts as laid down in PSO 68 (3) (b) and shall inform the Director General of Police of the course they have decided to adopt.

**(5) General instructions in civil suits and criminal prosecutions –**

(a) If the Government or the local officers acting on their behalf sanction the fees for the defence counsel of an officer, it would ordinarily be sufficient to engage a Government Pleader or a Public Prosecutor at the expense of the State. The Collector or the Police Officer empowered to sanction the fees for the defence counsel, may, in addition to the lawyer's fees, sanction the payment of incidental expenses at the rates prescribed from time to time. If criminal cases in which a private counsel has to be engaged, a daily fee subject to a maximum for the whole case shall be fixed in advance by the Collector or the Head of the Special Unit concerned or the Commissioner of Police, as the case may be, at the rates prescribed by the Tamil Nadu State Legal Services Authority.

The rate of fee payable to such counsel shall not exceed the rate payable to Public Prosecutors in the mofussil as per the rates fixed by the Government from time to time.

When the Public Prosecutor is engaged in more than one case on the same day, the maximum fee payable to him for the whole day shall not ordinarily exceed the limit fixed for a day.

In civil cases in which a private counsel has to be engaged, the Director-General of Police or the Commissioner of Police, as the case may be, shall fix in advance a daily fee subject to a maximum for the whole case fixed by the Government. In petty cases, appearance in person may be often quite sufficient and where this is so, the employment of a pleader is superfluous.

*[G.O.Ms.No.876, Home, 7<sup>th</sup> Aug, 1943]*

(b) If the officer wins the case and costs, damages or compensation (whether as personal solatium or not) are (or-is) awarded to him, the expenditure incurred by the Government up to the limit of such costs, damages or compensation shall be refunded by him.

**NOTE** — Pleader's fee and incidental expenses will be ordinarily sanctioned only after the cost awarded by the court are recovered, because, even in the process of recovery of costs, the pleader may incur some expenses and it is convenient to sanction the whole expenditure together. If there is a special case to sanction the expenditure before the costs awarded by the Court are recovered, the matter should be clearly explained.

(6) If in a civil or criminal proceedings instituted against a Police Officer, the court decides in his favour but an appeal is filed or other proceedings taken to secure a reversal or modification of the decision, the question whether such appeal or proceedings should be resisted at the cost of the State shall be decided in accordance with the foregoing orders.

*(G.O. 3233, Home, 19th August 1940)*

(7) If in a case in which the Government have undertaken the defence of an officer and the decision of the court is against him, the questions -

(a) Whether an appeal should be filed or whether any other proceeding should be taken at the cost of the State, to secure a reversal or modification of the decision; and

(b) Whether any damages awarded to the plaintiff or any fine imposed upon the officer should be paid by the State shall be decided either on the application of the officer concerned who should move his immediate superior in the matter or on the representation of his superior officer. In either case, the orders of the Government shall be obtained and the procedure laid down in clause (3) (a) or (3) (b) above as the case may be, shall in other respects be followed.

(8) If a Police officer undertakes a journey in connection with a civil or criminal case instituted against him for acts done in his official capacity and the defence of such case has been sanctioned, such Police Officer may be granted the travelling allowance admissible to an officer of his grade while on tour.

(9) In the case of a Police Officer, who has retired and against whom any civil or criminal proceedings have been instituted for acts done in his official capacity, if the defence of such proceedings has been sanctioned, he may draw travelling allowance for journeys, made by him in connection with such proceedings, at the rates which would have been admissible to him for tours at the time of retirement.

*[G.O. Ms. No. 697, Home, dated 18th March 1957]*

(10) As legal proceedings against Police Officers, particularly civil suits, must interfere with the discharge of their public duties and are likely to cause harassment to them, the Collector should impress on the counsel appearing for the

officer concerned that he should request the Court to deal with such proceedings with utmost possible expedition.

**69. False and malicious allegations of corruption are often made against Government servants** with a view to hampering and embarrassing them in the proper discharge of their duties. In order to protect their servants from such allegations, the Government considers that the Government servant concerned should be given such legal assistance as may be necessary to enable him to take effective action against those making the allegations. When there is a good reason to believe that the allegations made against a Government servant are false or malicious and he wishes to take legal proceedings against the person making them, the Commissioner of Police in the Cities and in the mofussil the District Head of the Office in which the Government servant is employed (in consultation with the Collector of the district) should arrange for the appropriate Law Officer of the Government giving the necessary legal advice and appearing in Court on behalf of the Government servant. Where the person defamed is the Head of the Department himself or the District Head, the sanction of the State Government or that of the authority, who is immediately superior to the District Head, as the case may be, should be obtained.

*[G.O.Ms. No. 2210, Public (Ser.) dated 28th August 1951]*

**70. Fees to pleaders other than Public Prosecutors appointed to conduct criminal prosecutions —**

(1) The Collector is empowered to sanction without reference to Government fees at a rate fixed by the Tamil Nadu State Legal Services Authority, from time to time, to pleaders other than Public Prosecutors appointed to conduct prosecutions under Section 24 of Criminal Procedure Code, 1973, taking into consideration the nature of the work occupying three hours or more in Court on a day and that occupying less than three hours in Court on a day, provided that when such pleader is engaged in more than one case on the same day, the maximum fee payable for the whole day shall not exceed the normal fee admissible for a day. For conducting criminal cases in outlying stations, such Pleaders will be allowed a fee as fixed by the Tamil Nadu State Legal Service Authority from time to time for each day spent in court or occupied in travelling. Bills on account of such remuneration should be supported by a certificate in the following form:—

"I certify that it was most inconvenient in public interest for the Public Prosecutor or the Assistant Public Prosecutor to attend at the hearing and that the case could not in regard to the public interests be postponed".

*(G.O. Ms. No. 3131, Home, 19th October 1954)*

**(2) Fees to Pleaders engaged to conduct the prosecution for offences under special and local laws ----**

In cases in which Pleaders are engaged to conduct the prosecution for offences under special and local laws, the Board of Revenue and the Collectors have power to sanction the payment of fees at a rate not exceeding the rates fixed by the Government from time to time.

(3) Pleaders other than Public Prosecutors appointed to conduct prosecutions under section 24 of the Code of Criminal Procedure will draw travelling allowance admissible as laid down in the Tamil Nadu Travelling Allowance Rules meant for Law Officers. They are not entitled to any daily allowance.

**(4) Fees to Pleaders engaged to defend persons accused of capital offences —**

Sessions Judges are empowered to sanction, without reference to Government, fees at the rate fixed by the Government from time to time.(G.O. Ms. No. 316, Home, 18th January 1940)

**71. Institution, at State cost, of civil suits or criminal prosecutions by Police Officers — Rules —**

The institution, at the cost of the State, of civil suits or prosecutions by Police Officers requires the sanction of the Government in each case. In applying for such sanction, the procedure laid down in Order No. 68 (3) should be followed so far as it is applicable. The sanction of the Government should be obtained separately in respect of appeals or other proceedings arising out of a suit or prosecution.(G.O. Ms. No. 1539, Home, 28th July 1961)

**72. Threat of civil or criminal proceedings —**

(1) A Police Officer who receives any communication containing a threat of civil or criminal proceedings against him for acts done in his official capacity should forthwith forward, through the proper channel, a copy of such communication intimating whether he wishes to reply thereto or not and if he proposes to send a reply, he should submit a copy of the proposed reply.

(G. O. Ms. 2879, Home, 6th June 1938)

(a) In respect of the proceedings which are civil in nature, the copy of the aforesaid reply should be sent to the Commissioner of Police, Chennai by the Police personnel of Chennai Commissionerate and to the Director General of Police by the personnel serving in other Commissionerates, Districts and Special Units.

(b) In case the proceedings threatened are criminal proceedings the aforesaid reply should be sent to (i) the Deputy-Inspector General of Police of that branch of the Special Unit or Intelligence Wing concerned, if he is an officer of the Special Unit or Intelligence Wing, (ii) the Commissioner of Police, Chennai if he is an officer of the Chennai City Police, (iii) the Collector of the district in the case of an officer of the District Police and (iv) the Deputy Inspector-General of Police in-charge of Railways, Chennai if he is an officer of the Railway Police.

(2) If the Police Officer who receives such communication is the Director-General of Police, Chennai or the Commissioner of Police, Chennai, he should forthwith forward the communication to the Government. The Heads of the Special Units, other Commissionerates and District Police should forward to the Government, through the Director General of Police, a copy of such communication intimating whether he wishes to reply thereto or not, submitting a copy of any reply which he proposes to send.

(3) The Director General of Police, the Commissioner of Police, the Deputy Inspector-General of Police, in-charge of Railways or of that Branch of the Special Unit or Intelligence Wing or Special Unit concerned, or the Collector as the case may be, should examine the draft reply, if it is proposed to be sent, and give the officer such directions and make such change in the draft reply as he may consider necessary. In doubtful cases, a reference should be made to the Government. A reply should be sent in the form in which it is approved or required to be sent by the Director- General of Police, the Commissioners of Police or the Deputy Inspector-General of Police in-charge of Railways or Intelligence Wing or the Special Unit concerned, the Collector or the Government, as the case may be.

(4) Any failure on the part of an officer to comply with the provisions of clauses (1) and (3) above will be viewed as a breach of discipline and will also render him ineligible for legal assistance from the Government, if proceedings are actually instituted against him.

(5) The question of defending at the public expense, a Police officer who has received a communication containing a threat of legal proceedings against him need not ordinarily be taken up until the proceedings have been actually instituted. If, however, in criminal proceedings, the Commissioner of Police, the Deputy Inspector- General of Police in-charge of Railways or Intelligence Wing or Special Unit concerned or the Collector, and in civil suits, the Director-General of Police or the Commissioner of Police, Chennai as the case may be, consider that the proceedings are likely to be instituted against a Police Officer, he may examine the question as soon as he receives a copy of the communication referred to in clause (1) above.

### **73. Civil suits by or against the State –**

(1) The institution of a civil suit by or against the State requires the sanction of Government. In all such suits and in suits by or against Police Officers, which go up to the Government for sanction, the plaints and written statements should, except in cases of emergency, be got approved by the Government before they are filed. After the approval has been obtained, the Director-General of Police can act further on behalf of the Government by signing plaints and if acquainted with the facts, of the case, by verifying pleadings. If a civil suit is instituted against the State in connection with a matter concerning the Police Department, the Superintendent of Police shall refer the matter to the Director-General of Police for orders. As the defence of such suits ordinarily falls upon the Government Pleader of the district, the Director-General of Police will secure his services through the Collector.

(G.O. 918, Judicial 28th May 1889, 2360 Law (General) 25<sup>th</sup> September 1923 and 2632 Home, 7th July 1947)

**(2) Legal Advice to be obtained in regard to litigation affecting the State-**  
The Government have issued the following orders in the matter of legal advice to be obtained in regard to litigation affecting the State: —

(a) It has come to the notice of the Government that no general rule exists requiring that legal advice shall be obtained before a suit is instituted or the defence of a suit undertaken on behalf of the State. The State Government considers it desirable that such advice shall always be obtained in regard to litigation by or against the State. It is not necessary that such advice should be obtained merely because notice or suit against the States is given under section 80 of the Code of Civil Procedure, though in important cases it may be desirable for the officer dealing with the notice to obtain legal advice regarding it. Nor will officers who are competent to sanction the filing or defence of suit on behalf of the State be bound to follow the legal advice they may receive through, if they decide to reject it, they must place the reasons for their decision clearly on record. Subject to these directions, it shall be the duty of every officer before filing or sanctioning the defence of a suit or appeal to obtain the opinion of the appropriate legal adviser as to whether the suit or appeal is legally maintainable. In the case of Collectors or other district officers, the Government Pleader of the district will be referred to and the fact of this having been done shall be included in any report to higher authority. In the case of other heads of departments, the Government Pleader, Chennai, shall be consulted.

(G.O. 957, Judicial, 14th June 1912)

(b) The Director -General of Police is entitled to seek the advice of the Advocate –General and other Law Officers in the City, but if he desires to obtain the opinion of the Advocate-General, he should address Government in the Administrative Department and not seek his advice direct.

*[G.O.4100, Law. (General) 6th Nov. 1931]*

(3) The Director-General is empowered to obtain the service of the State Prosecutor for the conduct of cases in the Courts in Chennai City, in cases where the prosecuting agency at his disposal is inadequate or unsuitable.

*(G.O. No. 1291, Judicial 16th June 1987)*

(4) As soon as a notice in a case which involves a question of the validity of any central enactment, etc., is served, a copy of the petition and affidavit should be forwarded to the Government of India in the Administrative Department concerned and also to the officer of the Central Government primarily concerned, e.g. the Textile Commissioner, Mumbai and they may be asked to give necessary instructions for preparing the counter-affidavit and they may also be informed which Law Officer of the State Government is dealing with the case so that they may correspond with him direct. A copy of such communication should also be sent to the Law Officer concerned.

*(Memo. 162227-Tr. 1/51-1 Home, 3rd Dec. 1951)*

**74. Claims for loss of Service against members of the public for the injury caused by them to Police Officers** — Police Officers should report promptly, through their superior officers, to the Director-General of Police the full facts regarding any injury sustained by them whether on or off duty, owing to the negligence of a member or members of the public. The question of instituting a claim for loss of services against the party alleged to be responsible for the injury will be decided by the Government in each case in consultation with their legal advisors.(G.O.No.2597 Home 6<sup>th</sup> October 1936)

## **CHAPTER X**

### **PUNISMENT AND APPEAL FROM SUBORDINATE SERVICE OFFICERS**

#### **75. (1) Discipline & Appeal Rules:**

The Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 issued by the Government of Tamil Nadu for the Tamil Nadu Police Subordinate Service and the Tamil Nadu Special Police Subordinate Service are published in the Tamil Nadu Services Manual, Volume IV.

(2) The cardinal principle of discipline is that no one shall be punished unless he has been given an adequate opportunity to defend himself against the action proposed in regard to him.

#### **76. Reduction to lower rank --**

(1) The reduction of a member of the force to lower rank should be awarded only in very exceptional cases and only in the case of those who have been promoted from the lower rank.

(2) Wholesale reductions by a number of grades or increment at a time should not be awarded on punishment rolls. Drastic reductions may be within the letter of the rules, but they are not in keeping with their spirit and from every point of view, it is undesirable that they should be ordered. (FR 24)

#### **77. Deleted.**

#### **78. Recovery from pay -**

(1) The authority imposing the penalty of recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders, shall follow the procedure prescribed in Rule 3 (a) of the Discipline and Appeal Rules.(G.O.2414, Home. 16th August 1946)

(2) Whenever an authority holds that the Government servant is responsible for any loss sustained by the Government, it should, as far as possible, proceed to recover the whole or at least a part of the loss. Any other form of disciplinary action should be avoided, for the imposition of two punishments for the same offence will offend the principles of natural justice even though it may be legal.(Article 300 of Tamil Nadu Financial Code Volume I)

(3) In cases where it is adjudged that the loss has been the result of mere negligence or carelessness on the part of the Government servant and that there was no criminal intent, it is sufficient if the loss is recovered in whole or in part to the extent possible and in such cases recovery by itself be enough punishment. However, in cases where the recovery of whole or part of the amount is not possible, it is open to the competent authority to proceed against the delinquent to impose any other punishment which it deems fit.

(4) Where criminal intent is evident, then resort should ordinarily be had to prosecution in a court, unless the amount involved is trivial, when appropriate departmental punishment may be inflicted.

(5) In deciding the amount to be recovered, not only the circumstances of the loss but also the Government servant's financial position should be considered since the penalty should not be such as to impair his future efficiency.

*(Clauses (3), (4) & 5 based on Article 300 (3) (a) of Tamil Nadu Financial Code Volume I)*

## **79. Recovery from pension --**

(1) (a) (i) It shall be ensured that all Government dues are cleared by the retiring officer before his retirement. Should any such dues remain unrealized and unassessed for any reason, the retiring Government officer should be required to furnish the surety of a suitable permanent Government servant or make a suitable cash deposit or such portion of gratuity payable to him, as may be considered sufficient, may be held over till the outstanding dues are adjusted or for a period of six months from the date of retirement whichever is earlier. The cash deposit to be taken or the amount of gratuity to be withheld should not exceed the estimated amount of outstanding dues plus 25 per cent thereof. In case, it is not possible to estimate the approximate amount recoverable, the amount of deposit to be taken or the portion of gratuity to be withheld should be limited to 10 per cent of the gratuity. Efforts should be made to recover and adjust the Government dues within a period not exceeding six months from the date of retirement of the officer concerned. If no claim of Government amount is made against the officer within that period, it would be presumed that no Government claim is outstanding against him.

(ii) If any dues recoverable from a retired Government servant come to light more than two years after his retirement by which time normally the surety would have been released, or the cash deposit or the amount withheld from gratuity would have been refunded, the question whether recovery of the irrecoverable amount shall be waived or the recovery made from the Government servant responsible for not assessing and effecting the recovery in time shall be considered on merits.

(b) Rule 6 of TN Pension Rules 1978, however permits a permanent reduction in the amount of pension or gratuity or both where an officer's service has not been thoroughly satisfactory and the appointing authority is justified in making proof of a specific instance of fraud or negligence by an officer, the ground for a finding that his service has not been thoroughly satisfactory within the meaning of the article 470 (b) of Civil Service Regulations, for the purpose

of reducing his pension. In such cases, therefore, the pension papers with the recommendation of the Head of the Department should be submitted for the orders of the Government through the Accountant-General. [Article 300 [4](b) of *Tamil Nadu Financial Code Volume-I*. Other conditions stipulated in Rule 6 of Pension Rules 1978 shall apply].

(2) (a) If the amount due to Government exceeds the last pay or leave salary, steps should be taken to recover the amount as laid down in order No. 79 (1)(a).

(b) If in any case, any amount is still due to the Government from the Government servant, steps should be taken to proceed against him in a court of law or to write off the loss to Government, if it is considered not worthwhile to adopt such a course.

(3) The Government reserve to themselves the right to order the recovery from the pension of an officer of any amount on account of losses found, in judicial or departmental proceedings, to have been caused to Government by the negligence or fraud of such officer during his service. Provided that –

(a) such departmental proceedings, if not instituted while the officer was on duty -

(i) shall not be instituted save with the sanction of the Appointing Authority in respect of officers of the Subordinate Services and the Government in respect of officers of the State Services. [G.O.Ms.No.31, P&AR, dated 23.02.2012]

(ii) shall not be in respect of any event which took place more than four years before such institution, and

(iii) shall be conducted by such authority and in such places as Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service.

(Pension Rule 9)

(b) The Tamil Nadu Public Service Commission shall be consulted before final orders are passed.

(Proviso to Rule 9(1)(b) of the TN Pension Rules, 1978)

**Explanation: --**

A departmental proceeding shall be deemed to have been instituted from the date on which the statement of charges is issued to the delinquent under acknowledgement or from the date of suspension,

whichever is earlier. A judicial proceeding shall be deemed to have been instituted (i) in the case of criminal proceeding, on the date on which the complaint or report of Police Officer on which the Magistrate takes cognizance of and (ii) in the case of civil proceedings on the date of presentation of the plaint in the court.

[Rule No.9 (6) (b) & (c) of TN Pension Rules 1978].

## **80. Procedure prior to reduction, compulsory retirement, removal or dismissal -**

(1) The procedure to be followed for imposing the penalty of reduction, compulsory retirement, removal or dismissal is laid down in rule 3 (b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 (The Tamil Nadu Services Manual, Volume-IV).

(2) (a) On the occurrence of an incident likely to be the subject of disciplinary action the responsible officer to whom the incident is reported, shall make such enquiry, if any, as he considers necessary to establish the prima facie correctness of the facts alleged. If this preliminary enquiry discloses that there is prima facie case for disciplinary action, a decision should be taken either by the Officer himself, assuming that he is an Inspector or above that rank, or by his immediate superior officer, as to whether the full machinery preliminary to punishment should be set in motion. He should also decide whether the offence may require an oral enquiry. If it is decided to set in motion the full machinery preliminary to punishment, a specific charge or charges should be framed in the light of the evidence recorded in the preliminary enquiry.

(b) (i) It is not necessary that the charges should be framed by the authority competent to award a penalty or even that the enquiry should be conducted by such authority. The charge can be framed and the enquiry held by any officer acting under the order of the authority competent to award the penalty. This does not, however, imply that no other officer can frame charges and enquire. An officer can at any time and without specific authorization by the authority competent to impose the penalty, frame charge against or enquire into the conduct of an officer directly subordinate to him, although he may not be competent to impose a penalty.

(ii) All authorities directly higher to the members holding the posts included in the State Services may frame charges against such members of the State Services under rule 17 (b) or issue Show Cause Notice under rule 17 (a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, even if they are not the competent authority to impose the penalty and they may conduct the enquiry themselves or request the competent authority to appoint an Inquiry Officer to conduct the inquiry. They shall remit the papers to the competent authority for passing final orders, after the case is processed up to the level of completion of inquiry or after the receipt of explanation to Show Cause Notice, as the case may be.

[G.O.Ms.No.19 P&AR (N), dated 11.02.2008].

**(iii) Instructions in respect of State Service Officers:-**

Draft charges or Show Cause Notice may be prepared by authorities shown below:-

Delinquent State Service Officers	Authority empowered to issue charge memo	
	u/r 17 (a)	u/r 17 (b)
PAs/ACs/DSPs/Asst. Cmts./SP/DC/CMT	SP/DC/CMT	DIG/JCOP/COP/IG P
SAOs/ADSPs/Dy.CMTs/CMTs/D Cs/SPS	DIG/JCOP/IGP/COP	DIG/JCOP/IGP/CO P

Note : PA redesignated as Administrative Officer (AO)

[C.O.Memo.No.174662/Con.I91)/2009, dated 28.10.2009)

The draft charge memo or show cause notice (SCN) should be sent to Chief Office for approval along with a summary of evidence as follows:

Alleged misconduct: Evidence to establish it.

Under "alleged misconduct" the ingredients of delinquency should be listed out and extracts from the oral or documentary evidence to prove it must be shown against it.

A 17(b) charge must be framed only if delinquency is so grave as to warrant a major penalty.

Officer framing the charge will be responsible to ensure that the evidence cited clearly establishes the charge. He will be held accountable, if further action has to be dropped for want of sufficient material in Charge Memo or SCN.

After approval, the charge memo or SCN should be served with such corrections or changes as made in Chief Office.

[C.O.Memo No.249581/GB V(2)/2011, dated 05.11.2011].

(c) It is particularly important that the charge or charges should be carefully framed and in doing so, the following points should be borne in mind-

(i) The charges should be brief and couched in clear terms. Any vagueness should be avoided. The date or period of occurrence of the incident, should wherever possible, find a place in the charge; where the exact date is not available, the approximate date or period should be indicated in the charge.

(ii) A single charge of a general nature such as corruption or incompetence cannot be regarded as sufficiently definite. In connection with an enquiry into alleged corruption or incompetence, a separate charge should be framed in respect of each instance or alleged corruption or incompetence. A series of charges on particular instances may, however, be combined with a general charge of corruption or incompetence of which the instances form the evidence. For example, the results of a series of charges of delays may be noted after due enquiry as they occur in a conduct register and a general charge of incompetence or persistent dilatoriness may be based on them.

(iii) A full and clear statement of allegations in support of the charge or each of the charges should be communicated to the delinquent along with the charge or charges. Every item of the charge should be carefully and accurately framed. It should be remembered that an exact copy of the charges or charges framed under item (1) above together with the full and clear statement of the facts in support of the charge or charges will have to go into the Minute.

(iv) The names of prosecution witnesses (to be styled "P.Ws") to prove the charges will be mentioned therein. This should be done on the following lines.

"The following are some of the witnesses. It is proposed to examine them in this connection. Others may also be examined, as found necessary". There is no need to enter what the witnesses are to prove.

(v) The delinquent should be directed to submit his written statement within a sufficient specified time and also to produce a list of documents he proposes to cite and a list of witnesses whom he proposes to examine in defence, with the points upon which he expects each will speak. There is no need to remind the accused officer. If the explanation is not received within the stipulated time, it may be construed that he has no explanation to offer, as indicated in the charge memo and further action may be proceeded with. If the delinquent officer comes up with a request seeking extension of time, the same may be considered on merits.

*[Govt. lr. No.148, P&AR, dated 11.03.1993 and DGP's Memo. No.218474/Con/I(2)/1985, dated 21.11.1994.]*

He should be required within a reasonable time to state specifically in writing whether he wishes to have an oral enquiry.

If the delinquent, however, refuses for any reason to submit a list of defence witnesses with his written statement, he will not be precluded from citing his witnesses later in the enquiry, when they must be heard.

(d) Two copies of the charges together with statements of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case against the delinquent shall be prepared. One copy shall be given to the delinquent for his personal use and he will

be required to return forthwith the other copy with his written acknowledgement of receipt thereon and this copy should be attached to the "Oral Enquiry File". The charge memo shall be served on delinquent personally by his immediate superior. If such service is not possible, it shall be sent to his residential address by registered post with acknowledgement due. If it is refused or the delinquent is not in the given address, the endorsement of the postal authorities on the envelope should be preserved as evidence to proceed ex-parte.

After verifying that the charge memo has been sent to the correct address, it may be affixed at his last known address in the presence of witnesses and a proceeding drawn to that effect.

(*Rule 18 (c) of the Tamil Nadu Civil Services (D&A) Rules and Hand Book of Disciplinary Procedures, 2005 P.163*)

(e) If the delinquent does not know English, he should also be given a literal translation in Tamil of the charge(s), the statement of allegation and the other communications made to him. If necessary, the Minute should also be supplied in Tamil.

(f) The delinquent's written reply to the charge(s) when received should be examined carefully to see whether all the items have been correctly answered. In case, on perusal of the written statement of defence, the disciplinary authority is of the view that the explanation submitted by the delinquent is satisfactory, there is no need for proceeding further. [Para-54 of the judgement dated :12.01.2017 of the High Court of Madras in WP Nos.48,49, 175 & 176 of 2017]. If an oral enquiry is considered necessary, a date for it should be fixed. Witnesses can be summoned and paid travelling allowance. Official Witnesses should be given certificates of attendance.

(g) Under Section 2 of the, Madras Revenue Enquiries Act 1893, the Government can, by order, invest any officer deputed by them to make an enquiry into the conduct of any public servant as such with power to summon any person to appear before such officer to give evidence or to produce documents. The Act does not apply to a case where the officer making the enquiry is not deputed for the purpose by the Government, but acts in virtue of the powers conferred on him by statutory rules. There is, however, no objection to the Government specifically deputing such an officer, to make the enquiry into the conduct of the public servant and to their conferring on him the necessary orders under section 2 of the Act. This procedure may be followed in cases where it is found really necessary that the enquiry officer should have legal powers to summon witnesses to give evidence or to produce documents. The enquiry officer may exercise also the powers vested in him by the statutory rules after the completion of the enquiry.

#### **Summoning of witnesses:**

The Inquiring Authority functioning under the Tamil Nadu Civil Services (Discipline and Appeal) Rules has no powers to compel attendance of witnesses and production of documents. The witnesses cited by the prosecution as well as by the defence may, therefore, be requested by the Inquiring Authority to appear before him on the date, time and place mentioned in the notice of request. The Inquiring Authority may consider the relevancy of the witnesses cited by the accused before summoning them. He may, for special and sufficient reason to be recorded in writing, refuse to call a witness, failure so to record the reasons, will vitiate the Inquiry.

(*Hand Book of Disciplinary Procedures, 2005 P.169*)

### **Oral Enquiry:**

- (3) (a) (i) In all cases entailing an oral enquiry, it should be conducted by a Gazetted Police Officer. The officer who conducted the preliminary enquiry laid down in order No. 80 (2) (a) should not conduct the oral enquiry but it should be conducted by some other officer.
- (ii) In all instances of disciplinary action against Inspectors, entailing oral enquiry, the officer who deals with the matter should ordinarily be of the rank of Superintendent of Police or Joint Superintendent of Police or Additional Superintendent of Police.

(b) The Officer who conducts the oral enquiry and appraises the evidence should ordinarily write the minute. But, if for any reason the officer is not able to complete the enquiry, another officer may continue the enquiry and write the minute with the evidence so recorded by the previous officer or partly recorded by that officer and partly recorded by him. If, however, the officer is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, he may resummon any such witness and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.

(4) (a) When the delinquent appears for the oral enquiry, the enquiry officer should put the following question, which, with its answer (as in the case of all further questions and answers noted below) should be recorded in writing in the "Oral Enquiry File"—

(Q) "You have received a copy of the charge(s) and the statement of allegations and submitted your written explanation. Have you anything further to add before I proceed with this oral enquiry?"

This recorded question and answer (as in the case of all further questions and answers) must be read over (in translation, if necessary) to the delinquent, and

his signature and that of the enquiry officer, appended to it. The form to be used should be:

"Recorded by me, read over (and translated) to the deponent and acknowledged by him to be correct."

(b) The prosecution evidence shall then be taken. It is not necessary to record again the evidence of those prosecution witnesses who were examined and whose evidence was recorded in the presence of the delinquent at the preliminary enquiry. It will be sufficient if their evidence so recorded is read out in the presence of the delinquent, the enquiry officer certifying in the Oral Enquiry File that this was done, the delinquent is given an opportunity to cross-examine such witnesses, whether or not he had already cross-examined them at the preliminary enquiry. The prosecution witness need not be recalled, unless the delinquent desires to cross-examine them further. If, however, any witness was examined at the preliminary enquiry in the absence of the delinquent, such witness must, if the delinquent so desires, be examined in chief in his presence (instead of the evidence given at the preliminary enquiry being read out) and the delinquent must also be given an opportunity to cross-examine the witness. The prosecution may reexamine such of the prosecution witnesses as it considers necessary, after which the delinquent must again be given an opportunity to put further questions.

(c) Prosecution witnesses who are summoned for the first time at the oral enquiry shall be examined. The delinquent should be asked to state if he wishes to cross-examine them. Prosecution witnesses may be examined in such order as the officer holding the enquiry deems fit. As far as possible, the cross-examination should be done immediately after the examination in chief is over. If however, the delinquent states that he wishes to reserve cross-examination, the officer holding the enquiry shall on satisfying himself that the reasons furnished are adequate grant the request and, if they are not, refuse to do so for the reasons to be recorded in writing.

(G.O. Ms. No. 553 Home, 22 Feb 1956)

(d) At the head of each evidence, the name, rank, designation or calling of the witness must be entered e.g. "P.W.1 Head Constables (name) No. 516 X Station, or PW. 2, Tr. X Village Magistrate of Y Village".

(e) At the foot of the completed deposition of each and every witness the entry detailed in sub-clause (4) (a) should be made, the enquiry officer, the witness and the delinquent all signing. If there is more than one page of deposition

the pages other than the last should also be initialled by all the parties, mentioned.(G.O. 1716, Home, 30th March 1936)

(f) All the statements of prosecution witnesses should be kept in one separate file.

(g) Prosecution documents are marked as Exhibits P-1, P-2 etc., and must be kept in their own file for which an index is required showing the mark of the exhibit, its nature in brief and who has produced it.

(h) The prosecution side of the hearing is now over. On the "Oral Enquiry File" the enquiry officer should enter the following question which he puts to the delinquent: --

Q. ---"You have heard the evidence against you. Have you any witnesses you wish to have examined and any documents you wish to have produced in your defence".

(i) He must be given fair time to draw up and present his list. The enquiry officer can question him for what purpose each witness is required so as to avoid protraction of the enquiry by irrelevancies or the vexatious citation of witnesses. He can for sufficient reasons refuse to hear any particular witness or to allow any particular document to be produced, but he must record in the same file his reasons for such refusal. Failure so to record the reasons will vitiate the enquiry.

(j) Defence witnesses, styled, "D.Ws." are thereafter examined in chief by the delinquent and cross-examined if necessary, by the enquiry officer (and not by other witnesses to the enquiry however much they are impugned). The delinquent may re-examine such of the defence witnesses as he considers necessary after which the prosecution may again question the defence witnesses further. The procedure is the same as in paragraph 80(4) (b) to (h) inclusive. As detailed in paragraph 80 (f), a separate file will be maintained for defence statement.

(k) Defence documents are marked as Exhibits D- 1, D-2, etc. The procedure laid down in order No. 80(4) (a) shall be followed.

(G.O. Ms. No. 3226, Home, 12 Nov. 1959)

(l) If the delinquent dispenses with any of the defence witness cited by him, this fact should be recorded in the "Defence witnesses" file under the signature of the delinquent and of the officer conducting the enquiry.

(5) (a) If the enquiry is conducted on the complaint of a private person or body, the complainant shall not be allowed to cross examine the officer charged who is, in such enquiry, in the position of an accused person, but the complainant may suggest questions to the enquiry officer to be put to the witnesses produced in defence of the officer charged or the enquiry officer may, in his discretion, permit the complainant to cross-examine the said witnesses.

(G.O. Ms. No. 663, Pub. (Ser) 25 Apr. 1939 and 3793, Home 13th July 1939)

(b) (i) An officer conducting a departmental enquiry cannot be cited as a prosecution witness in the enquiry. If, however, he is required as a defence witness by the delinquent, the latter should be asked to state in writing what points the officer is cited to elucidate. If the enquiry officer considers it unnecessary to allow himself to be examined as a defence witness, he will file that application with his remarks as part of the records of the enquiry and, if relevant, will incorporate the information contained in that application and his remarks in the minute. In case, however, he thinks that his examination as a defence witness is really necessary, he may still conduct the enquiry if the points to be elicited from him are such that his answers will not in any way vitiate the result of the enquiry. In such cases he should record verbatim the delinquent's questions and his replies both signing all the pages of the depositions.

(ii) In cases where the evidence that the officer is required to adduce is vital and is likely to have a bearing on the result of the enquiry, the enquiry should not be conducted by that officer but by some other enquiry officer.

(6) Having completed the defence, the enquiry officer should continue to make entries in the "Oral Enquiry File" as follows: -

Q. —"Your defence witnesses have been examined and such documents as you required have been produced and exhibited (with the exceptions refused by me as noted already in these proceedings for the reasons shown). Have you anything further to request or say? You are entitled to put in if you desire, a further written statement of defence",

A. – The questions and his reply should be recorded, read over, translated, if necessary and acknowledged by his signature and that of the enquiry officer as detailed above.

With reference to the first question if the delinquent states that he desires to recall certain witnesses for further cross-examination, he should be allowed to do so. But, the officer holding the enquiry should always ask him what further questions he wishes to put to those witnesses in order to satisfy himself that they are relevant, and, if they are not, he can, for the reasons to be recorded, refuse to recall such witnesses.

(7) (a) The officer holding the enquiry must be strictly impartial. It is particularly important that the formalities prescribed in the statutory rules and orders should be allowed. It is essential that the conduct of the proceedings should not give rise in the mind of the person charged to a belief that the enquiry is being conducted in anything but an impartial and detached frame of mind.

(b) A departmental enquiry should be completed with as little delay as possible. Care should be taken to avoid all dilatoriness and adjournment or

postponement of the enquiry should be allowed with circumspection and only when necessary. Where an officer is suspended pending enquiry into his conduct on the ground that it is not desirable to allow him to continue on duty during the enquiry, it is all the more necessary that the enquiry should be completed with expedition and orders passed as early as possible.

(G.O.Ms.No.275, Pub. (Ser) 5 Feb.1937 and Ms.1927 Home, 19 May 1937)

(c) Where, however, in exceptional cases there is difficulty in observing exactly the requirements of the statutory orders and the requirements can be waived without injustice to the person charged and it is proposed to waive all or any of the provisions of the orders, the reason therefor must be recorded in writing; failure so to record the reasons will vitiate the enquiry.

(G.O.Ms. No. 2107, Pub (Ser.) 5th Nov.1937 and 171 Home 30 Mar. 1939)

(8) (a) An Officer's past record should not be taken into account in arriving at a finding as to the truth or otherwise of the charges against him. If the past bad record of an officer is proposed to be taken into account in determining the penalty to be imposed, it should be made a subject matter of a specific charge either in the main charge sheet issued in the first instance or in the form of an additional charge sheet issued before the commencement of an enquiry in respect of the main charge-sheet and the person charged should be afforded all the facilities necessary for enabling him to meet the allegations based on his past record.

(b) In his explanation the delinquent cannot question the propriety of the punishments already awarded to him as they have been (or could have been) dealt with by appeal; he can, however, claim extenuating circumstances.

(9) All orders passed in cases involving dismissal, removal, compulsory retirement or reduction to a lower rank in the seniority list or a lower grade, post or time-scale or to a lower stage in the same time-scale, should contain a specific certificate to the effect that the authority inflicting the punishment is not an authority subordinate in rank to the appointing authority in respect of the delinquent. The disciplinary authority after examination of the report of the inquiry or personal hearing, If he is of the opinion, on the basis of the evidence adduced during the inquiry, that any of the penalties specified in rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or rule 2 of the TNPSS (D&A) Rules 1955, should be imposed on the person charged, it shall, before making an order imposing such penalty, furnish to him a copy of the report of the inquiry or personal hearing or both, as the case may be, together with the reasons for disagreement with the findings of the inquiry officer, if any, and call upon him to submit his further representation, if any, within a reasonable time, not exceeding fifteen days.

Any representation received in this behalf within the above period shall be taken into consideration before making any order imposing the penalty, provided that such representation shall be based on the evidence adduced during the inquiry only. It shall not be necessary to give the person charged any opportunity of making representation on the penalty proposed to be imposed.

[*Hand Book of Disciplinary Procedures P&AR Dept, 2005, P-177*].

(10) An order removing, dismissing or reducing an officer in respect of his conviction and sentence to fine in a criminal court cannot be entirely based on the facts which led to his conviction, since such a conviction and sentence do not necessarily entail the award of any further departmental punishment. In the case of this kind not coming within the scope of the instructions in order No. 81 of Police Standing Orders, Volume I, when a disciplinary authority decides under Order No. 66(2) that departmental punishment should be awarded, he should frame a charge and statement of allegations setting forth the fact of conviction and sentence and the grounds upon which his decision to take further departmental action is based and his further enquiry should conform to the requirements of this order. The findings of the court, which it is not open to the delinquent officer to dispute will not come within the scope of that departmental enquiry but it will be open to the delinquent to put forward and prove such extenuating or other circumstances, as may justify a lenient view being taken of his offence. Care should be taken that expression of opinion by the trying court, other than findings on issues relevant to the questions of guilt, are not introduced into the minute to justify or reinforce an order of punishment, unless they have been incorporated in the charge or statement of allegations and the evidence upon which they are based has been regularly brought on to the record of the departmental enquiry.

## **81. Departmental proceedings and prosecutions of Government Servants involved in criminal misconduct –**

(1) The following procedure should normally be adopted in cases of alleged misconduct of Government Servants: -

As soon as sufficient evidence is available for the purpose, in the course of investigation in cases of misconduct whether such investigation is conducted departmentally or through any Police agency, action should be taken under the appropriate disciplinary rules and disciplinary proceedings should be initiated forthwith. Such departmental proceedings need not interfere with the Police investigation, which may be continued where necessary. After the departmental proceedings are concluded and the penalty, if any, imposed as a result thereof, the question of prosecution should be considered in the light of such material as may have become available as a result of the investigation.

(2) For the purpose of these instructions, the expressions "criminal misconduct" shall have the same meaning as in section 7 of the Prevention of Corruption Act, (Amendment Act 2018), (Central Act No.16 of 2018), an extract of which is reproduced below —

"A public servant is said to commit the offence of criminal misconduct in the discharge of his duty;

(a) If he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other persons so to do; or

(b) if he intentionally enriches himself illicitly during the period of his office.

(3) (a) There is no bar to take simultaneous action, both departmental and criminal. Care should be taken to ensure that there is no wilful violation of the stay order of the proceedings, if a court of competent jurisdiction orders such a stay. In the absence of such stay order, the disciplinary authority is free to exercise its lawful powers. Before initiating such criminal proceedings, advice on evidence should be obtained from Government Counsel and in more important cases from the Advocate-General. Where the conduct of an officer discloses a grave offence of a criminal nature, criminal prosecution should be the rule and not the exception. Where the competent authority is satisfied that there is no criminal case, which can be reasonably held against such an officer, criminal prosecution should not, of course, be resorted to. But prosecution should not be avoided merely on the ground that the case might lead to an acquittal.

(b) should the decision of the trial court, or the appellate court, as the case may be, lead to the acquittal of the accused, it may be necessary to review the decision taken earlier as a result of the departmental proceedings. A consideration to be taken into account in such review would be whether the legal proceedings and the departmental proceedings covered precisely the same ground. If they did not, and the legal proceedings related to one or two charges only, i.e., not the entire field of departmental proceedings, it may not be found necessary to alter the decision already taken. Moreover, it should also be remembered that while the court may have held that the facts of the case did not amount to an offence under the law, it may well be that the competent authority in the departmental proceedings might hold that the Government Servant was guilty of a departmental misdemeanour and he has not behaved in the manner in which a person of his position was expected to behave.

(c) Article 311(2) of the constitution provides that the person who is a member of the Civil Service of a State or holds a civil post under a State, shall not be dismissed, removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. The competent authority should observe strictly the statutory requirement of Article 311 (2) in all cases in which

it is attracted. Compliance with these requirements is not, however, required in a case covered by clause (a) (b) or (c) of the proviso to that article. Where, however, action is taken under clause (a) of this proviso on the basis of the conviction of a person in a court of law and the conviction is set aside on appeal, the orders passed under the proviso automatically become inoperative. If departmental action against him is considered desirable, it will be necessary to follow the provisions of the relevant disciplinary rules and where necessary, the substantive provisions of article 311 (2).

## **82. Failure to attend an enquiry —**

(1) When an officer, whose conduct is under enquiry, is on leave or under suspension, fails without sufficient cause to obey a verbal or written order requiring him to attend the enquiry on a specified date, he will be liable to have his leave cancelled and to be suspended and treated as having absconded, with the accusation or accusations hanging over him. It is incumbent on a delinquent officer, whether he is under suspension or on leave, to arrange to receive all official communications at all times. Hence, he should intimate his address or any subsequent change thereof to the District Police Office and the officer conducting the enquiry. Service of orders will be directed to the address furnished. This should be pointed out to him at the time of his relief. If he does not receive the orders, the responsibility for failure to attend the enquiry would then be his and he will be liable to be dealt with as stated above.

(2) In serving any communication on him, one of the following procedures may, as found necessary, be adopted: —

(a) By tendering it in person, under acknowledgement, by his immediate superior or any other officer assigned on his behalf.

(b) By leaving it at his last known place of residence or by giving it to an adult member of his family staying with him.

(c) By sending it to him by registered post, under acknowledgment.

(d) by sending SMS.

(e) If none of the means aforesaid is available, by affixing it in some conspicuous part of his last place of residence.

(3) If he claims that he was unable on account of ill-health to attend the enquiry, his claim will be rejected unless it is supported by a medical certificate issued by his medical attendant, and if the officer conducting the enquiry requires it, by a certificate of the District Medical Officer or the nearest gazetted Government Medical Officer available, before, whom he may be directed to appear by that officer.

### **83. Being heard in person Procedure —**

(1) When a personal hearing is held instead of an oral enquiry, the procedure shall be as follows: -

(2) All relevant statements of prosecution witnesses and prosecution documents on the one hand, and of defence witnesses and defence documents along with the statement of defence of the delinquent officer, on the other hand, shall be collected and docketed. The delinquent officer should then be allowed to read the statements and documents which support the charge. If, at this stage, he questions the authenticity or accuracy of any prosecution statement, he may ask for a regular oral enquiry in which case the procedure laid down in PSO- 80 will be followed from that point onwards. If however, he does not do so, enquiry officer will record that question in the prosecution papers relating to enquiry that the delinquent officer has been acquainted with the prosecution case against him and, in token thereof, shall obtain his signed statement to that effect. The delinquent officer is entitled to put in only a personal representation which the Enquiry Officer should reduce to writing or require the accused officer to do so. There is no question of citing witnesses or documents at this stage, as all that should have been done in his original explanation to the charge. The Enquiry Officer shall then draw up the minute after analyzing the prosecution documents, the defence documents and the personal representation of the delinquent.

(3) The above procedure refers to a personal hearing, which the accused officer chooses, instead of an oral enquiry. In any other context, a personal hearing shall mean that the enquiry officer merely hears the accused officer on any point at any time during the course of disciplinary proceedings when he shall make a record of any relevant matter, which the latter has to say in defence or in extenuation.

(4) In the judgement in W.P.No.1820/64 of Madras High Court, it was pointed out by the Hon'ble judge that the denial of the request of the delinquent officer to be heard in person, in addition to oral inquiry, tantamounts to the denial of a reasonable opportunity to the delinquent officer to defend himself and militates against the ends of natural justice. Hence, Rule 17 (b) (I) of the Tamil Nadu Civil Services (D&A) Rules and rule 3 (b) (II) of the TNPSS (D&A) Rules 1955 provide inter alia that any person charged shall be heard in person at any stage, if he so desires, before passing of final orders. Even if punishing authority has given personal hearing to the delinquent officer, the defence of the delinquent officer shall also be taken into consideration, before the punishing authority passes the final orders.

*[Page Nos. 179 – 180 of the Hand book of Disciplinary procedures]*

#### **84. Resignation or retirement of Government Servants when Departmental Proceedings are pending against them etc. — Procedure –**

(1) (a) Notwithstanding anything contained in clauses (a) and (c) of Fundamental Rule 56 (1), a Government servant under suspension on a charge of misconduct should not be required or permitted to retire on his reaching the date of superannuation but should be retained in service by the Appointing Authority, until the enquiry into the charge is concluded and a final order passed thereon by a competent authority or any higher authority. Such an officer should be allowed to draw subsistence allowance till final orders are passed on the charges pending against him. If the Government servant is finally exonerated, he should be allowed to draw with effect from the date of superannuation only the pension, which he would have been entitled to, had he retired from service in the usual course, the allowance already granted being adjusted towards pension admissible.

(b) Whether a Government Servant referred to in clause (1)(a) above, is fully exonerated or not, he shall be considered to have been on extension of service for the period from the date of retirement to the date of termination of the proceedings. During such extension of service, the service rights which have accrued to the Government Servant shall freeze at the level reached on the date of retirement and the salary (subsistence allowance) shall not exceed the pension which has accrued to the Government Servant on that date.

*[Instruction under FR 56 (1)(c)]*

(2) (a) Government servants on duty, who attain the age of superannuation and against whom departmental proceedings are pending, may be permitted to retire on a provisional pension, if the charges are not so serious as to necessitate suspension, i.e., charges likely to entail removal or dismissal. In the final orders passed, a suitable reduction in pension may be made, if necessary. [Rule 9 of Tamil Nadu Pension Rules 1978].

(b) In respect of the Police personnel facing enquiries by the Tribunal for Disciplinary proceedings (TDP) or departmental proceedings in pursuance of V&AC/PSO-151 enquiry, the unit officers should get formal orders from the Chief Office whether to allow the delinquents to retire without prejudice to the departmental action or to place under suspension. The unit officer concerned should send proposal one month in advance and get orders from Chief Office in respect of all ranks. In respect of the officers in the rank of DSP and above, action should be initiated in Chief Office itself.

(c) The Police personnel facing criminal cases should invariably be placed under suspension without allowing them to retire on superannuation.

(d) When Police personnel who are due to retire are facing departmental action for routine lapses, the appointing authorities themselves may take a decision and issue orders as per the amended FR 56 (1) (c ).

*[DGP's R.C.No.209419/Con.V(2)/98, dated 03.11.1998.]*

(3) (a) A Government servant should not be permitted to resign when any departmental proceedings against him are pending or under contemplation.

(b) When a Government Servant, under suspension or against whom disciplinary or criminal action or vigilance enquiry is pending, seeks to resign, the appointing authority shall examine the nature and gravity of the case and may accept the resignation, if the case is not such as would warrant rejection of the notice of resignation.

*[Section 50 (5) of TN Government Servants (Conditions of Service) Act 2016].*

## **85. Minutes for dismissal, removal, compulsory retirement or reduction of Inspectors, Reserve Inspectors, etc. --**

(1) When a subordinate Police officer originally appointed by the Director-General is liable for compulsory retirement or removal or dismissal, due to the gravity of the delinquency, a carefully prepared and full minute composed in strict accordance with Order No.86 shall be made out. All the necessary documents shall be forwarded with it, each one being numbered as an exhibit and referred to accordingly in the minute. A list of each document shall also be sent.

(2) The following records will be attached: —

(a) A list showing all the appointments held by the defaulter since his enlistment with dates.

(b) His personal file in original.

(3) A covering letter, giving the remarks of the Superintendent of Police and the Deputy Inspector-General of Police on the case will be submitted. It should specifically state whether a properly recorded departmental enquiry as laid down in Order No. 80 was held.

*NOTE: This instruction will also be followed when the Superintendent of Police submits a file to the DIG for his orders on the minute.*

## **86. Punishment Roll File -**

(1) A minute shall be recorded in all cases where a disciplinary proceedings has been instituted under the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 or the Tamil Nadu Civil Services D&A Rules.

(2) (a) To facilitate the writing of the minutes and its reading by those who have to deal with it subsequently, all papers should be sorted and documented into their respective files each of which should be clearly indexed. The order in which punishment roll file should be arranged would be as follows:

(i) Charge and delinquent's explanation.

- (ii) Oral Enquiry File (containing questions and answers).
- (iii) All petitions filed by the delinquent during the oral enquiry and orders passed thereon.
- (iv) Statement of prosecution witnesses.
- (v) Statement of defence witnesses.
- (vi) Prosecution documents.
- (vii) Defence documents.
- (viii) Other important documents not relating to prosecution and defence documents such as belated Medical certificates in desertion cases, passports, judgment copies and case diary files relating to the concerned crime numbers referred to by the delinquent in the explanation, Further written statement of defence, further representation and appeals etc., or in the charge memorandum, minute and the orders of the Punishing authority or any other important records connected to the Punishment Roll.
- (ix) Miscellaneous file not covered above.

(b) Statements should be page-numbered and exhibits should be lettered and a list of them included in the record. References in the minute to depositions or exhibits should be made by page number, letter or figures as the case may be.

(c) Finally, all files forming the records of enquiry should be docketed with an index showing their nature.

(3) (a) The report of the inquiry officer (MINUTE) will contain the following:

- I. (i) An introductory paragraph in which reference will be made about the appointment of the inquiry officer and dates on which and the places where the inquiry was held.
- (ii) Charges that were framed.
  - (iii) Charges which were admitted or dropped or not pressed, if any.
  - (iv) Charges that were actually enquired into.
  - (v) Brief statement of facts and documents which have been admitted.
  - (vi) Brief statement of the case of the disciplinary authority in respect of the charges inquired into.
  - (vii) Brief statement of the defence.
  - (viii) Points for determination.
  - (ix) Assessment of the evidence in respect of each point set out for determination and the finding thereon, and
  - (x) Finding on each article of charge.

II. A folder containing:-

(a) list of exhibits collected in proof of the articles of charge (prosecution documents)

(b) list of exhibits produced by the Government servant in his defence (defence documents)

III. A folder containing depositions of prosecution witnesses arranged in order in which they were examined and a folder containing depositions of defence witnesses.

IV. A folder containing written statement of defence if any, and written briefs filed by both sides, applications, if any, made in the course of the inquiry with orders thereon and orders passed on any request or representation made orally.

Once the inquiry Officer has signed his report, he becomes functus officio and cannot make any change in his report and he will forward to the Disciplinary Authority, his report together with the record of the inquiry including the exhibits and spare copies of the report.

(b) **Findings of the inquiry officer-**

The Inquiry Officers appointed to hold inquiries in the departmental disciplinary cases should not recommend the nature and quantum of punishments to be inflicted upon the Government servants charged, for the charges held proved and that it would suffice, if the Inquiry Officers record their findings on each charge separately, after carefully considering the evidence in support of it as well as for the defence. In case, where there are several charges, the enquiry officer should deal with each sub-charge under 'B' ,C' and 'D' one below the other, so that the difficulty that is usually experienced in such cases is avoided. If necessary, a full final summing up may be given at the end, covering all the charges.

4. **Report of the Inquiry Officers:-**

An oral inquiry is held to ascertain the truth or otherwise of the allegations and is intended to serve the basis on which the disciplinary authority has to take a decision as to whether or not the imposition of any penalty on the Government Servant is called for. The findings of the Inquiry Officer should be based on evidence adduced during the oral inquiry. The assessment of documentary evidence does not present much difficulty. The oral evidence has however to be taken and weighed together, including, not only what was said and who said it, but also when and in what circumstances it was said and also whether what was said and done by all concerned was consistent with the normal probabilities of human behavior. The Inquiry Officer who actually records the oral evidence has also the opportunity to watch the demeanour of a witness and has to form a judgement as to his credibility. Taking into consideration all circumstances and facts, the Inquiry Officer, as a rational and prudent man, has to draw inferences and to record his reasoned conclusion as to whether the charges are

proved or not. The Inquiry Officer should take particular care, while giving his findings on the charges to see that no part of the evidence which the accused Government servant was not given an opportunity to refute, examine or rebut, has been relied on against him. No material from personal knowledge of the Inquiry Officer bearing on the facts of the case, which has not appeared either in the charge memo or the statement of allegations or in the evidence adduced at the enquiry and against which the accused Government servant had an opportunity to defend himself should be imported into the case. (Hand Book on Disciplinary procedure, P&AR Dept., 2005, Page No.s 173-174.)

(5) There is no need to draw up a minute in respect of disciplinary proceedings initiated under Rule 17 (a) of TNCS (D&A) Rules or 3 (a) of TNPS (D&A) Rules 1955.

*[DGP's Memorandum No.101847/Appeal 4(2)/2011, dated 27.04.2011].*

Provided that in every case where it is proposed, after considering the representation, if any, made by the member of the service to withhold increments of pay as such withholding of increments is likely to affect adversely on the amount of pension payable to the member of the service or to withhold increments, if any, without cumulative effect for a period exceeding 3 years or to withhold increments of pay with cumulative effect for any period, the procedure laid down in sub rule 3 (b) of the TNPSS (D&A) Rules 1955 shall be followed before making any order imposing on the member of the service any such penalty.

*[Proviso 2 under rule 3 (a) of TNPSS D&A Rules]*

*[G.O.Ms.No.2953, Home (Police-3) Department, dated 10.12.1981].*

**NOTE** - It is essential that charges should be clear and precise, that they should not be altered or expanded or divided up as the enquiry proceeds. Each charge should be self contained, single and accurate.

(6) The order imposing the punishment can only be written by the competent authority, who must also refer to the charge of previous bad record, if laid, and the explanation with regard to it by the delinquent. He should also indicate that he has taken the delinquent's representation in to consideration.

**Explanation: --**

If a delinquent who had committed an offence in a district had been transferred out of the district at the time of passing orders on the Punishment Roll, the Superintendent of Police of the district in which he was formerly working will not have any jurisdiction to pass orders on the Punishment Roll, and hence his order will not be valid. It is therefore necessary that the Punishment Rolls in such cases, should be forwarded for final orders to the competent authority, (viz.) Superintendent of Police or Deputy Inspector-General of Police, etc., in whose jurisdiction the delinquent is actually serving at the time the penalty is awarded. The Punishment Rolls in such cases will, however, be drawn up by the officers in whose districts the

delinquency occurred and the papers will be forwarded to the officer in whose jurisdiction the delinquent is actually serving for passing final orders in the Punishment Roll.

No fresh enquiry need be held but the officer concerned having jurisdiction should be free to come to his own conclusion on the evidence recorded by the other Superintendent of Police. Provided that the minor punishment as specified in rule 2(a) (b), (c) (e) and (f) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules may be imposed by the competent authority under whom the delinquent was working at the time when the lapses were committed and it includes his successor in office.

[*Proviso 5 to Rule 4 of the TNPSS (D&A) Rules 1955*].

## **87. Further Representation:**

(1) In cases where the penalty proposed to be imposed is reduction, removal, dismissal or compulsory retirement, the authority competent to inflict the penalty, after arriving at a provisional conclusion in regard to the penalty to be imposed should supply the person charged with a copy of the minute and call upon him to show cause within a reasonable time, not ordinarily exceeding one month. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.

(2) It shall not be necessary to give such person any opportunity of making representation on the penalty proposed.

[*First proviso to Article 311 (2) of the Constitution of India*]

[*Hand Book on Disciplinary Procedures, P&AR, 2005 Page No.4*].

**NOTE (1)** - *The opportunity to show cause referred to in the above order can be given either by the authority competent to inflict the penalty or under his direction by a subordinate authority who is superior in rank to the officer on whom it is proposed to impose the penalty.*

**NOTE (2)** – *The heads of Department and appointing authorities shall furnish details of the dismissed persons to the P&AR after appeal time is over or appeal is disposed of, to issue notification debarring such persons from public service.*

[*Hand Book on Disciplinary Procedures, 2005, P&AR-Page No.184*].

(3) In all cases of compulsory retirement for inefficiency under Fundamental Rules 56 (2) after attaining the age of fifty years or after completion of 30 years of qualifying service, the elaborate procedure as laid down in Rule 3(b) of the Tamil

Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 need not be followed.

(4) Under the rules in the Civil Medical Code, medical officers, should not grant a certificate of unfitness for further service to any Government servant except on the requisition and with the cognizance of the head of the office or department in which he is at the time serving. If a medical officer recommends the invalidation of a Police Officer and asks the Head of the Office to issue requisition for the purpose, the latter should see whether any departmental enquiry is pending, or is under contemplation against the person concerned and, if so, refuse to issue the requisition asked for, informing the medical officer, of the facts of the case and requesting him to recommend leave if necessary, pending the completion of the enquiry. (Pension Rule 36)

## **88. Granting copies of minutes and other records —**

(1) (a) Copies of depositions, during an enquiry, will be made available to the parties concerned, at the close of the enquiry each day.

*[Hand Book on Disciplinary Procedures P&AR page No.171].*

(b) A copy of the minute shall be furnished to the delinquent officer as stipulated in PSO-80 (9).

### **(2) Granting copies of other records in Departmental enquiries –**

(a) No records other than that referred to above and copies of the charges and statement of allegations referred to in order No. 80 need ordinarily be furnished to an officer accused departmentally of misconduct, but he should be allowed to peruse all or any of the records pertaining to the case, or to make out copies or extracts of portions of such parts of any documents which are required for his defence, either before or after the enquiry and for purposes of appeal under the following conditions:

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(i) that he specifies in his application what records he require for perusal and give reasonable cause why he should be allowed to peruse them;

(ii) that he be allowed such access only under supervision and should not be allowed to take away any records with him;

(iii) that in the case of a subordinate who does not know the language of any documents or record, may be allowed, with the approval of the officer in charge of the records to have with him some one knowing the languages in question to assist him.

(iv) Copies of records pertaining to the case may be furnished, if the delinquent so desires.

(v) Even in cases of charges entailing minor penalty, where a disciplinary proceedings is based on documentary evidence and if the delinquent officer requests to inspect such documents, he should be allowed to peruse the relevant documents.

(*Hand Book on Disciplinary Procedures, P&AR, 2005- Pages 160, 169*)

(b) If in any case, it is considered that a certain record required by a delinquent officer cannot be furnished or disclosed to him in the public interest for any other justifiable, and specific reasons, he should be informed accordingly under acknowledgement in writing by the Enquiry Officer. Non-compliance with the request of a delinquent officer in such cases will not vitiate the orders of the punishing authority on that score, if orders are passed after duly taking into account the principles of natural justice.

## **89. Reduction to lower grade or post or lower stage in the time scale of pay-**

(1) In ordering reduction to a lower grade or post, the authority shall specify the period for which the reduction shall be effective. [F.R.29]

(2) Every order of reduction should indicate the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative and whether the reduction will be exclusive of any interval spent on leave. (instruction and ruling (1) under F.R-29).

(3) The reduction to a lower stage in a time-scale of pay is not permissible under the rules either for an unspecified period or as a permanent measure. Every order of reduction in time-scale of pay should indicate-

(a) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative.

(b) the stage in the time-scale (in terms of rupees) to which the, Government servant is reduced.

(c) whether the reduction in time-scale shall operate to postpone future increment, and

(d) whether the reduction will be exclusive of any interval spent on leave. (F.R-29 and Ruling 1 thereto)

(*Govt. Letter No.3296/FR.I/2003-1, dated: 17.02.2003*)

Provided that the penalty of withholding of increment shall not be imposed on a Government servant, if the said penalty cannot be given effect to fully, while in service. (*Proviso 3 of rule 8 (iii) of TNPSS (D&A) Rules, 1955*)

Provided further that in cases where the penalty of withholding of increment cannot be given effect to fully for any contingency that arose after the penalty of withholding of increment is imposed, the monetary value equivalent to the amount of such increments that cannot be given effect to shall be recovered from the person.

Provided also that, in cases of withholding of increment with cumulative effect the monetary value equivalent to three times, the amount of increments ordered to be withheld, shall be recovered. [Rule 2 of TNPSS (D&A) Rules]

(Vide G.O.Ms.No.113, Personnel and Administrative Reforms (N) Department dated 2.8.2006) (With effect from 2.8.2006)

Provided that in cases where the punishment of reduction to a lower stage in a time-scale cannot be given effect to fully, the monetary value equivalent to the difference in emoluments as a result of reduction to such lower stage in the time-scale for the unexpired period of the punishment shall be recovered from the person.

In cases of stoppage of increment with cumulative effect, the period of stoppage reckoned should be inclusive of intervals spent on leave. – [Ruling 2 (b) under F.R-24]

(4) (a) The Governor or any other authority empowered by him by general or special order may-

(a) (i) institute disciplinary proceedings against any Government Servant.

(ii) direct a disciplinary authority to institute disciplinary proceedings against any Government Servant on whom that disciplinary authority is competent to impose under these rules (TNCS (D&A) Rules), any of the penalties specified in rule 11 (Rule 9 (c)(1) of TNCS (D&A) Rules)

(b) The authority which may impose any of the penalties prescribed in Rule 2 of TNPSS (D&A) Rules, 1955 specified in the column-i of the schedule to the said rules on a member of service, shall be the authority specified in the corresponding entry in columns-ii to vii or viii thereof, whichever is relevant or any higher authority.(Rule 4)

(5) The authority competent under these rules (TNCS (D&A) Rules), to impose any of the penalties specified in items (i) to (iii) and (v) of rule 8 may institute disciplinary proceedings against any Government Servant for the imposition of any of the penalties specified in items (iv) and (vi) to (viii) of rule 8 notwithstanding the fact that such authority is not competent under these rules (TNCS (D&A) Rules), to impose any of the latter mentioned penalties. (Rule 9 (c)(2) of TNCS (D&A) Rules)

In any case, where more than one member of service are jointly involved or whose cases are interconnected, the authority competent to institute disciplinary proceedings shall be the authority in respect of the member of service who holds the highest post among such members of service and the disciplinary proceedings against all of them shall be taken

together [rule 4 (A) of TNPSS (D&A) Rules 1955]. Where inquiry is to be conducted in terms of rule 3 (b) of TNPSS (D&A) Rules 1955, the said authority may either himself conduct the inquiry or get the inquiry conducted by an Inquiring Officer appointed by the authority competent to impose major penalty in respect of the member of service who holds the highest post among such members of service. The said inquiring authority shall remit the case, at the appropriate stage, to the authority competent to impose any of the penalties specified in rule 2 in respect of the member of service who holds the highest post among such members of service for passing final orders.

(G.O.Ms.No.26, *Personnel and Administrative Reforms (N) Department, dated 15.2.2008, with effect from 15.2.2008*)

Provided that in the case of Government Servants belonging to different departments, who are jointly involved or whose cases are interconnected, the Government shall be the authority competent to initiate disciplinary proceedings and impose any of the penalties specified in rule 2 of the TNPSS (D&A) Rules 1955 or rule 8 of TNCS (D&A) Rules and in such cases the administrative department of Secretariat in respect of the Government servant who holds the highest post will initiate such disciplinary proceedings and issue final orders after complying with the entire procedure laid down in these rules

(G.O.Ms.No.19, *Personnel and Administrative Reforms (N) Department, dated 11.2.2008, with effect from 11.2.2008*)

(6) The State Government may impose any of the penalties specified in items (i) and (iii) to (viii) in rule 8 of TNCS (D&A) Rules on members of the State Services;

Provided that if the Governor of Tamil Nadu is himself, the appointing authority for any service or class or category thereof, he may himself impose any of the said penalties on members of that service, class or category, as the case may be:

Notwithstanding anything contained in these rules, the appointing authority or any authority administratively higher to the appointing authority may impose the penalties specified in items (i), (iii) to (viii) and (ix) of rule 8 of TNCS (D&A) Rules on members of the State Services:

Provided also that where the appointing authority or the authority administratively higher to the appointing authority has passed orders of suspension under rule 17 (e) of TNCS (D&A) Rules on the members of the State Services, they may exercise the power to impose the penalty specified in item (ix) in rule 8 of TNCS (D&A) Rules on such members.

(G.O.Ms.No.19, *Personnel and Administrative Reforms (N) Department, dated 11.2.2008, with effect from 11.2.2008 – Amendment to Rule 12 of TNCS (D&A) Rules*)

**NOTE - The fact that the order of reduction to lower grade or post is for a specific period, does not bar a person from being considered again for repromotion to the**

*grade or post, from which he was reduced, on completion of said period of reduction, provided that he has shown subsequent good work.*

### **Punishment Roll Review:**

The authority just above the disciplinary authority should take up half-yearly review of cases in which charges have been framed under rule 17 (b) of TNCS (D&A) Rules or 3(b) of TNPSS (D&A) Rules and consider whether the charges framed for major penalty were on reasonable basis and charges, if proved, would warrant major penalty. The idea is to make sure that the action for major penalty was not pursued as a measure of harassment but with reasonable justification. If there is a case to convert the proceedings into a minor penalty charge, the reviewing authority may pass order to that effect. It would be necessary in cases of such change over, to issue a notice of change of procedure and also to give delinquent a reasonable opportunity to make any further representation within a reasonable period not exceeding two weeks, before passing final orders.

Only one review shall be taken up for each case, i.e., case once reviewed under these instructions will not be reviewed again.

There shall be no review in cases where enquiry has been completed and the report of enquiry has been received in such cases, the matter shall be decided on merits as per rules.

The review should be completed before 31<sup>st</sup> July and 31<sup>st</sup> January for the first and second half years respectively and reports should be sent before 15<sup>th</sup> August and 15<sup>th</sup> February respectively.

*[Government Letter No.7487/Per.N/94-5, P&AR dated:04.05.1994]*

### **90. Suspension –**

(1) (a) Under rule 3(e) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, a member of the service may be placed under suspension from service where -

(i) a disciplinary proceedings against him is contemplated or is pending; or

(ii) a case against him in respect of any criminal offence is under investigation, inquiry or trial any such suspension is necessary in the public interest. *[G.O.Ms.No.29-P&AR, dated 23.02.2012].*

(b) A government servant who is detained in custody whether on a criminal charge or otherwise for a period longer than forty eight hours shall be deemed to have been suspended under rule 3(e) of TNPSS (D&A) Rules. *[Rule 3 (e) (2)]*

(c) An order of suspension made or deemed to have been made under rule 3 (e) of TNPSS (D&A) Rules may at any time be revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate. *[Rule 3 (e) (5)]*

(d) When suspension is ordered under rule 3 (e) (2) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, it shall not be necessary to observe the procedure laid down in Order No. 80.

(e) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of service under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders. [Rule 3 (e) (3)]

(f) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of service is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the member of service shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders. [Rule 3 (e) (4)]

Provided that, no such further inquiry shall be ordered unless, it is intended to meet a situation where the Court of law has passed an order purely on technical grounds without going into the merits of the case.

(g) Where a member of service is suspended or deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceedings are commenced or any other criminal complaint is under investigation or trial against him during the continuance of that suspension, and where the suspension of the member of service is necessary in public interest, the authority competent to place him under suspension, may, for reasons to be recorded by him in writing, direct the member of service shall continue to be under suspension until the termination of all or any of such proceeding including departmental proceedings taken on the basis of facts which led to the conviction in a criminal court. [Rule 3 (e) (6)]

(G.O.Ms.No.77 P&AR (N) Dept Dated: 09.07.2002)

(2) (a) When an officer is eventually released from suspension and is restored to duty, the period of suspension, or enquiry should be treated as eligible leave, if the officer is not honourably acquitted, but in such a case a substantive punishment other than specific suspension, such as stoppage of increment or reduction may be awarded at the discretion of the authority which ordered the release of the officer from suspension. If the officer is honourably acquitted, the entire period of suspension pending investigation or enquiry should be treated as duty. A show cause notice shall be issued wherever the period of suspension is proposed to be regulated as leave.

(b) When an officer is eventually dismissed or removed or compulsorily retired from service as a result of an enquiry into the charges against him, such an order should take effect only from the date of order of the competent authority.

(3) (a) Suspension shall take effect from the date of receipt of the order by the officer affected unless he is an absentee without leave, in which case it will take effect from the date of his absenting from duty.

(b) A police officer under suspension, ordered to appear for a personal hearing or departmental enquiry, may be struck off as a deserter, if he does not appear within twenty-one days of the receipt of the order. If he claims that he is unable to attend the enquiry on account of ill health, the provisions of order No. 82 will apply to his case.

(4) An officer under suspension should ordinarily be allowed to leave his station unless wanted there for enquiry provided that he gives his address before leaving.

(5) Suspension ordered by officers not-empowered to award the Penalty—Procedure

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In case of grave misconduct, the appointing authority alone may suspend an Inspector (Local), Inspector (Armed Reserve), Sub-Inspector (Local) or Sub-Inspector (Armed Reserve) pending investigation or enquiry into the charges against him. If in any emergent situation, Superintendent of Police issues suspension orders in case of Sub-Inspector of Police both Local and Armed Reserve, the approval of the officer competent to award the punishment shall be immediately applied for.

(6) Superintendents of Police are empowered to release officers from suspension ordered by them under the preceding clause.

(7) Sannads and kit of officers under suspension to be deposited —

All Police Officers, when placed under suspension, shall deliver to their immediate superior officer their sannads and kit supplied by Government.

(8) All disciplinary cases and especially those, in which officers have been placed under suspension, should be disposed of with the utmost expedition. The following time limits should be adhered to—

Departmental Disciplinary Proceedings:

- i) For calling for explanation under Rule 3(a) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 or framing charges under rule

3(b) of the aforesaid rules after lapses come to notice

(The choice of the rule under which the disciplinary proceedings should be initiated is very important and the Disciplinary Authorities are expected to exercise their mind and take decision)

- ii) For the accused officer to peruse the records and to 30 days submit his written explanation
- iii) For appointment of enquiry officer wherever necessary 7 days after the receipt of explanation
- iv) For the Enquiry Officer to complete enquiry and 30 days submit the enquiry report
- v) For the Disciplinary authority to take a decision, after 10 days the receipt of the Enquiry Officer's Report
- vi) For obtaining the views of TNPSC whenever it is, 30 days consulted.
- vii) For issuing final orders on the departmental disciplinary proceedings:-
  - (a) By Disciplinary Authorities other than Government 7 days
  - (b) By Departments of Secretariat which have to 30 days consult other Departments and obtain orders in circulation

(*Govt. Letter No.63675/General/2003-1 Dated: 16.07.2003 read with Govt.Letter No.1118/Per.N/87 Dated: 22.12.1987*)

The Deputy Inspector-General of Police should specifically watch every month the progress of all disciplinary cases and ensure by personal intervention that the time limit set above are strictly adhered to particularly in cases where members of service are under suspension.

(9) Suspension should not be resorted to unless the authority concerned has considered fully all relevant factors and records. The factors to be considered is public interest and that if the member of service is allowed to continue, the person may indulge in more irregularities, may tamper with evidence and disrupt enquiry/disciplinary proceedings. If shifting of the person to post of lesser importance is considered sufficient, suspension may be avoided.

(10) Where a member of service has been suspended pending disciplinary action, such proceedings should be initiated and finalized normally within a period of six months.

(11) In case where a member of service has been suspended and the matter has been referred for investigation to the Director of Vigilance and Anti-corruption for enquiry, the latter should complete the enquiry and send his report to Government through the Vigilance Commission within one year.

(12) In respect of cases referred to under items (10) and (11) above, the authority who ordered the suspension/Director of Vigilance and Anti-corruption should, before the expiry of the periods mentioned, report the matter to the Head of the Department/government, indicating the progress of the disciplinary action/investigation by the Director of Vigilance and Anti-corruption, the reasons for non completion of the work and the further time required for completing the disciplinary action/investigation and furnish reasons for continuing the suspension, If continued suspension is felt essential. If suspension has been ordered by an authority subordinate to the Head of the Department, a report shall be sent to the Head of the Department and in cases where the suspension is ordered by the Head of the Department himself, the report will be sent to Government.

(13) After the initial report referred to in item (12) above, reports should be sent to government at the end of every three months, indicating the further progress, so as to enable the Government to review the progress of the case, for such action as may be necessary to ensure expeditious disposal.

(14) The Head of the Department or the Government, as the case may be, will examine the cases with reference to the subject matter of the disciplinary action/investigation in progress and the reported stage of progress and permit the continued suspension beyond six-months/one year. Where the Government have themselves ordered suspension, they will examine the case on the same lines and accord similar permission.

(15) The disciplinary authorities should ensure that the delay in departmental proceedings is not due to delaying tactics of the member of service. They should ensure that all notices issued to the suspended member of service should reach him without any loss of time and the member of service under suspension should be allowed not more than the time prescribed in the relevant rules or if no time is prescribed, then he should be allowed not more than three weeks to send his replies.

(16) When the disciplinary authority comes to a conclusion suo-motu or after conclusion of the investigation by the Director of Vigilance and Anti-corruption, the disciplinary authority shall, while initiating action by the issue of charges under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, or under Rule 3(b) of the Tamilnadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 as the case may be, examine with reference to the rules established and find out which forms the basis for the charges and also whether the public interest or the needs of other proceedings will require continued suspension of the member of service who is already under suspension.

(17) The time limits mentioned above will not be applicable to cases of member of service against whom criminal proceedings have been initiated. However, while sanctioning prosecution, an examination similar to the one contained in item (16) above shall be made by the competent authority.

(18) If, on examination of the case under the (14), (16) or (17) above, continued suspension is considered not necessary, the suspension may be revoked, in exercise of the powers conferred under 17(a) (6) of Tamil Nadu Civil Services (Discipline & Appeal) Rules or under rule 3 (b) (5) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 as the case may be.

(19) Suspension will continue to be in force unless it is revoked as mentioned under item (18) above".

(G.O.Ms. No.40 P & AR (N) Dept. Dated:30.01.1996 & G.O.Ms.No.30 P&AR, dated 23.02.2012)

(20) Suspension review, as stipulated in orders 90 (12) to (18) above shall be held once in three months, i.e. as on 31st March, 30th June, 30th September and 31st December. For this purpose, the following committees are constituted for reviews by the Head of Department and the Government.

**(a) Committee for review to be constituted by the Government:** A committee constituted by the Government for the purpose of review of suspension shall consist of the Principal Secretary to the Government in the administrative department concerned, the Head of the Department concerned and the Principal Secretary to the Government, P&AR Department.

**(b) Committee for review to be constituted by the Head of the Department:** A committee constituted by the HOD for the purpose of review of suspension shall consist of the HOD himself, an officer of the regional level and an officer of the district level.

[G.O.Ms.No.30 P&AR, dated 23.02.2012]

(21) (a) The currency of suspension should not extend beyond three months, if within the period, the memorandum of charge/charge sheet is not served on the delinquent/member of service.

[Govt. Letter No.13519/N/2015-1 of P&AR, dated 23.07.2015]

(b) The above instructions are applicable only to the cases of suspension arising out of departmental disciplinary proceedings pertaining to matters not relating to the action initiated by the Directorate of Vigilance & Anti-Corruption or criminal cases. [Letter No.43 N/2015-3 of P&AR, dated: 26.04.2016]

**(22) Suspension on the day of superannuation should be avoided:**

(a) If disciplinary action is already pending, decision on allowing the person to retire or not shall be taken at least 3 months in advance.

(b) If lapse comes to notice within 3 months of retirement, depending on the nature of lapse, decision shall be taken expeditiously.

(c) In cases where the lapse does not warrant penalties of dismissal or removal from service, the person may be allowed to retire without prejudice to the disciplinary action.

(d) In cases where the lapses are serious in nature and the person is already under suspension, such person shall be retained in service u/r 56 (1) (c ) of FR.

*[G.O.Ms.No.144, P&AR, dated 08.06.2007]*

## **91. Reprimands —**

(1) Under the Discipline and Appeal Rules, a Reprimand can be imposed as a penalty on Subordinate Police Officers of and above the rank of Sub-Inspector. The lowest authority which can award the penalty is the Deputy or Assistant Superintendent of Police or an officer of corresponding rank.

(2) It is a lesser penalty than Censure and shall, therefore, be given when the offence is such as not to merit a Censure.

(3) In every case where it is proposed to award a Reprimand, the officer concerned should be given a reasonable opportunity of showing cause against the imposition of the penalty. No oral enquiry is necessary. It is an appealable punishment.

(4) When an officer has a previous good record, a Reprimand may be held in abeyance for a stated period ranging from three to six months at the end of which the order of punishment will be cancelled, if the officer's conduct while on duty during the period of postponement has been good. If the officer's conduct is found to be unsatisfactory at any time during the period of postponement, the Reprimand may at once be confirmed. If the Reprimand is subsequently confirmed, it will take effect from the date of delinquency to which it relates.

(5) A reprimand will be entered in the defaulter sheet and service book.

## **92. Censure —**

A Censure may be awarded for serious acts of commission, for which a reprimand or warning would be inadequate, and postponement of increment or reduction would be excessive. In every case where it is proposed to award a censure, the officer concerned should be given a reasonable opportunity of showing cause against the imposition of the penalty. No oral enquiry is necessary.

### **93. Black Mark to whom applicable -**

The Black Mark system is applicable to all Police Officers of and below the rank of Head Constable in Local Police, Armed Reserve and Tamil Nadu Special Police.

### **94. Black Marks—Rules —** The following rules regulate the system of punishment by Black Marks: -

(1) An irregularity or violation or any delinquency shall not be punished by the award of both specific punishment and Black Mark.

(2) A Black Mark should not be awarded for petty delinquency for which punishment like drill, extra guard duty, extra work, or fatigue duty, or a warning might be sufficient.

(3) Not more than one Black Mark shall be awarded for any one delinquency.

(4) Black Marks shall take effect from the date of the delinquency, unless otherwise stated.

(5) The above rules must be strictly enforced, provided that in any case in which the officer awarding the Black Mark considers that the application of the rules will result in hardship to the delinquent, he shall refer the case for the orders of the Deputy Inspector—General concerned.

### **95. Deserter —** (1) Absence without leave for 21 days completes the delinquency of desertion, after which the name of member of subordinate service shall invariably be struck off from the date of absence.

(G.O. 186, Judicial, 21st January 1984)

(2) An application for reinstatement from an officer, who has been struck off as deserter, shall not be entertained unless, it reaches the Superintendent of Police or an officer of equal rank under whom the subordinate officer was serving within two months from the date of the commencement of the absence without leave. The Superintendent of Police or the corresponding officer of equal rank, as the case may be, shall not reinstate a deserter (a) until the deserter has attended in person which he should do, not later than the date prescribed by the officer dealing with the case, and has given his explanation for his absence without leave and (b) unless the Superintendent of Police or an officer of equal rank, as the case may be, is satisfied after such enquiry as may be necessary that the case deserves reconsideration. At the end of the two months, if no application for reinstatement is received and if the whereabouts of the deserter are not known, the officer dealing with the case will record in writing the reason for his being satisfied that it is not reasonably practicable to give the deserter an opportunity of showing cause against his dismissal and then confirm the dismissal. In other cases, a charge should be framed and

the procedure prescribed in Order No. 80 complied with, before confirming the dismissal or reinstating the deserter confirming with or without punishment.

(3) A Police Officer, who is struck off as a deserter, when appears before the Superintendent of Police or the competent authority as the case may be within two months, the authority should make up his mind whether the absence is on valid grounds and whether the period of absence is covered by a valid medical certificate. If the authority is not satisfied, the deserter should not be taken for duty. If on the other hand, the authority is satisfied, he can be taken for duty. In such cases, while disposing of Punishment Rolls, punishment such as removal, dismissal from service or compulsory retirement should not be given. Any other punishment can be imposed.

*[DGP's Rc.No.235355/AP-IV(2)/2007, dated 06.12.2007]*

(4): Deserter once may be accepted (though it would not be altogether appropriate). Deserter repeatedly should not be accepted. Deserter repeatedly should be viewed as that the Constable is not able to bear the strain of the job and it would be better that he is out of service to be himself.

*[DGP's Rc.No.223597/AP-I (1)/2005, dated 02.11.2005]*

## **96. Absence without leave -**

Absence without leave up to 20 days may be met by the infliction of any punishment referred to in the Discipline and Appeal Rules. Leave without pay can be granted for periods of absence without leave, even when leave with pay is admissible (Fundamental Rule 85-B). Such action may be sufficient in ordinary cases. Recourse may be had to prosecution under the Madras District Police Act, 1859 (XXIV of 1859) in aggravated cases. Men repeatedly absent without leave will be liable to dismissal as confirmed absentees.

## **97. Deferred punishments —**

(1) For minor offences and in case of more serious misconduct when a man has a previous good record, the punishment may be held in abeyance for a stated period ranging from three to six months at the end of which order of punishment will be cancelled, if the officer's conduct while on duty during the period or postponement has been good. If the delinquent's conduct is found to be unsatisfactory at any time during the period of postponement, the punishment may at once be confirmed. A deferred punishment will be entered in the defaulter sheet, if confirmed but not otherwise.(G. O. 2960, Home, 4th October, 1954)

**NOTE -** If the second delinquency for which a punishment of reprimand or censure is contemplated, was committed during the period of deferment of the first punishment of censure or reprimand, it is liable for confirmation at the time of the

imposition of the second punishment. It will make no difference, if the deferred punishment is a censure and the punishment contemplated for the second delinquency is only a reprimand. A deferred reprimand is likewise liable for confirmation when the proposed punishment is a deferred censure.

It must, however, be clearly understood that the deferment of a punishment should be resorted to, only if the delinquent has a good record or when the delinquency is minor. As reprimand has been introduced as a substantive punishment, there should ordinarily be no need to award a deferred censure for a minor delinquency when a reprimand would be appropriate.

(G.O. Ms. No. 4017, Home 8th December 1960)

(2) When the punishment held in abeyance is a Black Mark, Reprimand or a Censure, the period should not exceed six months. If the Black Mark, Reprimand or Censure is subsequently confirmed, it will have effect from the date of the delinquency to which it relates.

(G.O. 2494, Home, 26th June 1947 and 1926, Home 30th June 1954)

(3) No appeal shall lie against a deferred punishment unless it is confirmed after the period of postponement specified in clause (1). If the punishment is confirmed, an appeal may be against both the order of confirmation of deferred punishment and the order of subsequent punishment, if any, imposed on the officer for his conduct which is found to be unsatisfactory at any time during the period of postponement.

## **98. Deferred Punishment- to whom applicable:**

The system of deferred punishment shall not apply to officers other than subordinate Police Officers.

## **99. Date of effect of punishments -**

Punishments (except as provided in Order No. 94 (4) in respect of Black Marks) shall take effect from the date of the receipt of the order by the individual affected, unless another date is specified in the order.

## **100. Entry of punishments in defaulter sheet –**

All punishments including censure of Inspectors, Inspectors (Armed Reserve), and Sub-Inspectors and Sub-Inspectors (Armed Reserve) of General Police Force and Inspectors—Adjutant, Inspectors and the Sub-Inspectors of the Tamil Nadu Special Police will be entered in their service books and also in the defaulter sheets to be maintained for them as for other subordinate Police Officers. In the case of officers of lower ranks, all punishments, except punishment of drill, extra guard duty, extra work and fatigue duty, shall be entered in the defaulter

sheet which forms part of the service roll. Judicial punishments which affect the character of the officer concerned as a Police Officer must be entered in the defaulter sheet and also in the service book where one is maintained.

All punishments envisaged in Ruling 2 of TNPSS D&A Rules 1955 or Rule 8 of TNCS D&A Rules shall be entered in the service book and defaulter sheet of the concerned on whom the punishments have been imposed by the competent authority. As such, a “warning” which is not statutory punishment need not be entered either in the service book or in the personal file.

[*Govt. Letter No.17487/76-I, P&AR (Per-P) Department, dated 07.01.1971*].

[*G.O.Ms.No.1046 P&AR (N), dated 09.10.1984*].

Entries in defaulter sheets need be made only with reference to particular counts of delinquencies, which are held proved and for which punishment has been imposed. Charges which are held not proved need not be entered.

[*Madras Police Gazette No.4, dated 25.10.1969-7833/SR-II/1968*].

## **101. Lent Officers —**

(1) In the case of officers lent by one department or office to another, the disciplinary authority in respect of the post held by the officer for the time being may impose any of the penalties prescribed in the Discipline and Appeal Rules applicable to the borrowing department except those of compulsory retirement, removal and dismissal from service; but before imposing any such penalty, such authority should consult the lending authority in the matter and the opinion of the latter should ordinarily prevail. In cases, which call for the punishment of compulsory retirement, removal or dismissal, the borrowing authority should complete the enquiry and forward the records together with its findings to the lending authority which should pass such orders as it may think fit.

(G.O. 275, Pub. (Ser.), 5th February 1937 and 1927, Home, 19th May 1937 and G.O.Ms. No. 1604, Home, 17th May 1968)

(2) Where a member of the Tamil Nadu Police Subordinate Service or the Tamil Nadu Special Police Subordinate Service or a person holding a post governed by Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, whose services are placed at the disposal of any company, corporation or organization or local authority has, at any time, before his services were so placed, committed any act or omission which render him liable to any penalty specified in rule 2 of those rules, the authority competent to impose any such penalty, under rule 4 thereof on such member or person shall alone be competent to institute disciplinary proceedings against him and to impose on him such penalty

specified in rule 2 as it thinks fit and the borrowing authority under whom he is serving at the time of institution of such proceedings shall be bound to tender all reasonable facilities to such competent authority instituting and conducting such proceedings.

(*Rule 4 (e) of TNPSS (D&A) Rules, 1955*)

**Explanation --**

A member of the service aforesaid or every person holding a post governed by the above said rules whose services are placed at the disposal of any company, corporation, organization or local authority shall, for the purpose of those rules be deemed to be a member of such service or be deemed to hold such post notwithstanding that his salary is drawn from a source other than the consolidated fund of the state.

**102. Probationers, Temporary Officers and Officers on contract –**

(1) The discharge of a probationer during the period of his probation, of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of his appointment, or of a contract officer in accordance with the terms of his contract does not amount to removal within the meaning of the disciplinary rules. But, a probationer, temporary officer or contract officer is none the less a member of the service concerned and in respect of disciplinary matters will be subject to the ordinary disciplinary rules in the same way as other members of such service.

(G.Os. 275, Public (Ser.) 5th February 1937 and 1927 Home, 19th May 1917)

(2) The probation of a probationer may be terminated at the end or at any time before the expiry of the prescribed period of probation. Though termination of probation is not a penalty under the Discipline and Appeal Rules, it can be ordered for specific offence. When a specific offence on the part of probationer calls for disciplinary action, his suitability to continue on probation should specifically be considered and a finding recorded before any of the penalties prescribed in the Discipline and Appeal Rules is imposed on him. If it is proposed only to terminate his probation the procedure laid down in the special rules for the Tamil Nadu Police Subordinate Service and the Tamil Nadu Special Police Subordinate Service should be followed. The delinquent should be apprised of the action proposed to be taken against him with the reasons therefor and allowed a reasonable opportunity to make any representation he might desire to make against such action.

(3) Where a probationer has been given a reasonable opportunity of showing cause against the imposition on him of any of the penalties specified in clauses (d), (h), (i) and (j) of rule 2 of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules 1955 and at the conclusion of the disciplinary proceedings, a tentative conclusion is

arrived at to terminate his probation, further opportunity of showing cause specifically against termination of his probation need not be given to him.

*[G.O.Ms. No. 681, Home, 1st March 1956]*

**103. Appeals—Records to accompany** — (1) Statutory appeals must be accompanied by the following records. —

- (a) Connected Punishment Roll file duly arranged and indexed.
  - (b) Full service particulars of the appellant.
  - (c) Copy of Defaulter sheet.
  - (d) Para-war remarks
  - (e) Appeal proforma with reasons for delay, if any.
- (2) Instructions to be followed while forwarding appeals/revisions/mercy petitions to Chief Office:
- (a) Para war remarks as stipulated in Rule 11 of the TNPSS D&A Rules.
  - (b) Particulars of previous appeal/revision/mercy petition, if any and orders thereon.
  - (c) Whether any writ petition has been filed against the order of punishment appealed against. Copy of order passed in the writ petition to be furnished.
  - (d) Any criminal case relating to the appeal/revision/mercy petition is pending and if so, stage of the case.
  - (e) If the DGP has already passed orders on a given punishment roll, subsequent petitions on the same matter should not be forwarded again, but should be disposed of by the Unit Officers themselves and appropriate endorsement as deemed fit should be given to the petitioner.

*[DGP's Memorandum C.No.206421/AP-IV (2)/2011, dated 20.08.2011].*

(3) Appeals should be submitted to the appellate authority through the Head of Office and the punishing authority. Advance copy may be submitted to the appellate authority.

*[Hand Book of Disciplinary procedures-2005-P&AR- Page No.196].*

**104. Time-limit for appeals —**

The period intervening between the date of application for copy of the minute and the receipt thereof by the appellant should be excluded from the calculation of the time-limit for appeals laid down in rule 9 of the TNPSS (Discipline and Appeal) Rules, 1955.

## **105. Consideration of time-expired appeals -**

No Statutory appeal preferred to the Director-General of Police after the expiry of the prescribed time-limit and no representation other than a statutory appeal will be examined by him unless he considers that there has been a miscarriage of justice or for other special reasons.

## **106. Unnecessary appealing —**

(1) Subordinate Police Officers are warned that they are entitled statutorily only to one appeal against any order imposing a penalty. Second appeals are barred, subject to the stipulation in order No. 105.

(2) While Police officers are at liberty to submit petitions like any other Government servant, they are warned that unnecessary petitioning against the decisions of superior officers —as distinct from the appeal referred to above—will be considered an insubordinate conduct.

## **107. Forwarding records with appeals —**

(1) Every appeal shall be forwarded to the appellate authority by the authority from whose orders the appeal is preferred with an expression of opinion and with such remarks as are necessary in regard to accuracy of the statements made and inferences drawn in it.

*(G.O.No. 183, Public 5th March 1910)*

(2) An appellate authority should not call for a special report until it has seen the records and discovered the exact points upon which such a report is required.

(3)(a) When an appeal is presented, the appellate authority should first satisfy itself whether the requirements of rule 3 of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 have been complied with, and if there are any defects in the procedure, it should return the case to the authority which passed the original order for rectification of the defects, after setting aside the original order which is found to be irregular due to procedural defects. Where an order of dismissal, or removal, or compulsory retirement is set aside under this provision, the delinquent shall invariably be kept under suspension till fresh proceedings rectifying the defects are disposed of. Where an order of reversion or reduction to a lower post is set aside under this provision, the delinquent shall be restored to his original post till fresh proceedings rectifying the defects are disposed of. In the case of other punishments, the penalty imposed by the original order shall not be cancelled thereby, but will continue to be in force, pending the issue of fresh orders in the matter.

*(G.O. No. 780, Home, 22nd February 1951)*

(b) The provisions of PSO 107(3) (a) will not however apply to a case of desertion where an order of dismissal or removal is set aside due to a procedural irregularity by the appellate or higher authority and where the matter has been remitted to the punishing authority for rectification of the defects and passing of fresh orders after setting right the defects pointed out. In such a case, the delinquent shall invariably continue to be a deserter from the date on which he was originally dismissed from service, till fresh orders are passed.

(4) When an admissible appeal is submitted to Government, all the evidence—documentary and oral—which forms part of the record of the enquiry should be submitted with the appeal along with the remarks of the head of the department on the points raised in the appeal.

*(G.O. Ms. No.731, Public, 4th August 1926)*

(5) In cases, where an appellant state that the rules laid down in this chapter were not followed, the authority passing the orders appealed against should report on the allegations specifically and the allegation should be specifically examined by the appellate authority.

*(G.O. Ms.No.867, Public Service), 26th August 1928)*

(6) As the forwarding authority has to examine new points only, if any, raised in the appeal and forward the connected original records with his remarks on those new points, there should not be any difficulty in forwarding appeals, expeditiously. Hence, any delay exceeding one month in forwarding an appeal should be explained in the forwarding report or endorsement. If the forwarding of the appeal is delayed more than two months, the appellate authority shall formally call for reasons from the forwarding authority.

(7) All appellate authorities, should, on receipt of an advance copy of an appeal, watch for the receipt of the original appeal with the relevant records, by issuing periodical reminders, if necessary.

(8) The appellate authority should take up suo motu review on the orders passed by the disciplinary authority within six months from the date of order of the disciplinary authority as per rule 15 A(1)(iii) of TNPSS (D&A) Rules 1955 and subject to the conditions stipulated in the said rule 15 (A)(1)(iii) of TNPSS (D&A) Rules 1955.

*[DGP's circular in C.No.50555/GB III (1)/2004, dated: 17.03.2005].*

(9) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if –

- (i) it is an appeal in a case in which, under these rules, no appeal lies, or

(ii) It does not comply with the provisions of rule 9 of TNPSS

(D&A) Rules, or

(iii) it is not preferred within one month after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay, or

(iv) It is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford ground for a reconsideration of the case, or

(v) It is addressed to an authority to which no appeal lies under these rules.

Provided further that an appeal withheld on account only of failure to comply with the above provisions may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form, which complies with those provisions, shall not be withheld.

(10) No appeal shall lie against the withholding of an appeal by a competent authority.

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it.

(11) Every appeal which is not withheld under the rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred without an expression of opinion.

(12) A list of appeals withheld with the reasons for withholding them shall be forwarded half-yearly by the withholding authority to the appellate authority.

(13) An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

(14) Revision:

(1) Notwithstanding anything contained in the Discipline & Appeal rules - (i) the State Government; or

(ii) the head of the department directly under the State Government, in the case of a Government servant serving in a department or office under the control of such head of the department, or departments; or

(iii) the appellate authority, other than the State Government, within six months of the date of the order proposed to be revised; or

(iv) any other authority specified in this behalf by the State Government by a general or special order, and within such time as may be prescribed in such general or special order; may at any time, either on their or its own motion or otherwise call for the records of any inquiry and after consultation with the Tamil Nadu Public Service Commission, where such consultation is necessary and revise any order made under these rules, may -

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance (by adopting procedures) or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as they or it may deem fit;

Provided further that no power of revision shall be exercised by the head of the department, unless –

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced --

(a) Where no appeal has been preferred, before the expiry of the period of limitation for an appeal, or

(b) Where an appeal has been preferred, before the disposal of such appeal.

(c) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

(15) Review -

The State Government may, at any time, either on their own motion or otherwise, review any order passed by them under these rules, When any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to their notice.

*(From Order No. 107 (11) to 107 (17)- based on Rules 10 to 15 AA of the TNPSS (D&A) Rules, 1955)*

## **CHAPTER XI**

### **PERSONAL CONDUCT OF OFFICERS**

#### **108. Personal conduct of Officers —**

Police personnel must at all times exhibit high standard of official and personal conduct and must maintain prescribed norms of discipline under all circumstances. The conduct rules applicable to members of the Indian Police Service, as issued by the Central Government, have been communicated to the officers concerned. Those rules applicable to the officers of the Tamil Nadu Police Service were issued with G.O. Ms. No. 2226, Public (Services), dated 18th August 1973, as amended from time to time. The rules applicable to the Tamil Nadu Police Subordinate Service and the Tamil Nadu Special Police Subordinate Service are styled "The Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964." These have been supplied to all station-house officers and are also embodied in the revised edition of the guide for Head Constables and Constables.

**109.** Inspectors in-charge of Armed Reserves, officers in-charge of the companies of the Tamil Nadu Special Police and Sub Inspectors elsewhere are responsible for making clearly known to their subordinates such conduct rules as applicable to them. Particular attention should be drawn to the rules regarding -

- (1) Acceptances of gifts, gratuities and rewards;
- (2) Public functions in honour of Government servants;
- (3) Collections of subscriptions;
- (4) Lending and borrowing;
- (5) Movable and Immovable property;
- (6) Submission of property return
- (7) Speculation;
- (8) Insolvency and habitual indebtedness
- (9) Communication of official documents or information.
- (10) Politics and Elections
- (11) Connection with the Press, Radio or Television
- (12) Publication of Books
- (13) Association of Government Servants' Name with Public Institutions
- (14) Private Trade or Employment
- (15) Vindication of Acts and Character of Police Officers

- (16) Canvassing of Non-Official or Other outside Influence
- (17) Association of Police Officers in Trade Union Movement
- (18) Restriction of Rights of Police Officers
- (19) Police Officers Not to Participate in Strike
- (20) Religious Activities
- (21) Courteous Behaviour
- (22) Neglect of Family and Children
- (23) Consumption of Alcohol/Drugs
- (24) Grant of Certificates to Individuals by Police Officers

*[Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964]*

## **110. Principles of Police Conduct —**

(1) The Police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizens as guaranteed by it.

(2) The Police are essentially a law-enforcing agency. They should not question the propriety or necessity of any duly enacted law. They should enforce the law, firmly and impartially, without fear or favour, malice or vindictiveness.

(3) The Police should recognize and respect the limitations of their powers and functions. They should not usurp or even seem to usurp the functions of the judiciary and sit in judgment on cases. Nor should they avenge individuals and punish the guilty.

(4) In securing the observance of law or in maintaining order, the Police should use the methods of persuasion, advice and warning. Should these fail, and the application of force become inevitable, only the absolute minimum required in the circumstances should be used.

(5) The primary duty of the police is to prevent Crime and disorder and the Police must recognize that the test of their efficiency is the absence of both and not the visible evidence of Police action in dealing with them.

(6) The Police must recognize that they are members of the Public with the only difference that in the interest of the community and on its behalf, they are employed to give full time attention to duties, which are normally incumbent on every citizen to perform.

(7) The Police should realize that the efficient performance of their duties would be dependent on the extent of ready co-operation, they receive from the public. This, in turn, will depend on their ability to secure public approval of their

conduct and actions and to earn and retain public respect and confidence. The extent to which they succeed in obtaining public co-operation will diminish proportionately the necessity of the use of physical force or compulsion in the discharge of their functions.

(8) The Police should be sympathetic and considerate to all people and should be consistently mindful of their welfare. They should always be ready to offer individual service and friendship and render necessary assistance to all without regard to their wealth or social standing.

(9) The Police shall always place duty before self, should remain calm and good humoured whatever be the danger or provocation and should be ready to sacrifice their lives in protecting those of others.

(10) The Police should always be courteous and well mannered; they should be dependable and unattached; they should possess dignity and courage; and should cultivate character and the trust of the people.

(11) Integrity of the highest order is the fundamental basis of the prestige of the Police. Recognizing this, the Police must keep their private lives scrupulously clean, develop self-restraint and be truthful and honest in thought and deed, in both personal and official life, so that the public may regard them as exemplary citizens.

(12) The Police should recognize that they could enhance their utility to the Administration and the country only by maintaining a high standard of discipline, unstinted obedience to the superiors and loyalty to the force and by keeping themselves in a state of constant training and preparedness.

*(G.O. Ms. No. 4033, Home, dated 17th November 1961)*

(13) Every Police Officer shall, at all times, maintain absolute integrity and devotion to duty and shall do nothing, which is unbecoming of a police officer. (*Conduct Rule 24*)

(14) No police officer shall, in the performance of his duties or in exercise of the powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall obtain such direction in writing, wherever practicable, and where it is not practicable, shall obtain written confirmation as soon thereafter as possible. [*Rule 24 (3)*]

(15) Every member of the Police Force shall: -

(a) behave with the members of the public with courtesy and decorum, particularly so, in dealing with senior citizens, women and children;

(b) guide and assist the members of public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who

are found in helpless condition on the streets or other public places or otherwise, those who need help and protection;

(c) provide all requisite assistance to victims of crime, road accidents, in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilitate their compensation and other legal claims;

(d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the Police is always governed by the principles of impartiality and norms of human rights, with special attention to protection of weaker sections including minorities;

(e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;

(f) render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organized group; and

(g) arrange legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.

### **111. Police officers addressing Government direct, etc., prohibited -**

(1) Save as provided in rules and orders issued by the Director-General of Police from time to time, Police Officers shall not correspond direct with the Government in any matter relating to their official duties. They shall, on no account, address the Government directly on personal matters. Written representations of this nature should be made only through the proper official channel.

(2) (a) Police officers of all ranks are forbidden to approach officials, of other departments and non-officials for support in pressing individual claims or obtaining redress of grievances of an official nature.

(b) Police Officers are forbidden to approach members of the State Legislatures or members of Parliament with a view to having their grievances made the subject of interpellations in the Legislatures or Parliament.

(c) The prohibition in clause 2 (a) above shall apply to the acquisition of certificates or letter of recommendation other than certificates or formal letters addressed to the Superintendents of Police concerned bringing to their notice specific service rendered to the writer or under the official cognizance of the writer.

(3) Police Officers are prohibited from obtaining interviews with Ministers or Secretaries to the Government without the prior sanction of the Director-General of Police.

(4) Police Officers of all ranks are prohibited from applying directly or through their superior officers for promotion when vacancies occur and officers are prohibited from recommending subordinates for particular posts otherwise than as provided for by the rules or, if ordered to do so, by the authority empowered to fill such post.

(5) No Police Officer shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests of matters pertaining to his service under the Government. Any violation of this provision will entail disciplinary action against the Police officer concerned and the onus of proving that he was not responsible for bringing about the influence will lie on him.

(6) Acceptance of Gifts, Gratitude and Rewards - Except for the farewell entertainment on the occasion of a Police officer's retirement or transfer, no Police officer shall accept gifts, gratitude and rewards of more than trifling value as specified in Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964 at the time of transfer or retirement. (*Conduct Rule 4*)

(7) Public Functions in honour of the Government Servants - No police officer shall attend any public function in his honour except at the time of retirement from active service, designed as an acknowledgement of acts done by him while in the service of Government. (*Conduct Rule 5*)

(8) Collection of subscriptions.- No Police Officer, shall, except with the previous sanction of the Director-General of Police or of such authority as may be empowered by him in this behalf, ask or accept contributions to or otherwise associate himself with the raising of any fund or other collections in cash or in kind in pursuance of any object whatsoever. (*Conduct Rule 7*)

(9) Lending and Borrowing - If a Police officer wants to take a loan from any society or other source, he must inform the competent authority. The prohibition as regards the lending and borrowing of money prescribed in the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964 applies to all loans, credits, advances, supply of articles or accommodation at unduly low rates, or for insufficient consideration and also to sale of property at exorbitant prices. The fact, that a Police officer is lending money or acting as an executor, administrator, or as a trustee without profit or advantage to himself, in no way affects the prohibition. (*Conduct Rule 8*)

(10) Movable, Immovable and Valuable Property - The restrictions imposed by the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964 on the acquisition of movable and immovable property by purchasing or taking it as a gift, apply equally to all

circumstances, the prices offered or demanded and in the case of disposal by sale or otherwise, the method of disposal etc., should be furnished while seeking sanction contemplated under these rules. (*Conduct Rule 9*)

(11) Insolvency and Habitual Indebtedness - If a police officer is adjudged or declared insolvent or has incurred debt aggregating to a sum which in ordinary circumstances, he could not repay within a period of two years or if a part of his salary is frequently attached for debt or has been continuously so attached for a period of two years or is attached for a sum which, in ordinary circumstances, he could not repay within a period of two years, he may, unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits, be presumed to have contravened the relevant provisions of Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964. A Police officer who has been removed from the service on account of insolvency will not be eligible for re-employment in any branch of the public service. (*Conduct Rule 13*)

(12) Communication of official documents or information – No Police Officer shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly any official document or any part thereof or information to any Government servant or any other person to whom he is not authorized to communicate such document or information. (*Conduct Rule 14*)

(13) Politics and Elections - No police officer shall take part in any movement or activity tending directly or indirectly to excite dissatisfaction against or to embarrass the government as by law established or to promote feelings of hatred or enmity between different classes of subjects of the Indian Union or to disturb the public peace. (*Conduct Rule 18*)

(14) Connection with the Press, Radio or Television - Police officers should not habitually engage themselves in the activities of broadcasting on radio, telecasting on a TV or contributing articles to the press, except of a purely literary, artistic or scientific character. A Police officer who is invited or who wishes to deliver a broadcast or televised talk should intimate the Director General of Police through proper channel, the subject on which he proposes to talk and if it is on the subject directly or indirectly connected with his official duties, or if so required, shall submit the full text of the talk for his approval before it is delivered. (*Conduct Rule 15*)

(15) Publication of Books - A Police officer is not required to obtain the sanction of the competent authority for publishing a book etc., on a purely literary, artistic or scientific subject. However, he has to obtain the sanction of the prescribed authority for accepting any remuneration for the work from a source other than the consolidated fund. The competent authority may also decide whether any portion of such remuneration received by a Police officer should be credited to the Government. [*Conduct Rule 12 (2)*]

(16) Association of Government Servants' name with public institutions - The association of the names of serving Police officers with public institutions or works, such as libraries, hospitals, schools, roads, buildings, etc., is prohibited. Similarly, Police officers are prohibited from associating their names with such objects as shields, trophies, prizes, medals and cups. In exceptional circumstances and in the case of retired Police officers, the prior sanction of Government should be obtained. (*Conduct Rule 20*)

(17) Private Trade or Employment -

(a) Police officers may take part in the promotion of co-operative societies, but no Police officer shall, except with the sanction of the competent authority, hold office in any co-operative society or serve on any committee appointed for the management of its affairs, unless the society is composed wholly of Police officers or partly of Police officers and partly of other Government servants in the Police Department. The superior Police officer should get the previous sanction of the Director General of Police, while the subordinate officers should get the written sanction of the prescribed authority concerned. A Police officer who is a member of a co-operative society composed wholly of Police officers or partly of Police officers and partly of other Government servants in the Police department may accept remuneration for keeping the accounts of the society, with the sanction of the prescribed authority.

(b) Every Police officer shall, if any member of his or her family is engaged in a trade or business or owns or manages an insurance agency or Commission agency, report the fact to the Government and shall abide by the conditions stipulated in rule 12 of the Tamil Nadu Subordinate Police Officers' Conduct Rules 1964.

(18) Vindication of acts and character of Police Officers -

(a) No Police Officer shall, except with the previous sanction of the Government, have recourse to the press of the vindication of any official act, which has been subject matter of adverse criticism or an attack of defamatory character.

(b) No Police officer should, except with the previous sanction of the prescribed authority, accept from any person or body of persons, compensation of any kind for any malicious prosecution brought against him or for any defamatory attack made on his public acts or character, unless such compensation has been awarded by a competent court. (*Conduct Rule 19*)

(19) Canvassing of Non-Official or Other outside Influence - A Police officer causing his own case to be made the subject of an interpellation in the Central or State Legislature contravenes the relevant provisions of Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964 and should be strictly prohibited. (*Conduct Rule 22*)

(20) Association of Police Officers in Trade Union Movement -

(a) No Police officer should pay or contribute towards the expenses of any trade union.

(b) be a member of or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations.

(c) be a member of, or be associated in any way with, any other society, institution, association or organization that is not recognized as part of the Force of which he is a member or is not of a purely social, recreational or religious nature.

(d) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

(e) shall participate in or address any meeting or take part in any demonstration organized by anybody of persons for any political purpose or for such other purposes as may be prescribed.

(21) **Restriction of rights of Police Officers -** The Police Forces (Restriction of Rights) Act is applicable to all the Police officers.

(22) **Police Officers not to participate in strike -** No police officer should engage in any strike or similar activities which include commission or omission involving a deliberate intention to compel his superior officers or Government to do something and shall include any demonstrative fast usually called "Hunger Strike" for similar purposes. (*Conduct Rule 24*)

(23) **Religious Activities -** Though the Police officers are entitled, in their private lives, freely to profess or practice any religion, they should so conduct themselves in public as to leave no room for an impression to arise that they are likely in their official dealings to favour persons belonging to any religion. Participation in proselytizing activities or direct or indirect use of official position or influence in such activities by a Police officer is strictly prohibited. (*Conduct Rule 22-A*)

(24) **Consumption of Alcohol/Drugs -**

(a) A Police officer shall not consume any intoxicating drink or drug in a public place and shall not appear in a public place and during the course of his duty.

(b) No Police officer shall involve himself in any act involving moral turpitude on his part including any unlawful act which may cause embarrassment or which may bring discredit to the Government. [*Conduct Rule 23 (2)*]

## **112. Returns of Movable and Immovable Property –**

(1) The returns of immovable property prescribed in the conduct rules referred to in Order No.108 above showing all the movable and immovable property of which he stood possessed or in which he had an interest shall be submitted to the Director-General through the usual channel by Gazetted Officers, and to the Superintendent of Police or to their immediate superior officer, as the case may be, by subordinate Police Officers, as prescribed in rule 7 of the Tamil Nadu Government Servants Conduct Rules and rule 9 of the Tamil Nadu Subordinate Police Officers' Conduct Rules 1964.

(2) (a) (i) These returns shall be kept separately as a permanent record, those relating to subordinate officers being disposed of in the manner laid down for service books and service rolls.

(ii) No returns need be sent by members of the Indian Police who are not of Indian domicile.

(iii) The particulars including "Nil" returns furnished in the returns of Gazetted Officers will be entered in a register maintained in the office of the Director-General of Police and in other offices concerned in the form prescribed in the relevant Conduct Rules.

(iv) The particulars furnished in the returns of subordinate officers, including 'Nil' returns, will be entered in the form prescribed in the Tamil Nadu Subordinate Police Officers Conduct Rules, 1964, which is printed in the service books and service rolls.

(b) In either case the entries should be revised each year with reference to the latest return, and every entry or alteration shall be duly attested by the head of the office.

(3) Heads of offices should see that the register is properly maintained during their verification of service books and service rolls.

## **113. Enrolment in Army Units –** Police Officers are not permitted to enrol in the Territorial Army or Indian Auxiliary Force or the Army in India Reserve of officers or to register for service in duty squadrons (dismounted) of the army in India or in the India Garrison and Duty Companies to be formed on mobilization.

## **114. Issue of certificates of character - forbidden –**

(1) Police officers are forbidden to give certificates of character or conduct to their subordinates.

(2) Police officers should not issue character certificate to members of the public, as there is a grave danger inherent in this practice since a certificate of good character issued by a Police officer creates an impression that the Police authorities have nothing against the

individual. Superior Police officers may attest copies of documents like testimonials, marriage, birth or death certificates required for recruitment or other purposes on request from the members of the public. This work, though not a legal formality, is only a civic duty related to their status.

## CHAPTER XII

### MAINTENANCE OF PERSONAL FILES, CONFIDENTIAL SHEETS AND SUBMISSION OF PERIODICAL REPORTS ON OFFICERS

#### 115. Personal Files -

Immediately on first appointment, a personal file will be opened for every officer of and above the rank of Head Constable. This file will contain a continuous record of the officer's work and conduct, while in service.

(G.O. 2059, Home, 2<sup>nd</sup> September 1936 and 3066, Home, 6<sup>th</sup> November, 1936)

#### 116. Contents of Personal Files -

(1) In order to have, at a glance, the full personal data of a member of Police force on a perusal of his/her Personal File, the first page of the Personal File shall be fly leaf containing the following personal data in appropriate side-headings: -

Name

Educational and Technical Qualification.

Whether he belongs to SC/ST or BC or MBC. In the case of those who do not belong to SC, ST or BC, the answer to this column will be 'No'.

Date of Birth

Native District

With a view to readily identifying the individual, a passport size photograph, at his cost, will be affixed to the inner side of the front cover of his Personal File.

(G.O.Ms.No.2249 Public (Ser) Dated 21<sup>st</sup> April, 1968)

(G.O.Ms.No.11 P&AR (Per) Dated 5<sup>th</sup> January, 1984)

(2) (a) The Personal File will comprise the original or authenticated copies of all reports, periodical or special confidential or otherwise and of all formal orders or communications with reference to the original correspondence by the Government, the Director General of Police and other superior officers in gradation, commending or expressing dissatisfaction with or adversely criticizing the work or conduct of the officer or rewarding or punishing him. Authenticated copies of all judicial orders or judgments or communications from courts or Magistrates, reflecting on the officer's

work unfavourably or expressing commendation of it, should be placed in the personal file.

(b) The personal file for IPS Officers should contain copies of :

- (i) A curriculum vitae to be updated annually on the basis of PARs and five yearly curriculum vitae update submitted by the officer reported upon
- (ii) PARs earned throughout the career
- (iii) Certificates of training, academic courses attended after joining service, study leave etc.
- (iv) Details of books, articles and other publications
- (v) Appreciation letters from the Government or Secretary or HOD or Special Bodies or Commissions
- (vi) Reports of Medical Check –ups
- (vii) Copy of order imposing penalties and final result of enquiry into allegations and charges against the Officer.
- (viii) Warnings or displeasure or reprimands of the Government.

*[Rule 3, Schedule 1 of the AIS (PAR) Rules, 2007.]*

(3) The files relating to Officers of subordinate service should contain the following records in addition to those mentioned in the preceding paragraph: -

- (a) Copies of all confidential reports, remarks, etc., as listed in clause (2) above.
- (b) Copies of defaulter sheet (Form No. 3)
- (c) List of rewards and good service entries as entered in the service book.
- (d) All miscellaneous papers that may be relevant.

(4) The records mentioned in sub-clauses (a), (b), (c) and (d) of clause (3) shall be kept in separate folders in the personal files. When entries in these records are to be made, the folders containing them may be removed from the personal files and entries made by a ministerial staff member, under the personal supervision of the officer who maintains the personal file.

*(G.O. Ms. No. 3398, Home, dated 15<sup>th</sup> August 1940)*

(5) Reports, whether periodical or otherwise, should be docketed, page-numbered in ink and kept separately from the other documents which make the personal file of an officer; other documents in the file should also be docketed separately and page-numbered in ink. The latest additions to each kind of record in the file should be filed at the end, to enable the file to be read book-wise.

(6) Lists of rewards and defaults shall be initialled and dated every half-year in token of their being up-to-date.

### **117. Custodians of Personal File -**

(1) The personal files of officers (whether officiating or holding substantive appointments) above the rank of Inspectors /Reserve Inspectors will be maintained by the Director-General of Police. The Performance Appraisal Dossiers (PAD) of All India Service Officers will be maintained by the Government.

(2) (a) The Officers shown in column (2) of the table below will be personally responsible for the maintenance and custody of the Personal Files of officers shown in column (1).

Designation (1)	Officer by whom PF to be maintained (2)
Head Constables	Local Police Station -Station House Officer Armed Reserve – Inspector (AR) of the Platoon TSP – Inspector of the Company Spl. Units – Admin Inspector/Inspector (AR), Chief Office
Sub- Inspectors	Local/AR/SPI/Units- SP concerned Cities – DC concerned
Inspectors	Local, AR & Special Units – DIG concerned Battalion – DIG AP concerned Cities – COP concerned
Inspectors	Local, AR & Spl. Units – DIG concerned Battalion – DIG AP concerned Cities – COP concerned
DSPs/AdSP and equivalent ranks SPs (Non-Cadre) and equivalent ranks Administrative Officers/SAOs/CAO	Chief Office

***DGP's Memorandum NO.219670/Con.2(3)/94, dated 08.10.1994.***

***Note:*** In respect of Special Units, if the post of the Officer specified above is not available, the PFs shall be maintained by the next higher officer available in the Unit. In the case of officers

*not included in the above table, the authority competent to appoint the officers concerned, shall maintain the personal files of the officers concerned.*

### **118. Transfer of Personal File - on promotion, etc. -**

(1) On promotion to higher rank, the personal file of the officer concerned shown in column (1) of the table in clause (2) of Order No. 117 should be either retained or forwarded forthwith to the officer empowered to maintain it according to the requirements of column (2) of the said table.

(2) On the appointment of an Inspector of Police to the Tamil Nadu Police Service, the Deputy Inspector-General of Police/Commissioner of Police/Special Unit Officer, having custody of the personal file of the Officer promoted, should forward it confidentially in a cover addressed to the Additional Director General of Police (Administration) by name. This record should be docketed and kept in the personal file separately from the record relating to the officer's service in the Tamil Nadu Police Service.

(3) When a Deputy Superintendent of Police reverts, for want of a vacancy, to Inspector of Police, that portion of his personal file relating to his subordinate service will be returned to the Deputy Inspector-General of Police/Commissioner of Police/Special Unit Officer, to whose range/City/Special Unit he reverts, the portion relating to his State Police Service being retained by the Additional Director-General of Police until, his repromotion or the termination of his service. When a Deputy Superintendent of Police is permanently reverted to the rank of Inspector of Police for unfitness, his whole personal file will be sent to the Deputy Inspector-General of Police/Commissioner of Police/Special Unit Officer to whose range/City/Special Unit he reverts.

(4) The register should be maintained to record movement of the personal files by every custodian officer in the format given below:

S.No	Name of the Officer	Date on which PF was sent to other office with ref. No. date	Initial of the PF maintaining officer	Date on which PF was received back from other office with ref. No.	Initial of the PF maintaining officer

				date	
(1)	(2)	(3)	(4)	(5)	(6)

In the first page of the register, the names of officers, whose PFs are maintained, should be written. In the case, where the PF is sent to an Officer finally on his/her transfer, his/her name should be struck off from the list. As soon as an officer joins duty from another office, his/her name should be incorporated in the list and action should be taken to get the PF from other Officer. Under no circumstances, the PF of a transferred officer should be sent from the office to another without updating the entries therein and without filing the ACRs due up to that date.

*DGP's Memorandum NO.219670/Con2(3)/94, dated 08.10.1994.*

### **119. Writing up of Personal File -**

(1) In order to keep personal files in a full and complete form as possible, they should be prepared for every year i.e. for the period ending 31<sup>st</sup> March of each year for approved probationers and full members of the services and whenever there is a change in the supervisory officers of the subordinate officers concerned.

*(G.O. 623, Public (Services) dated 24<sup>th</sup> July 1933)*

(2) (a) No Confidential Report should be written on the Government Servant unless the reporting officer has seen the performance of the Government Servant concerned for at least three months during the period for which confidential report is to be written. However, this will not apply when the Government Servant reported upon is on probation on any post.

(b) Reports for shorter period:

- (i) PAR shall also be written when either the reporting or reviewing authority or the member of service relinquishes charge of the post.
- (ii) Where the reporting authority has not seen but the reviewing authority has seen the performance for at least three months, the reviewing authority shall write the PAR.
- (iii) Where both the reporting and reviewing authorities have not seen and the accepting authority has seen, the accepting authority shall write the PAR.
- (iv) Where all the three authorities have not seen the performance of the member of service for at least three months, an entry to that effect shall be made in the PAR.

*-Rules 5(2), (4), (5), (6) of AIS (PAR) Rules, 2007.*

(3) (a) The Personal Files should be written promptly by the reporting officer. Wherever a reporting officer demits office either on transfer or for other reasons in the middle of the year, he should make up to date the Personal Files of the officers under his control. When, however, due to extraordinary reasons, the reporting officer is not able to write the PAR, he should leave behind for the information of his successor, a full note on the subordinate officer for incorporation in the report. To ensure prompt and up to date maintenance of Personal Files, in the case of officers who relinquish charge, on transfer or for other reasons, the handing over charge report should accompany a report to the effect that they have written the confidential reports on all their subordinates furnishing a list of the officers in respect of whom they have to submit report. The Head of Department should ensure that a special report as above is obtained from the officers who relinquish charge on transfer or for other reasons.

(b) However, if it is not possible to adhere to the above procedure, due to administrative reasons, the officer demitting office may take a reasonable time to write a confidential report, but this time limit should not ordinarily exceed 90 days from the date of his demitting office/retirement.

*[G.O.Ms.No.86, P&AR (K) Department, dated 04.04.2007]*

(4) The reporting officer should not write the Personal File of his subordinate officer who is related to him and in such cases the reporting officer should leave it to his immediate higher authority to write the personal file. In the instances where it is noticed that these instructions have not been adhered to, the remarks so written in the personal file should not be taken into consideration at the time of promotions, drawing up panels, etc.

*(G.O.Ms.No.11 P&AR (Per) Dated 5<sup>th</sup> January, 1984)*

(5) It is of the greatest importance that the entries in the personal files should enable a correct estimate to be formed of the character, ability, etc. of the officer concerned. Entries regarding general character should be made after some experience is gained of the officer and invariably after the inspection of his station or circle or other charge of the office as the case may be.

(6) Specific incidents should be recorded as soon as possible.

(7) The entry of adverse remarks regarding character, conduct or honesty in confidential reports on officers should be supported by the reasons for taking the view recorded and if possible, by reference to specific facts. An estimate that an officer is unfit for a particular rank should include the reasons for the estimate, and if possible, a statement of facts in support of the estimate. It should not be founded on general impressions only.

*(G.O. Ms. No.3691, Home, dated 26<sup>th</sup> October 1945)*

(8) The following are the instructions to be followed in the preparation of annual confidential reports/Performance Appraisal Reports: [G.O.Ms.No.121 P&AR (S) Department, dated 29.09.2011]

**(i) Self Assessment Report (SAR):-**

(a) The officer reported upon is required to give brief description of his/her duties and responsibilities, which would normally not exceed about 100 words and a Self Assessment Report to the Reporting Authority within a period of 30 days after completion of the reporting period and based on the Self Assessment Report (SAR), the Reporting Officer shall write his report within 30 days and submit to the Reviewing Authority. The Reporting Authority should not wait for SAR beyond 30 days.

(b) The Self Assessment Report (SAR) should reflect his/her performance during the year and indicate one or more item which he/she thought was a significant contribution made by him/her during the year.

(c) The submission of property return should also be certified in the SAR.

**ii) Performance Evaluation:**

- (a) Assessment of work output (weightage to this section would be 40%)
- (b) Assessment of personal attributes (weightage to this section would be 30%)
- (c) Assessment of functional competence (weightage to this section would be 30%)

**iii) Numerical grading:**

a) Numerical grading is to be awarded by reporting and reviewing authorities. These should be on a scale of 1 to 10 where 1 refers to the lowest grade and 10 to the highest.

b) It is expected that any grading of 1 or 2 would be adequately justified in the pen picture by way of specific accomplishments. Grades of 1-2 or 9-10 are expected to be rare occurrences and hence the need to justify them.

**iv) How the gradings are rated:**

a) ACRs graded between 8 and 10 will be rated as “outstanding” and will be given a score of 9 for the purpose of calculating average scores for empanelment/promotion.

b) Graded between 6 and short of 8 will be rated as “very good” and will be given a score of 7

- c) Graded between 4 and short of 6 will be rated as “Good” and given as score of 5.
- d) Graded below 4 will be given a score of zero.

**v) Whole numbers and fractions:**

- a) Numerical grades for individual parameters must be whole numbers ranging from 1 to 10, avoiding fractions.
- b) Overall grading for each group may be in fractions depending upon the values assigned for individual parameters within the group.
- c) Overall grade recorded in the end by the Reporting/Reviewing/Accepting Authority may be in whole numbers, rounding off the weighted value to the nearest integer and
- d) The observations in the pen picture must narrate specific failures or accomplishments to justify grading on the extremes of the 1to10 scale, viz. 1,2,9 or 10.

*[Standing instruction -75/2014, dated 16.04.2014 of the DGP]*

- (v) The following is the calendar prescribed for initiation process and completion of the PAR, in respect of IPS Officers.

Activity	Cut off dates below super time scale	Super time scale	Above super time scale
Blank PAR form to be sent to the officer reported upon specifying reporting and reviewing authority	1 <sup>st</sup> April	1 <sup>st</sup> May	1 <sup>st</sup> June
Self Appraisal Report for current year	30 <sup>th</sup> April	31 <sup>st</sup> May	15 <sup>th</sup> June
Appraisal by Reporting Authority	31 <sup>st</sup> May	30 <sup>th</sup> June	15 <sup>th</sup> July
Appraisal by Reviewing Authority	30 <sup>th</sup> June	31 <sup>st</sup> July	15 <sup>th</sup> August
Appraisal by Accepting Authority	31 <sup>st</sup> July	31 <sup>st</sup> August	15 <sup>th</sup> September
Disclosure to the officer	15 <sup>th</sup> August	15 <sup>th</sup> September	30 <sup>th</sup> September

reported upon			
Comments of the officer reported upon (if any) If none, transmission of the PAR to the MHA)	31 <sup>st</sup> August	30 <sup>th</sup> Sept.	15 <sup>th</sup> October
Forwarding of the comments of the officer reported upon to Reporting Authority/Reviewing Authority; by the Accepting Authority.	15 <sup>th</sup> September	15 <sup>th</sup> October	31 <sup>st</sup> October
Comments of the reporting authority	30 <sup>th</sup> Sept.	31 <sup>st</sup> Oct	15 <sup>th</sup> November
Comments of the reviewing authority	15 <sup>th</sup> Oct.	15 <sup>th</sup> Nov.	30 <sup>th</sup> November
Comments of the Accepting authority to be finalized and disclosed to the officer reported upon	31 <sup>st</sup> Oct.	30 <sup>th</sup> Nov	15 <sup>th</sup> December
Representation to the Referral Board by the officer reported upon	30 <sup>th</sup> Nov.	31 <sup>st</sup> Dec.	31 <sup>st</sup> December
Forwarding of the representation to the Board with the remarks of the three authorities	15 <sup>th</sup> Dec.	15 <sup>th</sup> Jan.	31 <sup>st</sup> January
Finalisation by the Board	15 <sup>th</sup> Jan	15 <sup>th</sup> Feb	28 <sup>th</sup> February
Disclosure to the officer reported upon	31 <sup>st</sup> Jan	28 <sup>th</sup> Feb	15 <sup>th</sup> March
End of PAR process	31 <sup>st</sup> Mar	31 <sup>st</sup> Mar	31 <sup>st</sup> March

(9) The records maintained by various authorities should be scrutinized during the Inspections by the Superintendent of Police and Dy. Inspector General of Police concerned, so as to ensure that they are maintained correctly and regularly. Inspection reports should say how these records have been written up. In cases where the Deputy Inspector General of Police or the Superintendent of Police or

the Sub-Divisional Officer, as the case may be, disagrees with an entry in the confidential report by the immediate superior of the officer concerned, it will not only be open to him but will also be his duty to record his own views in the file as well. Failure to do so at the proper time would imply that the higher authority concerned agrees with the entry made by the officer's immediate superior. Scrutinizing officers should, therefore, record their own views in the personal files at the earliest opportunity in cases where they disagree with any entries therein and should abstain from merely initialling a report of making the entry "no remarks" in it, unless they accept as correct all the entries, below which their initials are placed, or the entry is made.

*[G.O. 1292 Home dated 29<sup>th</sup> March 1937]*

*(G.O.2125, Public (Services), dated 20<sup>th</sup> October 1941 and G.O.Ms. No. 802, Home, dated 18<sup>th</sup> February 1941)]*

(10) (a) All the officers should certify once a year and before handing over charge in cases of transfer or when proceeding on leave:

(i) that they have brought up to date all the personal files, as on 31<sup>st</sup> March, which they are required to maintain themselves; and

(ii) that they have scrutinized the files maintained by officers subordinate to them, if any, and that they are in order.

(b) The annual certificates should reach the respective Deputy Inspector - General of Police by 15<sup>th</sup> April.

*(G.O. Ms. No.3640, Home, dated 19<sup>th</sup> November 1963)*

## **120. Instructions for communication of unfavourable remarks to officers concerned**

(1) The rules laid down by the Central Government in the matter of communicating to subordinate officers unfavourable remarks made by their superiors in their confidential reports should be observed by all concerned --

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

*(G.O. Ms. No.1593, (Public) dated 5<sup>th</sup> November 1915)*

(3) If an officer reported upon is not satisfied with the grading award to him, or for any adverse remarks made against him, he may make a representation to the appropriate authority within a period of three months and the decision taken thereon, shall be communicated to the officer concerned.

*[G.O.Ms.NO.121, P&AR (S) department, dated 29.09.2011]*

(4) No representation shall be considered by the appropriate authority, if it has not been preferred within three months from the date on which a copy of the unfavourable remark was communicated to the officer concerned. The representation should be finally disposed of within six months of its receipt, failing which the defects should not be held against the officer for promotion etc. The time limit of three months will be applicable to the first representation to the officer charged with duty of scrutinizing the personal file of the Government servant concerned and not to the subsequent representation.

*(G.O. Ms No. 2554, Home, dated 27<sup>th</sup> August 1944)*

*(G.O.Ms.No.2787 Public (Ser.) Dated 12<sup>th</sup> November, 1969)*

*(Memo No.3815/71-1 Public (Ser.J) Dated 9<sup>th</sup> November 1971)*

(5) The reporting/scrutinizing authorities are requested to offer their remarks on the representations made by the officials against whom adverse remarks are written by them, within a time limit of one month. Failure to offer their remarks within the above time limit will be viewed seriously and they will be held liable for disciplinary action.

*[G.O.Ms.No.1270 P&AR Dated 23<sup>rd</sup> December 1981]*

**(6) Disclosure of performance appraisal report to the officer reported upon and procedure for representation to the Referral Board:**

(1) The full annual performance appraisal report, including the overall grade and assessment of integrity, shall be disclosed to the officer reported upon after finalization by the accepting authority to enable the officer reported upon to represent his case.

(2) The officer reported upon may have the option to give his comments on the performance appraisal report in writing to the accepting authority within fifteen days of the receipt of the Performance Appraisal Report.

(3) the comments shall be restricted to the specific factual observations contained in the Performance Appraisal Report leading to the assessment of the officer in terms of attributes, work output and competency.

(4) The accepting authority shall within fifteen days of receipt of comments from the officer reported upon forward the same to the reviewing and the reporting authority and call for their views on the comments.

(5) The reporting authority shall, within fifteen days of receipt of comments from the officer reported upon, forward his own views on the comments to the reviewing authority failing which it shall be presumed that he has no views thereon.

(6) The reviewing authority shall forward the comments of the officer reported upon along with the views of the reporting authority and his own views to the accepting authority within fifteen days of receipt of the views of the reporting authority.

(7) The accepting authority shall consider the comments of the officer reported upon, the views of the reporting authority and the reviewing authority and after due consideration may accept them and modify the performance appraisal report accordingly and the decision and final grading shall be communicated to the officer reported upon within fifteen days of receipt of the views of the reviewing authority.

(8) (a) In case of officer reported upon chooses to represent against the final assessment conveyed to him according to the procedure, he may represent his case through the accepting authority for a decision by the Referral Board, as specified in the Schedule 3, within one month, provided that such representation shall be confined to errors of facts.

(b) The representation of the officer reported upon along with the views of the reporting authority, the reviewing authority and the accepting authority shall be forwarded to the Referral board on the request of the officer reported upon within a period of fifteen days of receipt of communication.

(9)(a) The Referral Board shall consider the representation of the officer reported upon in the light of the comments of the reporting authority, the reviewing authority and the accepting authority and confirm or modify the performance appraisal report, including the overall grade and the decision of the Referral Board shall be confined only to errors of facts and the decision of the Referral Board shall be final. However, any IPS officer who is desirous of preferring an appeal against the decision of the Referral Board may submit a memorial to the President of India under Rule 25 of AIS (D&A) Rules, 1969.

(b) In case an entry or assessment is upgraded or downgraded, reasons for the same shall be recorded in the performance appraisal report.

(10) The entire performance appraisal report, including the overall grade, shall thereafter be communicated to the officer reported upon which shall conclude the process of assessment and no further representation of any kind shall be entertained thereafter.

-AIS (PAR) Rules, 2007.

## **121. Use to which confidential reports on officers can be put –**

Confidential reports on officers are now referred to for various purposes concerning the officers. There should be no restriction on the use of such reports. However, such reports should not ordinarily be referred to by tribunals dealing with disciplinary cases till after they have arrived at their findings on the charges framed.

*(G.O. Ms. No. 3545, Home, dated 5<sup>th</sup> August 1941)*

## **122. Periodical reports — Annual reports on Deputy Inspectors General of Police and Superintendents of Police —**

(1) (a) The All India Services (Performance Appraisal Report) Rules, 2007 replacing the All India Services (Confidential Roll) Rules, 1969 has been implemented for assessment of the performance of members of the All India Services from 2007-2008 onwards.

(b) List of officers authorised to write PAR on IPS officers is given below:

*[G.O.Ms.No.753, Home (SC) Department, dated 01.09.2009]*

### **(i) Chief Office**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
DGP (L&O)	Chief Secretary	Minister in charge of Home	Chief Minister
ADGP (L&O)/ ADMN/HQRS.	DGP	Home Secretary	Chief Secretary
IGP (L&O)/Admin/HQRS.	ADGP (L&O)/Admn/Hqrs.	DGP	Home Secretary
DIG Admn/HQRS.	IGP Admn/HQrs.	ADGP (L&O)/Admn/HQrs.	DGP
AIG Admn/Hqrs.	DIG admn/Hqrs.	IGP Admn/Hqrs.	ADGP (L&O)/Admn/Hqrs.

From DIG level if any one of the higher posts is vacant, the “next higher level” phenomenon in reporting/reviewing shall be followed. The PAR on DIG and below level in Chief Office shall be completed at Chief Office itself.

### **II. Crime Branch**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP Crime/ CB CID	DGP	Home Secretary	Chief Secretary
IGP Crime/ CB CID	ADGP Crime/CB CID.	DGP	Home Secretary
DIG CB CID/NIB	IG CB CID/Crime	ADGP Crime/CB	DGP

CID		CID	
SP CB CID/SIT	DIG CB CID/Crime	IG CB CID/Crime	DGP

### III. Technical Services

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
IG/Technical Services	ADGP Hqrs./Admn	DGP	Home Secretary
DIG Technical services	IG/Technical Services	ADGP Hqrs./Admn	DGP

### IV. Intelligence Wing

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP Intelligence	DGP	Home Secretary	Chief Secretary
IG Intelligence	ADGP Intelligence	DGP	Home Secretary
DIG CID INT/'Q' Branch	IG Intelligence	ADGP Intelligence	DGP
SSB CID	DIG CID INT	IG Intelligence	ADGP Intelligence
SP 'Q' Branch	DIG 'Q' Branch	IG Intelligence	ADGP Intelligence
SP Special Division	DIG CID INT	IG Intelligence	ADGP Intelligence

### V. Welfare

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP Welfare	DGP	Home Secretary	Chief Secretary
IG Welfare	ADGP Welfare	DGP	Home Secretary

### VI. State Crime Record Bureau

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP SCRB	DGP	Home Secretary	Chief Secretary
IG SCRB	ADGP SCRB	DGP	Home Secretary

### VII. Security CID

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
SP, Security (i) & (ii)	DIG CID INT	IG/INT	ADGP/INT

### VIII. Chennai City

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
COP (ADGP)	DGP	Home Secretary	Chief Secretary
Addl. COP L&O/Traffic/Hqrs.	COP (ADGP)	DGP	Home Secretary
JCoP (N) (c) (S) (traffic) & (Hqrs.)	ADGP CoP L&O/Traffic//Hqrs.	COP (ADGP)	DGP
<b>DCs L&amp;O &amp; Traffic</b>	JCoP L&O & Traffic	Addl. CoP L&O & Traffic	COP (ADGP)
DC/Intelligence Section	COP	DGP	Home Secretary
DC/Hqrs.	Adl. COP, Headquarters	COP	---
DC/SSD	JCoP (North)	Addl. CoP L&O	CoP

### IX. Commissionerates

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
COP (IGP)	ADGP L&O	DGP	Home Secretary
COP (DIG)	Zonal IG	ADGP L&O	DGP
Deputy Commissioners	COP (IG/DIG)	Zonal IG/ADGP (L&O)	ADGP/L&O, DGP

### XI. Range and Districts

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority

Range DIG	Zonal IG	ADGP L&O	DGP
District SP	Range DIG	Zonal IG	ADGP L&O

## XII. Directorate of Vigilance and anti-corruption

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
Director (DGP/ADGP)	Vigilance Commissioner	Chief Secretary	Chief Minister
Joint Director (IGP)	Director (DGP/ADGP)	Vigilance Commissioner	Chief Secretary
SP (V&AC)	IGP (V&AC)	Director V&AC	Vigilance Commissioner

## XIII. Economic Offences Wing

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/EOW	DGP	Home Secretary	Chief Secretary
IG/EOW (FIs/CCIW CID)	ADGP/EOW	DGP	Home Secretary
DIG CCIW CID and Idol Wing	IG/EOW CCIW CID	ADGP/EOW	DGP

## XIV. Armed Police

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/Armed Police	DGP	Home Secretary	Chief Secretary
IG/Armed Police	ADGP/Armed Police	DGP	Home Secretary
DIG/Armed Police	IG/Armed Police	ADGP/Armed Police	DGP
Commandants	DIG/Armed Police	IGP/Armed Police	ADGP/Armed

			Police
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#### XVI. Civil Supplies CID

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/CS CID	Commissioner, Civil Supplies	Secretary/CF & CP	Chief Secretary
IG/CS CID	ADGP/CS CID	Commissioner, Civil Supplies	Secretary/CF & CP
DIG/CS CID	IG/CS CID	ADGP/CS CID	Commissioner, Civil Supplies
SP/CS CID	DIG/CS CID	IG/CS CID	ADGP/CS CID

#### XV. Railways

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/Railways	DGP	Home Secretary	Chief Secretary
IG/Railways	ADGP, L&O/Railways	DGP	Home Secretary
DIG/Railways	IG/Railways	ADGP/L&O/Railways	DGP
SP/Railways	DIG/Railways	IG/Railways	ADGP/L&O/Railways

#### XVI. Special Task Force

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/Operations	DGP	Home Secretary	Chief Secretary
IG/Operations	ADGP L&O/Operations	DGP	Home Secretary
DIG/STF	IG/Opsns./STF	ADGP/L&O/Operations	DGP
SP/STF	DIG/STF	IG/Opsns./STF	ADGP/L&O/Operations

## XVII. Training

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/Training	DGP	Home Secretary	Chief Secretary
IG/Training	ADGP/Training	DGP	Home Secretary
DIG/Training	IG/Training	ADGP/Training	DGP
SP/Principal PTC	DIG/Training	IG/Training	ADGP/Training

## XVIII. Enforcement

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/Enforcement	DGP	Secretary/P&E	Chief Secretary
IG/Enforcement	ADGP/Enforcement	DGP	Secretary/P&E
DIG/Enforcement	IG/Enforcement	ADGP/Enforcement	DGP
SP/Enforcement	DIG/Enforcement	IG/Enforcement	ADGP/Enforcement

## XIX. Other ADGPs

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP Police Housing Corporation	DGP	Home Secretary	Chief Secretary
State Traffic Planning Cell			
Home Guards			
ADGP/Director, Fire and Rescue Services	Home Secretary	Chief Secretary	Minister-in-charge of Fire Service
ADGP/Director of Prosecution	Home Secretary	Chief Secretary	Minister, Law
ADGP/Social Justice CID	DGP	Secretary AD & TW	Chief Secretary

**XX. CVOs in State Govt. under takings.**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
CVO	Vigilance Commissioner	Minister Concerned of the Department	Chief Minister

**XXI. State Human Rights Commission.**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/SHRC	Chairman, SHRC	Minister, LAW	Chief Minister
IG/SHRC	ADGP/SHRC	Chairman, SHRC	Minister, Law
SP/SHRC	IG/SHRC	ADGP/SHRC	Chairman, SHRC

**XXII. Tamil Nadu Police Academy**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
ADGP/Director	DGP(Training)/DGP	Home Secretary	Chief Secretary
IGP/TNPA	ADGP/Director	DGP(Training)/DGP	Home Secretary
DIG/TNPA	IGP/TNPA	ADGP/Director	DGP (Training)/DGP
SP/Principal/TNPA	DIG/TNPA	IGP/TNPA	ADGP/Director

**XXIII. Uniformed Services Recruitment Board**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
DGP/Chairman	Chief Secretary	Minister-in-charge of Home Department	Chief Minister
ADGP/Member	DGP/Chairman	Chief Secretary	Minister-in-charge of Home Department
IGP/Member Secretary	ADGP/Member	DGP/Chairman	Chief Secretary
Superintendent of Police	IGP/Member Secretary	ADGP/Member	DGP/Chairman

(c ) The Government of India have implemented Smart Performance Appraisal Report Recording online Window (“SPARROW”) system for IPS Officers with effect from 1<sup>st</sup> April 2016. For this purpose, the officers shall have their own Digital Signature Certificate (DSC) which can be procured through any of the licenced certifying authorities empanelled by the Controller of certifying authorities. The expenditure incurred by the Officers in this regard, may be reimbursed, claiming the same under the respective salary Head of Account and under the detailed/sub-detailed head-“05 Office expenses-02-other contingencies [G.O.Rt.No.410, HOME (SC) Department, dated 13.05.2016]

(2) The following factors or qualities should be considered for making evaluation of the performance of the employees.

- (a) Ability and capacity to do the assigned work.
- (b) Skills and capabilities, i.e., knowledge of various jobs and various operations.
- (c) Personal qualities of the employee and his work habits like dependability, cooperation etc.
- (d) Quantity and quality of output.
- (e) Supervisory qualities.

(f) Treatment of periods of training and leave:

(i) As the members of service would not be physically present during the period of training and his performance cannot be observed by the Authorities, the period of training should be excluded from the period of report.

(ii) Where an officer has taken EL for more than 15 days, the total period spent on leave can be deducted from the total period for the purpose of computing three months. Leave taken for shorter duration, need not be treated as relevant for the purpose.

[Lr.No.11059/3/91-AIS-III, dated 30.01.1991]

[Lr.No.11059/7/2003-AIS.III, dated 11.11.2003]

(3) (a) The following procedure should be followed in filling up the column relating to Integrity.

- (i) If the officer's integrity is beyond doubt, it may be so stated.
- (ii) If there is any doubt or suspicion, the column should be left blank and action taken as under:

(b) A separate secret note would be recorded and followed up; a copy of the note should also be sent together with the confidential report to the next superior officer who will ensure that follow up action is taken expeditiously. Where it is not possible either to certify the integrity or to record the secret note, the reporting officer should state either that he had not watched the officer's work for sufficient time to form a definite judgment or that he has heard nothing against the officer, as the case may be.

(c) If, as a result of the follow up action, the doubts or suspicions are cleared, the officer's integrity should be certified and an entry made accordingly in the confidential report.

(d) If the doubts or suspicions are confirmed, this fact should also be recorded and duly communicated to the officer concerned.

(e) If as a result of the follow up action, the doubts or suspicions are neither cleared nor confirmed, the officer's conduct should be watched for a further period and thereafter action taken as indicated at (b) and (c) above.

(f) The Director General of Police will send three blank PAR forms to the officers concerned after filling the requisite columns and specifying the Reporting/Reviewing/Accepting Authorities.

(g) The officer reported upon should send two copies of the PAR with his/her self-appraisal to the Reporting Authority and one copy to the Director General of Police on or before the due date.

(h) If the officer reported upon does not send his/her self-appraisal to the Reporting Authority before the due date as per the time schedule given in the "General Guidelines for filing up the PAR forms" the Reporting Authority on receipt of two blank forms from the Director General of Police should write his report in the appropriate section and send one copy to the Reviewing Authority and the other to the Director General of Police.

(i) If the Reviewing Authority does not send the report of the officer concerned to the Accepting Authority on the due date, the Administration Division concerned should send a copy of the PAR available in the respect of the officer concerned (either the copy received from the Reporting Authority, or the copy with self-appraisal received from the officer concerned or in the absence of these, the blank PAR) to the Accepting Authority who would write his report in the appropriate Section and send the same to the Administration Division of the Department concerned for disclosure on or before the due date.

(j) The instructions issued by the Central Government regarding the preparation and communication of confidential reports on officers of the Indian Police Service in Letter No.17011/3/2008 – IPS – II Dated: 02.09.2008 and Memorandum No.11059/07/2008 – AIS – III Ministry of Personnel and Training Dated: 26.06.2008 containing instructions/clarifications regarding All India Service (Performance Appraisal Report) Rules, 2008 should be followed.

(k) The Director-General of Police shall send an annual confidential report in the form prescribed in Appendix II (Form I) in Government of India Notification No. G.S.R.256 (E) Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), New Delhi Dated: 31.03.2008, with reference to Rule 4 of the All India Service (Performance Appraisal Report) Rules, 2007, in respect of Indian Police

Service Officer's of the rank of the Superintendent of Police and the Deputy Inspector-General of Police including the Commissioner of Police and send it to the Government by the 15<sup>th</sup> April of every year, covering the period from 1<sup>st</sup> April of a particular year up to the end of March of the succeeding year. These reports will be written in triplicate, two copies of which will be forwarded to the Government, the other copy being filed in the officer's personal file.

(l) Regular annual medical check-up is mandatory for all IPS Officers, as prescribed in the All India Service Rules (Performance Appraisal Report) Second Amendment Rules, 2008. Government/Private hospitals are authorized for undergoing annual health check-up by the IPS officers and the charges for the same will be borne by the State Government. The summary of the medical report should be attached with the Performance Appraisal Report.

*[Letter No.17011/3/2003-IPS.II Dated: 21.11.2008 of the Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi – I.]*

(4) (a) All Deputy Inspector-Generals of Police including the Commissioners of Police should submit to the Zonal Inspectors-General of Police annually a confidential report on each of the Superintendents of Police covering the period from 1<sup>st</sup> April of a particular year up to 31<sup>st</sup> March of the succeeding year so as to reach him by 15th April. The PAR form newly introduced in Govt. of India Letter No.17011/3/2003-IPS-II Ministry of Home Affairs, New Delhi in Appendix-II (Form I) in the Notification Dated: 31.03.2008 should be used for writing the confidential report on I.P.S. officers of the rank of Superintendent of Police and the proforma prescribed by Government should be used in respect of Non-Indian Police Service Officers.

(b) Such reports should also be sent whenever there is a change in the immediate superior of the officer concerned and when the officer is transferred out of the district or proceeds on leave or reverts to his substantive appointment before the annual report is due.

*(Public Police) Memo.No. P. 21-I, dated 11<sup>th</sup> April 1930)*

### **123. Annual Confidential Reports on Joint Superintendent of Police Assistant Superintendent of Police, Additional Superintendent of Police, Deputy Commandants and Deputy Superintendents of Police -**

All Superintendents of Police and Commandants should submit a confidential report for the period ending 31<sup>st</sup> March on each Joint Superintendent of Police/Assistant Superintendent of Police and other Group-B officers. In respect of Assistant Superintendents of Police, Joint Superintendents of Police the Annual Performance Appraisal Report should be reported in "SPARROW" (PSO 122 (1) (c)). The report should be sent in triplicate through the Deputy Inspector-General of Police concerned who

will add their remarks. The reports on Additional Superintendents of Police/Deputy Commandants should be submitted in triplicate in the proforma prescribed by the Government and forwarded to the Deputy Inspector-General of Police concerned for recording his remarks. Two copies of these reports on Additional Superintendents of Police and Deputy Commandants will be sent to Government and the other copy will be filed in the Officer's personal file. The report on Deputy Superintendents of Police, Category-I shall also be in the proforma prescribed by the Government and sent through the Collector and Deputy Inspector-General of Police concerned for recording their remarks. The reports for the period ending 31<sup>st</sup> March should reach the Director General of Police by 15<sup>th</sup> April. In the case of officers, under training in the Tamil Nadu Police Academy, Oonamanchery, Chennai, officers working in Armed Police Battalions, i.e., Deputy Commandant, Deputy Superintendents of Police, Category-III and Deputy Superintendents of Police serving in Special Units, the reports need not pass through the Collector.

(G.O. Ms. No. 2160 Home dated 3<sup>rd</sup> September 1974)

(2) The Annual Confidential Reports from District officers should also be sent whenever there is a change in the immediate superior of the officer concerned and when the officer is transferred out of the district or proceeds on leave or reverts to his substantive appointment before the annual report is due.

(3) The writing of confidential reports should be done correctly and consciously so as to cover all aspects of an officer's personality.

(G.O. Ms. No. 2420, Home. dated 25<sup>th</sup> August 1959)

(4) In the case of officers who are on probation, Director-General of Police will tabulate the reports in the form prescribed by Government (Form No.7) adding his own remarks wherever necessary and forward them to Government so as to reach there by the 1<sup>st</sup> May.

(5) The following are the guidelines, for filling up of format of the Annual Confidential Report:[G.O.Ms.No.121 P&SR(S) Department, dated 29.09.2011]

(i) **Points to be noted by Reporting Authority:**

(a)The Reporting Authority, on receipt of the format duly filled in up to Col. 5(a) of the Annual Confidential Report, has to record his comments from col. 5(b) to 12 of the ACR and to affix his signature thereunder.

(b) Numerical grading are to be awarded by reporting and reviewing authorities for the quality of work output, personal attributes and functional competence of the officer reported upon. These should be on a scale of 1-10, where 1 refers to the lowest grade and 10 to the highest. The overall grade on a score of 1-10 will be based on 40% weightage on assessment of work output, and 30% for assessment of personal attributes

and 30 % for functional competency. The overall grading will be based on addition of the average value of each group of indicators in proportion to weightage assigned.

(c) It is expected that any grading of 1 or 2 (against work output or attributes or competency or overall grade) would be adequately justified in the pen-picture by way of specific failures and similarly, any grade of 9 or 10 would be justified with respect to specific accomplishments. Grades of 1-2 or 9-10 are expected to be rare occurrences and hence the need to justify them. In awarding a numerical grade the reporting and reviewing authorities should rate the officer against a larger population of his/her peers that may be currently working under them.

(d) Annual Confidential Reports graded between 8 and 10 will be rated as ‘outstanding’ and will be given a score of 9 for the purpose of calculating average scores for empanelment/promotion.

(e) Annual Confidential Reports graded between 6 and short of 8 will be rated as ‘very good’ and will be given a score of 7.

(f) Annual Confidential Reports graded between 4 and short of 6 will be rated as ‘good’ and given a score of 5.

(g) Annual Confidential Reports graded below 4 will be given a score of zero.

(h) While doing so, the reporting authority should take into account the costs incurred (whether the officer reported upon has been cost conscious) the time taken and whether the laid down rules/procedures have been adhered to in accomplishing the tasks.

(i) The reporting authority to comment on the integrity of the officer reported upon. In recording remarks with regard to integrity, he/she need not limit him/herself only to matters relating to financial integrity but could also take into account the moral and intellectual integrity of the officer reported upon.

(j) The reporting authority is also required to record a descriptive pen-picture on the overall qualities of the officer reported upon and his/her performance including his attitude towards weaker sections. This need not exceed about 100 words and should try to cover overall qualities of the officer including areas of strengths and lesser strengths. The pen-picture is also meant to be a qualitative supplement to the quantitative assessments made in earlier part of this section.

(k) Finally, the reporting authority is required to record an overall grade. This should also be done on a scale of 1-10, based on the average value of overall grading on work output, personal attribute and functional competence with 1 referring to the lowest grade and 10 to the highest.

(ii) **Points to be noted by Reviewing Authority**

(a) The reviewing authority is required to indicate if he/she agrees with the assessments made by the reporting officer. In case of disagreement, he/she may record his/her own assessment against the work output or any of the attributes in the column specifically provided for the purpose. In case of agreement, he/she need not fill in the column meant for him/her in the attributes/work output tables.

(b) The reviewing authority is required to record a pen-picture, not exceeding about 100 words, on the overall qualities of the officer reported upon including areas of strengths and lesser strengths and his/her performance including his attitude towards weaker sections. Finally, he/she is required to record on overall grading in the scale of 1-10, if he differs from the grading of reporting authority by making a circle on the overall grading of the reporting authority and affix his signature therefor.

**(iii) Points to be noted by Accepting Authority**

(a) The accepting authority is required to indicate if he/she agrees with the assessments made by the reporting authority/reviewing authorities. In case of difference of opinion, he/she is required to give details and reasons for the same in the column specifically provided for the purpose in the format.

(b) There should be more openness in the system of appraisal. The Annual Confidential Reports, including the overall grade and integrity, should be communicated to the officer reported upon immediately after it has been finalized by the accepting authority.

**Prescribed authorities for writing ACRs on Group A &B Officers:**

**(i) Chief Office**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
DSP/ADSP	AIG	DIG	IGP
AO/SAO	CAO	AIG (admn, Hqrs & L&O)	DIG (Admn, Hqrs, &L&O)
CAO	DIG (admn)	IGP (admn)	ADGP (Admn)
Inspectors	DSP	AIG	DIG
Sis	Inspector	DSP	AIG

**(ii)Chennai City**

Officers Reported	Reporting Authority	Reviewing	Accepting

Upon		Authority	Authority
DC (Non Cadre)	JCOP	Addl. COP	COP
ACP	DC	JCOP	Addl. COP
Inspectors	ACP	DC	JCOP
SIs	Inspector	ACP	DC

**(iii) Other Cities**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
DC (Non Cadre)	COP	ADGP (L&O)	DGP
ACP	DC	COP	ADGP (L&O)
Inspectors	ACP	DC	COP
SIs	Inspector	ACP	DC

**(iv) Districts**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
SP (Non Cadre)	DIG (Range)	IGP (Zonal)	ADGP (L&O)
ADSP/DSP	SP	DIG (Range)	IGP (Zonal)
Inspectors	DSP	SP	DIG (Range)
SIs	Inspector	DSP	SP

**(v) Range Office**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
SAOs/PAs	DIG	DIG	IGP (Zonal)

**(vi) Zonal Office**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
SAOs/AOs	IGP	IGP	ADG (Admn)

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**(vii) Special Units**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
SP (Non Cadre)	DIG	IGP	ADGP
ADSP/DSP	SP	DIG	IGP
Inspectors	DSP	SP	DIG
SI	Inspector	DSP	SP

**(viii) Battalions**

Officers Reported Upon	Reporting Authority	Reviewing Authority	Accepting Authority
CMT	DIG (AP)	IGP(AP)	ADGP (AP)
Dy. CMT/Asst. CMT	CMT	DIG (AP)	IGP (AP)
AOs	CMT	DIG (AP)	IGP (AP)
Inspectors	Asst CMT./Dy. CMT	CMT	DIG (AP)
SI	Inspector	Asst. CMT/Dy. CMT.	CMT

*Note : If any of the posts are vacant/not available, the “Next Higher Level Phenomenon” shall be followed*

*[DGP’s Memo. No. 136344/GB 9(1)/2014, dated 11.10.2014.]*

HC Local/AR/TSP/SPL Units	SI	Inspector	DSP
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*[DGP’s Memo. No. 219670/Con2(3)/94, dated 08.10.1994]*

## **124.Completion of probation of Dy. Supdt. Of Police-Special Report to DGP**

In addition to the reports prescribed in paragraphs (1) and (5) of Order No. 123, a special report should be sent to the Director-General of Police through the Deputy Inspector-General concerned immediately after an officer of and above the rank of Deputy Superintendent of Police completes his prescribed period of probation, with a definite recommendation whether he can be allowed to complete his probation.

## **125. Annual reports on Inspectors selected for admission to the Tamil Nadu Police Service –**

(1) The list of Inspectors who are considered suitable for admission to the Tamil Nadu Police Service arranged in the order of preference will be communicated by the Director-General to all Deputy Inspectors-General, who should make it a point to scrutinize the work of such Inspectors when inspecting the district in which they are serving. Each Deputy Inspector General should report annually and confidentially as to reach the Director-General by the 1<sup>st</sup> May, in the form prescribed (Form No. 6) on Inspectors considered fit to be selected and added to the list of Inspectors fit for promotion as Deputy Superintendent of Police and with full detailed reasons in the case of Inspectors already on the list, whose order in the list should be changed or who should be removed. The work and conduct during the previous year of each Inspector on the approved list reported for altered seniority on the list or removal therefrom should be specifically reported on and details of good or bad work should be recorded. The report should cover the period from 1<sup>st</sup> April to 31<sup>st</sup> March.

(2) The Superintendent of Police concerned shall also incorporate in the above report such remarks communicated to him by the Collector of the district commending or criticizing the work of an Inspector of Police, whenever the Collector of a district has/had any occasion to do so.

*(G.O. No. 739. Home dated 1<sup>st</sup> April 1981)*

## **126. Annual Confidential Reports on certain officers including probationers--**

(1) Officers of the rank of Superintendent of Police, should submit to the Deputy Inspector-General or the Commissioner of Police as the case may be, an Annual Confidential Report to reach by 15<sup>th</sup> April covering the periods from 1<sup>st</sup> April to 31<sup>st</sup> March on the following classes of officers: --

(a) Inspectors who have not completed the prescribed period of probation.

(b) Inspectors (Armed Reserve), who have not completed the prescribed period of probation.

(c) Sub-Inspectors selected for promotion to the rank of Inspectors.

(d) Sub-Inspectors (Armed Reserve) who have been selected for admission to the rank of Inspectors (Armed Reserve).

(e) The Superintendent of Police concerned shall also incorporate in the above report such remarks communicated to him by the Collector of the district commending on or criticism of the work of an Inspector of Police, whenever the Collector of a district has/had any occasion to do so.

(2) The reports on Inspectors and Reserve Inspectors should be in Form-9A and for others in Form-9.

*(G.O. Ms. No. 739, Home dated 1<sup>st</sup> April 1981)*

(3) These reports should also be sent whenever there is a change in the immediate superior of the officer concerned and when the officer is transferred out of the district or proceeds on leave or reverts to his substantive appointment before the half-yearly report is due.

*(G.O. Ms. No. 2759, Home, dated 20<sup>th</sup> July 1937)*

(4) In the case of Sub-Inspector (Tamil Nadu Special Police) on probation, the Commandants, Tamil Nadu Special Police Battalions concerned should submit to the Deputy Inspector-General of Police, Armed Police monthly, a report in Form No.9. Similar reports should be sent by Superintendents of Police to the Deputy Inspector-General of Police concerned every three months from the date they join the districts.

(5) (a) All Officers should review the suitability of all the probationers well in advance without waiting till the end of the period of probation and to initiate action to declare or otherwise of the probation well in advance so that final orders either for the extension or termination of probation could be issued before the expiry of the period. For this purpose, action may be initiated four months prior to the month in which the individual is expected to complete the period of probation. Final orders should, however, be passed taking into account the conduct of the individual till the date of passing final orders.

*(Home Department Memo. No. 2481-Pol. III/77 dated 10<sup>th</sup> August 1977)*

(b) On receipt of these special reports the Deputy Inspector-General or the Commissioner of Police, as the case may be will issue proceedings on declaration or extension of probation of Inspectors and Inspectors (Armed Reserve).

They will, however, furnish copies of their proceedings in this regard to the Director-General of Police for record purpose in Chief Office.

(6) In every report other than the first, it should be stated definitely whether the officer concerned is fit to continue on probation or not.

(7) In the case of Sub-Inspectors recruited direct, the subject of the probationers' treatment of his subordinates and others and his progress in the study of obligatory language should be specially referred to and any such officer found lacking in self-control and given to roughness in his dealing with the public will *ipso facto* be reported as unsuitable for Police Service. A copy of the special instructions issued for Sub-Inspectors on this subject should be supplied to them on their first appointment.

(8) The Deputy Inspector-General/Commissioner of Police should forward the annual report prescribed in items (a) to (d) of clause (1) of this order to the Director-General of Police so as to reach him by 15<sup>th</sup> April after offering his own remarks on the reports of each officer. The Director-General of Police will return these reports after perusal to the Deputy Inspector-General of Police/Commissioner of Police for record in the personal file of the subordinate officer concerned and for issuing any orders that may be necessary on the reports of the District Officers.

(9) Annual Confidential Reports covering the periods from 1<sup>st</sup> April to 31<sup>st</sup> March should be submitted to the Commandants of the Tamil Nadu Special Police Battalions, to the Deputy Inspector-General of Police, Armed Police so as to reach him by 15<sup>th</sup> April on Inspectors, Sub-Inspectors of the Tamil Nadu Special Police who have not completed the prescribed period of probation and Sub-Inspectors selected for promotion to the rank of Inspectors. The Deputy Inspector-General will return these reports after perusal to the Commandant for record in the personal file of the officer concerned.

## **127. Annual report on Inspectors --**

(1) Officers of the rank of Superintendent of Police should send to the Deputy Inspector-General or the Commissioner of Police as the case may be annually so as to reach him by the 15<sup>th</sup> of April a confidential report in Form-II on each Inspector. This annual report should cover the period from 1<sup>st</sup> April to 31<sup>st</sup> March.

(2) The Deputy Inspector-General of Police or the Commissioner of Police, as the case may be, will forward the report with such remarks as he considers necessary to the Zonal Inspector-General of Police who after perusal and recording of remarks, if any, will return the report to the Deputy Inspector-General/Commissioner of Police for file in personal file of the Inspector concerned.

(3) Similar annual reports should also be submitted by the Commandants of the Armed Police Battalions to the Deputy Inspector-General of Police, Armed Police on Inspectors including Inspectors of Police -Adjutant except those mentioned in order No.126. The Deputy Inspector-General of Police, Armed Police will return these reports after perusal to the Commandant concerned for file in the personal file of the officer concerned.

## **128. Annual Confidential Reports on Sub-Inspectors and Sub-Inspectors (Armed Reserve) --**

(1) Officers of the rank of Superintendents of Police will submit every year to the Deputy Inspector- General of Police concerned or the Commissioner of Police as the case may be, so as to reach him by 15<sup>th</sup> April, a confidential report in Form No. 9 covering the periods from 1<sup>st</sup> April to 31<sup>st</sup> March on all Sub-Inspectors who have not completed their probation. In every report, the Superintendent of Police shall say definitely whether the officer concerned is fit to continue on probation or not.

(2) Such reports should also be sent whenever there is a change in the immediate superior of the officers and when the officer is transferred out of the district or proceeds on leave or reverts to his substantive appointment before the annual report is due.

## **129. Annual Confidential Report on Head Constables ---**

(1) Inspectors will submit to the Superintendent of Police annually so as to reach him by 15<sup>th</sup> April a confidential report in Form No. 9 for the period covering from 1<sup>st</sup> April to 31<sup>st</sup> March on all Head Constables who have not completed their probation. In the case of Head Constables serving in Sub-Divisions, the report should be sent through the Sub-Divisional Officer concerned. In every report, the Inspector shall say definitely whether the Head Constable concerned is fit to continue on probation or not.

(2) Such reports should also be sent whenever there is a change in the immediate superior who has to submit the report or when the Head Constable is transferred out of the circle or proceeds on leave or reverts to his substantive appointment before the half yearly report is due.

(3) In addition to the annual report prescribed above, the Superintendent of Police should call for a special report from the Inspector concerned immediately after a Head Constable completes his prescribed period of probation.

(4) Time limit for preservation of Personal File -

(a) Personal Files of all the Government Servants including non-gazetted Government Servants of the subordinate services should be retained for one year from the date of their retirement, resignation, removal or dismissal from service.

(b) The Personal Files of all deceased Government Servants including non-gazetted Government Servants should be retained for one year from the date of their death.

(c) Head of Department and officers should however, preserve such records for longer periods, if necessary. The Personal Files of All India Service Officers shall be retained for five years from the date of their retirement and for two years from their date of death.

(d) Personal Files of the officers, against whom disciplinary action is pending, should be retained after their retirement till the disposal of the disciplinary action and sanction of pension.

[G.O.Ms.No.818 P&AR, dated 27.08.1987.]

(5) **Maintenance of duplicate PFs:** PFs shall be maintained in duplicate. Hence, all accepting authorities shall prepare the ACRs in duplicate and send them to the PF maintaining authorities.

[DGP's Memo No.215759/SR/77, dated 01.02.1978].

(6) All authorities incharge of maintenance of personal files shall maintain a check register in the following format to watch prompt initiation/completion of confidential reports by the officers concerned.

S.No.	Name & Designation of the officers	Period of ACR	Date of initiation	Date of filing of the report in the PF	Initial of the officer maintaining PF
From to					
(1)	(2)	(3)	(4)	(5)	(6)

[DGP's Circular Memo No.219670//Con2(3)/94,dated 08.10.1994].

(7) **Maintenance of Record Sheet:** For all subordinate officers, including Grade I & II PCs, who are exempt from personal files system, record sheet shall be maintained for making entries relating to punishments awarded. Record sheets should be closed once a year (calendar year) and at the end of March, a certificate should be recorded that all punishments awarded during the previous year have been entered.

[DGP's R.Dis. No.248356/SR-2/77]

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## PART II

### CHAPTER XIII

#### **POWERS AND DUTIES OF AND INSTRUCTIONS TO OFFICERS**

##### **A-GENERAL**

#### **POWERS AND DUTIES OF AND INSTRUCTIONS TO OFFICERS OF AND ABOVE THE RANK OF ASSISTANT SUPERINTENDENTS OF POLICE/DEPUTY SUPERINTENDENTS OF POLICE**

##### **Introduction**

The hierarchy of the Police organization can broadly be divided into two categories i.e. Superior Officers and Junior Officers. The superior officers work in the supervisory and controlling capacity with regard to the units which they occupy at a particular point of time. They issue instructions, guidance and orders, which help and assist the junior officers in the discharge of their various functions. Every senior officer is empowered to exercise the powers vested in his subordinate officers and men. In addition, they have extra powers and responsibilities, which make them accountable for their actions in a more articulated way. The DGs, Additional DGs and IGP belong to the top management level, whereas, DIGs and SPs belong to the middle management level. The State service officer belongs to the level of junior management. [BPR&D -Model Police Manual]

##### **130. Director-General —**

(1) (a) The Director General of Police is the head of the Police Department in whom is vested the administration of the Police throughout the State. He is the adviser to Government in all matters relating to the administration of the Police force. He is responsible to Government for the internal economy, equipment, training and discipline of the force, for its efficient organization as a means of preventing and detecting crime and maintaining law and order and for the efficient discharge of duties by officers of all ranks. It is therefore, his duty to decide or advise the Government on all spheres of Police administration and on the state of crime and all activities having a bearing on law and order. [Model Police Manual-BPR&D]

(b) He is the central authority to direct operations necessitated by strikes, industrial disputes, riots, disorders or political movements spread over a wide area. Police action and dispositions necessary to combat such disturbances or movements will be under his general direction and control. In times of serious law and order problems he may deploy the reserve Police to such areas as he deems necessary.

*[Model Police Manual-BPR&D]*

(2) The following is the minimum Norms for Inspection and Visits by Officers

<b>Units</b>	<b>Inspector</b>		<b>DSP</b>		<b>SP</b>		<b>DIG</b>		<b>IGP</b>		<b>ADGP (L&amp;O)</b>	
	<b>V</b>	<b>I</b>	<b>V</b>	<b>I</b>	<b>V</b>	<b>I</b>	<b>V</b>	<b>I</b>	<b>V</b>	<b>I</b>	<b>V</b>	<b>I</b>
OP	Monthly	HY	Quarterly	Annual	Annual	25%	15%					
PS Inspector manned			Monthly	Annual	HY	25%	15%		5%		2%	
PS SI Manned	Monthly	HY	Monthly	Annual	HY	25%	15%		5		2%	
Circle Office				Annual *		50%		25%		5%		
SDO Office						50%		25%		5%		2%

HQs or Special Units												
Units	Inspector		DSP		SP		DIG		IGP		ADGP (L&O)	
	V	I	V	I	V	I	V	I	V	I	V	I
DCB					Bi-Monthly			Annual		Triennial		
CCB					Bi-Monthly			Annual		Triennial		
MFSL					Bi-Monthly			Annual		Triennial		
Photo Section					Bi-Monthly			Annual		Triennial		
SDFPB					Bi-Monthly			Annual		Triennial		
PCR					Bi-Monthly			Annual		Triennial		
SB					Bi-Monthly			Annual		Triennial		
SP Camp Office								Annual		Triennial		10%
District Level Units												
DPO								Annual		Triennial		10%
AR					HY			Annual		Triennial		10%
Range Office									Annual			

Zonal Office											Biennial
Maximum Annual Visits/ Inspections				125	15	16	34	15	35	2 8	12

\* All Circle Offices

- a) In a year every Station will be visited by the DSP six times, by the SP twice and inspected by the DSP once. It may be inspected by the SP once in four years and visited by the DIG once in 6 years.
- b) Every Circle Office will be inspected annually by the SDO, once in two years by the SP and once in 4 years by the DIG.
- c) SDO's offices will be inspected by the DIG once in two years and by the IGP once in four years.
- d) There will be occasional visits to Police Stations by the IGP and ADGP (L&O) and occasional inspection of Circle Offices by the IGP and SDO offices by the IGP and ADGP.
- e) Every Special Unit will be visited by the SP six times and inspected once a year by the DIG and once in three years by the IGP.
- f) AR will be visited by the SP once a half year, apart from his weekly parade attendance and OR.
- g) DPO and AR will be inspected by the DIG once a year and once in three years by the IGP. They will also be occasionally inspected by the ADGP (L&O).
- h) Range Offices will be inspected by the IGP once a year and Zonal Offices by the ADGP (L&O) once in two years.
- i) ADGP (L&O) will inspect office of the IGP, Railways, Zonal Commissionerates headed by IGP once in 2 years.
- j) DGP will inspect the office of the COP, Chennai City and all Special Units headed by ADGP once in two years.

**HY - Half-Yearly**

**A - Annual**

**B - Biennial**

**C - Triennial**

### INSPECTION – PERIODICITY

Sl. No.	Rank	OP	SI Manned PS	Inspr. Manned PS	Circle Office	SDO Office	Spl. Units in Districts	SP Camp Office	DPO	AR	Range Office	O/o the IGP, Railways, Chennai	All Commissionerates Headed by IGP	Zonal Office	O/o the COP, Chennai	Spl. Units Headed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
1.	Inspr.	HY	HY	-	-	-	-	-	-	-	-	-	-	-	-	-
2.	DSP	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-
3.	SsP in Dists.	25%	25%	25%	50%	50%	-	-	-	-	-	-	-	-	-	-
4.	DIG in Ranges	-	-	-	25%	50%	A	A	A	A	-	-	-	-	-	-
5.	IGsP	-	-	-	-	25%	T	T	T	T	A	-	-	-	-	-
6.	ADGP (L&O)	-	-	-	-	-	-	10% occasion nally	10% occasion nally	10% occasion nally	-	B	B	B	-	-
7.	DGP	-	-	-	-	-	-	-	-	-	-	-	-	-	B	B

*(Recommendations of the Tamil Nadu Police Commission-III Paras 15-34 to  
06.07.2009.)*

*15-46) - vide Chief Office Memo Rc.No.113949/C/2009 Dated:*

### **131. Additional Directors-General of Police in Police Headquarters —**

(1) The Addl. Directors General of Police Administration, Headquarters and Welfare in Police Headquarters will assist the Director General of Police in looking after Administration, Budget matters, Welfare of the Police personnel, Modernization of Police Force etc. in the Department. They will supervise and co-ordinate all administrative work in Police headquarters under the guidance and control of the Director General of Police. They may also be required to assist in the other normal functions of the Director-General.

#### **(2) Additional Directors-General of Police (Law and Order) -----**

He is the administrative head of all executive Local Police in the force, except Chennai City. He works under the direct supervision and control of the Director General of Police. Superintendents of Police of all the Districts, Deputy Inspectors General of Police of all Ranges, Zonal Inspectors General of Police and the Commissioners of Police of the Cities in the mofussil other than Chennai City will report to him in all matters relating to law and order. It will be his duty to obtain and ensure deployment of reserve Police force in different situations and anticipated problem areas.

(b) He will inspect Zonal Offices and Zonal Commissionerates headed by IGP and office of the IGP, Railways once in two years and occasionally inspect SDO Offices, SP's Camp Office (10%), District Police Office (10%) and Armed Reserve (10%) in Districts. He will also visit Police Stations occasionally.

*(Recommendations of the Tamil Nadu Police Commission-III Paras 15-34 to 15-46) - vide Chief Office Memo Rc.No.113949/C/2009 Dated: 06.07.2009.)*

#### **(3) Additional Director-General/ Inspector-General of Police, (Armed Police) ---**

The Additional Director General/Inspector-General of Police, Armed Police will be in over all charge of the Tamil Nadu Special Police Battalions, the Regimental Centre, Avadi and the Police Transport Workshop-cum-Training School. He will supervise the training of the recruits and various courses (as and when conducted) run at the Regimental Centre.

#### **(4) Additional Director- General/Inspector-General of Police, Civil Supplies, C.I.D.-**

The Additional Director-General of Police, Civil supplies, C.I.D., Chennai will have jurisdiction throughout Tamil Nadu. He should effectively supervise the enforcement of various control orders and other regulatory measures taken by the

Government to ensure adequate supplies of and to stabilize the prices of essential commodities and also assist the Civil Supplies Department in ensuring equitable distribution of such commodities to the public. He will pay particular attention to anti-smuggling measures on the state borders where movements of essential commodities are regulated under a permit system.

**(5) Additional Director-General of Police, Enforcement –**

(a) He will work under the Principal Secretary, Home, Prohibition and Excise for the enforcement of Tamil Nadu Prohibition Act. He has statewide jurisdiction. He will collect particulars with regard to the enforcement work from the Superintendents of Police, Commissioners of Police and Additional/Deputy Superintendents of Police, Prohibition Enforcement Wings and forward them to the Principal Secretary to Government, Home, Prohibition and Excise for his review every month with a copy to Director-General of Police. He has powers to visit Police Stations and record his impressions in matters pertaining to the enforcement of the Prohibition Act.

*(G.O. Ms. No. 62, Prohibition & Excise dated 17-9-1991 and G.O. No 301, Excise and prohibition, dated 6-11-1972)*

(b) He is assisted by four Superintendents of Police, viz., Superintendent of Police, Central Investigation Unit (CIU) and Superintendents of Police, Enforcement at Chennai, Salem and Madurai. The Superintendent of Police CIU heads the CIU (Central Investigation Unit), which is primarily an intelligence set-up with 2 Deputy Superintendents of Police, 6 Inspectors, 8 Sub-Inspectors and one Head Constable.

**(6) Director-General/Additional Director-General of Police, Home Guards and Civil Defence –**

The Director General/Inspector-General of Police who is in charge of Civil Defence and Home Guards has been designated as the Director of Civil Defence and Commandant-General, Home Guards, Tamil Nadu. He will be in overall charge of recruitment, organization, training and discipline of the Home Guards. He will also be in charge of all Civil Defence measures and other cognate security matters.

**(7) Additional Director-General/Inspector-General of Police, Intelligence -**

His main duties are;

(a) To supervise the Intelligence Wing comprising Special Branch, “Q” Branch, Security Branch, Core Cell, OCIU, Special Division and SIU.

(b) To supervise prompt collection, collation and dissemination of intelligence/information relating to communal tensions, caste related matters, law and order issues apart from providing inputs for security of VIPs.

(c) It is also his responsibility to supervise the proper functioning of the State "Q" Branch in collecting intelligence and information pertaining to extremists, militants and terrorist activities and pass on information to Government, as and when required; the security of the VVIPs / VIPs including foreign Heads of states, activities of foreigners, vital installations, security schemes, and passports and citizenship applications and issues relating to immigration; also providing fool proof security cover for the functions, meetings and district tours of Hon'ble CM; handling matters relating to religious fundamentalists.

(d) His responsibilities are more elaborately dealt with in Special Branch Manual, which is a top-secret document.

*[Special Branch Manual]*

**(8) Additional Director-General/Inspector-General of Police,  
Crime Branch, C.I.D -**

(a) He will be in-charge of Crime Branch, CID under the overall control of Director General of Police. He will be assisted by an Inspector General of Police (Crime) who will supervise the work of DIsG, SsP and subordinate staff of the Crime Branch, CID in all matters relating to investigations, administration and connected issues. He is the Nodal Officer for the State for Anti-Human Trafficking related matters. It is the duty of the Additional Director-General/Inspector-General to see that steps are taken for the prevention of crime and particularly that adequate arrangements are made for dealing with any outbreak of crime. It is also his duty to exercise a constant scrutiny over the course of investigation of cases and see that his subordinate takes an adequate part therein. He should particularly watch the investigation of complicated or important cases and for this purpose he shall on receipt of the first report in Form No. 13 invariably call for progress reports in Form No. 15 and prescribe the intervals at which the reports should be sent. He shall supervise and direct the work of the Crime Branch so as to ensure the following functions:

(b) Co-ordination and supervision of all cases being investigated by the Crime Branch subject to the general control and supervision of the Director General of Police.

(c) Carrying out other tasks entrusted to him by the Government, Courts and Director General of Police from time to time.

(d) Proper functioning of all units under his direct charge.

(e) Publication of CID Review.

(f) Assist the DGP in directing operations to control outbreak of organized crime, investigation of offences in situations of serious and widespread riots or agitations and in compiling necessary reports to Government and others.

**(9) Additional Director General of Police, Traffic Planning & Road Safety-**

- (a) He will work under the direct control of the Director General of Police;
- (b) will function from the office of the Director General of Police;
- (c) will be in-charge of State Traffic Planning Cell and will discharge the following activities of Road Safety Cell;
  - (i) collect, compile and analyze statistics of road accidents on National Highways/State Highways and District major roads, etc.
  - (ii) plan Road Safety Measures.
  - (iii) devise systems to Monitor Traffic congestion in National Highways, State Highways especially night/peak hours.
  - (iv) co-ordinate with various NGOs/other Agencies.
  - (v) purchase Road Safety materials from the funds made available by the Central/State Government and distribute them to the Enforcement Officers.
  - (vi) organize training programmes for Officials/Drivers.
  - (vii) monitor mini Control Room of Road Safety Cell (i.e.) to manage crisis situation, to receive and pass on vital information with regard to traffic accidents/Traffic jam in the National Highways/State Highways.
  - (viii) attend all other matters relating to Road Safety.
- (d) will report his activities once a fortnight to the Director General of Police.
- (e) will evolve plans and will send proposals to Government, through the Director General of Police, Tamil Nadu, Chennai, on
  - 1. Traffic Enforcement;
  - 2. Traffic Engineering; and
  - 3. Traffic Education;with a view to reducing accidents and improve road safety measures;
- (f) will monitor the functioning of the 160 Highways Patrol Teams; 13 Monitoring Cells, hither to functioning in the State and prepare the Monthly Review on performance of the Highway Patrols along with accident analysis, and submit reports to the Director General of Police by 5<sup>th</sup> of subsequent month;
- (g) will study Traffic problem in major cities like Chennai, Madurai, Coimbatore, Trichy and in District Headquarters and Taluk Headquarters and also on National Highways, State Highways and District Roads, etc; and present time bound papers on problems and solutions;

(h) will liaise with officials of related departments viz. Revenue, Highways Authorities, Institute of Road Transport, Transport Research Cells in IIT, Highways Department, Transport Corporations, etc;

(i) will conduct periodical meetings with them on traffic related issues viz. Road Safety measures, road-worthiness of vehicles and driver fitness, proper training, effective licensing, issues of road engineering, proper planning of transport corridors, identification of accident-zone

(j) will also coordinate with related NGOs, like All India Automobile Associations, Trauma Care Centres, Associations of Road users, Consumer Groups etc., Loss Preventing Agencies, Insurance Agencies, Traffic Wardens, Citizens for Safe Road, Safety Patrol Agencies etc. on the above issues; and

(k) will follow up on the efficacy of the implementation of plans formulated by his cell and send Monthly Reports to the Director General of Police.

*(G.O. (Ms) No.216 Home (Police.1) Department Dated: 17.03.2005)*

**(10) Additional Director General of Police, Economic Offences Wing -**

(a) He shall supervise and control over proper functioning and work of the following units:

Economic Offences Wing

CCIW, CID

Economic Offences Wing - II (Financial Institutions)

Idol Wing

(b) He will have co-ordination and supervision of all cases being investigated by the above units subject to the general control and supervision of the Director General of Police.

(c) He will carry out other tasks entrusted to him by the Government, Courts and the Director General of Police from time to time.

*(CCIW CID, EOW & EOW II had been merged into a composite EOW vide G.O.Ms.No.435, Home (Pol.19) Department, Dated: 28.10.2020)*

*(Idol Wing placed under an Additional Director General of Police vide G.O.Ms.No.318, Home (Pol.I) Dated: 21.06.2019)*

**(11) Additional Director General of Police, Coastal Security Group -**

His main duties are;

(a) To prevent smuggling of fuel, medicines etc. by sea from Tamil Nadu to Srilanka and to prevent intrusion of militants into the state;

(b) To check the functioning of check posts in the coastline;

(c) To liaise with Village Vigilance Committees formed in the Coastal Villages and other agencies such as the Navy, Coast Guard, Local Police, Fisheries Department and Customs and Revenue Authorities in order to gather intelligence on Coastal Security.

(d) To supervise the functioning of Marine Police Stations.

**(12) Additional Director General of Police, Crimes against Women & Children (CWC):**

i) ADGP CWC will be assisted by three officers of the rank of Superintendent of Police/ Deputy Commissioner of Police, as shown below:

SP-I, CWC, Chennai: Will have jurisdiction of North Zone, West Zone, Cities of Coimbatore, Salem, Thiruppur and Admin,

SP-II, CWC, Chennai: Will have jurisdiction of Central Zone, South Zone, Cities of Trichy, Madurai and Tirunelveli

DC, CWC, Chennai City: To supervise the working of all the existing units in Chennai City, which deal with crimes against women and children.

DC will report to the Commissioner of Police, Greater Chennai Police, through proper channel and for policy matters and for general co-ordination will also report to ADGP, CWC.

The duties and responsibilities of the Crimes against Women and Children Wing will include the following:

- i) Monitoring and studying trends and patterns of all categories of crimes against women and children across the state in order to develop strategies for detection, prosecution and prevention of such crimes and for developing improved counseling strategies to deal with victims of crimes against women and children and juvenile crimes.
- ii) Monitoring investigations in specific important cases of crimes against women and children in order to ensure successful prosecution and in co-ordinating efforts in dealing with organized criminal gangs indulging in human trafficking.
- iii) Co-ordinating with other States' Police Forces/CBI and Interpol with regard to human trafficking.
- iv) Creating database of specific categories of offenders like human traffickers, child sexual abusers etc.
- v) Collecting intelligence on human trafficking network
- vi) Co-ordinating with NGOs and academic institutions operating in the field of crimes against women and children in order to develop better strategies for dealing with crimes against women and children and getting inputs on spread of various types of crimes against women and children and social evils.
- vii) Co-ordinating with other Government Departments like Social Welfare Department for co-ordinated interventions in specific cases and developing overall

- strategies.
- viii) Vigilance over Government Institutions like remand/juvenile homes and orphanages and other related private institutions.
  - ix) Vigilance over activities of NGOs operating in the field of crimes against women and children,
  - x) Developing and co-ornducting educational awareness campaigns on crimes against women and children and social evils over internet and in educational institutions.
  - xi) Developing Community Policing initiatives on crimes against women and children.

An Officer in the rank of ADSP be made exclusively responsible for effective supervision of all existing units within the districts, namely AWPS, AHTU, IUCAW, ACTU, SJPU AND CWPO through the DySP concerned who are supervising them. Hence a post of ADSP CWC be created in those districts which do not have the sanctioned strength of IUCAW by redeploying identified posts of ADSP PEW. In Chennai City and 6 Districts which have IUCAW, the ADSP concerned are already looking after the Crimes against Women and Children. Also to bring uniformity, the AHTU, IUCAW, ACTU, SJPU and CWPO will be supervised by the DSP DCB in the districts and AC CCB in the cities. AWPS will continue to be supervised by the DSP of the Sub- Division concerned. With regard to Railway Police, the CWC will be supervised by the DSP DCRB, as there is no post of DSP DCB

All the units in the districts and cities will continue to be under the administrative and professional supervision of the District Superintendents of Police (SP) or the Commissioners of Police (COP) concerned. Formation of CWC wing is to supplement their work and to make their functioning more effective by providing additional professional guidance and to have co-ordinated approach in policy matters. The supervision by ADGP CWC, the SPs/DC of the wing and the ADSPs/ADCs in the districts/cities are intended to unify, co-ordinate and augment the existing scheme of things.

*-G.O.Ms.No.145, Home (Pol.12) Department, dated: 05.03.2019.*

### **AHTU- Anti Human Trafficking Units:-**

Created in 2009 in all Districts to develop co-ordination among the field level officials, for preventing and combating the trafficking in persons. Constituted with Police personnel of which 50% to be women Police personnel, Child Welfare (Social Welfare) Department and reputed local NGOs to attend to all three aspects of trafficking viz (1) prevention of trafficking of persons, (ii) protection of victims and (iii) prosecution of the accused (*DGP's circular No.96368/Trg.1/2009, dated: 04.06.2009*)

### **IUCAW- Investigative Unit of Crime Against Women:-**

Formed in 2016 in seven places, viz, Chennai City, Vellore, Villupuram, Dharmapuri, Thanjavur, Madurai and Tirunelveli, on the proposal of Ministry of Home Affairs, Government of India, to be manned by specialized investigators and preferably 1/3<sup>rd</sup> of the unit to be women personnel only. Formed to expedite investigation of heinous crimes against women and to assist local police in the investigation of heinous crimes, viz Rape, Dowry Death, Acid Attack, Human trafficking against women etc to provide additional functionalities of proactive policing, intelligence gathering and tackling organized crime against women; monitoring proper implementation of the legislative provisions and conducting awareness campaigns and community participations in preventing crimes against women. (*G.O.Ms.No.412, Home (Pol.12), dated: 24.05.2016*)

### **Special Juvenile Police Units (SJPU) and Child Welfare Police Officers (CWPO):-**

In pursuance of the orders of the Hon'ble High Court of Madras, in HCP 881/2016, dated: 31.08.2016 and 25.10.2016 and the orders of the Supreme Court of India in WP(C) No.473 of 2005, the Government in *G.O.Ms.No.14, Home (Pol.12), dated: 05.01.2017* ordered to constitute Special Juvenile Police Units in all Districts/Cities and in Railways under the DSP/DCB in Districts and AC/CCB in cities and DSP/DCRB for Railways. Woman SI or SHO, as the case may be, shall be the Child Welfare Police Officer in every Police Station.

### **Anti Child Trafficking Units (ACTU):-**

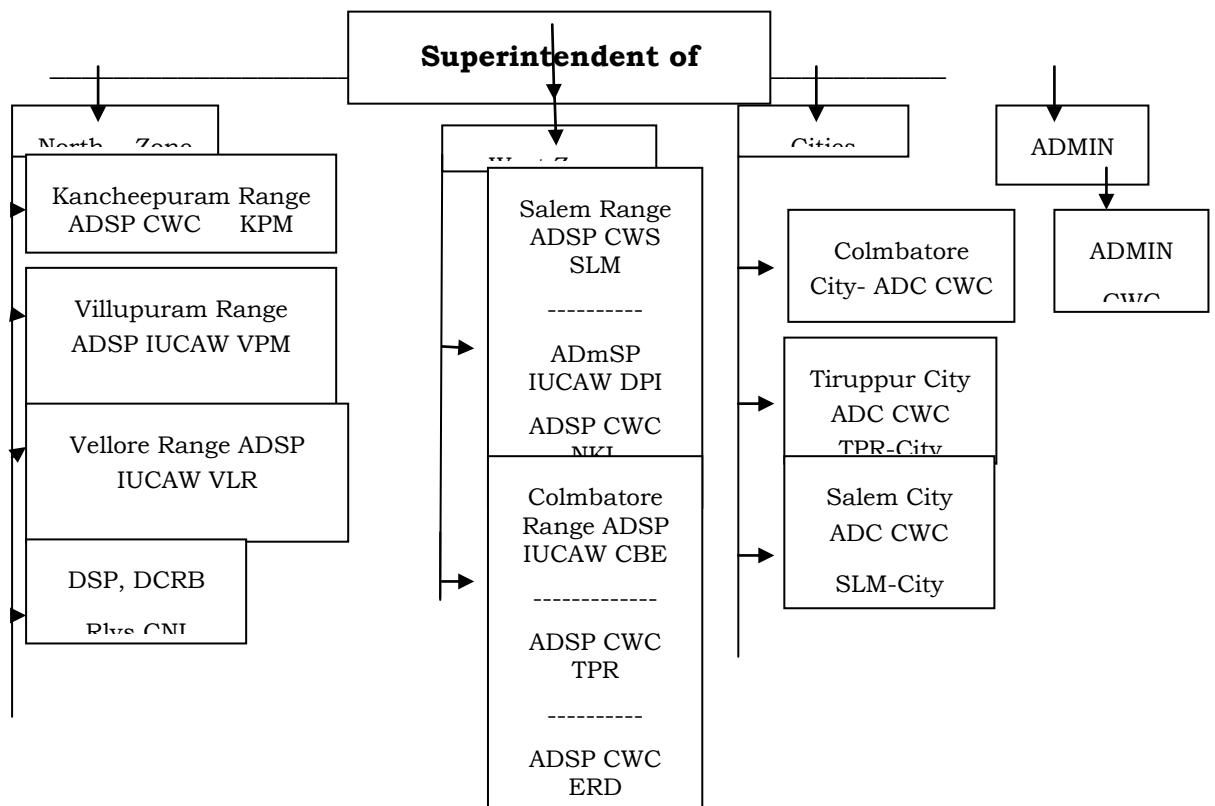
In pursuance of the orders of the Hon'ble High Court of Madras in HCP 881/2016, dated: 31.08.2016 and 25.10.2016 the Government ordered to form ACTU as a sub unit in the existing AHTU in each District, City and Railways.

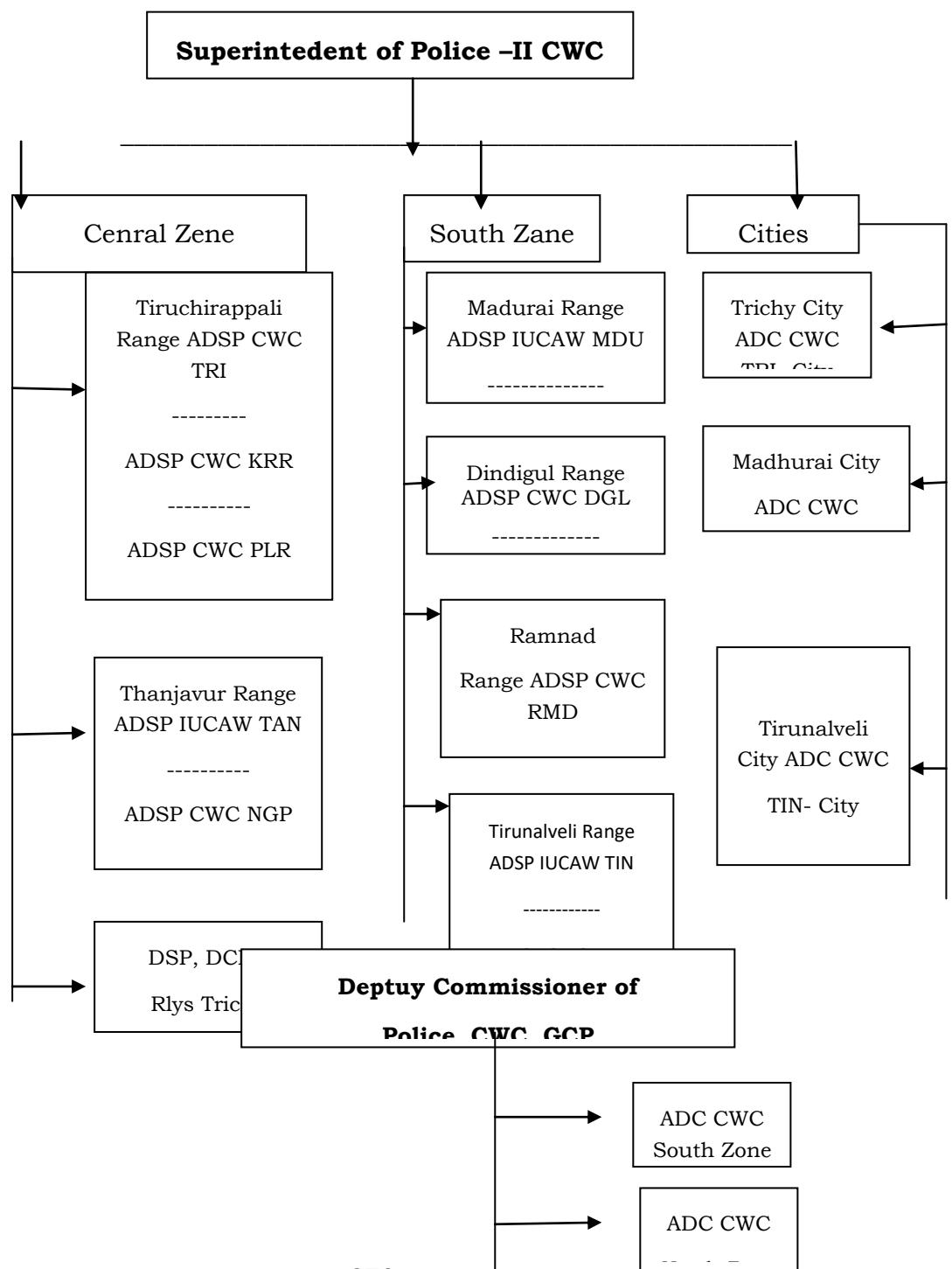
### **POCSO ACT AND CONSTITUTION OF STF:-**

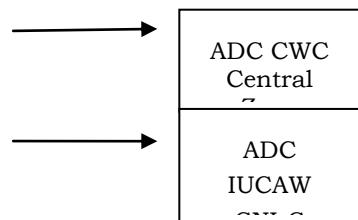
The Protection of Children from Sexual Offences Act, 2012 was enacted to protect the children from the offences of sexual assault, sexual harassment and pornography and to provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto. As per the directions of the Supreme Court of India, the DGPs of the States shall constitute a Special Task Force, which shall ensure that the investigation is properly conducted and witnesses are produced on the dates fixed before the trial courts.

To ensure proper attention, focus and guidance at state level, a separate wing in Police Department to deal with the crimes against women and children is constituted; the organizational structure of the wing is shown below:

[In G.O.Ms.No. 369, Home (Pol.XII) Department, dated: 01.10.2020 the Government ordered creation of Cyber Crime Police Stations under the supervision of ADGP Cyber Crimes]







**(13) Zonal Inspectors General of Police –**

(i) (a) The Zonal Inspector General of Police will be responsible for all the Police functions including maintenance of Law and order, crime control, internal security, civil defence, enforcement of all legislations including special laws empowering Police force and various other public services in so far as his zone is concerned. He is also accountable for modernization of Police force and proposals should be routed through him as far as his zone is concerned.

(b) He is a link in the chain of command between the Director General of Police and the Range Deputy Inspector General of Police / Commissioner of Police / District Superintendent of Police in his jurisdiction.

(c) He should endeavour by frequent personal inspections to establish and maintain efficiency and discipline, to ensure uniformity of procedure and practice and to secure cooperation between the Police of his ranges / cities / districts as well as harmonious working between the Police, Revenue and the Judiciary.

(d) The Zonal Inspector General of Police will control, instruct and advise the range Deputy Inspectors General of Police / Commissioners of Police / Superintendent of Police while being careful not to supersede them in any of their proper functions or relations to their subordinates. He will not assume the role of Deputy Inspector General of Police / Superintendent of Police in day-to-day discharge of functions. He will advise and if necessary supersede Deputy Inspectors General of Police/ Commissioners of Police / Superintendent of Police in times of grave disorder, taking over full control of the situation. He will pay particular attention to the training of and the discipline in the Armed Reserve and also supervise the functioning of AWPS in his zone, so that the highest possible standard of efficiency may be reached and maintained.

(e) He will inspect every SDO Offices once in four years. He will also inspect every District Police Office, Armed Reserve and Special Units once in three years. He will inspect Range Offices once a year. He will occasionally visit Police Stations and inspect Circle Offices occasionally. The Zonal Inspectors General of Police should avoid inspection wherever it is programmed to be inspected by the Range Deputy Inspectors General of Police concerned in the particular year. The Zonal Inspector General of Police will send a copy of the Inspection notes to the Director General of Police (Law and Order). The Zonal Inspectors

General of Police must also review the inspection notes of the Deputy Inspectors General of Police / Commissioners of Police / Superintendent of Police.

(*Recommendations of the Tamil Nadu Police Commission-III Paras 15-34 to 15-46) - vide DGP's Memo Rc.No.113949/C/2009 Dated: 06.07.2009*)

(f) Copies of all weekly reports of Superintendent of Police / Deputy Inspectors General of Police / Commissioner of Police should be marked to the zonal Inspector General of Police concerned who shall review and send it up with his remarks.

(g) Fortnightly reports of Superintendent of Police / Deputy Inspector General of Police / Commissioner of Police should be routed through the Zonal Inspector General of Police concerned who shall review and send it up with his remarks wherever action is warranted.

(h) He shall conduct periodic reviews on all the aspects mentioned under clause (i)(a) above along with the review of performance of Deputy Inspectors General of Police / Commissioners of Police / Superintendents of Police in his jurisdiction. A monthly consolidated report reflecting the happenings in the zone should be sent by him to the Government through the Director General of Police not later than 7<sup>th</sup> day of the succeeding month and it shall reach the Government before the 15<sup>th</sup> day of the succeeding month with the remarks of the Director General of Police. A reporting format will be evolved and standardized by the Director General of Police under information to the Government.

(i) He will have powers of review over all the special units in his zone whose performance appraisal also has to be incorporated in the monthly performance review report prescribed above.

#### (ii) Administrative powers to Zonal Inspectors General of Police

(a) All Inter Range transfers of personnel up to the rank of Inspector of Police including Inspector of Police (Armed Reserve) within the Zone will be decided by the Zonal Inspector General of Police. The Zonal Inspector General of Police will issue orders of transfers to Ranges / City in respect of Inspectors / Sub Inspector of Police and to the Districts / Cities in respect of constabulary within this zone. The appointing authorities concerned viz the Deputy Inspectors General of Police / Commissioners of Police in respect of Inspector of Police / Sub Inspectors of Police and the Superintendent of Police / Deputy Commissioner of Police in respect of constabulary will issue necessary transfer and posting orders. All norms relating to transfer and postings prescribed in the Rules and Guidelines issued by the Government / Director General of Police should be followed. It should be ensured that the officer gets a chance to serve in different wings of the Department particularly the ones which are essential for promotion. It should be ensured that no one is transferred before completion of his tenure in the present station (except on adverse ground). At the same time no one should be allowed to continue in violation of G.O.Ms.No.661, Home

(Police.I) Dept.dated.13.05.91. Those who have completed 2 years (or) will be completing 2 years on 1<sup>st</sup> April should be transferred out. In the case of pre-mature transfer on extraordinary circumstances, Director General of Police shall be addressed explaining the necessity and ratification obtained.

(iii) Sanction of Casual Leaves / Holiday Permission / Permission to leave Headquarters:

- (a) The power of sanctioning Casual leave / Holiday Permission / permission to leave headquarters to the District Superintendents of Police / Deputy Commissioners of Police, Range Deputy Inspectors General of Police and Commissioners of Police hitherto exercised by the Director General of Police be now delegated to the Zonal Inspectors General of Police.
- b) Sanction of MSEs up to the level of Inspectors of Police
- c) Each zonal Inspector General of Police may take up man-power audit and they may redeploy the personnel when identified excess within his zone, in consultation with the Director General of Police.

*(G.O.Ms.No.116 Home (Police.I) Dept. Dated: 06.02.2003)*

**(14) Deputy-Inspector-General of Police —**

(1) The Deputy Inspector General in charge of a Range is a link in the chain of responsibility between the Zonal Inspector-General and District Officer. He deputizes for the former within his area of charge. He should endeavour by frequent personal inspections to establish and maintain efficiency and discipline, to ensure uniformity of procedure and practice and to secure co-operation between the Police of his several districts as well as harmonious working between the Police and the magistracy. He should control, instruct and advise Superintendents of Police while being careful not to supersede them in any of their proper functions or relations to their subordinates. He will advise and if necessary, supersede Superintendents of Police in times of grave disorder, taking over full control of the situation. He will pay particular attention to the training of and the discipline in the Armed Reserves so that as high as possible, a standard of efficiency may be reached and maintained. Superintendents of Police, on their part, should treat the Deputy Inspector-General of Police with frankness, assist him in his inquiries, bring to his notice the requirements of their districts and consult him confidentially in all matters of difficulty.

(2) He will also be in charge of the welfare of Police Personnel. The other duties and responsibilities of the Deputy Inspector-General of Police in charge of Range will apply to the Deputy Inspector General, Armed Police also, besides the above functions in so far as they apply to the units under his control.

**132. DIG- administrative powers** —The Deputy Inspector-General of Police has a large measure of administrative control within his Range. His powers in the matter

of an appointment, postings, leave, rewards, punishments and appeals are detailed in the appropriate sections of the Police Standing Order and in the rules issued by the Government from time to time to regulate the method of recruitment, conditions of service, pay and allowances, pension, discipline and conduct of the Tamil Nadu Police Subordinate Service and the Tamil Nadu Special Police Subordinate Service.

### **133. DIG- Tour Programme -**

Each Deputy Inspector-General of Police should send copies of his monthly tour programme to the Director-General/Additional Director-General of Police (Law and Order), his Zonal Inspector-General of Police and to the Collectors concerned. He will also forward to the Director-General of Police, as soon as possible after the close of each fortnight a report showing the details of his tours and inspections done during the fortnight.

### **134. DIG- Duties regarding inspection –**

(1) Whenever a Deputy Inspector-General of Police inspects a district or a portion of it, copies of his Inspection reports should be sent to the Collectors of the district concerned, Zonal Inspector-General of Police as well as to the DGP.

(2) (a) He will inspect 25% of Circle Office once in four years. He will also take up inspection once in two years in the district. In selecting Circle Offices, he should avoid those circles programmed to be inspected by the Superintendents of Police. He will inspect 50 % of Sub-Divisional Offices once in two years. He will take up visits to every Police Station once in six years. He should inspect annually the District Police Office, Armed Reserve and all headquarters special units of each district as noted below:

- (i) The Armed Reserve including Motor Transport
- (ii) Armed Reserve Stores
- (iii) District Police Office
- (iv) District Police Office Stores
- (v) District Crime Records Bureau
- (vi) District Crime Branch
- (vii) Social Justice & Human Rights Unit in the districts
- (viii) Economic Offences Wing in the district headquarters
- (ix) City Crime Branch (in case of cities)
- (x) Single Digit Finger Print Section.

- (xi) Mobile Forensic Science laboratory
- (xii) Photographic Section.
- (xiii) Dog Squad
- (xiv) Traffic Station of District Headquarters
- (xv) Traffic Flying Squad (Traffic Monitoring Cell)
- (xvi) District Special Branch
- (xvii) Superintendent's of Police personal records
- (xviii) Highway Patrol Units
- (xix) Women Police Stations (every quarter- visit)

*[Recommendations of the Tamil Nadu Police Commission-III Paras 15-34 to 15-46) - vide DGP's Memo Rc.No.113949/C/2009 Dated: 06.07.2009 and Memorandum Rc.No.250621/IC/2001-2 Dated: 10.04.2002 of the Director General of Police, Tamilnadu, Chennai-4]*

(b) The Deputy Inspector-General of Police in charge of a Range and all functional Deputy Inspectors-General should conduct annual inspection of their offices and send copies of the important Inspection reports to the Director-General of Police. The Commissioners of Police should also conduct annual inspection of a few sections in his office and send a copy of the inspection report to the Director-General. He will also comment specifically on the working of the "Tamil Scheme" in the inspection notes in the questionnaire prescribed.

(c) During the inspection of District Police Offices, Sub-Divisional Offices, Circle Offices and Police Stations, the Deputy Inspectors-General of Police should comment specially on the working of the scheme on implementation of Tamil as official language in the inspection notes in the questionnaire prescribed.

(3) A district wherein an officer is acting for the first time, as Superintendent of Police should be visited as soon as possible after he has settled down and district in charge of Junior Officers may well be visited twice or, even more frequently during a year.

(4) Whenever a Deputy Inspector General of Police in charge of a range visits a district headquarters, he should make it a point of seeing all officers who are still on probation so that he can judge progress that they have made and check the work done by them. He should also meet the Collector.

(5) The Deputy Inspector-General of Police, Intelligence should inspect the Special Branch records maintained by the Superintendents of Police as frequently as

possible. The Deputy Inspector-General of Police, Crime Branch, C.I.D., should inspect as many as possible of the Crime Records Bureau.

(6) A Deputy Inspector-General of Police, who inspects a district, should keep a confidential note on the standard of performance of every Superintendent of Police, Joint Superintendent of Police, Additional Superintendent of Police, Assistant Superintendent of Police and Deputy Superintendent of Police and on the Administrative Officer to the Superintendent of Police, who held charge during the period covered by the inspection and that these remarks will be embodied in the next periodical or special report sent on these officers instead of sending these remarks along with the Inspection Notes of a district.

(7) Deputy Inspectors-General of Police will confine their reports on District Special Branches to Special Branch matters only, and send their reports on District Special Branches to the Director-General with the rest of the inspection notes of stations. They will also send copies of the reports on District Special Branches to the Deputy Inspector-General of Police, Intelligence, Chennai who will examine them and take such action as he considers necessary, bringing to the notice of the Addl.DGP, Intelligence/Director-General of Police anything of special interest or importance in these reports. These reports on District Special Branches will eventually be filed in the Special Branch Office of the Intelligence Wing.

(8) Inspection Notes on the District Special Branches by the Deputy Inspector-General of Police, Intelligence should however be submitted to the Additional Director-General, Intelligence/Director-General of Police direct (not office) then and there. Inspection Notes on the Crime Records Bureau by the Deputy Inspector-General of Police, Crime Branch, C.I.D. may be sent to the Chief Office.

(9) Deputy Inspector-General of Police concerned will furnish in their inspection notes, a paragraph at the end of the main notes containing information on the following points: -

- (a) The period (month and year) during which the last inspection of the district was carried out and by whom (name of the Officer to be given).
- (b) Date of commencement of the present inspection.
- (c) Date of completion of the inspection.
- (d) Date of inspection notes.
- (e) The name of Superintendent of Police and Deputy Superintendents of Police who held charge in the district during the period covered by the present inspection notes; and

(f) Whether the confidential reports of the officers referred to in (6) above have been sent to the Director-General of Police and if so when.

### **135. Superintendent of Police –**

(1) (i) The administration of the Police throughout a district or part thereof shall be fully vested in the Superintendent of Police. His work is of varied nature and in doing it, he should keep in view the following essential requirements: -

(a) to keep the district peaceful and the public satisfied with the security afforded to persons and property;

(b) to keep the force under control, in good discipline, well-trained, efficient and contented;

(c) to maintain cordial relations with the magistracy and other officials and non-officials;

(d) to ensure that the transport, arms and ammunition, stores and buildings belonging to the department are maintained in good condition;

(e) to promote good Police-public relations;

(f) to organize good intelligence arrangements.

(g) to acquire full and detailed knowledge of the district and its current problems from the Police point of view;

(h) to participate, to the extent possible and permissible, in welfare activities sponsored by official and non-official agencies;

(i) to gain the confidence and loyalty of subordinates by personal integrity, impartiality, devotion to duty, and a high sense of justice;

(j) to ensure by consistent supervision that the prevention, investigation and detection of crime in his district are properly and efficiently dealt with by the force under his command;

(k) to get to know all officers and men serving under him, redress their grievances if any, encourage those who are promising and effectively deal with those who are guilty of misconduct or remiss in the discharge of duty;

(l) to ensure the honesty and integrity of his subordinate officers;

(m) to study crimes and criminals in his district as a whole; and

(n) to pay surprise visits to the Police Stations at irregular intervals and check up whether officers and men are alert.

(ii) The Superintendent of Police is the head of the district Police force. He is responsible for all matters relating to its internal economy and management, for

the maintenance of its discipline and the punctual and regular performance of all its preventive and executive duties.

(iii) The Superintendent of Police should consider it a part of his duty, as far as possible to give the Sub-Divisional Officers the benefit of his personal guidance and instruction whenever necessary. A Sub-Division, wherein an officer is acting for the first time as Sub-Divisional Police Officer, should be visited as soon as possible after the latter has settled down. The Sub-Divisions in-charge of junior officers should be visited frequently.

(iv) The Superintendent of Police should be fully informed of all activities in his districts that have a bearing on law and order and he must take precautions to ensure that such activities do not result in breach of peace. He should also require his subordinates to keep him fully informed of all the developments and he should use his District Special Branch staff to secure information in regard to such developments. The Superintendent of Police is personally responsible to prevent problems arising out of communal tensions and to take prompt action whenever there is any communal problem.

(v) The Superintendent of Police may withdraw subordinate Police Officers temporarily from any of the Police Stations in his district for duty in other Police Stations in the same district at which extra force is required to deal with an emergency or to make arrangements in connection with fairs, festivals, meetings, processions or the visit of VIPs.

(vi) The Superintendent of Police should deal with crime as a whole, studying the criminal problems of districts, rather than merely visiting individual scenes of offences, a duty which more properly falls upon the Sub-Divisional Police Officers and other subordinates who have the main responsibility to ensure that investigations are conducted in the manner prescribed.

(vii) The Superintendent of Police should immediately visit the scenes and enquire personally into serious occurrences endangering life and property such as heavy floods, train or boat disasters and fires which involve heavy loss of life or property.

(viii) He should take special steps to improve the rapport between the Police and the public by holding conferences of important and influential members of the public at convenient centres. He should take the assistance of District and Taluk level integration Committees with a view to promote peace and understanding among different communities. He will ensure that the services of Citizens Committees constituted by Station House Officers are utilized for prevention of crime and maintenance of law and order. He will also meet the members of weaker section and hear their grievances and take steps to redress them. He should satisfy himself by public contact that his subordinates are doing their duties faithfully and with integrity. His tours should not be rushed but so regulated that he becomes acquainted with the conditions in all important villages. During his visits to villages, he should also make enquiries about the current activities of the known criminals.

(ix) Police Motor Transport should be given personal attention by the Superintendent of Police, who should inspect all Motor Vehicles at least once in a month to ensure timely repairs and maintenance. The Superintendent of Police will send a monthly report to the Director General of Police through the Zonal Inspector General and Range Deputy Inspector General of Police.

(x) The Superintendent of Police shall make necessary arrangements for the transaction of all urgent and important work during the period of casual leave availed by him or by any of his Sub-Divisional Officers. The Superintendent of Police shall take steps to ensure that the prosecuting and investigating officers show due interest in the prosecution of cases in court and that no case fails on account of apathy or neglect.

(xi) The Superintendent of Police shall be assisted by one or more Additional, Assistant or Deputy Superintendents of Police, as deemed necessary by the Government.

*[Model Police Manual]*

(2) Observance of Office hours by Superintendents of Police ----

When in headquarters, the Superintendent of Police shall attend office on all workdays and shall ordinarily transact all official business in his office. He shall be easily accessible to officials and members of the public generally. They may attend to Special Branch and other confidential work in their residences where the Special Branch and Confidential records are kept. They may also interview in their residences such of their visitors who wish to see them on such confidential matters as should not be liable to disclosure in the publicity of a District Police Office.

### **136. SP-His relations with Collector –**

(1) The Collector, as the Chief executive authority in the district, is primarily responsible for the maintenance of law and order and the criminal administration of the district. It is, therefore, the duty of the Superintendent of Police to keep him fully informed both by personal conference and special reports, of all matters of importance concerning the peace of the district and the state of crime. For the purpose of control of crime and the maintenance of law and order, the Police force of the district will be under the general control and directions of the Collector, whenever emergency arise. In important matters of the above nature, the Superintendent of Police should act in consultation with the Collector. The Superintendents of Police are strictly forbidden from corresponding with the Chief Judicial Magistrates direct, in respect of lapses and delays on the part of Subordinate Magistracy. Such instances should be brought to the notice of the Director-General of Police, who in turn will bring them to the notice of the High Court.

*(G.O. 850, Judl, 17<sup>th</sup> June 1897 and 1157, Judl 2<sup>nd</sup> Sept. 1909)*

(G.O. Ms. No.2582, Home, 30<sup>th</sup> Aug, 1954)

(2) The same obligations are attached to the Superintendent of Government Railway Police in respect of the portions of his jurisdiction within his district.

(G.O. 221, Pub. (Pol.) 20<sup>th</sup> April 1932)

### **137. Intervention of Collector —**

(1) If the Collector, for any special reason, considers that Police Officers of or below the rank of Sub-Inspector should be transferred from a particular locality or from any special duty, he may request the Superintendent of Police to transfer such officer. However, the decision of the Superintendent of Police will be final.

(2) In the case of a Police Officer above the rank of Sub-Inspector, the Collector may address the Deputy Inspector-General for the transfer of the officer.

(3) Co-ordination within the District Administration –

(i) For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the functions to be performed under the provisions of the Code of Criminal Procedure, 1973 and under other relevant Acts, to co-ordinate with the functioning of the Police with other agencies of district administration in respect of matters relating to the following:-

- (a) promotion of land reforms and the settlement of land dispute;
- (b) extensive disturbance of public peace and tranquillity in the district;
- (c) conduct of elections to any public body;
- (d) handling of natural calamities and rehabilitation of the persons affected thereby;
- (e) situations arising out of any external aggression or internal disturbances;
- (f) any other similar matter not within the purview of any department and affecting the general welfare of the public of the district; and
- (g) removal of any persistent public grievance.

(ii) For the purpose of co-ordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police or the Commissioner of Police, as the case may be, and heads of other departments of the district. Whereas the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of co-ordination.

(iii) For the purpose of co-ordination, the District Magistrate shall ensure that all departments of the district, whose assistance are required for the efficient functioning of the

Police, will render full assistance to the Superintendent of Police or the Commissioner of Police, as the case may be.

### **138. SP-To be acquainted with the character of his subordinates --**

It is the duty of the Superintendent of Police and the Sub-divisional Officers, to make them acquainted with the character and qualifications of their subordinates. For this purpose they shall keep the following record in addition to those prescribed for the maintenance of personal files of non-gazetted officers —

- (1) A list of detectives (Form No. 9)
- (2) A seniority list of Sub-Inspectors; (by Supdt.of Police)
- (3) A seniority list of Head Constables with remarks as to their fitness for promotion; (by Supdt.of Police)
- (4) List of constables fit for promotion.
  - (a) in Armed Reserves; and
  - (b) in the Taluk Police (by Supdt.of Police)

*(G.O. Ms. 3841, Home, 27<sup>th</sup> Aug. 1941 and 85, Home, 11<sup>th</sup> Jan. 1954)*

### **139. SP-Duties towards his assistants -**

The Superintendent of Police is responsible for seeing that his Assistants and Deputies work efficiently and it is his duty to bring to the notice of the Director-General any defects of character or temperament or want of zeal which detract from their utility as Police Officers. The Superintendent of Police may require from an Assistant or Deputy who fails to secure his confidence, any reports or restrict him to any duty, which he sees fit, reporting the same to the Director General.

*(G.O. 850, Judl. Department Dated: 10<sup>th</sup> July, 1897)*

**140. SP-Touring** —The Superintendent of Police shall make constant tours of inspection through all parts of his district, remaining the longer in troublesome localities. He shall not confine himself to examining the Police stations, but shall visit villages and make himself acquainted with the village headmen and principal inhabitants endeavouring to gain their confidence and enlist their co-operation, at the same time ascertaining the state of crime and inquiring into the work of his subordinates.

### **141. SP-Personal investigation —**

(1) The Superintendent of Police shall, whenever practicable, personally investigate and superintend the following items: —

- (i) Dacoity,

- (ii) Highway robbery.
- (iii) Murder,
- (iv) Culpable homicide.
- (v) House-breaking and theft of a specially grave nature,
- (vi) Thefts of an especially grave nature.
- (vii) Any specially serious disturbance or riot,
- (viii) Conspiracy cases,
- (ix) Offences under sections 400 and 401, Indian Penal Code.
- (x) Any case or a specially grave nature and
- (xi) Counterfeits currency notes
- (xii) Offences under sections 3 and 4 of the P.C.R. Act, 1955.

(2) In cases of alleged extortion or bribery by a Police Officer, the Superintendent of Police must use his discretion whether to hold a personal inquiry or not, but all really serious cases of this nature should be inquired into either by the Superintendent of Police or his Assistant or Deputy.

(3) Immediately on receipt of the first case diary in any of the above cases or after his personal investigation, whichever is earlier, he shall send the report in Form No. 11 to the Deputy Inspector-General and a copy of it to the Collector.

**142. Sub-divisional Officers — Personal Investigation** -- Sub-Divisional Police Officers shall whenever possible investigate cases of the following classes, visiting the scene of crime and superintending the enquiry: —

- (i) Dacoity,
- (ii) Highway robbery.
- (iii) Murder.
- (iv) Culpable homicide.
- (v) All cases of death mentioned under sub-section (3) of section 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).
- (vi) Robbery of over Rs. 200 and any case presenting important features.
- (vii) House-breaking and theft of an especially grave nature
- (viii) Thefts of a specially grave nature
- (ix) Any disturbance, or riot or affray of a serious nature

- (x) Any important or specially grave cases
- (xi) Counterfeit currency notes
- (xii) Violence resulting in any grievous hurt to Adi-dravidars
- (xiii) Rape in which Adi-dravidars are victims
- (xiv) Serious Mischief or arson involving prosperities of Adi-dravidars
- (xv) Offences under section 3 and 4 of the P C R Act 1955,
- (xvi) Cyber Crime cases and

They shall investigate important cases of lesser gravity, which may occur near their halting places.

(2) Immediately on receipt of the first case diary in any of the above cases or after that personal investigation whichever is earlier, they shall send a report in Form No. 13 to the Deputy Inspector-General through the Superintendent of Police and a copy of it to the Collector.

**NOTE -** (1) Some latitude is permitted as to compliance with this order. For instance, if the guilty persons are known and evidence is at once forth-coming or if the case comes within its category merely for technical reasons, or in respect of highway robbery and decoity, the case is an isolated one, trivial of its kind, in which personal investigation is not likely to be useful or in cases of murder followed by suicide, personal investigation may often be a waste of an officer's time rather than beneficial.

**NOTE -** (2) All cases of suspicious deaths of serious nature should be investigated by superior Police Officers (Sub-Divisional Officer or Superintendent of Police) at as early a stage as possible, by visiting the scene of offence and sending grave crime reports as required in Police Standing Order Nos. 141 and 142.

**NOTE -** (3) In respect of the offences specified in item (xii) to (xv) the Sub-Divisional Officers shall send a copy of the report in Form No. 13 to the Deputy Inspector-General of Police, Human Rights and Social Justice through the Superintendent of Police and the Range Deputy Inspector General of Police.

(G.O. No. 2213, Home (Pol. XIV) 25<sup>th</sup> September 1984)

**143. Weekly reports —** (1) At the close of the week, Superintendents of Police, Additional Superintendents of Police and Sub-divisional Officers shall submit a weekly report. Superintendents of Police should submit their report through their District Collectors, and Additional Superintendents of Police and Sub-divisional Officers through their Superintendents of Police. Superintendents of Police shall

also submit a regular Special Branch Weekly Report and Sub-divisional Officers will do so when necessary. The weekly report should be in two parts viz., in Forms Nos. 11 and 12. Part-II of the report should be sent only in those cases in which the Deputy Inspector General of Police has called for a progress report on the first report in Form No. 11.

(2) Part-I of the Superintendents of Police weekly report is a secret document and that of the Additional Superintendent of Police and Sub-Divisional Officers a confidential one. The report of the Superintendent of Police and the Additional Superintendent of Police should be transmitted to the Director-General of Police. In it should be entered the work done by the officer, any matters of departmental interest, and any information concerning the district likely to be useful to the Collector. When an officer is on tour, his halting places, the village visiting done, the distance travelled, the manner of performing marches should always be given. Part-I containing remarks of the Director-General of Police will be returned through the Deputy Inspector-General of Police and will be re-submitted with replies through the ordinary channel. They will be filed confidentially in the office of the officer concerned and retained for ten years subject to the modification in the note below: -

**NOTE** - All correspondence relating to the weekly report of the Superintendents of Police should be treated as secret at all stages and dealt with by the Superintendents of Police themselves and not by their office. The office copy of the weekly reports which are retained by the Superintendents of Police and fair copies sent to the Director-General of Police should also be kept under the personal custody of the officer concerned.

(3) When a Deputy Inspector-General of Police is in charge of a district he need not send weekly report, but the weekly report file in the Superintendent's office of the district concerned should contain a note that the Deputy Inspector-General of Police was in charge for the particular period.

#### **144. Weekly Reports - Part II-Superintendents of Police -**

Part II of the weekly Report Form No. 15 consists of reports of crime. The Superintendent of Police shall report the following crimes: -

- (a) Dacoity,
- (b) Highway robbery,
- (c) Murder,
- (d) Culpable homicide,
- (e) House-breaking with theft of a specially grave nature,

- (f) Thefts of a specially grave nature,
- (g) Any disturbance, riot, or affray of a specially grave mature, and
- (h) Counterfeit currency notes.

*(Government letter No. 1308792 (Pol.XIV) 91-2 dated 11<sup>th</sup> November 1998)*

#### **145. Weekly Reports - Part-II— Sub-Divisional Officers —**

(1) Sub-divisional officers shall submit Grave Crime Reports in the following cases -

- (a) Dacoity,
  - (b) Highway robbery,
  - (c) Robbery over Rs. 150
  - (d) Murder,
  - (e) Culpable homicide
  - (f) House-breaking and theft of a specially gave nature.
  - (g) Thefts of a specially grave nature.
  - (h) Any disturbance, riot or affray of a specially grave nature.
  - (i) Counterfeit currency notes, and
  - (j) Road accidents involving more than one death.
  - (k) Rape Cases,
  - (l) Abduction and kidnapping cases,
  - (m) Ransom and Extortion cases,
  - (n) Cases of Dowry Death u/s 304 (B) IPC,
  - (o) Cases of offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989,
  - (p) Cases under Tamil Nadu Prohibition of Ragging Act, 1997.
- (2) Sub-divisional officers shall frame their grave crime reports themselves.

#### **146. General instructions regarding weekly reports —**

(1) Progress reports shall be sent in all cases in which they are ordered by the Deputy Inspector-General and a final report showing the ultimate disposal of each case shall invariably be sent.

(2) Part-II will ordinarily be dealt with and filed by the Deputy Inspector-General, who will forward to the Director-General, reports in only such cases as he considers require the Director-General's detailed attention. Reports containing remarks of the Director-General if any will be returned with replies through the Deputy Inspector-General.

**(3) Additional Superintendents of Police -**

**(i) Additional Superintendents of Police, Prohibition Enforcement Wing:**

The Prohibition Enforcement Wing (PEW) functions with the committed objective of eradicating totally, illicit distillation, transportation, possession and sale of illicit liquor / spurious and seconds IMFS and preventing smuggling of it from other States. Additional Superintendents of Police in the Prohibition Enforcement Wing who specifically supervise this work all over the State. They are placed under the control of the District Superintendents of Police and Commissioners of Police, as the case may be, on whom the responsibility of prohibition enforcement falls primarily.

**(ii) Additional Superintendent of Police (Crime)**

They are placed exclusively to attend to work relating to crime prevention and controlling of crime in the district and assist the Superintendent of Police in detection of crime and recovery of properties including follow up of cases in the courts. They will work under the control and direction of the Superintendent of Police of the District and also placed charge of District Crime Records Bureau.

*(G.O.Ms.No.575 Home (Police-A) Department Dated: 03.07.2002.)*

**Additional Superintendents of Police, Headquarters:**

iii) The post of Additional Superintendent of Police, Crime in the Districts and Additional Superintendent of Police in Special Units be redesignated as Additional Superintendent of Police, Headquarters and all administrative powers, except posting, promotion, punishment and rewards, which shall continue to be with the Superintendent of Police, be delegated to the Additional Superintendent of Police, Headquarters.

*G.O.Ms.No.461, Home (Pol.1) Department, dated: 05.07.2013*

**147. Sub-Divisional Police Officer --**

(1) The Sub-Divisional Officer acts within his jurisdiction as the deputy of the District Superintendent of Police. He shall work entirely under the orders of the latter, whom he should keep informed of his action and of what takes place in the Sub-Division. He should consult him in all matters of difficulty and take his advice when necessary.

(2) His responsibilities are more executive than administrative. He should, by regular inspections and frequent visits, ensure the efficient performance of duties at stations and circle level, and in particular, organize prevention of crime in a systematic manner and ensure co-ordinated, sustained and purposeful investigation and detection. He should supervise the investigation of all grave offences or any case or series of cases of importance, which present special difficulties. He should also keep in touch with developments, particularly in the trouble-some areas or among the trouble-some classes within his jurisdiction by frequent visits to villages, particularly interior ones, during which he should also check the outdoor work of the station staff.

(3) He should ensure a high standard of training and performance of his subordinates, bearing in mind the quality of the service to the public as much as the enforcement aspects of their responsibilities and should be particularly strict in the prevention of indifference to public complaints, harassment or oppression of members of the public and the ill-treatment of any prisoner or person within Police custody or appearing before the Police. He has a special responsibility for quick and thorough enquiry into any misconduct on the part of his subordinates, which may come to his notice and for the completion of any disciplinary proceedings which may be entrusted to him.

(4) He should ensure close and cordial relations with the magistracy and other departments. Correspondence with such departments, other than of a routine nature, should pass through the Superintendent of Police.

(5) The duties of an Assistant or Deputy Superintendent of Police in charge of a Sub-Division are similar, subject to their limitations, to those of the Superintendent of Police. These Officers function subject to the orders of the Superintendent of Police, whom they are bound to keep fully informed of their doings and of what is going on in the Sub-Division and to consult him in all matters of difficulty. Correspondence, other than matters of routine, with other departments should be routed through the Superintendent of Police.

(6) Sub-Divisional Police Officers shall as a rule visit the scenes of crime and supervise the investigations in the heinous cases. They shall also take up personal investigation in complicated or important cases. Dowry Death cases unless taken over by the special cell, will be investigated by the Deputy Superintendent of Police of the Sub-Division.

(7) On reaching the scene of crime a Sub-Divisional Police Officer shall inspect it and examine all the witnesses. He shall then study the case thoroughly and discuss the evidence available and further evidence to be collected and ensure that the case dairies are written promptly and correctly under his supervision. He should normally remain in the scene of occurrence with the Investigating Officer and continue to supervise till the investigation is virtually completed. In cases where definite clues are not forthcoming, the Sub-Divisional

Police Officer and the Circle Inspector of Police should camp in the village of occurrence till the case is detected or till, even after sustained and vigorous efforts, it is decided for want of further time, to leave further investigation to the local Officers. They should, however, resume the supervision of the investigation as soon as possible if necessary. In case the Sub-Divisional Police Officer receives information about the occurrence of another heinous crime while engaged in the supervision of the investigation of a case, he should decide whether the second case requires his immediate attention and if he feels that it is necessary for him to proceed for the supervision of the investigation of the second case immediately, he should give detailed instruction to the Circle Inspector of Police and the Sub-Inspector regarding the lines of further investigation to be pursued before leaving the place of offence. If necessary, he should return to the supervision of the investigation of the first case after completing the supervision of investigation of the second case. If, on the other hand, he feels that the investigation of the first case is more important than that of the second, he should continue the supervision of investigation of the first case and proceed after its completion for the supervision of investigation of the second case. In case the Sub-Divisional Officer receives information about the occurrence of a heinous crime while engaged in inspection, he should stop his inspection, proceed to the scene of offence, and resume inspection after his visit to the scene of heinous offence.

(8) Immediately after visiting the scene in a heinous crime, and in any case not later than a week of the issue of the FIR the Sub-Divisional Police Officer should send a detailed report in duplicate to the Superintendent of Police, who will forward one copy to the Range Deputy Inspector General. A grave crime report should be sent by the Sub-Divisional Police Officer in a heinous crime even if it has not been investigated by him and even if it is treated as false or as a mistake of fact.

(9) Progress reports should be sent in duplicate every week till the final disposal of the case to the Superintendent of Police, who will forward a copy of it to the Dy. Range Inspector General of Police. It is open to the Superintendent of Police and the Range Officers to order the discontinuance of progress reports in any particular case. Detailed progress reports received by the Range Dy. Inspector General of Police should be filed in his office, where a watch should be maintained over the progress and disposal of cases. Copies of grave crime reports and their progress reports should not be sent to the office of the Director General.

*[Model Police Manual]*

#### **148. Status of Deputy Superintendents of Police -**

The departmental status of Deputy Superintendents of Police and Assistant Superintendents of Police are equivalent so long as they serve in a Sub-Division. Assistant Superintendents of Police who are posted to work as Joint Superintendents of

Police in senior scale of pay and the Additional Superintendents of Police are equivalent in departmental status.

#### **149. Discharged Prisoners' Aid Societies -**

Superintendents of Police should make a point of joining the Discharged Prisoners' Aid Societies. They should accept a position on the Committee, if offered.

Note — No expenditure to Government on this account can be allowed. It will no doubt be possible and probably desirable to arrange in most cases that the Superintendent of Police is an ex-officio member of the Committee.

#### **150. Inquiry in cases of death or injury caused by Police or suffered in Police Custody and in cases where Police or Public Servants use fire-arm in suppressing a riot or in self-defence. —**

##### **(1) (a):Precautionary measures to be taken to avoid death in custody- Instructions:**

**The following are some precautions that should be taken:**

i) In the event of a suspect being brought and handed over by the public after being manhandled, he should be straightaway sent to the hospital for medical attention and should not be kept in the Police Station.

ii) Under section 54 Cr.P.C, if any person is arrested, he should be got examined by a Medical Officer soon after the arrest. The medical officer is expected to examine the arrested person and record any injuries or marks of violence upon him and the approximate time when such injuries or marks may have been inflicted. The medical officer is also mandated to give a copy of the report of his examination to the arrested person or the person nominated by him. The medical examination should be got done by a medical officer in the service of the Government or in case a Government medical officer is not available, by a registered medical practitioner. In case of a female accused, the medical examination should only be done by or under the supervision of a female medical officer.

iii) It must also be remembered that traumatised by arrest, a sensitive individual may attempt to commit suicide. It is necessary to keep an extra Policeman to keep a watch on the accused when he is kept under detention in the Police Station. In a particular case where a respectable person arrested in a case was brought to the Station and the Inspector not wanting to humiliate him chose not to lock him up in a cell, only to see the man hanging in the hall next morning. The Inspector had to undergo the ignominy of arrest and remand.

iv) There have been instances where the accused have consumed poisonous substances kept in the Police Station or even set fire to themselves using matches and inflammable material found within their reach. Precautions must, therefore, be taken to see that there is no opportunity for the accused to attempt to inflict injuries on himself.

- v) Particular care must be taken when the accused is taken out to answer calls of nature.
- vi) One officer must be entrusted with the responsibility for the safety of any arrested person kept in the Police Station. He must make sure that Policemen do not get opportunity to carry out unauthorised interrogation of the accused.
- vii) It is the responsibility of supervisory officers to make surprise checks in the Police Station and see that these instructions are carried out scrupulously
- viii) Station House Officers must be told that they are liable to be held accountable for any death in custody in the Police Stations.
- ix) Every death in custody should be treated as a black mark on the District Police. Conscious efforts must be made to bring death in custody to nil.
- x) Range DIGs, Zonal IGs and ADG L&O must review incidents of death in custody or complaints of accused suffering injuries while in custody and fix responsibility

*-DGP's standing instruction No.50/2013, dated: 20.09.2013.*

(1)(b): Cases of (a) death or grievous hurt alleged to have been caused by Police Officer whether in his public or private capacity or to have occurred to any person while in Police custody, and (b) torture, i.e. all cases of hurt or more serious injury inflicted by a Police Officer for the purpose of extorting a confession or information, should always be inquiries into by a magistrate. In other cases an officer who has taken a personal part in the investigation of an offence should be precluded from investigating into charges of ill treatment on the part of the Police in connection therewith. However, Superintendents of Police and their subordinate officers of and above the rank of Deputy Superintendent of Police may make a quick general enquiry into any such incident to enable them to report at once the facts so ascertained to the Director-General of Police even though they might have received reports of the investigation personally made by their subordinates.

*(G.O. Ms. No. 1421, Home (Police VI) 7<sup>th</sup> May 1980)*

(2) When any person dies while in police custody an immediate report should be made to the nearest Magistrate empowered to hold inquests detailing the facts and circumstances so far as known and the body should be preserved for inspection by the said magistrate.

*(G.O. 506, Public, (Police) 24<sup>th</sup> Sept. 1929)*

**NOTE -** Superintendents of Police should send a brief report to the Director-General of Police by Police Radio Message immediately, when allegations of Police torture are made or death in Police custody occurs. This should be followed up with a detailed report expeditiously.

(3) In every case in which Police use fire arms or receive information regarding the use of fire arms by a public servant in suppressing a riot, or in self defence, a report or Police Radio Message whichever is quicker, shall be sent to the Revenue Divisional Officer and District Collector. In this report the number of persons killed or injured, if any, shall be stated.

On receipt of such express report, the Collector of the district shall order an enquiry by an Executive Magistrate, except where the incident is so trivial in nature as obviously not to necessitate any such special enquiry. Even in respect of such trivial cases, the Collector should obtain the orders of Government to dispense with the magisterial enquiry.

(4) (a) The Director-General of Police will send his first report to the Government immediately on the occurrence of any death in Police custody.

*(G.O. Ms. 2305, Home, 1<sup>st</sup> September 1970)*

(b) The Collector will send a follow up report in detail to the Government on such incidents, accompanied by the relevant records of enquiry of the Revenue Divisional Officers.

(c) This procedure indicated above will apply also to cases of deaths in judicial custody (when the deceased was under judicial custody at the time of death).

(5) Procedure to be followed in all cases of deaths in the course of Police action: -

(a) When the Police officer in charge of a Police station receives information about the deaths in an encounter between the Police party and others, he shall enter that information in the appropriate register.

(b) Where the Police officers belonging to the same Police station are members of the encounter party, whose action resulted in deaths, it is desirable that such cases are made over for investigation to some other independent investigating agency, such as State CBCID.

(c) Whenever a specific complaint is made against the Police alleging commission of a criminal act on their part, which makes out a cognizable case of culpable homicide, an FIR to this effect must be registered under appropriate sections of the I.P.C. Such case shall invariably be investigated by the State CBCID.

(d) A Magisterial Inquiry must invariably be held in all cases of death which occur in the course of Police action. The next of kin of the deceased must invariably be associated in such inquiry.

(e) Prompt prosecution and disciplinary action must be initiated against all delinquent officers found guilty in the magisterial enquiry/Police investigation.

(f) Question of granting of compensation to the dependents of the deceased would depend upon the facts and circumstances of each case.

(g) No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/recommended only when the gallantry of the concerned officer is established beyond doubt.

(h) A six monthly statement of all cases of deaths in Police action in the State shall be sent by the Director General of Police to the National Human Rights Commission, so as to reach its office by the 15th day of January and July respectively. The statement may be sent in the following format along with post-mortem reports and inquest reports, wherever available and also the inquiry reports:

1. Date and place of occurrence:
2. Police station, district:
3. Circumstances leading to deaths:
  - i. Self defence in encounter
  - ii. In the course of dispersal of unlawful assembly
  - iii. In the course of effecting arrest
4. Brief fact of the incident:
5. Criminal Case Number:
6. Investigating Agency:
7. Findings of the magisterial Inquiry/Enquiry by senior officers:
  - a. disclosing in particular names and designations of Police officials, if found responsible for the death; and
  - b. Whether use of force was justified and action taken was lawful.

*(Letter of Chairperson, National Human Rights Commission, Dated: December, 2003)*

*2<sup>nd</sup>*

(6) Guidelines to be followed in all cases of death and grievous injury in Police encounter:

The guidelines to be followed in the matter of investigation of Police encounter in the cases of death, as the standard procedure for thorough, effective and independent investigation are given below:-

i) Whenever the Police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, it shall be reduced into writing in some form (preferably into case diary) or in some electronic form. Such recording need not reveal details of the suspect or the location to which the party is headed. If such intelligence or tip-off is received by a higher authority, the same may be noted in some form without revealing the details of the suspect or the location.

ii) If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearms is used by the Police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under section 157 of the Code without any delay. While forwarding the report under section 157 of the code, the procedure prescribed under section 158 of the code shall be followed.

iii) An independent investigation into the incident/encounter shall be conducted by the CBCID or a Police team of another Police station under the supervision of a senior officer (at least a level above the head of the Police party engaged in the encounter). The team conducting inquiry/investigation shall, at a minimum, seek:

- a) To identify the victim; colour photographs of the victim should be taken;
  - b) To recover and preserve evidentiary material, including blood-stained earth, hair, fiber and threads etc., related to the death;
  - c) To identify scene witnesses with complete names, addresses and telephone numbers and obtain their statements (including the statements of Police personnel involved) concerning the death;
  - d) To determine the cause, manner, location (including preparation of rough sketch of topography of the scene and, if possible, photo/video of the scene and any physical evidence) and the time of death as well as any pattern or practice that may have brought about the death;
  - e) It must be ensured that intact fingerprints of deceased are sent for chemical analysis. Any other fingerprints should be located, developed, lifted and sent for chemical analysis;
  - f) Post-mortem must be conducted by two doctors in the District Hospital, one of them, as far as possible, should be in-charge/Head of the District Hospital, Post-mortem shall be video-graphed and preserved
  - g) Any evidence of weapons, such as guns, projectiles, bullets and cartridge cases, should be taken and preserved. Wherever applicable, tests for gunshot residue and trace metal detection should be performed
  - h) The cause of death should be found out, whether it was natural death, accidental death, suicide or homicide.
- v) A Magisterial inquiry under section 176 of the Code must invariably be held in all cases of death which occur in the course of Police firing and therefore a report thereof must be sent to Judicial Magistrate having jurisdiction under section 190 of the Code.

- vi) The information of the incident without any delay must be sent to National Human Rights Commission and the State Human Rights Commission, in addition to Government.
- vii) The injured criminal/victim should be provided medical aid and his/her statement recorded by the Magistrate or Medical Officer with certificate of fitness.
- viii) It should be ensured that there is no delay in sending FIR, diary entries, panchnamas, sketch etc to the concerned court.
- ix) After full investigation into the incident, the report should be sent to the competent court under section 173 of the Code. The trial pursuant to the charge sheet submitted by the Investigating Officer must be concluded expeditiously.
- x) In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.
- xi) Six-monthly statements of all cases where deaths have occurred in Police firing must be sent to National Human Rights Commission by Director General of Police(s) with a copy to the Government. It must be ensured that the six-monthly statements reach NHRC by 15<sup>th</sup> day of January and July respectively. The statements may be sent in the following format along with post mortem, inquest and, wherever available, the inquiry reports:
  - (i) Date and place of occurrence
  - (ii) Police Station, District
  - (iii) Circumstances leading to deaths:
    - (a) Self defence in encounter
    - (b) In the course of dispersal of unlawful assembly
    - (c) In the course of effecting arrest
  - iv) Brief facts of the incident
  - v) Criminal case number
  - vi) Investigating Agency
  - vii) Findings of the Magisterial Inquiry/Inquiry by senior officers
    - (a) disclosing in particular, names and designation of Police officials, if found responsible for the death and
    - (b) whether use of force was justified ad action taken was lawful.
  - xii) If on the conclusion of investigation, the materials/evidence having come on record show that death had occurred by use of firearm amounting to offence

under IPC, disciplinary action against such officer must be promptly initiated and he be placed under suspension.

xiii) As regards compensation to be granted to the dependents of the victim who suffered death in a Police encounter, the scheme provided under section 357-A of the Code must be applied.

xiv) The Police officer(s) concerned must surrender his/her weapons for forensic and ballistic analysis, including any other material, as required by the investigating team, subject to the rights under Article 20 of the Constitution.

xv) An intimation about the incident must also be sent to the Police officer's family and should the family need services of a lawyer/counseling, same must be offered.

xvi) No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/recommended only when gallantry of the concerned officers is established beyond doubt.

xvii) If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as above mentioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident. Upon such complaint being made, the concerned Sessions Judge shall look into the merits of the complaint and address the grievances raised therein.

xviii) The above guidelines will also be applicable to grievous injury cases in Police encounter, as far as possible

-Government Letter (Circular) No.5838/L&O-A/2014-1, Public (L&O) Department, dated: 09.02.2015.

### **151. Procedure in respect of charges of torture by the Police or of death or grievous hurt caused by the Police —**

(1) The following procedure is prescribed in respect of allegations of torture or of causing death or grievous hurt or other serious offences against the person made against Police officials. In case of allegation of rape or commission of an unnatural offence, an enquiry shall be held irrespective of the fact whether the act or acts committed was in the course of duties or outside the sphere of duties

(G.O. 226, Home, Dated: 18<sup>th</sup> August, 1977)

(2) Mufassil —

(a) The Collectors and Superintendents of Police concerned should send the preliminary information report to the Government within an hour of the incident either by telephone or FAX on the occurrence of death in Police custody/torture/rape/Police firing to Public Department, Public (Law & Order) Department. A detailed report on all the above incidents should be sent within 2 days to Chief Secretary to Government and Secretary, Public (Law & Order) Department without fail. An immediate report should also be sent to the National Human Rights Commission within 24 hours in all cases of deaths in custody.

(*Government Letter No.11084/L&O-A/2007-1, Dated: 13.11.2007 of Public (L&O-A) Department*)

(b) An Officer of and above the rank of Assistant or Deputy Superintendent of Police, to whom a complaint of such an offence is made or who otherwise hears of such an occurrence should immediately make a general enquiry into the occurrence and should also report the case at once to the Revenue Divisional Officer concerned. Any such enquiry should be subject to the instructions in paragraph (3) below.

(c) When information of the commission of any such offence is received by a Police Officer below the rank of Assistant or Deputy Superintendent of Police, he should not make any regular investigation himself but should at once report the case to the Revenue Divisional Officer and the Assistant or Deputy Superintendent of Police to whom he is subordinate and send a copy of such report to the Superintendent of Police.

(3) (a) On receiving information about any such occurrence either from a Police Officer as indicated in paragraph (2) above or otherwise, a preliminary enquiry into the occurrence should be conducted by the Revenue Divisional Officer or such other officer as may be appointed for the purpose. The enquiry will be of non-judicial character and more in the nature of an investigation in order to fix the responsibility, if any, on individual Police Officers and to see whether there is a *prima-facie* case for launching a criminal prosecution or other proceedings against anyone concerned. While an appeal can be issued to the public to come forward to testify at the enquiry, the proceedings of the enquiry should not be given wide publicity.

(b) There is no objection to an Officer of and above the rank of Assistant or Deputy Superintendent of Police, being associated with such an enquiry but there should be no parallel investigation by the Police once the magisterial enquiry has started, and any information gathered by an Officer of and above the rank of Assistant or Deputy Superintendent of Police, should be promptly reported to the Revenue Divisional Officer holding the magisterial enquiry. The

Revenue Divisional Officer should complete the enquiry in the manner indicated in paragraphs (4) and (5) below.

*(Government Memorandum No.3186/77-16, dated 20<sup>th</sup> April 1979 of Public (L&O-A) Department)*

(c) There is no obligation on the part of the enquiring officer to invariably examine the accused officer. The need to do so should, however, be specifically considered and if he decides not to examine the accused Police Officer he should record the reasons for the same.

(d) The enquiring officer should invariably examine the General Diary and other Police Station records relevant to the case and should consider all pieces of evidence both for and against the accused Police Officer before the arriving at his finding.

(e) Every Revenue Divisional Officer and every Presidency Magistrate, including the Chief Presidency Magistrate who has been conferred with powers under section 2 of the Madras Revenue Enquiries Act, 1893, may summon any person to appear before him or to produce any document or thing in the possession or under the control of such person, the production of which, in the opinion of such Revenue Divisional Officer or Presidency Magistrate, is necessary to the conduct of the enquiry. By virtue of the powers thus conferred, Revenue Divisional Officers and Presidency Magistrate including the Chief Presidency Magistrate, Madras will have by law, the authority to receive evidence whenever they proceed to conduct an enquiry under Police Standing Order 151. The authority to receive evidence also carries with it ipso facto the authority to administer oaths, by virtue of section 4 of the Indian Oaths Act, 1873.

(f) The accused Police Officer should not be allowed to cross examine the complaint or any of the witnesses at an enquiry.

(4) When a complaint of torture has been filed in the Court of a Judicial Magistrate by the affected party, the Revenue Divisional Officer conducting the informal enquiry under paragraph (3) above should not terminate it but should continue it and arrive at his own findings on the individual responsibility of each Police Official, such findings should, however, be kept confidential pending the trial result of the Judicial enquiry or trial emanating from the complaint. On the completion of such judicial enquiry, the Revenue Divisional Officer should decide on the further course of action to be followed, in the light of the judicial decision and take appropriate steps.

(5)(a) When the affected party files no such complaint in the Court of Judicial Magistrate, the Revenue Divisional Officer should complete his investigation and arrive at specific findings as to whether there are grounds to launch criminal proceedings and as to the individual responsibility of each of the Police Officers concerned and submit a report to the Collector. If any prosecution for the offence is considered necessary as a result of such findings, the Collector should issue instructions to the Revenue Divisional Officer for laying

a formal complaint, for the offence or offences disclosed, before the Court of the First-Class Judicial Magistrate having jurisdiction.

(b) Whenever a Revenue Divisional Officer, who conducts an enquiry under the above Order, finds that the Police Official concerned has been guilty of some other offence not coming under this Order, he should forward the report of enquiry to the Collector of the district, who will transfer the record of enquiry to the Superintendent of Police concerned for further action.

(6) City of Chennai. --

(a) The procedure prescribed in paragraphs (1) to (5) will apply mutatis mutandis in respect of charges of the same nature against the Police in the City of Chennai, with the following modifications:-

(b) Every reference to the Revenue Divisional Officer in those paragraphs will be construed as referring to the Chief Presidency Magistrate. The report of the Collector referred to in paragraph 5 above need not, however, be sent by the Chief Presidency Magistrate to any other authority. The Chief Presidency Magistrate may direct any of the Presidency Magistrates to hold the informal enquiry into the occurrence. Such Presidency Magistrate should conduct the informal enquiry and record findings on the questions referred to in paragraph (3) above in the matter and forward the same to the Chief Presidency Magistrate. If any prosecution for the offence is considered necessary in consequence of these findings, the Chief Presidency Magistrate may issue instructions to the Commissioner of Police for laying a formal complaint in such court of the Presidency Magistrate as he may specify, other than the Presidency Magistrate who conducted the informal enquiry.

(c) Whenever the Chief Presidency Magistrate or any stipendiary Presidency Magistrate, who conducts an enquiry under the above order, finds that the Police official concerned has been guilty of some other offence not coming under this Order, the record of enquiry should be transferred to the Commissioner of Police by the Chief Presidency Magistrate, if he has held the enquiry, and if, any other Presidency Magistrate has held the enquiry, he should forward the record of enquiry to the Chief Presidency Magistrate who in turn will transfer the record of enquiry to the Commissioner of Police, Chennai, for further action.

(d) Post-mortem Examination: - In order to establish beyond all reasonable doubt the death of a person in Police custody including those cases where the individual dies on the way to the hospital, especially where there is a chance to suspect suppression of facts, post-mortem examination of the body is very necessary. Therefore, in all cases of death in Police custody including those cases where the individual dies on his way to hospital for treatment, the enquiring officer exercising the powers of First-Class Magistrate in the mufassal or the Chief Presidency Magistrate in the City shall invariably send the dead body for post-mortem examination and obtain the post-mortem certificate before recording his findings of enquiry.

(7) General –

When complaints of torture, etc., against a Police subordinate are received by a Police Officer either in the mufassal or in the City through the media or telegram from non-official sources, anonymous or pseudonymous petitions and letters, or even by vague rumour, the officer receiving the same should immediately inform the Revenue Divisional Officer concerned in the mufassal and the Chief Presidency Magistrate in the City of Chennai of the fact that a complaint has been received and that he is trying to verify the veracity or authenticity of the information and that the result of the verification will be communicated to the Revenue Divisional Officer or the Chief Presidency Magistrate, as the case may be, as early as possible. He should not however register the complaint as a First Information Report until after such verification.

(8) It is left to the Revenue Divisional Officer concerned in the mufassal and the Chief Presidency Magistrate in the City either to wait for the result of the Police verification of the authenticity of the report or cause to be made such verification as he considers necessary. The Revenue Divisional Officer or the Chief Presidency Magistrate, as the case may be, should not, however, start the formal investigation under paragraph (3) above, before satisfying himself as to the authenticity of the anonymous or pseudonymous communications containing the complaint.

(9) Such cases as are referred to in paragraphs (2) (a) and (b) above should receive special mention in Part-I of the Weekly Report prescribed by Police Standing Order. Volume-I, Order No.137, by both the Assistant or Deputy Superintendent of Police concerned and the Superintendent of Police in mufassal and the Assistant Commissioner and the Deputy Commissioner in the City of Chennai.

(10) Minor Injuries -

The following procedure is prescribed for enquiry in cases of attack and of minor injuries caused by the Police.

(G.O. Ms. 608, Home, 18<sup>th</sup> March 1974)

(a) In the mufassil —

The person concerned may prefer a complaint in person to the Executive Magistrate having jurisdiction over the area and such Magistrate should hold a preliminary enquiry and take such further steps, as he deems necessary. If the Executive Magistrate considers that there is *prima facie* case and detailed enquiry is necessary he should send up proposal to the Additional District Magistrate-I and obtain specific orders from him before commencing the detailed enquiry.

(b) In the City of Chennai -

In so far as Chennai City is concerned the powers of conducting the preliminary enquiry and of giving concurrence for the detailed enquiry shall vest with the Chief Presidency Magistrate.

(11) In all cases, where a formal enquiry is held after obtaining the concurrence of the Chief Presidency Magistrate, the enquiry report shall be sent to Government in the Public (General-A) Department.

(G.O. Ms. No. 603, Home Dated 18th March 1974)

(12) Guidelines to be followed in the departmental proceedings initiated against Police personnel, award of punishment, appeal or review petition filed by the delinquent Police personnel:

(a) When the Government orders departmental action against the accused Police personnel, there should not be any delay in taking departmental action. The enquiry should be commenced within a month from the date of receipt of the Government Order and it should be processed quickly in accordance with the rules in force. The result of the departmental action along with the findings of the Enquiry Officer, the punishment suggested by Punishing Authority and imposed by the Appellate authority should be sent to Government for approval. The matter will be closed after the Government accept the punishment awarded to the Police personnel as adequate. Whenever, the Government have accepted the report of the Director General of Police on the action taken by the disciplinary authority imposing some punishment, in such cases, it is only desirable that no further development is allowed to take place without the knowledge of the Government, to which the following procedures be followed:

(b) If a Police Official concerned prefers an appeal or review petition to any higher authority after the Government have accepted the punishment awarded to him, it should be reported to the Government by the Director General of Police and the responsibility therefor should be fixed on a suitable officer in the office of the Director General of Police.

(c) The appellate or reviewing authority should be intimated by the Director General of Police about the decision of the Government relating to the acceptance of the punishment imposed by the Disciplinary Authority.

(d) As the original records relating to the P.R. will be available with the concerned Disciplinary Authorities, it should be ensured that a report on sending the records to the appellate/reviewing authority is sent to Government through the Director General of Police by the authority concerned, duly marking an advance copy of his report to the Government for information.

(e) The appellate authority or reviewing authority should report the result of the action taken in the matter to the Government through the Director General of Police duly marking an advance copy of his report to the Government for information.

(f) Where it is proposed to reduce the punishment already awarded or decided upon by the Government, by the Director General of Police or any other subordinate authority, prior concurrence of the Government should be obtained in all such cases.

*(Government Letter No.828/L&O-E/93-8 Public (L&O) Department Dated: 16.01.1994)*

(13) The detailed procedures to be adopted in PSO 151 Enquiries are given in Annexure to this Chapter.

## **152. Commission to be appointed in special cases —**

(1) Where a Sessions Court, or the High Court, records its opinion that a special inquiry into the conduct of the Police is necessary, an inquiry will be publicly conducted by a commission appointed by Government and consisting of two officers, of whom one has had judicial experience and another belongs to the Police Department. Should, however, sufficient evidence be available without the investigation of the special commission, to justify the institution of criminal proceedings forthwith, that course should at once be taken.

(2) The appointment of a special commission will not take the place of a departmental inquiry, which should be made in all cases where further evidence is required, but such departmental inquiry should be preliminary and ancillary to the special inquiry or the criminal prosecution, and all evidence available, whether derived from the Police Officer's inquiry or otherwise, should be laid before the special commission or the criminal court.

## **153. Perusal of Case Diaries by officers -**

(1) All case diaries of the Main Range shall be read by the Superintendent of Police and those of sub-divisions by the Sub-divisional Officers concerned. Any necessary instructions or orders should be passed upon them.

(2) The remarks made in the case diaries should be communicated to the Inspectors or the Station House Officers as the case may be by crime memoranda, instead of returning the remarked case diaries in original.

(3) The Sub-divisional Officers and Inspectors should without fail, once a fortnight, go through the Crime Memoranda Book, see whether replies to their memoranda have been received and take further necessary action.

Case

**NOTE -** (1) In respect of prohibition cases, the diaries will be filed by the Inspectors concerned.

(2) Case diaries of cases under section 64 and 65 of the Chennai City Police Act need not be forwarded to the Sub-Divisional officers. They may be filed by Inspectors themselves after scrutiny.

#### **154. Inspections —**

(1)\*Every police station (both Inspector-manned and SI-manned) Outposts and Circle Offices must be inspected by the Sub-Divisional Officer annually.

(2) \*Inspectors of Police should inspect the SI-manned Police Stations and Outposts once in six months.

(3) Inspections should be thorough and cover all aspects of Police operations and station administration. During inspections every musket in the station will be tested by firing a blank cartridge.

(4) \*Superintendents of Police will inspect once in four years 25% of the Police Stations and Outposts and inspect 50% of Circle Offices once in two years in each Sub-division and SDO Offices. The inspections of Police Stations should be conducted in such a way as to ensure that no Police station remains uninspected by him for more than four years.

[\*Recommendations of the Tamil Nadu Police Commission-III Paras 15-34 to 15-46) - vide DGP's Memo Rc.No.113949/C/2009 Dated: 06.07.2009.]

(5)(a) During their inspection of all offices and Police Stations Superintendents of Police will comment on the working of 'Tamil Scheme' in the inspection notes in the questionnaire prescribed. Sub-Divisional Officers will also comment specifically on the working of the progress of Tamil as the official language in the inspection notes of Circle offices and Police Stations in the questionnaire prescribed.

5(b) To ensure strict compliance with sub-paragraph (3) above and guard against omission in inspection of stations, circle offices, etc., a check register should be maintained in the camp office of the Superintendent of Police. This register will be called "Roster of Inspections by the Superintendent of Police" and will be in the following form: —

Name of Police Unit	Date of inspection (here enter the year e.g., 1977)	Date of inspection during (here enter the year e.g., 1978)	Date of inspection during (here enter the year e.g., 1979)	Date of inspection during (here enter the year e.g., 1980)
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(c) The names of all Police Stations, outposts, Circle Offices and Sub-Divisional offices in the district will be serially entered one below the other in column (1). The names will be arranged circle wise and Sub-division wise. Traffic stations will be counted separately where they function separately. A Central Crime Station will be treated as one Unit. Dates in Column (2), (3), (4) and (5) will be filled up year-to-year as and when inspections are done. This register will show at a glance whether or not the four year rotation schedule has been followed in respect of each station, out-post etc.

(d) This roster will be scrutinized during the inspection of camp offices of Superintendents of Police and the progress of their inspection reviewed. Before taking up the inspection, Superintendents of Police will draw inspection programme and send it for their Deputy Inspector's General of Police approval and follow the programme.

*(Memorandum Rc.No.250621/IC/2001-2 Dated: 10.04.2002 of the Director General of Police, Tamilnadu, Chennai-4)*

#### (6) Visits -

Apart from regular inspections, Superintendents of Police and Sub-Divisional Officers should visit stations by surprise. \*Superintendent of Police should visit an Outpost once in a year, Police Stations once in six months, special units once in two months and Armed Reserve once in six months, apart from his weekly parade attendance and Orderly Room. Sub-Divisional Officers should visit Police Stations six times in a year and Outpost once in three months. Inspectors of Police should visit SI-manned Police Stations and Outpost every month. They should remember that a detailed visit to a Police Station will enable them to get first hand knowledge of the problems of the area enabling them to provide suitable guidance to the station staff. During such visits, the incidence of crime and its prevention and detections, the pendency of cases and the maintenance of discipline should be examined.

Any men present should be asked about their difficulties. \*\*The District Superintendent of Police can explain to the Police personnel, the various welfare schemes for Policemen being implemented by Government. Such visits provide/strengthen healthy rapport with the station staff and would also help the Superintendent of Police to understand the problems. He will also visit Women Police Stations every month. Visiting Officers will submit copies of their visiting notes to the Deputy Inspector-General of Police in the same manner as notes of station inspections.

[\*Recommendations of the Tamil Nadu Police Commission-III Paras 15-34 to 15-46) - vide Chief Office Memo Rc.No.113949/C/2009 Dated: 06.07.2009]

(\*\*Memorandum C.No.84862/IC/2002 Dated: 16.04.2002 of the Director General of Police, Tamilnadu, Chennai-4)

(\*\*Memorandum Rc.No.250621/IC/2001-2 Dated: 10.04.2002 of the Director General of Police, Tamilnadu, Chennai-4)

(7) Where they have been unable to inspect the stations of probationary Sub-Inspector they should visit them and check up in detail the work and knowledge of the probationers and also the quality of guidance and control over them by Inspectors and Sub-Divisional Officers. Visits of Sub-Divisional Officers to stations should be made once a quarter with special attention to stations in the charge of probationary Inspectors / Sub-Inspectors.

(8) (i) A consolidated schedule of visits and inspections is furnished below and all officers shall abide by these guidelines.

ii) ADG L&O need not inspect the office of the IG Railways, since there is an ADG Railways. The DGP will inspect the office of the COP Chennai City once in two years and will also inspect all the Special Units headed by ADGs once in two years.

iii) This scheme of inspections will, on an average, entail the following work-load on senior officers in terms of visits and inspections:

Rank	Visits	Inspections	Total
SP	125	15	140
DIG	16	34	50
IG	15	35	50
ADG/L&O	28	12	40

iv) Inspections may be scheduled in such a manner that a station is not inspected by two or more officers of the rank of SP and above in the same year.

-DGP's standing instruction No.49/2013, dated: 16.09.2013

## **155. Station Inspection Reports —**

A copy of the remarks left in the station or outpost Visiting Book, whether during an inspection or a visit is to be forwarded with the Weekly Report. An inspection report should be sent with Form No. 13. These reports will be dealt with and returned by the Deputy Inspector-General.

## **156. Circle Inspection Reports —**

(1) The Superintendent of Police on the completion of the inspection of a circle shall record instruction in the superior officers' visiting book and forward a copy of his remarks with a report in Form No. 13 along with his Weekly Reports. These reports will be dealt with by the Deputy Inspector-General and need not be forwarded to the Director General unless they contain anything, which should be brought to his notice.

(2) During such inspections, the Stock books of stationery and printed forms should also be perused to ensure that they are properly maintained and a specific report on this point should also be left in the inspection report.

## **157. Half-yearly meetings of Inspectors —**

(1) A meeting of all the Inspectors of the district and of those Sub-Inspectors whose presence the Superintendent of Police requires shall be held once every half year, at a time and place to be decided upon by the Superintendent of Police, to exchange information and discuss matters connected with the Police administration of the district. Railway Police Inspectors whose jurisdiction lies in the district, will attend, due notice being sent to their Superintendent of Police. All officers of and above the rank of Deputy Superintendents of Police in the district should be present, if possible.

(2) A meeting of all Inspectors (Armed Reserve) of the Armed Reserves in each Range will be held during the Annual Range Police Sports for a free and frank discussion between them, on matters like drill, discipline and welfare relating to the Armed Reserves.

## **158. Meeting between the officers of the Southern Railway and Tamil Nadu State Police -**

(1) Meeting between the officers of the Southern Railway and Tamil Nadu State Police will be held as shown below: -

<b>Officers who will attend the meeting</b>	<b>When to be held</b>	<b>Place of meeting</b>	<b>Convener</b>
(1)	(2)	(3)	(4)
(a) A Conference of the General Manager, Heads of Department of Southern Railway with Deputy Inspector General and Superintendents of State Railway Police.	Yearly	Chennai.	Chief Security Officer, Southern Railway, Chennai.
(b) Meeting of Railway Officers with the Police and Local Police Officers.	As and when required	Chennai.	Security Officer, Southern Railway, Chennai.
(c) Meeting of the Officers of the Southern Railway, Thiruchirappalli Division and Officers of the Railway Police and Local Police.	Half-Yearly	Thiruchirappalli	Assistant Security Officers, Southern Railway, Thiruchirappalli Junction on behalf of Divisional Superintendent of Police, Thiruchirappalli
(d) Meeting between the Officers of the Railway Police and officers of the Railway Protection Force.	Half-Yearly	Chennai & Thiruchirappalli	Superintendent of Police, Railway Police, Chennai & Thiruchirappalli respectively.
(e) Meeting of Railway Officers of Madurai Divisions	Half-yearly	Madurai	Assistant Security Officer Madurai on behalf of the Divisional Superintendent

with Officers of the Railway Police and Local Police			of Police, Madurai.
(f) Meeting of the officers of the Railway Police and the Officers of the Commercial Branch and Railway Protection Force of Madurai Division.	Quarterly	Madurai	Assistant Security Officer Southern Rail-way, Madurai.

(2) The proceedings of the meetings will be issued by the convenors of the meetings.

(3) The above meetings are intended to be held so that intelligence regarding the 'black spots' organized gang work, etc., may be freely exchanged, besides complicity of Railway employees in crimes and the necessary measures for prevention, formulated.

#### **159. Officers entitled to take the Salute at Ceremonial Parades -**

The salute at ceremonial Police parades, e.g., those held on the Republic Day or Independence Day should be taken by the highest Executive Officer present on the occasion, that is, the Governor, the Commissioner of Police, Chennai, or the Collector, as the case may be.

(G.O. 2453 Home 28<sup>th</sup> June 1937)

#### **160. Attendance at Sessions by SPs---**

Sessions Judges have been instructed by the High Court to send the Superintendents of Police of their divisions, before the commencement of each of their sessions, a list of cases posted for trial with the dates fixed for hearing. Superintendents of Police will examine these lists and will attend those hearings which they consider advisable on their part, or will depute their Sub-divisional Officers to do so. Deputy Inspectors-General of Police at their inspections will satisfy themselves that attendance has been satisfactory and not omitted without good reason.

#### **161. Report of causalities among Inspectors, Inspectors (Armed Reserve) etc. –**

(1) Report of causalities among Inspectors, Inspectors (Armed Reserve) and Sub-Inspectors (Armed Reserve) caused by discharge or death etc. should be sent to the Director-General.

(2) Similar reports should also be sent to the Director-General of Police in cases of causalities among recipients of medals of all categories.

## **162. Safe custody of duplicate keys of Iron safes, Cash chests, confidential almirahs and boxes ---**

The confidential almirahs and boxes of all officers of and above the rank of Deputy Superintendent of Police should be provided with keys in duplicate. The duplicate keys of the confidential almirahs and boxes of all officers should be placed in a sealed cover and lodged for safe custody in the cash chests of District Police Offices. The duplicate keys of iron safes and cash chests provided for stations or other units should be placed in a sealed cover and lodged for safe custody in the District Treasury. A manuscript register of duplicate keys deposited in the District Treasury and in the cash chest in all the Police offices should be maintained. The packet containing the duplicate keys deposited for safe custody should be taken back, examined and re-deposited after being re-sealed once in two years in the month of April or whenever there is a change in the incumbency of the officer depositing the keys, whichever is earlier. A note to this effect should be made in the register. The officers concerned are personally responsible to see that the orders are carried out.

## **163. Revolver practice —**

Every officer of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police including probationers is required to fire 100 rounds of revolver ammunition every year. The ammunition will be supplied free.

(G.O. No. 362, Judicial (Pol) 2<sup>nd</sup> July 1924)

**164. Scale of conveyance to be maintained by officers – Deleted.**

**165. Officers exempted from maintaining a conveyance – Deleted.**

**166. Conveyance - Period within which to be obtained or replaced – Deleted.**

**167. Exemption from maintaining a conveyance - Authority competent to grant – Deleted.**

**168. Certificate and Reports regarding maintenance of conveyance by the officers of and above the rank of Deputy Superintendent of Police – Deleted.**

**169. Collector - to be informed of absence from district -**

The Superintendent shall inform the Collector, of his intended absence before leaving his district whether on duty or on casual leave.

**170. Urgent work - Transaction when Superintendent of Police or Sub-Divisional Officer is on casual leave -- Arrangements to be made –**

The Superintendent of Police shall make necessary arrangements for the transaction of all urgent and important work during casual leave taken by himself or any of his Sub-Divisional Officers.

**171. Reports to the Secretary to Government, Home Department, and to the Private Secretary to the Governor ----- Deleted.**

**172. Procedure to be followed in sending reports — Deleted.**

**173. Visit to neighbouring States -**

Whenever an accused is to be apprehended or goods seized within the limits of neighbouring State, close touch with the local Police of that State should be maintained by the Police of this State in the interests of both of good relations with the States and of speedy and effective investigation. In emergent cases where the time required to contact the local Police is likely to result in the disappearance or removal of incriminating evidence or the escape of the suspected accused, independent action may be taken to the extent considered necessary, but the local Police should be informed of the action taken.

*(G.O. Ms. No. 1286, Home, dated 5<sup>th</sup> May 1954)*

**174. Reports of arrival in Chennai to Chief Office Control Room and contacting the Additional Director-General of Police, (Crime) and Additional Director-General of Police, Intelligence -**

(1) Officers of and above the rank of Deputy Superintendents of Police before their departure to Chennai shall obtain prior permission from their superiors and on their arrival in Chennai, they shall inform their place of stay etc. to Chief Office Control Room.

(2) Superintendents of Police will also contact the Additional Director General of Police, Crime Branch, CID and Additional Director General of Police, Intelligence, Chennai, in regard to Crime and Special Branch matters in their district or in his absence, Inspector/Deputy Inspectors-General of Police, Crime Branch, C.I.D. or Inspector/Deputy Inspectors-General of Police, Intelligence, Chennai as the case may be.

**175. Payment for supplies on tour — Deleted.**

**176. Copy of circulars to be sent to Director-General -**

(1) A copy of any circular or other general communication, explanatory or in complement of any Police Standing Order should be sent to the Director-General by a Deputy Inspector-General or through the Deputy Inspector-General of Police by a Superintendent of Police or Sub-Divisional Officer.

(2) No circular calling for a new return or periodical information shall issue without the previous approval of the Director-General.

(3) If a Deputy Inspector-General disapproves of any circular issued by a Superintendent of Police or Sub-Divisional Officer, he may cancel it and in that case, it need not be forwarded to the Director-General.

**177. Grant of documents or copies —**

No document or official paper of any kind or any copy of such paper belonging to or in the custody of the Police shall be furnished to any private individual or other person not authorized by law to require it, except under orders of a competent court or competent authority.

**178. Fee for Grant of Documents or Copies:**

Applications or petitions presented to any executive officer for the purpose of obtaining a copy or translation of any order passed by such officer or of any other document on record in such office should be affixed with one rupee court-fee stamp.

**ANNEXURE**

## **DETAILED PROCEDURES TO BE ADOPTED IN PSO 151 ENQUIRIES**

The procedure to be adopted by the Enquiry Officer/Collectors/Police officers have been detailed in the chapters that follow.

### **PART I**

#### **(A) PROCEDURE TO BE ADOPTED AT THE FIRST STAGE**

##### **(1) Preliminary Report by Collectors/Superintendents of Police**

The Collectors and Superintendents of Police concerned should send the preliminary information report to the Government within an hour of the incident either by telephone or FAX on the occurrence of death in Police custody/torture/rape/Police firing to Public Department.

Public (Law & Order) Department

Direct Line Telephone: 25672396

Micro Phone No. : 21 6361

Fax No. : 25677128

(On all working days and Saturdays within office hours)

Chief Secretary's Control Room: (During night and Sundays)

Direct Line Telephone: 25671388

Micro Phone No. : 21 6995

Fax No. : 25677128

##### **(2) Detailed Report by Collectors and Superintendents of Police**

A detailed report on all the above incidents should be sent within 2 days to Chief Secretary to Government and Secretary, Public (Law & Order) Department without fail. An immediate report should also be sent to the National Human Rights Commission within 24 hours in all cases of deaths in custody.

On receipt of information from the Station House Officer, Village Administrative Officer or other sources, the Sub Divisional Magistrate of the area concerned should immediately inspect the place of occurrence and hold an inquest and collect details in the prescribed format.

##### **(a) Recording of Statements when alive/Identification Parades**

If the victim is alive, a dying declaration statement should be recorded by the Enquiry Officer. The details regarding the nature of injuries inflicted (in cases of imminent death), persons responsible for torture (names) reasons for torture and nature of wounds and injuries

should be recorded. In the case of rapes, or attempt to rape and molestation, identification parade should be conducted before the victim so as to enable pinpointing of guilt.

(b) Recording of wounds/injuries when dead

If the victim is dead, details regarding the nature of wounds/injuries found on the corpse, the dresses worn/whether mutilated, torn or intact, any other symptoms found on the body should be recorded in the presence of Panchayatdars, witnesses and signatures should be obtained from them in the statement. The inquest report is an important document usable as evidence and should be personally filled up by the Magistrate.

(c) Photographs

Photographs showing the position of the body and photographs of the place where the incident took place should also be taken and sent along with the report.

(d) Collection of evidence

The Enquiry Officer should also record a statement from the witnesses and also from persons suspected regarding their involvement in the crime etc., and collect all the material evidence from the place of occurrence.

(e) Seizure of Records

If during the inquest, any *prima facie* case is made out regarding the involvement of the Police or even if it is suspected to be so, then the enquiry officer should immediately seize the following station records and take them into his possession:

1. General Diary
2. PSR
3. Duty Roster
4. Sentry Relief Book
5. Register of arrest
6. Pocket Diaries of the involved persons
7. Any other station records relating to the offence

Before seizing the records, all the pages and entries should be verified and signed as a token of verification, if possible in the presence of the Station House Officer to avoid subsequent interpolations of entries or tampering and destruction of records.

(f) Post-Mortem

At the next stage, the Enquiry Officer should send the body for post-mortem. The post mortem should be conducted by a team of not less than 2 Medical Officers. The Post-mortem certificate should be obtained on the same day itself by the Enquiry Officer.

(g) Chemical Analysis Report

The materials collected should be sent to the Forensic department for chemical analysis. The Forensic report should be obtained within 15 days. If the report is delayed, the Enquiry Officer should take up the matter with the Joint Director, Health of the District for taking disciplinary action against those concerned for delay.

(h) Rape Cases

In cases of rape, the victim should be sent to a nearby Hospital/Medical officer for Medical check-up within 6 hours of occurrence of crime and medical opinion should be obtained on the same day.

It is essential that the victim should be subjected to Medical Examination to prove the offence of rape.

At the next stage, the Enquiry officer should send a preliminary report to the Collector based on investigation and enquiries made, with suggestions for (or not) ordering a detailed enquiry under PSO 151.

Note: All the above procedures should be attended by the Enquiry Officer on the day of occurrence itself.

(i) Ordering for PSO151 Enquiry by Collector:

The Collector, after analyzing the preliminary report, submitted by the Enquiry Officer, should order for an enquiry under Police Standing Order 151 (OLD PSO 145), if there are sufficient grounds for it. The order instituting the enquiry should contain the terms of reference of the enquiry, the time stipulated. (I.e. 20 days for the submission of the report). A copy of the order should be sent to Government.

## **PART II**

### **(B) PROCEDURE TO BE FOLLOWED IN THE SECOND STAGE**

(a) Calling witness

On receipt of orders of PSO enquiry from the Collector, the Revenue Divisional Officer/Sub Divisional Magistrate should immediately commence the enquiry. Wide publicity to be given to call for witnesses from persons knowing the incident, to depose before him including notices in the Press. If necessary, the Enquiry Officer can seek the assistance of a Gazetted Police officer to assist him in the enquiry. Every effort should be made to ensure that witnesses are not intimidated or prevented from tendering evidence.

(b) Serving of Summons

Summons should be sent to all persons concerned including the Medical Officers, Public and Police witnesses. All the procedures laid down for serving summons should be adopted without fail. Certificate of service should be part of the records of enquiry.

(c) Failure on the part of public

If any member of the public fails to attend the enquiry, action may be initiated under section 2 of the Madras Revenue Enquiries Act, 1893.

(d) Failure on the part of Police

The Police personnel should attend the enquiry without fail on the date specified by the Enquiry Officer. It is the duty of the Gazetted Police officer or the Deputy Superintendent of Police concerned to secure the Police personnel for the enquiry. A detailed procedure has been laid down in PSO 75 as to what action can be initiated for failure by the Police to attend the enquiry.

(e) Examination of witnesses

The witnesses called for should be asked to depose all facts known to them, regarding the commission of the offence. The Enquiry Officer should ask leading questions about the incident, and also test the veracity of the witnesses. Their previous statement, if any, should be compared with the present statement deposed. If any contradiction is found, the witness should be asked to explain the same and to depose the correct statement.

(f) Cross examination

The Enquiry officer should also cross examine the witnesses so as to find out the credibility of the witnesses. Cross examination of witnesses by the accused Police personnel is not allowed under PSO 151. The demeanour of the witnesses should also be recorded by the Magistrate in his report and used as a basis for assessing its evidentiary value.

(g) Recording of statement of witnesses

Statements of witnesses should be recorded by the Enquiry Officer. If the witness is literate, they may be asked to record their statement in writing. If he is illiterate, the statement should be recorded, read out to them and their signatures or thumb impression should be obtained in the statement so recorded. This should be counter signed by the Enquiry officer in their presence.

(h) Examination of Medical Officer

At the next stage, the Medical officer who conducted the post-mortem/medical examination, should be examined by the enquiry officer. They may be asked to explain the nature of wounds, injuries if any recorded in the post-mortem certificate and as to whether the wounds/injuries were the cause for the death of the victims. If the doctor suspects the wounds/injuries to have been caused by any weapon, the type of weapon that might have been used and the terminal nature of injuries caused by those weapons should be ascertained and recorded. If no wound or injury is found, the doctors may be asked to explain in detail the reasons that would have caused the death of the victim. Each of the doctors should be examined separately.

In some cases, the victim would have been alive at the Police station and would have died on the way to hospital or after admission in the hospital. In such cases, the type of medical aid provided to the victim and the reasons that would have caused the death subsequently should be ascertained from the Medical Officer, who attended on him, and recorded. In any case, the cause of death should have been ascertained without any doubt. The statements of the medical officer should be got signed by them and should be countersigned by the enquiry officer in their presence.

(i) Examination of Forensic Report

The Forensic Report, the chemical analysis report should be examined by the enquiry officer thoroughly, if necessary with the aid of the Medical Officer who conducted the post-mortem.

(j) Expert Medical opinion

If the Medical opinion differs or is inconclusive, the enquiry officer can refer the matter to the Head of department of the concerned discipline for an expert opinion and a conclusive decision should be arrived at on the terminal nature of wounds/injuries that caused the death. In all such cases, the utmost expedition should be shown in obtaining final reports.

Examination of Police personnel

The Enquiry officer should examine each of the Police personnel involved separately. They may be interrogated on the following:-

1. Their role in apprehension of the victim, whether victim was secured on his own or by order from higher authorities, the offence for which he was apprehended.
2. To find out the facts in the FIR filed.
3. Reasons for the delay, if any, in filling of FIR.
4. Entries in the G.D., P.S.R. sentry Relief Book, duty roster, pocket diaries.
5. Interpolations, over writing, missing facts and entries in the station records, reasons thereof, persons responsible for the lapses.

In the case of “reported” suicidal hanging:-

- (a) the accessories used for hanging
- (b) how the victim was able to get them
- (c) height of the place used for hanging
- (d) persons who were on duty at the time of hanging

Note: Using the photograph of the place of occurrence taken by the R.D.O. at the time of inquest, the statement given by the concerned Police officials can be verified as to whether it is possible.

In case of “reported” suicide by consumption of poison: -

- (a) nature of substances used
- (b) how the victim was able to get it
- (c) the possibility of consuming such substances while in Custody

In the case of “reported” self-immolation: -

- (a) what type of substance was used
- (b) how the victim was able to get it while in custody.
- (c) the person who noticed it first
- (d) whether any first aid was given and attempt made to save the victim

In the cases of “reported” suicidal hanging outside the Police station:-

- (a) how the detenu escaped from the lock up
- (b) persons responsible for the lapse
- (c) persons who were on duty

In the cases of custodial rape:-

- (a) the time when the victim was taken to the Police station and under what circumstances – and the offence allegedly committed by the victim.
- (b) Whether FIR filed
- (c) Reasons for keeping the woman in the Police station, particularly after sunset.
- (d) The person if any who accompanied the woman to the Police station
- (e) Whether any women Police official was posted in the company of the woman if she was detained in the night.
- (f) Persons responsible for the rape and persons abetting the commission of such an offence
- (g) Cross examination of the facts and points raised by the public witnesses
- (h) Verification, corroboration of depositions of Police.
- (i) Verification of medical report obtained if necessary with the assistance of Medical Officer preferably a lady Medical Officer.

In all the above cases, statements should be obtained from the Police officials/witnesses in their own handwriting and should be countersigned by the Enquiry officer in their presence.

(l) Examination of material exhibits

The Enquiry officer should verify the material exhibits, if any, obtained and to record the proof of material exhibits.

(m) Classification of evidences

The Enquiry officer should classify the evidences, depositions and records and the material exhibits as primary evidence and secondary evidence.

(a) Primary Evidence: -

1. Inquest report
2. Post mortem certificate
3. Forensic report
4. Final Medical opinion
5. Expert Medical opinion
6. Dying declaration
7. Wounds certificate
8. General diary
9. P.S.R.
10. Sentry Relief Book
11. Duty roaster
12. Register of arrest
13. Remand register
14. Pocket diaries
15. Statements of eye witnesses (Public)
16. Statements of Police witnesses
17. Any other evidence having a direct bearing on the matter under enquiry.
18. Material exhibits
19. Photographs etc.

(b) Secondary Evidence:-

1. Statements of hearsay witnesses
2. Oral accounts

### **PART III**

#### **(B) PROCEDURE TO BE FOLLOWED AT THE THIRD STAGE**

(a) Preparation of enquiry report by R.D.O.

The enquiry report should be prepared and submitted to Collectors within 20 days from the date of the incident positively. The report should invariably contain information on the following:-

1. Facts given in the inquest report in brief.
2. Deposition of co-prisoners if any (facts only)
3. Deposition of eye witnesses if any (facts only)
4. Deposition of other public witnesses if any (facts only)
5. Deposition of Police officials if any (facts only)
6. Statement of Medical officers
7. Facts unearthed in Station record
8. Nature of wounds, abrasions, injuries etc., as per the post-mortem report
9. Contents of Forensic Report
10. Final medical opinion
11. Facts unearthed in the enquiry after critical analysis of all pieces of evidence
12. Conclusive opinion of the Enquiry Officer.
13. Persons specifically responsible for the crime.
14. Criminal / Departmental action recommended against each delinquent Police official. Where criminal prosecution is recommended, based on the evidence gathered, the specific IPC offence should be indicated.

The primary and secondary evidence collected should be serialized for easy reference.

The enquiry report along with other documents should be sent to Collector within the stipulated time.

## **PART IV**

### **(C) DETAILED GUIDELINES FOR CONDUCTING PSO 151 (OLD PSO145) ENQUIRY**

#### **(a) Verification of FIR**

While making an enquiry into the deaths in custody, allegations of torture/rape etc, the Sub Divisional Magistrate soon after holding the enquiry should verify whether FIR has been registered as per section 154 of the Cr.P.C. and also check up the time of death etc. The time of registering the FIR, the contents of the FIR and details of person who gave the first information and time, whether the complaint was properly registered by the Police in the FIR statement should be noted. The SDM should also check up whether a copy of the FIR on the grave occurrence was sent to the District Magistrate (i.e.) Collector as express report as specified under PSO 577.

### (b) Verification of offences

An analysis of many PSO 151 reports shows that most of the custodial victims are the persons accused of commission of prohibition offences, theft, member of unlawful assembly, causing public nuisance, causing grievous/simple hurts, assault, robbery, dacoity, cheating etc. While making an enquiry under PSO 151, the Revenue Divisional Officer should check up the details of the offence for which the accused was taken to custody and as to whether the alleged offence was recorded in the FIR through a proper complaint. The Revenue Divisional Officer should also enquire the time of the alleged commission of the offence and time of registering the complaint in the FIR and if the FIR is not registered immediately, he should investigate the reasons for the delay in registration. This will reveal whether during the delay in registering the FIR, the accused was unlawfully taken into custody or kept under illegal detention. The mode of investigation commenced by the Police, the actual time of arresting the accused and the time recorded in the General Diary, PSR and Sentry Relief Books should be cross checked and the entries made in the station records immediately after the arrest of the accused, should be compared. Discrepancies noted will be revealing. The Enquiry Officer should be aware that most of the offences charged against the accused are either bailable or non-cognizable. The Police can arrest a person without warrant (from the competent Magistrate) only for the commission of cognizable offences. In non-cognizable cases, a warrant from the Magistrate is absolutely necessary. Hence, while enquiring the case the Sub Divisional Magistrate should clearly check whether the offence in question requires a warrant for arrest or not and if no warrant is required whether the arrest was made as per section 46 Cr.P.C. (i.e.) the quantum of force used in apprehending the accused and whether the force used was necessary to arrest the accused under such circumstances. He should check if there were injuries or wounds caused to the person arrested and whether such excessive use of force was necessary according to the circumstances. The law permits the Police to use minimum force required for arrest. If excessive use of force is evident, the person who uses such excessive force will be criminally responsible and liable for punishment. These factors should be investigated by the Magistrate. While making an enquiry, the Sub Divisional Magistrate should critically analyze the use of force in apprehending an accused, whether the circumstances justified it or not and record his specific opinion in the matter. Similarly, most of the offences charged against the accused in the PSO enquiry are bailable. It should be noted that the Police officer has no discretion to refuse bail when the offence is bailable and in certain cases the arrested person is entitled to bail as a matter of right. So when a person is arrested, he has to be either let out on bail or remanded to judicial custody within 24 hours and keeping such persons in the Police lock-up without an order of the Magistrate beyond 24 hours amounts to illegal detention. The Police can be charged for this omission. It is quite common that the accused kept in the lock up have wounds, injuries, abrasions etc. and generally the Police attribute this to attempts made by the accused to escape from arrest. The accused, however invariably, point their fingers against the Police that they have inflicted the

injuries on them. According to Section 53 of the Cr.P.C. the Police are bound to send the accused for medical examination if he has injuries or is in ill-health. Hence, if an accused is found in the lock up with injuries/ill health, without being sent to medical examination an adverse presumption should be made that the injuries and wounds were caused by the Police while under their custody in the lock up.

(c) Verification of time of arrest

In almost all the PSO cases, it is invariably found that the accused is kept in the lock-up without registering a case. There are no entries in the station records. In such cases, the enquiry officer should verify the records and find out whether the accused was arrested at the time noted in the station records or earlier. Attempt should be made to relate these times to depositions of independent witnesses. The statements of the independent witnesses have to be taken into account about the time of arrest to check on the uniformity of timings recorded, from the depositions of the independent witnesses, other persons kept in the lock up on those days should be examined to find out the real time of the arrest of the accused. If the time of the arrest does not tally with the time recorded in the station records, it has to be concluded that the accused was kept under illegal detention, till such time.

(d) Medical evidence

In an enquiry under PSO, the guilt of the accused Police officials should, of course, be proved conclusively. It is seen that where there were no external or internal injuries on the body of the deceased and no signs of torture were visible, the enquiry officers are not taking the medical and the Forensic report as the conclusive evidence to prove the cause of death of the deceased apart from other evidences. The enquiry officer should therefore ascertain the facts behind the medical opinion conclusively from the team of doctors by cross-examining them separately. It must be remembered that if there is any suspicion as to the cause of death, the final medical opinion, post-mortem and Forensic report which are critical to successful persecution should be referred to experts for a conclusive opinion as to the cause of death. In most of cases, the medical opinion is inconclusive and indecisive and it is seen to be primarily an expression of opinion and not of facts. If there is no evidence from eye witnesses or other evidence to prove the cause of death, medical evidence has to be relied on, to determine the cause of death. Where direct evidence of eye witnesses is available on record as to the physical harm inflicted on the deceased and this evidence is in conflict with medical evidence on record, the enquiry officer need not always give credence to the medical opinion so as to render other evidence entirely useless. In such a situation the enquiry officer should analyze other corroborative or circumstantial evidence to prove the case in addition to the eyewitnesses or medical evidence. Where there are conflicting opinions between Medical Officers and experts, the reasonable course would be to accept the opinion which is not in conflict with the direct evidence.

In most of the cases of deaths in custody, the final medical opinion as to the cause of death of the victim read as “the deceased would appear to have died of “Myocardial infarction”. In such cases, the enquiry officer conclude the cause of death as a natural one and no liability is fixed on the delinquent Police officials who have kept the victim under illegal detention or tortured them to meet this tragic end. Deaths due to myocardial infarction are not always because of natural cause but may also be due to some attending factors which hasten this natural end. If the victim was not subjected to severe torture or other forms of cruelty while in custody, deaths due to heart attack (myocardial infarction) can be avoided. Whenever, the death is due to myocardial infarction the enquiry officers should ascertain the factors which led to the death from the medical officers and the role played by each of the delinquent Police personnel and fix up criminal responsibility against them.

(e) Rape cases

The inserted sections 114-A and 114-B of the Indian Evidence Act, empower the court to draw a presumption against the accused in prosecution for rape and dowry deaths. Instructions have been issued that no woman (except in certain cases) should be kept in the lock up before dawn and after sun set. The woman accused should be searched only by woman Police and they should be kept under lock-up (if necessary) in Woman Police Station under the control of Women Police Constables only. Despite these strict instructions, cases of molestation and custodial rape have been reported.

Whenever a complaint of rape in custody against the Police is made, the Sub Divisional Magistrate should immediately subject the victim to medical examination as early as possible within 6 hours of the incident and arrange to send the dresses worn by the victim at the time of the incident for chemical analysis and report based on the medical and forensic evidence and testimony of the ravished Woman and by other evidences, the enquiry officer can draw inference whether the alleged rape was committed or not. In cases of custodial rape, it is almost impossible to get any other independent evidence to corroborate the testimony of the victim. Hence, if the presence of the women in custody is established after sun set till the morning (without reasonable cause) by any sources, the allegations of molestation or rape against any specific person or all the persons on duty in the Police station stands established on presumption under section 114-A of the Indian Evidence Act.

The complainants in most of the custodial rape cases are married women. Establishing rape on married women without medical examination, within 6 hours, would be extremely difficult. Medical evidence showing injury to her private parts, injury to other parts of her body, seminal stains on her clothes or the clothes of the accused or marks of struggle at the places of occurrence are the vital evidences to prove an offence of rape and attempts should be made by the Enquiry Officer to establish this by enquiry.

(f) Suicidal hanging

It is noticed that most of the accused who were kept in the lockup or called for interrogation to the Police station were found hanging either in the bathroom or other places in the Police Station or outside the Police station premises. In such cases, attempts are made to tamper with the entries in the station records viz., GD., PSR, Sentry relief book and pocket diaries etc. Hence, the enquiry officer should seize these records immediately and verify whether corroborative entries were made first in the G.D., PSR, and Sentry relief book respectively, to establish the presence of the victim in Police custody. If the presence of the victim could not be established through the entries in the station records, the co-prisoners and other independent witnesses should be examined to prove the presence of the victim in the Police station under illegal detention. After establishing the presence of the victim in the Police Station, responsibility lies with the Police to account for the presence of the victim in his custody.

If the victim is found hanging in the lock up or the bathroom of the Police station, the enquiry officer should critically analyze the height of the place, the accessories used for hanging, the need for the presence of such accessories in the lock-up or the bathroom, whether such accessories like hurricane lamp, rope, furniture etc. were accounted for in the articles register of the Police Station. In most of the cases the victims have been allegedly hanging by dhotis, towels, sarees and ropes etc, in the lock-up. Normally, the detenues are allowed into custody only in their underwear. The dresses worn by the detenu and the dresses are deposited in the station under the security of the Police and these should be entered in the PSR. Hence, a check of the PSR would disclose details of the dresses worn by the detenu while in the lock-up and it would help the enquiry officer to fix up responsibility as to whether actually the detenu was wearing the dhoti or towel etc. while in the lock up and was able to use this for committing suicide by hanging.

If the detenu was hanging outside the Police station by a tree etc., the enquiry officer should probe as to how the detenu was also to escape from the lock up. The primary onus of explanation and responsibility should be fixed on the sentry PC along with other personnel on duty. If it is a case of illegal detention, primary responsibility lies with the Station House Officer along with other personnel on duty. If the dead body is found on a tree outside the Police station, the enquiry officer should explore as to how the deceased was able to climb on the tree and what were the accessories used by him for committing suicide by hanging. Hence, the type of ligature marks on the neck, other injuries, condition of tongue/eyeballs etc. are extremely significant and are attendant features to be taken note of. If the body is thrown on the high way or in a well, the enquiry should reveal the accident or injury marks on the body. In all these cases, medical evidence is of paramount importance and it should disclose whether the hanging was ante-mortem or post-mortem and whether the death was due to the injuries sustained or due to hanging alone. In suicidal cases, the scar marks around the neck on the place of knot and the rupture of hyoid and other neck bones and other specific injury marks on the body of the deceased would establish whether the hanging was ante-mortem or

post-mortem. If it is a case of ante-mortem, the persons responsible are liable for being charged with culpable homicide amounting to murder and if it is otherwise, the Police are liable for criminal negligence etc.

It is often noticed that some of the detenus in the lock-up died due to flames. The Police allege that the detenus set fire to his body. In one peculiar case, a detenu kept in the lock-up with underwear who was escorted to the lavatory to ease himself is reported to have burnt himself and died. In this case, as to how the kerosene in the hurricane lamp came to be transferred into a plastic bottle and how he got hold of a match box, where he kept these articles hidden while being dressed only in underwear, were not explained by the Police or by the Enquiry Officer. In such cases, the enquiry officer should critically examine the presence of such articles with a detenu in the lock-up and should fix-up specific responsibility against the Police for allowing this to happen.

## PART V

### (D) PROCEDURE TO BE FOLLOWED BY COLLECTOR

On receipt of enquiry report from the Revenue Divisional Officers concerned, the Collectors, after perusing the deposition of witnesses, medical evidences, should analyze the findings of the enquiry officer with records of enquiry. If the enquiry report contains any discrepancy or if the enquiry conducted is not sufficient to prove the crime, it should be returned to the enquiry officer pointing out the discrepancy for rectification. Enquiry report in complete form should be sent to Government along with the recommendation of the Collector, categorically stating whether he agrees with the findings of Enquiry Officer. If not, the Collector should specify points where he disagrees with the Enquiry Officer and send his recommendation specifying the action recommended whether criminal prosecution/ Departmental action against the delinquent Police officials.

It has been noticed that many of the reports of Collectors are content with merely forwarding letters with no comments on the evidence collected, conclusions reached, recommendations made. The Collectors should particularly relate the evidence to the conclusions reached and in case any gap is found in presentation, records referred to or section of the law, these should invariably find place in his report.

Two copies of Enquiry Report along with the recommendation of Collector should reach Government within 30 days from the date of occurrence. If under any unavoidable circumstances, the Collector is unable to send the report within the stipulated time, a report may be sent to Government explaining in detail the circumstances under which it was not possible.

## PART VI

### (E) PROCEDURE TO BE FOLLOWED AFTER ORDERS ARE PASSED BY GOVERNMENT ON THE ENQUIRY REPORT

(a) Preparation of draft complaint

The Collectors / Sub Divisional Magistrates on receipt of orders from the Government for the criminal prosecution against the delinquent Police personnel should send a copy of the order of enquiry report and other required information to Public Prosecutor / Assistant Public Prosecutor concerned for drafting a complaint against the delinquents.

(b) Verification

Subsequently, the contents of the draft complaints viz., name and other particulars of the accused, charges against the accused etc., referred to in the complaint should be verified with the particulars in the enquiry report. A copy of the Enquiry report along with Government orders should be sent to DGP, Madras for taking departmental action.

(c) Filing in Court

The draft complaint after due verification and approval should be filed in Court by Sub – Divisional Magistrate within 7 days from the date of receipt of the order from the Government. The Collector should ensure the filing of draft complaint within the stipulated time.

After filing the case, the C. C. No. of the case should be intimated to Government immediately.

(d) Production of Witnesses

Collector/Sub Divisional Magistrate/Superintendent of Police of the district concerned should ensure production of all witnesses in the Court and the progress of the case to be intimated to Government without fail. If stay or appeal petition is filed by the accused, copies of such orders and petitions should be sent to Government for filing Counter Affidavits.

(e) Final Result

If the case ends in acquittal, the Sub Divisional Magistrate should obtain the opinion of the Public Prosecutor concerned as to whether it is a fit case for filing an appeal or review the case and should send it to Government for consideration. Where the case ends in conviction, the result along with judgement copy should be sent to Government for further action.

## **PART VII**

### **(F) PROCEDURE TO BE FOLLOWED FOR DEPARTMENTAL ACTION BY THE POLICE AUTHORITIES.**

When the Government orders departmental action against the accused Police personnel, there should not be any delay in taking departmental action. The enquiry should be commenced within a month from the date of receipt of the Government Order and it should be processed quickly in accordance with the rules in force. The result of the departmental action along with

the findings of the Enquiry Officer, the punishment suggested by Punishing Authority and imposed by the Appellate authority should be sent to Government for approval.

(*Government Letter No.3471/L&O-A/2008-2 Public (Law and Order-A) Department Dated: 07.07.2008*)

(*Circular Memorandum Rc.No.141046/Con.3 (1)/2008 Dated: 07.08.2008 of the Director General of Police, Tamil Nadu*)

## **CHAPTER XIV**

### **POWERS AND DUTIES OF AND INSTRUCTIONS TO OFFICERS**

#### **179. (1) Introduction:**

The whole time of any member of Police force by virtue of being a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority without claim for additional remuneration.

*[FUNDAMENTAL RULE-11].*

Integrity and devotion to duty- (1) Every member of the Police force shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a Government servant/member of Police force.

(2) Every Police officer shall take all possible steps to ensure integrity and devotion to duty by all Police personnel for the time being under his control and authority.

(3) (i) No Police Officer shall in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior.

(ii) The direction of the official superior shall ordinary be in writing, Oral directions to Subordinates shall be avoided. Where the issue of oral direction becomes unavoidable the official superior shall confirm it in writing immediately thereafter.

(iii) A Police Officer who has received oral directions from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

(iv) No Police Officer shall, in the performance of his official duties or in the exercise of powers conferred on him evade the responsibility devolving legitimately on him and seek instruction from, or approval, of a superior authority when such instruction or approval is not necessary in the scheme of distribution of powers and responsibilities.

Explanation – A Police Officer who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of sub rule (1) of Rule 24 of the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964.

**(2) Inspectors of Police (Law and Order) –**

(a) An Inspector of Police works in the capacity of a Circle Inspector, SHO or Staff Officer. His functions and duties as Circle Inspector in various capacities are the following:

(b) The main duties of Inspector of Police are investigation of important cases, supervision of the Police work of his circle, maintain discipline among subordinates, to see to the upkeep of arms, accoutrements and other Government property and buildings, and to keep the Superintendent of Police and the Sub Divisional Police Officer informed of the state of the circle, its crime and law and order situation on a regular basis from time to time.

(c) The Inspector of Police must thoroughly inspect each PS and Outposts of his circle once in six months, should constantly and systematically tour throughout his circle. He should make enquiries about bad characters, the state of crime, community policing and general efficiency of Police work. He should visit each of his Police Stations once a month, check the current work of the Station, and give necessary instructions, pointing out errors, entering the same in the visiting Book and sending a copy to the Sub-Divisional Police Officer. He shall enter in the visiting book, the details of cases in which instructions issued relating to delay in investigation, finalization, and trials. He shall discuss with the Sub Inspector(s) and Investigation Officers, the cases under investigation, clues for detection and assist in the progress of the cases in finalizing them without unnecessary delay. He should also supervise the prosecution of cases by ensuring production of witnesses before the court in time and executing the NBW without any delay. Further, he must regularly attend the courts in which the cases relating to the Police stations under his control are pending and co-ordinate with the prosecutors to pave the way for disposal of the cases under trial without delay.

(d) During his visits to the Police Stations, he shall scrutinize the station crime history (Part-I) and see whether all cases have been entered correctly and the register is maintained properly. He should peruse duty roster to see whether beats are properly detailed and checked. He should also check beats himself and visit as many villages as possible and see that he visits all villages once a year. The villages visited by the Inspector shall be noted in the village roster maintained by him. The Sub-Divisional Police Officer must watch the frequency of village visits by the Inspector and the quality of work turned out during such village visits. While proceeding on village visit, the Inspector of Police should take stock of the pending NBWs, service of summons to be made, witnesses to be examined, accused to be arrested in the villages proposed to be visited by him and attend to such items of his work also to make his village visits meaningful.

(e) The Inspector must inspect twice a year, the books, shops, premises and stocks of all licensed manufactures and vendors of arms, ammunition and military stores. He shall also

inspect all licensed revolvers/pistols at the licensee's residence in the first quarter of each year.

(f) The Inspector shall assume charge of investigation in all grave crimes and be responsible from the initial stages till the finalization and prosecution of the cases. He shall personally investigate any other important case, or if the Sub-Divisional Police Officer or Superintendent of Police orders him to do so. He shall write the case diaries in all cases that are investigated by him. On the occurrence of a crime of any importance, the Inspector should proceed to the spot without delay, to supervise and guide the investigation and take charge of the direction and co-ordination of all work. Where the Inspector takes up the investigation, he shall continue till it takes a definite shape. If however, he has to leave the investigation for some unavoidable reasons, to be recorded in writing, he must come back as soon as possible and continue the investigation till the case takes a definite shape. In case, he has to leave a case during investigation, he should record in his case diary, the opinion he has formed of the cases till then, as well as detailed instructions regarding the line of further action to be taken.

(g) If a serious breach of peace is anticipated, the Inspector shall promptly proceed to the locality and take measures to bring in public tranquillity. In the absence of any senior officer, he shall take command of the Police engaged in suppressing any riot taking place in his presence. The Inspector should be present on the occasion of large festivals and public assemblies and supervise the Police arrangements. He should plan, co-ordinate and organize anti-terrorist operations by collecting useful information about terrorists, their hide outs, shelters, financiers, modules etc., whenever and wherever such necessity arises.

(h) An Inspector of Police shall enter in his Daily Diary, the work done by him and any other matter of departmental interest. When the Inspector leaves his headquarters, his halting places and the villages visited, the distance travelled and the manner of performing journey should be mentioned correctly. The Daily Diary despatched on Monday should contain the details up to previous Saturday night. If anything of importance has occurred on Sunday or in a journey undertaken by him on Sunday, the same also will be incorporated in the diary. Besides the Daily Diaries, the Inspector must also send special and immediate reports on any important or urgent matters, which occur, in his circle. He shall also send a monthly itineration report also. The Inspector shall forward to his immediate superior, case diaries in the cases investigated by him. He shall send a copy of the case diary to the station where the crime is registered and retain one copy with himself.

### **(3) Inspectors of Police (Crime) ---**

Crime Inspectors are employed on a full time basis for prevention and detection of crimes, besides prosecution of criminal cases in Courts. They will handle professional property crimes in his station limits. They will also handle crime and intelligence work in special units at districts and State level.

## **180. Inspection of Station --**

(1) (a) The inspection of Police Station by Inspectors of Police in charge of Rural, Town and Railway Police Circles will be as follows: -

(b) Inspectors -

Inspectors in direct charge of single station need not inspect or visit their own stations as those stations are in their direct charge and the Inspector himself is responsible for the commissions and omissions which take place in his Police station.

(c) Inspectors in charge of two or more stations should inspect the stations and outposts once in six months and visit them once a month, with special attention to stations in charge of probationary Sub-Inspectors.

(d) Where an Inspector is in charge of two Stations one of which does not have a Sub-Inspector, he need not inspect or visit the station of which he is in direct charge.

(e) The reports of their visits will be recognized as forming part of the formal inspection report. A report of each visit to the station and the instructions issued shall find a place in the Inspectors Visiting Book.

(G.O. MS. No. 2794, Home, 2nd November 1972)

(2) The remarks of an Inspector on the inspection of station should be directed principally to pointing out errors and giving instructions. They should not be allowed to take the form of a review of the various branches of Police work.

(3) Inspector (Crime) -

The Inspector will visit all Police Stations in his circle once a month and ensure on the spot that all main and subsidiary crime records are maintained thoroughly and up to-date. He will also ensure that input forms from the stations are sent to the Computer Centre as prescribed, with thoroughness and promptness. His inspection reports of his unit should be directed principally to pointing out errors and giving instructions. They should not be allowed to take the form of a review of the various branches of Police work. He will list out defects and see to the remedies of such defects on the spot. He will also be present at the inspection of Police Stations under his control by his Superior Officers.

## **181. Duties of Inspector (Crime) –**

(1) On the occurrence of a crime of any importance, the Inspector (Crime) should proceed to the spot without delay and take steps to investigate and, if and when necessary, should take steps to secure the co-operation of the Police of the neighbouring stations. If circumstances require or when the Superintendent of Police

or the Sub-Divisional Officer so orders, he should himself assume charge of the investigation.

(2) With regard to outbreaks of a particular type of crime within the circle, the Inspector (Crime) should personally and, as early as possible, take charge of the direction and co-ordination of investigation. He will be held responsible for seeing that all information is examined, compared and collated, that every clue is followed up to its end and redundant work is not done by different stations.

(3) When an Inspector has to leave a case he has been personally investigating, he should record, in his case diary, the opinion he has formed of the case till then and the details of instructions regarding the line of further enquiry and further action to be taken in the case.

(4) He will also personally investigate all grave professional property crimes and all important cases forming a series and also attend to such other cases that are endorsed to him for investigation by the superiors.

(5) The monthly and annual crime reviews and Part I crime review will be personally drafted by him.

(6) He shall maintain computerized records of crimes, criminals and office work as prescribed by Director General of Police from time to time.

### **182. To countersign subordinate's case diary –**

(1) Whenever an Inspector is present at an investigation conducted by one of his subordinates, he shall countersign the case diary, and certify that it contains a correct record of the investigation, after ascertaining the correctness thereof.

(2) The Inspector will maintain case diaries of investigation and attend court. He will also issue crime memoranda on the cases supervised by him.

### **183. Breach of the peace —**

If a serious breach of the peace is anticipated, the Inspector (Law and Order) shall promptly proceed to the locality and take measures to prevent it. Should he be present at the time of any rioting, he will, in the absence of any senior officer, take command of the Police engaged in suppressing it.

### **184. Festivals and Public assemblies —**

The Inspector (Law and Order) should be present on the occasion of large festivals and public assemblies and supervise the arrangements made by the Police for the peaceful conduct of the festivals and assemblies.

## **185. Diaries -**

The Inspector shall send in a diary in Form No. 14. Inspector's diaries will cover the twenty-four hours from 6.00 a.m. to 6.00 a.m.

## **186. Inspector's duty to prosecute cases of comparatively minor importance**

It is part of the Inspector's duty to prosecute cases of comparatively minor importance and the Superintendents of Police should see that this duty is not neglected by their Inspectors.

## **187. Prosecution of cases by Head Constables ----**

In the cases of a simple character, when the services of the regular prosecuting staff or other officers, senior to Head Constables in rank are not available, a Head Constable may, with the permission of the Court, conduct the prosecution.

## **188. Inspectors (Armed Reserve) and Inspector (Security) -**

(1) In large districts where there are three Inspectors (Armed Reserve), the senior most among them will generally be in charge of the Armed Reserve companies, the next senior in charge of Stores and the third in-charge of Motor Transport. In districts where there are only two Inspectors (Armed Reserve), the senior among the two will be in charge of the companies and the other in charge of both the Stores and Motor Transport. They should be trained accordingly. The Superintendent of Police may, however, temporarily change this order according to the special training undergone or to be undergone by each. The Inspector (Armed Reserve) in charge of companies shall submit a daily report in Form No 15.

(2) Security of VIPs and other protected persons and security of vital installations will be the primary responsibilities of the Inspector (Security) attached to District Special Branch. He will attend to the following duties:

### **(i) Visits of VIPs and Protected Persons:**

- (a) Communicating the tour programme.
- (b) Communicating security arrangements to be made
- (c) Ensuring provision of required level of security
- (d) Monitoring the progress of the visit.

### **(ii) VVIP visits (President, Vice President, Prime Minister, Governor, Chief Minister, SPG Protectees and other PPs facing very high level of threat:**

- (a) Participation in advance security liaison.

(b) Preparation of bandobust scheme.

© Preparation of anti sabotage check scheme.

**(iii) Security of VIPs and PPs who are residents of the district:**

(a) Communicating prescribed scale of security

(b) Continuous monitoring of security arrangements.

**iv. Threat perception:**

(a) Assessment of local threats to VVIPs, VIPs and other PPs

(b) Communicating threat perception received from Security Branch and local threat perception.

**v. Co-ordination :** with other departments like PWD, Revenue, Fire Services, Medical, TNEB, etc. in connection with VVIP/VIP tours.

**vi. Liaison with other districts:** in connection with VIP tours.

**vii. Maintenance of statistics relating to VVIP visits.**

**viii. Spotters Duty:** Deputing personnel to other districts or States for spotters duty.

**viii. Security related equipment and other materials:** {Hand held metal detectors, door frame metal detectors, Binoculars, BDDS equipment and other security related gadgets, training material like video cassettes.}

(a) Safe custody of the material.

(b) Maintenance of stock register for such items.

(c) Proper maintenance and upkeep, ensuring that the gadgets are in working condition.

(d) Issue of the gadgets whenever needed.

**ix. Maintenance of lists:**

(a) Officers and men trained in Bomb disposal and detection.

(b) Officers and men trained in handling metal detectors.

(c) Officers trained in VVIP protection.

(d) Police personnel having same blood group as the President, Vice President, Prime Minister, Governor, Chief Minister, etc.

x. Monthly updating of these list to record the present posting of these officers and men

**xi. Verifications:**

(a) Verification of personnel employed in security agencies like SPG.

(b) Vetting of employees and workers in places visited by VVIPs.

(c) Verification of participants in functions like Republic Day function in Delhi.

- (d) Verification of wireless licence applicants.
  - (e) Verification of organizers of functions proposed to be attended by VVIPs in the district.
  - (f) Other security related verifications.
- xii. **Enquiries:** Enquiries relating to security related matters and enquiries on threatening letters.
- xiii. **Suspects:**
- (a) Maintenance of list of security suspects.
  - (b) Maintenance of list of persons who may pose a threat or cause nuisance during VIP visits.
  - (c) Periodical checking of such persons.
- xiv. **Training:**
- (a) Selection and nomination of officers and men for security related training courses.
  - (b) Debriefing of the officers and men after the training .
  - (c) Recording their names in a register for drawing upon the services whenever required.
- xv. Maintenance of **circulars** issued from Security Branch, CID on security matters and communicating them to the concerned.
- xvi. **Liaison:** with Security Branch, CID.
- xvii. Preparation of protection schemes for **Vital installations** in the district.

3. The Inspector will work under the direct control of the District Special Branch DSP.

[DGP's Memorandum No.SCA.2 No.4472/M, dated 16.04.1997]

### **189. Sub-Inspectors (Armed Reserve)**

Sub-Inspectors (Armed Reserve) in charge of Platoons of the Reserve shall submit a daily report in Form No. 16.

### **190. Status of Inspectors (Armed Reserve) and Inspectors in Tamil Nadu Special Police Battalion --**

The departmental status of the Inspectors (Armed reserve) and Inspectors in the Tamil Nadu Special Police Battalions (including Inspectors— Adjutant) is equal to that of Inspectors of Police in local Police.

## **191. Status of Sub-Inspectors (Armed Reserve) in the Armed Reserve and Sub-Inspectors in the Tamil Nadu Special Police Battalions-**

The departmental status of Sub-Inspectors (Armed Reserve) in the Armed Reserve and Sub-Inspectors in the Tamil Nadu Special Police Battalions is equal to that of Sub-Inspectors of Police in local Police.

## **192. Motor Vehicles personnel and duties -**

Duties and responsibilities of personnel attached to Motor Transport Branch of various units in Police Department are given in Chapter XXIV.

## **193. Employment of Sub-Inspectors (Armed Reserve) -**

(1) Sub-Inspectors (Armed Reserve) are employed in Reserves, in certain towns for traffic duties and important Railway Stations.

(2) A Sub-Inspector (Armed Reserve) will be in charge of the District Armed Reserve.

## **194. Duties of Sub-Inspectors (Armed Reserve) -**

(1) The duties of Sub-Inspectors (Armed Reserve) employed in Armed Reserves are detailed in Chapter XXIV-- Armed Reserves.

(2) The duties of Sub-Inspectors (Armed Reserve) at Railway Stations are to supervise the Platform staff and assist in preserving order. They should also assist the Station House Officer or Platform Head Constables when their help is required.

## **195. Station House Officers --**

(a) Sub-Inspectors are normally employed as Station House Officers. However, in large town stations, Inspectors are employed as Station House Officers.

(b) The Sub-Inspector in charge of a Police Station is fully responsible for the Police Administration of his charge. The Sub-Inspector is an important and vital functionary in the Police department. He shall be responsible for proper management of the station and optimum utilization of the resources and facilities available. It shall be his duty to manage the staff and work of the Police station in accordance with the law and rules and to make the Police station a place where the needy public gets necessary and immediate response.

*[Model Police Manual]*

## **196. Responsibility for station administration –**

(a) A Station House Officer in charge of a Police Station is fully responsible for the Police administration of his charge. It is his duty to assign to his subordinates their duties and to see that they perform them correctly. It shall be the duty of the SHO to use his best endeavours and ability to prevent crimes,

preserve peace, apprehend disorderly and suspicious characters, to investigate and detect offences, bring the offenders to justice, collect and communicate intelligence affecting public peace and promptly obey and execute all orders lawfully issued.

(b) He shall take measures for the prevention of crime, for the preservation of peace, for speedy investigation and prosecution of cases. When more than one Sub-Inspector is employed in a Police station, which is headed by a Sub-Inspector, the junior officer shall act in accordance with the order of seniority. He shall maintain a notebook in which he will write then and there his daily movements and activities in discharge of his duties. The completed notebook will be retained for 3 years with the station records. He will hand over his current notebook to his successor when he goes on transfer.

(c) In the light of the observations of the Division Bench of High Court of Madras in their order dated 06.09.2013 in a Habeas Corpus petition, with regard to performance of marriage in Police stations or in the presence of Police officers:

- (i) When a complaint attracting an offence of abduction/kidnapping is made out, a case under the relevant IPC section should be lodged. Registration of a case as 'man/woman' is inappropriate.
- (ii) Under no circumstances should the Police be a party to wedding involving a minor.
- (iii) Weddings should not be allowed to be performed in Police stations.

*[Standing instruction No.48/2013, dated 12.09.2013 of the DGP, TN in C.No.231/DGP TN/Camp/2013.][Instructions under (i) reiterated vide DGP's circular memorandum No.074003/Crime 4(3)/2018, dated: 10.05.2018-Whenever any complaint is received with regard to girl or boy missing FIR shall be registered specifically u/s 363 or 366(A) IPC when there is direct allegation of kidnapping in the complaint.]*

## **197. To acquire local knowledge –**

(a) A Station House Officer shall make his business to acquire full local knowledge and to become acquainted with the people of his station limits, especially the Village Administrative Officer, panchayat officials and enlist their co-operation in prevention of crime and breach of peace. He should also involve various committees in this regard. The SHO shall normally visit all the villages and localities in towns in his jurisdiction once a quarter. Passing through a village without doing the work cannot be treated as a visit.

### **(b) Duties of the SHO with regard to protection of couples of inter caste marriage:**

(i) It shall be the duty of the Station House Officer of the Police station within whose limits the couple moves about, to provide protection to them. In order to ensure that such a

protection is given, the Special Cell formed for the purpose, comprising the District Superintendent of Police, District Social Welfare Officer and the District Adi-Dravida Welfare Officer should ensure that the complaint received through helpline or otherwise is forwarded immediately to the Police Stations within whose jurisdictional limits the couple, apprehending danger, are moving about. The moment the request of the couple is forwarded by the Special Cell to the Police Station concerned, it shall be the duty of the Station House Officer of that Police Station to provide protection to the couple.

(ii) Without confining themselves merely to the grant of protection to the aggrieved couple and taking action against the members of the family and friends for chasing the couple, the Special Cell should take pro-active steps to provide counselling to the parents of the couple.

(iii) In the event of any untoward incident, the Special Cell should fix responsibility upon the officers who failed in their duty to protect the couple. The failure to provide protection should be viewed as a major misconduct.

(iv) Besides the above, the following should also be strictly adhered to :

- (a) Police shall not make any attempt to compel the couples to return to their parents if they are apprehending physical harm from them.
- (b) As far as possible, the statements of complaint and witness shall be got recorded under section 154 of code of criminal of procedure, 1973.
- (c) If required, security to the complainant and the main witness must be ensured.
- (d) If the District administration is of the opinion that the situation is tense in the area and it may lead to breach of peace and security, the elements involved in instigating the parties/residents and creating trouble shall be identified and booked under Goondas Act.

[DGP's circular No.168735/Cr.3(1)/2017, dated 10.02.2017].

### **198. Instruction to subordinates -**

A Station House Officer shall see to the instruction and drill of his subordinates, hold inspection of their kits, catechize them upon the performance of their duty and examine their beat books and note books.

### **199. Investigation --**

As far as possible, all investigations shall be conducted by an officer not lower in rank than a Sub-Inspector.

### **200. Duties of Sub-Inspectors in Single Station Circles —**

(1) In the Single Station Circles, Inspectors are Station House Officers. The Sub-Inspector attached to such stations shall work under the orders of the Inspector inquiring in to the crime and instructing and supervising the work of

Special Sub-Inspectors, Head Constables and Constables. During the absence of the Inspector, he will be in full charge of the station and will act on his own initiative.

(2) When more than one Sub-Inspector is attached to such single station circles, the junior Sub-Inspector shall work under the orders of the senior Sub-Inspector. They are, however, concurrently responsible for the smooth running of the station.

**(3) \*Duties and responsibilities of \*\*Special Sub-Inspectors (Local Police):**

(a) To visit the local areas within the jurisdiction, enlist public co-operation, develop sources of report and acquire local knowledge for prevention and detection of crime, enforcement of law and order.

(b) Investigation of crimes, prosecution of offenders.

(c) To prepare station crime history and maintaining other records.

(d) To take preventive steps to bind over bad characters (BCs) after verifying their antecedents and movements.

(e) To attend to prosecution of cases investigated in the Police Station concerned by assisting the prosecutors.

(f) To ensure collection of intelligence regarding grave communal situations and likely political upheavals within the limits of the station concerned.

(g) To assist subordinates in their problems.

(h) To feed District Crime Records Bureau and higher officials, the information with accurate details regarding crime and criminal statistics.

(i) To assist the Station House Officer and to perform any such duties as may be entrusted to him by the Station House Officer.

(j) To investigate cases involving a Special Legislation.

**(4) \*Duties and responsibilities of \*\*Special Sub-Inspectors of Police (Armed Reserve):**

(i) Shall maintain the Armed Reserve records.

(ii) Shall assist subordinates in redressal of their problems.

(iii) Shall maintain statistics and furnish statistics to his superiors.

(iv) In Traffic Wing shall assist superiors.

**(5) \*Duties and responsibilities of \*\*Special Sub-Inspectors of Police (Tamil Nadu Special Police):**

- (i) Shall keep subordinates in good standard of professional competence by leading them. Device in-service training and keep the men in fit condition.
- (ii) Shall maintain records of the company.
- (iii) Shall assist subordinates in their problems.
- (iv) Shall maintain statistics and furnish reports to superiors.

*(Memorandum R.Dis.No.506/NGB IV (1)/1998 Dated: 07.12.1998 of the Director General of Police, Tamil Nadu)*

*(SSI status is the special concession extended to Head Constables who have completed 25 years of service of which 10 years as Head Constables. Vide- G.O. (Ms). No.937 Home (Police.3) Department Dated: 21.07.1998)*

(6) (a) **Women Police:** The following are the duties and responsibilities of Women Police in general:

- (i) Patrolling areas where undesirable women frequent.
- (ii) Bandobust regulating crowd of women and assurance to public during festivals and functions
- (iii) Regulation of road traffic.
- (iv) Arrest and escort of juveniles and women convicts.
- (v) Checking and enquiring juveniles and women convicts.
- (vi) Checking and rendering assistance to public in Railway stations and airports.
- (vii) Attend to telephones and other communications in control centres.
- (viii) Assist in raids on brothels under the Immoral Traffic (prevention) Act 1956 and rescue of women and children.
- (ix) Assist in enquiries and checking in crime cases relating to women and children.
- (x) Assisting and rescuing stranded women, vagabond and abandoned children.

*[DGP's circular memo No.65353/NGB7(1)/99, dated 24.04.1999.*

(b) The Women police be entrusted with the investigation of following cases, in addition to the duties prescribed in clause 6 (a) above.

- (i) Case of rape and attempt to commit rape
- (ii) Molestation
- (iii) Kidnapping and abduction
- (iv) Female infanticide
- (v) Eve-teasing.
- (vi) **The offences under following local laws:**

- (1) Chapter XX-A cruelty by Husband, Relatives of Husband (498-A IPC)

- (2) The Immoral Traffic (Prevention) Act 1956
- (3) The Dowry Prohibition Act 1961.
- (4) The Medical Termination of pregnancy Act 1971
- (5) Indecent Representation of women (Prohibition) Act 1986
- (6) Maternity Benefit Act 1961.
- (7) Muslim women (Protection of Rights and Divorce) Act 1956
- (8) Tamil Nadu Prohibition of Ragging Act 1997.
- (9) Tamil Nadu Prohibition of EVE-Teasing Act -1998.

Further, **one WSI and 2 WPCs are posted to all Police stations.**

The main purpose of posting of this skeleton woman staff is to attend to the complaints of women folk who come to Police stations for other general complaints not dealt with in All Women Police Stations. The WSI should be made to investigate all such cases under the close supervision of the Inspector and DSP concerned. At the same time, they should not be allowed to be idle on the score that there are no complaints of women and their services may be utilised for station routine and investigation of all cases mentioned above. This will enable them to gain experience and confidence and they will not waste their time.

*[DGP's Memorandum No.173805/NGB7(1)/2001, dated 25.07.2002.]*

## **201. Head Constables ---**

Head Constables are employed on general duty in Police Stations under the Station House Officer, as Station Writers in important Stations, and in charge of outposts and guards, and also in Reserves. They shall not be placed in station charge except under section 4 (p) of the Criminal Procedure Code in the absence of the Station House Officer nor shall they conduct independent investigation of cases unless deputed to investigate simple cases under Section 157 of the Criminal Procedure Code in the absence of the Station House Officer.

## **202. General Duty Head Constable -**

(a) The primary duty of a Head Constable on general duty in a Police Station is to supervise the work of the Constables and see to that the instructions issued to them are carried out properly. He shall perform any duties allotted to him by the Station House Officer, whom he will accompany on investigation when required. He will also be available for employment in charge of a guard or escort. He should visit all the villages in the station jurisdiction at least once a quarter and when deputed for a specific purpose.

(b) He will work with Constables and help them understand instructions, catechism and drill, besides assisting them to perform the duties allotted by SHO. He will work as HC in charge of a particular beat area. He will attend to court work under the orders of SHO, and will investigate cases of simple nature when deputed by the SHO in addition to assisting the IO in investigation. He will conduct enquiries into petty complaints and will take care of arrested persons kept in the Police station. He will attend telephone calls, take care of reception and ensure proper behaviour of constables with the persons coming to the Police station. He will remain present in the Police station in the absence of Sub-Inspector, unless called away in an emergency.

*[Model Police Manual]*

## **203. Station Writer —**

(a) The Station Writer will perform the clerical work of the Station under the direction of the Station House Officer. In the absence of SI or SSI, he will allocate urgent duties to the Constables and be in charge of station property including arms and ammunition and carry out the routine work of the station. He may also be employed by SHO to go on night rounds and may occasionally be kept in charge of beat area. He is also responsible to watch the arrested persons kept in the Police station and proper reception to persons visiting the Police station and also for answering telephone calls when SHO, SI, or SSI are not present in the Police station.

(b) Grade I and Grade II Police Constables:

The main duties of Police Constables are;

(i) To perform duties in beats, patrols and pickets and to keep surveillance over history sheeted and other potential criminals as per orders.

(ii) Collection of information and intelligence relating to crimes and criminals, subversive, terrorist and anti social elements in their areas primarily and communication of the same to the authorized superiors.

(iii) Developing cordial relations with local citizen committees/voluntary organizations and knowledge of households in the beat area and convey information relating to persons and events that cause or likely to cause law and order situation or wide spread disturbances.

(iv) To keep in touch with local disputes, caste/communal overtones and inform SHO.

(v) Assistance to investigation officers in the matter of arrests, recoveries, searches, identification and securing of witnesses or verification of information and execute warrants and serve summons promptly, escort prisoners, arrested persons, escort injured or dead to the hospital, guard of prisoners in custody and all station property.

(vi) Help and assist in dealing with Floods, Earthquakes, Fires, Accidents, Epidemics etc. and put in responsible efforts to save lives and property and to perform the duties allotted in Fairs, Festivals, Bundhs, Agitations, Riots, Large Assemblies, Elections, Bandobust and security duties.

(vii) To preserve and guard the scene of occurrence until necessity ceases.

(viii) To behave courteously with all sections of public and treat poor people, children, women, aged and all weaker sections of society with due consideration, sympathy and helpful attitude.

(ix) To be regular and punctual in his duties, catechism, physical training and weekly parades.

(x) To make entries in the prescribed registers and forms and maintain records entrusted to him particularly those relating to beat area.

(xi) Any other duties allotted by SHO or other superior officers.

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#### **204. Station Charge --**

In the absence of the Station House Officer, the senior officer present shall assume charge of the station. Senior Constable present shall also be deemed to be the officer in charge in the absence of higher ranks as per section 2(O) of Cr.P.C.

#### **205. Treasury and Sub-Jail Guard Charge -**

In stations where no Head Constable is allowed for the Treasury or Sub-Jail guard, the charge of the guard will, under the direction of the Station House Officer, be divided between the general duty and Station Writer Head Constables.

#### **206. Outpost Head Constables or any other Police Officer --**

The duty of outpost in charge is to supervise the work of constables in his charge, see to the proper performance of all duties attached to the outpost and maintain the prescribed records. He should submit a copy of the outpost general diary daily to the mother Police station. He shall submit a daily report in Form Nos. 75 and 76 to the Police Station.

#### **207. Receipt of complaint at an outpost --**

(1) The Head Constable in charge of an Out Post is not an officer in charge of a Police Station and is not empowered to record a 'First Information' within the meaning of Section 154, Criminal Procedure Code, of a cognizable offence or to enter its substance in the First Information Report form. If information of a cognizable offence, therefore, is lodged with the officer in-charge of an outpost, he

shall record the facts in his outpost General Diary and report them, as expeditiously as the circumstances of the case may require, to the Station House Officer. The information referred to in section 154, Criminal Procedure Code, the substance of which should be entered in the First Information Report form in such a case is the information first received by the Station House Officer which in many cases be the outpost Head Constable's report.

(2) The officer in charge of an outpost may without intervention of the officer in charge of a Police station, take action in the offences falling under various enactments contained in Madras Road Traffic Code 1940 or such other offences, as can be legally taken cognizance by SI, SSI or HC as per the rank of the officer-in-charge.

## **208. Action in urgent cases —**

(1) The officer in charge of outpost shall, on receipt of a complaint or information of a crime or any serious occurrence, take such immediate action as may appear necessary such as proceeding to the scene of occurrence and preserving the scene, rendering medical assistance to victims, arrest of accused persons etc.

(2) Relief of men in outposts —

Men (Head Constables and Police Constables) on duty in Outposts should be relieved periodically, preferably once a year during April. They are not to be kept on this duty for any length of time.

## **209. Officers responsible for kit —**

Every officer who is supplied with kit at Government cost is responsible for keeping it in good condition and shall be required to replace at his own cost any article carelessly lost or damaged.

## **210. Non-appearance of pensioners to draw pension— Police enquiry —**

On receipt of information that a pensioner of any department of Government has failed to appear to receive his pension for over three months, enquiries should be made by the Police as to the cause of his non-appearance and the result intimated to the officer responsible for the payment of the pension.

## **211. Inspector's Case dairies -**

Inspectors shall forward to their immediate superior, with the diary of the day, case diaries in the cases investigated by themselves. They shall send another copy of the case diary for file in the station in which the case is registered, and retain a copy themselves.

## **212. Station House Officers to send Station House Report -**

(1) Station House Officers shall forward daily to the Circle Inspector, Divisional Officer, as the case may be, a carbon copy of the entries in the Station General Diary (Form No. 75) with a covering sheet in (Form No. 76) a copy of all First Information Reports in the cases registered and the case diary sheets relating to any investigation made.

(2) The Station House Register (Form 76) should be compiled daily by the collator in each station on the basis of the day's General Diary (Form No. 75).

## **213. Check Register of Case Diaries in purely town circles —**

In purely town circles, the Circle Inspector shall maintain a Crime Register in Form No. 17.

## **214. Crime Register of Circle Inspector -**

All cases for which First Information Reports are used shall be entered in this register, which is intended to aid the Inspector in the supervision and control of all cases registered in his circle. At the end of each month, an abstract for each station will be made out in this register showing month-war, all pending cases, indicating those still under investigation. This register must be taken along with the Crime Memorandum Book on all visits to stations for the purposes of going through all the pending cases with the Sub-Inspector to supervise and guide him in his investigations and for checking through cases pending trial. In column 6, the Inspector will enter all points he wants to go into at these visits to stations. Such visits should be at frequent intervals, not less than a month. Columns 1 to 5 may be entered up by the Circle Writer. (Form No. 17).

## **215. To forward Case Diaries -**

The Circle Inspector shall transmit to his immediate superior with his diary for the day, all the case diaries received from the subordinates. He should consider it one of his prime duties to ensure that such Case Diaries are not delayed.

## **216. Inspector's Records –**

The records to be maintained by an Inspector are shown in Volume-II. Instructions are given below upon those which require them.

### **RECORDS TO BE MAINTAINED IN THE OFFICE OF THE INSPECTOR OF POLICE:**

- 1. Case Diary Check Register**
- 2. Crime Register**

- 3. Travelling Diary**
  - 4. Circle Information Book**
  - 5. Register of Government Property**
  - 6. Target Practice Register**
  - 7. Ammunition Account Register**
  - 8. Casual Leave Register**
  - 9. Memo Form Book**
  - 10. Case Diaries**
  - 11. Note Books**
  - 12. Tappal Book**
  - 13. Visiting Book of Gazetted Officers**
  - 14. Crime Chart**
  - 15. Village Roster**
  - 16. Indent Book**
  - 17. List of Article Returned to Store (LARS)**
  - 18. Register of Stationery & Printed Forms**
  - 19. Tamil Nadu Police Gazette File**
  - 20. Tamil Nadu Criminal Intelligence Gazette File**
  - 21. Weekly Crime & Occurrence Sheet File**
  - 22. Measurement Book**
  - 23. List of persons suitable for enrolment as Special Police Officers.**
  - 24. List of Festivals**
- 217. Custody of Inspector's Note Books –**

When a Circle inspector's note-book is finished, he shall file it with his records. He shall leave his current note-books behind on transfer. The book will be retained for three years.

**218. History of the circle -**

Inspector shall take care that the Circle Information Book (in Form No. 18) is properly compiled and kept up to date, obsolete entries being scored out. The object of this book is to prevent knowledge gained by an officer being lost by his successor.

## **219. Notes on Crime in the Station Crime History—Inspectors responsible for correct maintenance –**

Inspectors are responsible for the correct maintenance of the notes on crime in Part-I and Part-IV of the Station Crime History. They should retain in the Circle office, copies of the entries they make in these records for their information.

## **220. Travelling Diary -**

The Inspector will enter in the Travelling Diary (Form No.19) the places visited by him, the date and hour of arrival and departure, the distance and means of travel and the purpose of the journey or visit. The name of the place at which the night halt is made shall be underlined.

## **221. Circle Remarks Book –**

Inspectors shall record in the Circle Remarks Book the dates of changes of transfer of circle charge.

## **222. Station Inspection Report -**

Circle Inspectors should record their remarks on the inspection of a station in the Inspectors' visiting book (Form No. 20) and shall forward a carbon copy of the same with their diary.

## **223. Inspector to visit the Collectors and Revenue Divisional Officers -**

Circle Inspector shall call on the Collectors, District Revenue Officers and Revenue Divisional Officers, whenever they camp in his jurisdiction.

## **224. Records from Circles and Stations –**

(1) Station and Circle records which have to be retained in the District Office will be sent to headquarters by Circle Inspectors at the beginning of the year.

(2) At the close of each year, Inspectors will prepare and forward to the District Police Office for the sanction of the Superintendent of Police, a station-wise list of time-expired records and other useless papers for destruction. They will be destroyed by the Inspectors themselves on receipt of the order of the Superintendent of Police.

(3) Inspectors are responsible for the destruction, in the circle, the copies of Case Diary files and First Information Reports retained in their office and in Stations. These files with the exception of those mentioned in clause (4) of this order will be retained for three calendar years after the year in which the case is disposed of. Attention is drawn to the fact that in undisposed or not fully disposed of cases (e.g) in which the accused persons remain to be arrested, case diary files should

be retained for a period of thirty years. Circle and station records will be included in the annual list of records for destruction to be put up by the District Police Office.

(4) In all cases where an inquest has been held, the copies of the case diary files and First Information Reports will be retained for five calendar years after the year in which the case is disposed of.

## **225. Report of arrival and departures ---**

Every Inspector, Inspector (Armed Reserve), Sub-Inspector (Armed Reserve) and Sub-Inspector (not belonging to the headquarters circle) should report his arrival and departure at the District Police Office.

## **226. Attendance of Sessions by Circle Inspectors & I.O.s -**

The investigation officer should, as a rule, attend Sessions during the trial of a case. Circle Inspector will, however, attend Sessions in all important cases, and whenever they find time to do so, in other cases. He should inform his superior officers about the judgment day of any sensitive case and also make necessary security arrangements to prevent any untoward incident in and around court premises.

## **227. Head Constable to maintain order in Sessions –**

A Head Constable (from the Reserve unless the Sessions Court is not at the district head quarters) will be deputed to be at the disposal of the judge to maintain order in the Court. The same Head Constable should usually be detailed every month.

*[G.O.Ms.No.46, Judicial, 12<sup>th</sup> January 1900].*

## **228. Conveyance –**

Conveyance such as motor-cycles or other transport provided to Police Stations and Circles should be made use effectively and their proper maintenance and upkeep should always be ensured.

## **229. Conveyance Allowance – Deleted**

## **230. Salutes –**

(1) A salute is the military and Police method of greeting superiors and not a servile act. It is an outward sign of inward spirit of discipline and respect for superior. The unity and discipline of a force are indicated by the manner in which the men salute and the officers return them.

(2) Failure to salute shows disrespect, idleness and a low standard of discipline.

(3) A subordinate officer will always salute a superior officer first. It is a good manner for a junior officer to salute a senior officer, when they meet, though they may be of the same rank.

(4) Any Police officer who is saluted will smartly acknowledge the salute. The importance of returning a salute correctly and with courtesy cannot be over-emphasized. It is bad manners to acknowledge a salute by raising a stick, by an indifferent gesture of the hand or with the disengaged hand in the trouser pocket. Officers returning the salutes of subordinates must regard it not as a matter of condescension but as a bounden duty.

(5) The salute will be given and returned with the right hand. Where, however, a salute with the right hand is impossible through physical incapacity, he will stand to attention.

(6) When a Police officer in civilian clothes meets another Police officer to whom a salute is due, he should smartly come to attention.

(7) When a Police officer in civilian clothes meets a person other than a Police officer to whom a salute is due, he should greet him in the traditional Tamil style "Vanakkam".

(8) When a Police officer who is in civilian clothes receives a salute, he should acknowledge with appropriate greeting or order.

(9) Police officers should salute when passing, addressing or being addressed by Police officers, senior to them in rank, whether in uniform or in plain clothes.

(10) Subordinate Police officers in uniform should salute all gazetted officers of the Government and commissioned officers in uniform of the Navy, Army, Air and Auxiliary Forces, when addressing them or being spoken to by them.

(11) Subordinate Police officers in uniform should salute all the magistrates, when the latter are on magisterial duty.

(12) If the nature of the duty such as regulating traffic or other special circumstances make it undesirable, a Police officer will not be required to salute unless spoken to by a person entitled to be saluted.

(13) When a senior officer enters a room in a Police station or class room, the men in the room will stand to attention until they are told to resume their seats or occupation. The senior officer present will call the men to attention; otherwise, the first man, who observes any senior officer entering a room, should give notice to the others by calling them to attention.

(14) When two or more officers are together, the senior only, whether in uniform or not, will return the salute.

(15) Officers or men passing the troops with uncased standards, guidons or colours will salute except when they are carried by units forming part of the escort at a military/Police funeral.

(16) Cased standards, guidons and colours will not be saluted.

(17) Officers, men and colours, passing a military Police funeral will salute the bier. When two or more officers are standing at a group or in a line, the senior most of them will salute after calling the others to attention.

(18) When appearing in a conference or assembly of superior officers, only the senior-most officer will be saluted. It is incorrect to salute in turn other officers.

(19) An officer in Uniform, wearing a head-dress and appearing in an office or orderly room before a senior officer, will salute, retain his head-dress and stand to attention, unless he is asked to sit down. On being asked to sit down, he should remove his head-dress. It is highly improper to place the head-dress on the table of the superior officer, or to retain it on one's head while sitting. It is similarly improper to wear dark glasses when addressing or being addressed by a senior officer.

(20) All officers and constables will salute the court (the Magistrate or Judge) on entering the Court room.

(21) When wearing western style civilian dress, it is etiquette and a good manner to remove the head-dress before entering the room of a superior officer or a dwelling place of any kind.

(22) When a senior officer comes to a function accompanied by a lady, the officer will be greeted first if the function is an official parade and the officer is to be the reviewing officer. Otherwise, on all other occasions the lady will be greeted first.

(23) When officers are in a body apart from the parade, all of them will salute independently on the approach of a superior officer. If, however, they are on an official parade, they will be called to attention by the senior-most officer among them who alone will salute.

(24) When a senior officer arrives on parade, he is greeted by the parade commander who calls the parade to attention and salute. It is not necessary for an officer on the parade to salute, when the senior officer is going round to inspect the parade unless addressed by him or having occasion to address him.

(25) If the senior officer arrives after the parade has started, the parade will not be called to attention. The parade commander will himself salute the superior officer and obtain instructions from him.

(26) When the superior officer goes round the parade ground, the sub-unit commanders only will salute, if they are not engaged in instructing their squads. They will otherwise continue without diverting their attention to greet the officer. If, however, the superior addresses any Squad Commander, the latter will immediately stop his instructions,

bring his squad to attention and will himself salute. After having done with the superior officer, he will proceed with his squad in accordance with the programme.

(27) When, at a ceremonial parade, the command ‘National Salute - Present Arms’ is given, and the national anthem is not played, all Police officers present but not on parade will stand to attention until the order ‘Slope Arms’ is given. When, however, the national anthem is played, all officers of and above the rank of Sub-Inspector not on parade except those officers attending or accompanying the personage taking the salute, will salute. Other non-gazetted officers will stand to attention without saluting. Officers attending or accompanying the personage will stand to attention but will not salute.

(28) All those who are not wearing uniform will stand to attention when the national anthem is played. Those wearing hats will doff them.

(29) The following orders should be observed when the national anthem is played:

(a) While on parade, all officers of the rank of Sub-Inspector and above will salute, and the men will come to attention. This does not apply to ceremonial parade when men will present arms.

(b) While on the move, the party commander will halt the party and will salute, whereas the rest of the men will remain at attention.

(c) If standing in an organized party, the salute will be given only by the officer of the rank of Sub-Inspector and above, except that a Head Constable will salute, if he is in charge of a party and the others will come to attention.

(d) All ranks wearing Indian style civilian dress will stand to attention.

(e) All sentries on duty will slope arms.

(f) All officers carrying a drawn sword will remain at the carry.

## **(2) Police and Fire Service Officers salutation –**

All officers of Tamil Nadu Fire and Rescue Services including District Fire Officers will salute, when passing, addressing or being spoken to by Police officers superior to them in rank and all Police officers will likewise salute all Tamil Nadu Fire and Rescue Services Officers senior to them in rank. For the purpose of this order, Firemen and equal ranks will be deemed equivalent to Police Constables, Leading Firemen to Head Constables, Sub-Officers and Station Fire Officers to Sub-Inspectors of Police and District Fire Officers to Deputy Superintendents of Police.

## **231. Punishment for the delinquency committed by Station Staff ---**

(1) Station House Officers will be supplied with Punishment Roll Forms (Form No. 22). When a Station House Officer reports against one of the staff for any delinquency which is likely to result in the issue of a memo of charge, he will attach a

Punishment Roll form, duly filling up the columns relating to the number of defaults and three last entries and leaving the rest blank and forward it to the Inspector who will fill up the first column and write a minute.

(2) In stations where the Inspector is the Station House Officer, he will himself fill up the columns in the punishment roll form, write up the minute, and transmit it to the Superintendent of Police or Sub-Divisional Officer as the case may be.

(3) When an Inspector or Station House Officer calls on any subordinate Police Officer for an explanation, it should be obtained with the least possible delay and shall in every case be submitted at once to the Superintendent of Police or Sub-Divisional Officer. It should either be accompanied by a punishment roll form or reasons should be given for not submitting one. Any delay will be noticed by the Superintendent of Police or Sub-Divisional Officer.

### **232. Entries in Small Service Books. –**

Inspectors and Sub-Inspectors will make authorized entries in the Small Service Books of their subordinates.

### **233. Headquarters of Officer under suspension to be communicated:**

(1) A Police Officer placed under suspension should be given a specific headquarters by the authority passing the order, which shall normally be his last place of duty. He should not leave the headquarters so fixed without obtaining the previous permission of that authority. If, due to some emergency, he has to leave such headquarters without taking prior permission, he must leave his forwarding address with the head of his office and with the officer holding the enquiry into his conduct. He shall intimate the latter the reasons for and likely duration of his absence which shall not be longer than is absolutely necessary.

(2) He must obey all orders connected with any enquiry into his conduct including orders to attend any stage of such enquiry, and if he fails to do so, the enquiry may be held in his absence.

### **234. Statistics not a criterion of merit -**

The merits of an investigation officer will not be judged by the number of cases sent up for trial or by the low ratio of crime within his jurisdiction but by the quality and nature of his work and the detective ability displayed in each individual case.

*(G.O. 1721, Judicial, 9<sup>th</sup> November 1911)*

## **CHAPTER XV**

### **INSTRUCTIONS REGARDING TRANSFER AND RELIEF OF OFFICERS**

#### **235. Postings and transfers of the officers of the Tamil Nadu Police Service --**

(1) All Postings and transfers of Deputy Superintendents of Police shall be ordered by the Director-General of Police, subject to the condition that such transfers and postings of Deputy Superintendents of Police as Assistant Commissioners of Police in City Police shall be ordered in consultation with the Commissioner of Police.

(2) Transfer of Assistant Commissioners of Police from one range to another in the City of Chennai shall be made by the Commissioner of Police.

(3) Transfers of Addl. Superintendent of Police, Addl. Superintendent of Police (Finger Print) and Dy. Commandant of TSP from one place to another shall be ordered by the Director General of Police, Tamil Nadu.

*[G.O.Ms.No.296/Home (Pol-1A), dated 25.02.2008].*

(4) All other postings and transfers of the members of the service shall be made by the State Government.

#### **236. Reports of relief of Group `A' and `B' Officers –**

(1) (a) A report of transfer of charge shall be submitted to the Accountant-General direct by Officers of Group `A' and State Service Officers of Group `B' in T & A Form No. 7 accompanied by the acknowledgment of the permanent advance.

(b) Every transfer of charge of an officer of Group `A' and `B' should be reported by post on the same day to the Chief Secretary to the Government, the Accountant-General and the Secretary to the Government, Home Department.

*[Article 76 of Tamil Nadu Financial Code, Volume I]*

(2) Assumption of charge of office by Deputy Inspectors General and Superintendents of Police will be communicated to the Director-General of Police by fax/e-mail. Other officers of Group `A' and State Service Officers of Group `B' will send a report immediately by post in T & A Form No.7.

(3) A report of transfer of charge shall also be made to the Deputy Inspectors-General in charge of ranges and the functional Deputy Inspector-General by their subordinate officers.

(4) Whenever a Superintendent of Police leaves a district on transfer or long leave, he should send to the Director General of Police, a copy of the handing over notes.

(5) Officers in independent charge of offices, should, on transfer or while proceeding on long leave, leave behind handing over notes drawing the attention of their successors to the important items of work to which their successors have to give attention on priority basis.

(6) The following headings, set out for guidance, may be adopted with changes suitable to particular circumstances.

(a) Law and Order situation with reference to factions, labour, communal or other situations;

(b) Crime position with special emphasis on cases of special interest requiring the attention of the officer;

(c) Pendency of cases in courts and important cases under investigation;

(d) A note on the strength of the force at all levels;

(e) District personages in so far as they concern Police administration;

(f) The District Police Office Stores, Motor Transport and Armed Reserve;

(g) Important points for attention from the last Inspection Notes by the immediate superior;

(h) Relationship of the Police with Magistrates;

(i) District Special Branch work;

(j) Recent and impending transfers of Inspectors, Sub-Inspectors, Special Sub-Inspectors and Head Constables.

(k) References to circulars touching on important matters of the administration of the district and executive working;

(l) References to work and character of subordinates.

(7) Handing over notes for a Superintendent of Police should rarely exceed four pages of typescript and for Sub-Divisional Police Officers, they should normally be shorter. Handing over notes prepared hurriedly is likely to be superficial and incomplete. Therefore, the notes should be prepared well in advance with a view to furnishing the successor, sufficient information about the state of administration and executive work in the charge.

*[Model Police Manual]*

**237. Postings and transfers of subordinate Police officers —** Postings and transfers of members of the Tamil Nadu Police Subordinate Service are regulated by

rule 32 of the rules regulating the method of recruitment, conditions, of service and pay and allowances of that service.

**238. Transfers not to be frequent** — (1) The frequent transfer of constables is forbidden and they should be kept at the same station for a period of two years whenever possible. Nothing tends more to make the service unpopular than want of consideration in this respect and Deputy Inspectors-General will see that needless changes are not made.

The tenure of office of officers below the rank of Superintendent of Police shall be two years  
[G.O.Ms.No.661/Home (Police-1) Department, dated 13.05.1999].

(2) For facility of check, district orders relating to transfers of Head Constables and Constables will be entered in red ink in the District Order Book, Form No. 23.

(3) (i) The detailed instructions/guidelines prescribed in G.O.Ms.No.10 Personnel and Administrative Reforms (Personnel-S) Department Dated: 07.01.1994 and its various amendments made thereon from time to time and G.O.Ms.No.639 Home (SC) Department Dated: 26.04.2007 shall be followed strictly by all transferring authorities while making transfers of Government Servants in Groups A, B and C.

(ii) Police Officers from the rank of Inspector and above should not be posted in their native district.

[G.O.Ms.No.1446, Home (SC) Dept., dated 18.08.1992 read with Rule 32 of Special Rules for TNPSS].

(iii) A Sub Inspector of Police should not be posted to a Sub Division covering his native place. Sub-Inspectors of Police on completion of training should not be posted to their native places. The native District/Sub Division rule is not applicable to SIs (AR) and Inspectors of Police (AR) and postings of SIs and Inspectors of Police to Special Units (*Rule 32 of the Special Rules for TNPSS*).

(iv) Police Officers from the rank of Sub-Inspector of Police and above should not be posted in a station which is predominantly populated by a particular caste/community or a majority caste/community, to which the officers belong. (G.O.Ms.No.1446, Home (SC) Department, dated 18.08.1992).

(v) General Transfers should be ordered only during the transfer period specified by the Government i.e. from first of April to 31<sup>st</sup> May every year. (G.O.Ms.No.10, P&AR, dated 07.01.1994).

(vi) The general guidelines relating to transfers and postings of personnel are not applicable to transfers in public interest. (G.O.Ms.No.10, P&AR, dated 07.01.1994).

(vii) The right person for the right job may be preferred, honest and efficient officers may be encouraged to occupy key and sensitive assignments (*G.O.Ms.No.1446, Home (SC) Department, dated 18.08.1992*).

(viii) Good effective, efficient and willing officers should be posted to the Police Training College and Police Recruits Schools. (*Govt. D.O.Lr. No.71830/Pol.XI/2001, Home Department, dated 30.07.2001*).

(ix) It should be ensured that the Police personnel get a chance to serve in different wings of the Department. (*Govt. Letter No.77249/Police-III/2001, dated 09.08.2001*) (*Chief Office Memorandum No.195450/NGBV(1)/2001, dated 28.09.2001*).

(x) A Government Servant should not be transferred without valid reasons, before completion of one year in a particular station/post. (*G.O.Ms.No.10, P&AR, Dated 07.01.1994*).

(4) Term of office of holders of certain posts –

(a) Subject to their service conditions, members of service posted in a Police Station, Circle, Sub-Division, Police District, Range, Zone or Commissionarate, as the case may be, shall hold office for a period of two years, or till the date of his superannuation, whichever is earlier.

(b) The provisions in sub-section (4a) shall not apply in cases where any officer referred to in sub-section (4a) is –

- (i) convicted by a court of law for any offence;
- (ii) involved in a criminal case wherein charges have been framed by a court;
- (iii) awarded punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower rank under the relevant rules;
- (iv) placed under suspension;
- (v) incapacitated by physical or mental illness or otherwise becoming unable to discharge his functions;
- (vi) promoted to a higher post;
- (vii) to be relieved to fill up a vacancy caused by promotion, transfer or retirement of other officer;
- (viii) transferred for specific reasons to be recorded in writing;

[Section 4(1) and 2 of the Tamil Nadu Police Reforms Act (Act3) of 2013].

## **(5) Police Establishment Board and Establishment Committee –**

(i) There shall be a Police Establishment Board consisting of the Director General of Police and the following four senior Police officers in the rank of Additional Director General of Police, namely:-

- (a) Additional Director General of Police (Administration);
- (b) Additional Director General of Police (Law and Order);
- (c) Additional Director General of Police (Head Quarters) and
- (d) Additional Director General of Police (Intelligence).

(ii) The Director General of Police shall be the Chairperson and the senior most Additional Director General of Police shall be the convenor of the Board.

(iii) (a) The functions of the Board shall be as follows: (a) The Board shall consider and recommend promotion, transfer and posting of the officers in the rank of Superintendent of Police and above up to the rank of Inspector General of Police. On the recommendations of the Boards, the Director General of Police shall send proposals to the Government for appropriate action. For promotion, transfer and posting of officers above the rank of Inspector General of Police, the Director General of Police shall send the proposals to the Government for appropriate action.

(b) The Board shall function as forum to deal with representations from officers of the rank of Superintendent of Police and above. The Board shall examine such representations and send its recommendations to the Government through the Director General of Police.

(c) The Board shall also make recommendations to the Government for Award of Medals.

(iv) There shall be State Police Establishment Committee to consider matters relating to promotion, transfer and postings of officers of and below the rank of Additional Superintendent of Police.

(v) There shall be Zonal, Range, City and District Level Establishment Committees which will be empowered to effect transfers of Police personnel of subordinate ranks within their jurisdiction in accordance with the instructions and guidelines issued by the Government.

(vi) The Government shall prescribe the composition, responsibilities, functions and powers of the State, Zonal, Range, City and District Level Establishment Committees.

(vii) The recruitment and promotions made under this section shall be in accordance with the service rules governing the respective service, category and class.

*[Section 8 of the Tamil Nadu Police Reforms Act (Act No.3) of 2013].*

(6) (i) The transfer requests of Police personnel of and below the rank of Inspector of Police within the territories of Zones/Cities shall be considered by the “Inter Zonal-City Transfer Committee” for West Zone, Central Zone and South Zone comprising the following officers of the department.

	“Inter Zonal City Transfer Committee’	Functions of the Committee
West Zone	Convenor of the Committee: IGP, West Zone, Members i) COP, Coimbatore City ii) COP, Salem City iii) COP, Trippur City iv) DIG, Coimbatore Range v) DIG, Salem Range	To consider transfer requests of Police personnel of and below the rank of Inspector of Police of West Zone, Coimbatore City, Salem City and Trippur City.
Central Zone	Convenor of the Committee: IGP, Central Zone Members i) COP, Trichy City ii) DIG, Trichy City iii) DIG, Thanjavur Range.	To consider transfer requests of Police personnel of and below the rank of Inspector of Police of Central Zone and Trichy City.
South Zone	Convenor of the Committee IGP, South Zone Members i) COP, Madurai City ii) COP, Tirunelveli City iii) DIG, Dindigul Range iv) DIG, Madurai Range v) DIG, Ramanathapuram Range vi) DIG, Tirunelveli Range	To consider transfer requests of Police personnel of and below the rank of Inspector of Police of South Zone, Madurai City and Tirunelveli City.

- i) The senior most officer among the Committee shall be the Chairman of the Transfer Committee.
- ii) The said Committee shall meet at least once in every two months for considering the transfer requests pertaining to the territory of the Zones (including the Commissionerates under the territory of the Zones). The Zonal IGP concerned will issue transfer orders in this regard under intimation to the Chief Office.
- iii) The waiting list of transfer requests of Police personnel falling under the territory of Zones (including the Commissionerates under the territory of the zones) shall be maintained by the Zonal Office concerned. The Commissioner of Police concerned shall forward the requests with remarks to Zonal IGPs.
- iv) Police personnel of and below the rank of Inspector of Police should submit their Inter Zonal-City transfer requests to the Zonal IGPs concerned through proper channel only

*[DGP's Memorandum NO.3232/NGB V(i)/2018, dated 14.04.2018].*

6 (2) The constitution of Zonal, Range, City and District level Establishment Committee, in terms of section 8 (5) of the Tamil Nadu Police Reforms Act 2013 shall be as given below:

S.No.	Rank	Committee members	Committee Authority to issue orders
01,	Inspectors of Police (Taluk) and Inspectors of Police (AR), Inter Unit/Zone Transfers	ADGP (Admn) ADGP (L&O) ADGP (INT)	ADGP (Admn)
02.	Inspector of Police (Taluk) and Inspectors of Police (AR) within the Zone Transfers	Zonal IGP and Range DIGs in the zone	Zonal IGP
03.	Inspectors of Police (Taluk) and Inspectors of Police (AR) within the Range Transfers.	Range DIG & All SsP in that Range	Range DIG
04.	Sub-Inspectors of Police (Taluk) and Sub-Inspectors of Police (AR) Inter-Zone Transfers	IGP (Admn) DIG (Admn) AIG (Admn)	ADGP (Admn).
05.	Sub-Inspectors of Police (Taluk) and Sub-Inspectors of Police (AR) within Zone Transfers	Zonal IGP and Range DIGs in the Zone.	Zonal IGP.
06.	Sub-Inspectors of Police (taluk) and Sub-Inspectors of Police (AR) within the Range Transfers	Range DIG & All SsP in that Range	Range DIG

07.	Head Constables, Gr.I PCs and Gr.II PCs (Inter Zone and Inter Unit Transfers)	DIG (Admn) AIG (Admn) AIG (Hqrs.)	IGP (Admn)
08.	Head Constables, Gr.I PCs and Gr.II PCs (within the Zone Transfer)	Zonal IGP and Range DIGs in the Zone	Zonal IGP
09.	Head Constables, Gr. I PCs and Gr.II PCs (within the Range Transfer)	Range DIG and All SsP in the Range.	Range DIG.
10.	Up to the level of SIs including SI (AR) (District level Transfer)	District SP & ADSPs in the Hqrs.	SP
11.	Up to the level of Inspectors of Police including Inspectors of Police (AR) within the City (Madurai, Coimbatore, Trichy, Tirunelveli, Salem & Tirupur)	COP and DCs of the City	COP
12.	Up to the level of Inspectors of Police including Inspectors of Police (AR) and SIs including SIs (AR)-Inter Unit transfer within Chennai City	COP and JCOPs of Chennai City	COP
13.	Up to the level of SIs including SI (AR) transfers within the Units in Chennai City (i.e. North, South, East and West and Traffic	JCOPs concerned and all DCs serving under them	JCOP

[DGP's Memo NO.59160/A&R(1)/2006, dated 22.05.2007]

[DGP's Memo No.3232/NGB V(i)/2018, dated 14.04.2018].

## 7. Guidelines for posting of officers/personnel to prohibition enforcement Wing, Civil Supplies, CID, Narcotic Intelligence Bureau & Intellectual Property Rights Enforcement Cell.

The following are the norms for posting of officers/personnel to the following Special Wings/Units:

- a) Prohibition Enforcement Wing including detachments in the Districts/Cities.
- b) Civil Supplies CID.

- c) Narcotics Intelligence Bureau and  
d) Intellectual Property Rights Enforcement Cell

Name of the Special Wing	Category of Officer	Tenure	Upper age limit	Other conditions applicable to all these wings.
PEW	ADSP	2 Years	55 Years	i) Must not have served in PEW, NIB, CS CID or IPREC in the past three years. ii) Must be physically fit. For this purpose, their medical leave record for the past five years shall be examined. iii) Shall not be facing TDP/PSO/151/CB CID/V&AC enquiry and iv) Shall not have currency of any punishment. v) HCs/PCs posted to CS CID, NIB & IPREC must have served for not less than 5 years in local police.
	DSP	1 Year, may be extended by another year after evaluating performance	55 Years	
	INSPECTOR	As above	50 Years	
	SI, HC, Grade I & Grade II PCs	1 year	50 Years	
CS CID, NIB & IPREC	DSP	2 Years	55 Years	v) HCs/PCs posted to CS CID, NIB & IPREC must have served for not less than 5 years in local police.
	INSPR. SI, HC GRADE I & GRADE II PCs	2 Years	50 Years	

[Govt. Lr. No.52446/Pol.1-A/98-1, Home (Pol.1) Department, dated 27.06.1998]

[Govt. Lr. 2D.No.342, Home Department, dated 02.11.2000]

[Govt. Order D.No.994, Home (Pol-1A) Department, dated 19.10.2005].

8. In connection with transfer and posting of Police personnel in the categories of SIs, HCs and PCs of TSP and AR to Special Units, the following instructions are issued and to be followed in order to fill up the vacancies in Special Units after verifying suitability and availability of vacancies and also to pre-empt mass exodus from TSP and AR.

- a) The TSP/AR Police Personnel posted to Special Units shall be termed as “personnel on Local Deputation”.
- b) The TSP/AR Police Personnel belonging to constabulary ranks shall be accommodated only in the following units. Intelligence, V& AC, Railways, TNCS, STF, PTC, CB CID and EOW.
- c) At the level of Inspectors/SIs, they shall be posted to the following units only. ‘Q’ Branch, CID, SB & Security Branch, CID, Core Cell, TNCS, TNCF and STF.

*[DGP's Memorandum No.137743/NGB 4(2)/2007, dated 30.08.2007].*

**9. Instructions regarding transfer of personnel from one Special Unit to another:**

- a) Transfer and posting of personnel of the rank of Gr.II PC and up to the rank of Inspector of Police from one Special Unit to another Special Unit shall not be considered.
- b) There shall be a minimum period of two years, wherein they should work in their parent unit viz. Local, AR or TSP before opting for transfer to another Special Unit.

*[DGP's Memo No.83762/NGB 3(1)/93, dated 03.06.1993]*

*[DGP's Circular Memorandum No.107686/NGB4(2)/2016, dated 07.09.2016].*

c) Police personnel on deputation, both outside of the department or on local deputation, shall apply for transfer of lien from their parent unit, to another unit of their choice, if any, only after their repatriation from their deputation unit and after joining their parent Unit.

*[DGP's Memorandum K.Dis. No.210555/NGBI(3)/87, dated 04.10.1987].*

**239. Joining time —** Joining time may be granted in accordance with the provisions of the Chapter XI of Fundamental Rule 105. It must be understood that joining time cannot be claimed as matter of right and that any officer may be requested to join forthwith.

**240. Transfer of charge by Inspectors and Inspectors (Armed Reserve) -**

When a transfer of charge or the appointment of an Inspector and Inspector (Armed Reserve) takes place, a certificate in Form No. 24 shall be sent by Superintendents of Police to the Director-General of Police through the Deputy Inspector-General of Police.

**241. Relief of Inspectors and Sub-Inspectors** — (1) When an Inspector hands over charge of a circle; he shall give the relieving officer all the records to be kept by an Inspector. He shall also furnish him with (i) a memorandum of all moneys handed over, and (ii) a list of undisposed papers. The relieving officer shall grant a receipt for these articles

(2) (a) The Distribution list of Arms, etc., (Office Manual of the Tamil Nadu Police Form No. 25) kept in stations shall constitute the record of property in the circle, and the relieving officer shall, within thirty days, visit each station in the circle, check the property and bring to notice of the superiors any deficiencies.

(b) The station charge list (Form No. Pol. B.269) shall comprise a record of property, registers, etc., in charge of, or to be maintained by a Station House Officer. When Sub-Inspector hands over charge of a station, he shall hand over the station charge list to the relieving officer who before taking charge of the list, shall check all items of property, registers, etc., mentioned in the list and record in the General Diary the fact whether all the items have been correctly handed over.

(3) The pay of an officer leaving the Force shall not be finally settled up and paid to him, until the above checking has been carried out, or the thirty days allowed for it have expired.

(4) (a) In the case of an Inspector (Armed Reserve), all property for which he is responsible shall be checked by the relieving officer before taking charge and any deficiencies brought to notice.

(b) In cases where the transfer of charge by an Inspector (Armed Reserve) is prolonged and both the relieved and relieving officers become entitled to draw pay and allowances simultaneously for the same appointment, the Superintendent of Police can allow a maximum of three working days for the transfer of the charge. In such cases the Superintendent of Police should certify in the last pay certificate of the relieving officer that the time taken by him to check and take charge of the Government property is reasonable and that he should be treated as on duty for full period. (Ruling 6 under FR 17 and Ruling 11 under FR 106).

(G.O. No. 2328, Home, dated 7th August 1946)

(c) The provisions of FR 106 and Rulings and instructions thereto shall apply with regard to regulations of joining time of State Service and Subordinate Police Officers.

## CHAPTER XVI

### INSTRUCTIONS REGARDING DRILL AND MUSKETRY

**242. Drill and instruction for Taluk Police** - The following is the routine for drill and instructional classes in all Police Stations to be held from 6.30 to 7.30 a.m.

DAYS	DUTIES
Monday, Tuesday and Friday	Catechism and local information.
Wednesday	Drill.
Thursday	Cleaning of arms.
Saturday	Fatigue duty.

**NOTE - Every member of the subordinate ranks should attend at least one parade in a month.**

(G.O. Ms. No. 455, Home, (Confidential), dated 9<sup>th</sup> February 1953)

#### **243. Off duty for Taluk Police –**

(1) Taluk men will be allotted one day off duty each calendar week. The Station house officer of each station will draw up in advance every Friday a list of Head constables and Police Constables showing on which day of the following week each is allotted his day off-duty, and paste it on the notice board. This will be liable to alteration, should it be found later that a particular Head Constable or Police Constable is required for a particular duty on his off-duty day. That Head Constable or Police Constable will then be given the day off-duty on the day preceding or following his allotted day and a Head Constable or Police Constable due for off-duty on that day will be inter-changed.

(G.O. Ms. No. 771, Home, dated 20th March 1973)

(2) The Police Constables on off-duty will be divided evenly over each day of the week, the larger number being on the early days of the week and Court holidays. Thus, in a station with 16 Police Constables, three Police Constables will be allotted their off-duty on Sunday and Monday, and two on the remaining days of the week. Should, for instance, the Thursday be a Court holiday, then three Police Constables would be on off-duty on Sunday and Thursday, and two on the remaining days of the week.

(3) No one on his off-duty day may leave the headquarters without permission.

(4) A Head Constable or Police Constable having had a day's leave during a calendar week shall not be eligible for a day off-duty during the remainder of the week.

(5) If, in the public interest any Head Constable or Police Constable is not given a day off duty in any week, he shall be granted remuneration for the extra-time duty at the rates fixed by Government from time to time, not exceeding

four days in a month. Each Station-House Officer will maintain a register showing the names of Head Constables and Police Constables who are eligible to draw this extra-time remuneration, with full details as to the circumstances in which "off-duty" days could not be allowed. A copy of these entries should be sent to the District Police Office once in a month, where such claims are preferred.

*[G.O.Ms.No.447 Home (Pol-8) Department, dated 28.05.2002]*

*[G.O.Ms.No.601, Home (Pol-7) Department, dated 02.07.2010]*

#### **244. Town Stations –**

(1) In towns, all the men of the station, except those actually on duty, will be required to attend every Friday morning for drill and general instructions from 6.30 to 7.30 a.m.

(2) On other days, the men of No. 5 relief alone need attend at 6.30 a.m. for cleaning arms and instructions.

Notes - (i) Physical training, Platoon drill and Company drill need not be practiced by the men of town stations.

(ii) Every member of the subordinate rank should attend at least one parade in a month.

#### **245. Lathi –**

Men who turn out for dealing with crowds, bandobust duty, patrols (when arms are not taken), beats in disturbed areas and on any occasion upon which a lathi is required for self defence, should always be armed with lathis.

#### **246. Fatigue duty –**

Fatigue duty consists of cleaning and keeping in order the ground around the station and lines, Government buildings occupied by Police officers and gardening other than vegetable gardens, keeping the range in order and generally maintaining the orderliness of the premises.

#### **247. Kit Inspection –**

(1) Kit inspection shall be conducted by the Station House Officer in respect of City and district Armed Reserves or Inspector of Police (Armed Reserve) shall inspect the Kits of all constables and Head Constables in the first week of the first month of the 1<sup>st</sup> and 3<sup>rd</sup> quarters and Inspector of Police (Armed Reserve) shall inspect their kits in the 2<sup>nd</sup> and 4<sup>th</sup> quarters. Every man not present on that day shall produce his kits on subsequent day.

*(G.O. Ms. No. 1029 Home (Pol. (XIV) 6<sup>th</sup> May, 1988)*

(2) Officers of and above the rank of Inspector of Police should verify during their visit to Police stations whether the kit inspection has been held properly.

(3) A diagram showing the articles to be produced is given in the Police Head Constable's and Constable's Guide. The items of clothing to be produced must be of the latest issue.

(4) The inspection should be thorough, each article of kit being examined. The officer in charge of each police station will hold a similar inspection in respect of the men under his charge, and will note the result in the general diary. Men will parade for kit inspection without arms. When each article to kit has been examined by the inspecting officer, the parade will be dismissed and the men will carry away kit to their quarters.

*[Model Police Manual]*

## **248. Musketry —**

(1) Each man in a station has to fire 25 rounds of ball and 10 rounds of blank cartridges every year. The firing shall take place once in every six months. The Sub-Inspector also should fire an annual course of musketry similar to that fired by the men of his station.

*(G.O. No. 433, Judicial, dated 27<sup>th</sup> September 1927)*

(2) (a) The Circle Inspector shall have the custody of practice ammunition and shall hold musketry practice every half year. He shall keep a Target Practice Register in Form No. 27. At out-stations, if any men are absent at the time of his inspection, he shall leave ammunition for their practice, which will be held under the supervision of the Sub-Inspector, who shall forward the scores obtained to the Inspector for entry in the register.

(b) The Inspector should complete the practice at his headquarters himself.

(3) Ammunition Account Register (in C.F. No.268 (a) showing the receipts and issues should be closed every quarter.

## **249. Revolver practice —**

Every Inspector, Inspector (Armed Reserve), Sub-Inspector (Armed Reserve), and Sub-Inspector should fire 60 rounds of revolver ammunition every year. Inspectors, Sub-Inspectors and Head Constables employed in Special Branch duties should also fire 60 rounds annually. The detailed courses of practice are given in Sections 147 to 151 of the Drill and Training Manual for the use of Tamil Nadu Police.

*(G. O. No. 628, Public (Pol.), dated 13<sup>th</sup> December 1934 and G.O. 144 Public (Pol.), Dated 14<sup>th</sup> March 1935)*

## **250. Annual renewal of buckshot ammunition —**

The .410 buckshot ammunition supplied to Police stations shall be fired off at the stations and the stock replaced immediately by fresh round from the district Stores. Fifty per cent of the stock, i.e., at one round per musket shall be fired off at the half-yearly musketry practice.

## **251. Good Shooting Badge --**

Badges for good shooting will be awarded to the men on the completion of the annual practice and will be worn on the lower part of the left fore-arm. The eligibility for the award of badges like silk Silver or Gold is laid down in Section 156 of Drill and Training Manual for the use of the Tamil Nadu Police.

# **CHAPTER XVII**

## **INSTRUCTIONS REGARDING PAY AND ALLOWANCES, CONTINGENCIES, MAINTENANCE OF CASH ACCOUNTS ETC.**

### **252. Pay and Allowances ---**

The general rules regarding the drawal of pay and allowances are contained in Tamil Nadu Financial Code and the Tamil Nadu Treasury Code. The following detailed instructions are issued.

### **253. Pay due to deceased officer –**

(1) The last pay due to a deceased officer or an officer quitting the service should not be paid until it has been ascertained that no demands are outstanding against him and until his full kit has been accounted for and deductions made for deficiencies.

(2) Subject to the provision of subsidiary rule 34 under Treasury Rule 16 of Tamil Nadu Treasury Code, Volume I, Pay and allowances of all kinds claimed on behalf of a deceased officer may be paid without the production of the usual legal authority: -

(a) If the gross amount of the claim does not exceed Rs. 2500 under the orders of the head of the office, in which he was employed at the time of death, provided that the head of the office is otherwise satisfied about the right and title of the claimant; and if the gross amount of the claim, exceeds Rs.2,500 but does not exceed Rs.5,000 under the orders of the Head of the Department.

(b) If the gross amount of the claim, exceeds Rs. 5,000 under the orders of the Government on execution of an indemnity bond duly stamped with such sureties as may be necessary.

(c) The authority mentioned in clause (a) above may, subject to the conditions prescribed in that clause, make anticipatory payment of an amount not exceeding Rs. 2,500.

(d) In any case of doubt, payment shall be made only to the person producing the legal authority.

#### **254. Recovery of overpayments –**

When overpayments cannot be recovered from the payees, the officer responsible for the overpayment will be liable to refund the amount overpaid in the absence of a satisfactory explanation for the over payment. The ratio of the responsibility will be that the dealing assistant will have to refund 65% of the overpaid amount and section Superintendent will have to refund the remaining 35% of the overpaid amount.

*[G.O.Ms.No.286, Finance (Pension) Department, dated 28.08.2018]*

#### **255. Disbursement —**

(1) (a) The salary and other payments of all Government employees are made through Electronic Clearing System (ECS) in all the districts of the State.

(b) Consequent to introduction of payment of salary and other payments to Government Employees through ECS, the system of obtaining acquittance for payments made to Government employees is dispensed with, when credits are passed on to the bank accounts of the individual officers/staff through ECS.

(c) The drawing and disbursing officer shall stitch the ECS Credit advice/extracts of such advice with the office copy of each bill drawn for Government employees and that the entries in UDP Register and Cash Book shall be recorded with reference to the ECS credit advice received from the Treasury/PAO.

*[G.O.Ms.No.175, Finance (Salaries) Department, dated 18.06.2010].*

(d) Introduction of ECS shall not result in any slackness in auditing of bills or in the maintenance of Cash Books and Token Register. Any slackness in the proper maintenance and check of Token Register results in misappropriation. Hence, Administrative Officers in charge of Accounts and Cash Section and unit Officers should ensure proper maintenance of Token Register and that all bills are audited with reference to ECS credit advice and no effort should be spared to ensure that the payments has reached the claimant in each every case and that there is no misuse.

*[DGP's Order No.43/2013 (Rc.No.037115/IAW/2012, dated 10.05.2013]*

(2) The Drawing Officer should ensure that the payment of salary to the staff is made on the due date by presenting the pay bills well in advance.

## **256. Return of pay Bills – Deleted.**

## **257. Re--endorsement on bills—Prohibition —**

(1) Pay and Travelling Allowance bills and bills for office contingencies are not negotiable instruments and re-endorsement on them are prohibited -- vide Subsidiary Rule 2 (q) under Treasury Rule 16. Subsidiary rule 36 (b) and (e) and Subsidiary Rule 37 under Treasury Rule 16 prohibit the issue of bank drafts in cases where bills are endorsed for payment in full at a single sub-treasury. In such cases the following procedure should be adopted.

(2) Bills payable at the bank or treasury at the headquarters will be endorsed by the Administrative Officers (Accounts) to the Superintendent of Police to the treasury orderly. The Administrative Officer (Accounts) should watch the actual encashment and subsequent disbursement to the subordinate concerned.

## **258. Precaution in transmitting cash – deleted.**

## **259. Contingent expenditure ---**

(1) The term “Contingent Expenditure” is applied to the incidental expenditure which has necessarily to be incurred in running an office. This comprises, mainly, charges for electric current, cleaning, freight, tour, rewards paid to non-officials, diet and other expenses paid to prosecutors or witnesses, law charges, etc. The expenditure is non-recurring i.e. it should not involve any commitment beyond a single payment. The special rules restrictions, etc. regarding particular items of contingent expenditure are laid down in the Appendix to the Office Manual of the Tamil Nadu Police and Chapter VI of TN Financial Code – Volume-I.

### **Enhancement of Permanent Advance and Sanction of Contingency Fund:**

The Government accorded sanction for enhancement of permanent advance from Rs.5,000/- to Rs.10,000/- per Police Station.

*[G.O.Ms.No.1074, Home (Police-X) Department, dated 04.12.2013].*

Government sanctioned contingency fund to each Police Station Rs.3,000/- per month for Light Police Station, Rs.5,000/- per month for Medium Police Station Rs.7,000/- per month for Heavy Police Station.

Following Items may be procured under the contingency fund:

- i. Purchase of C.D. (Compact Discs) or DVDs or pen drive.
- ii. Purchase of consumables for photo/video/audio recording equipment.
- iii. Purchase of stationery items like pen, pencil, paper, ink, clips, rubber stamp and stamp pads, sealing materials, etc.

- iv. Purchase of electric bulbs.
- v. Food expenditure for witnesses.
- vi. Transport charges for accused.
- vii. Towing charges for clearing stranded vehicles or other obstruction on roads.
- viii. Publication of pamphlets for creating awareness about crime prevention.
- ix. Expenditure for obtaining legal opinion.
- x. Cleaning materials.
- xi. Urgent Electrical and plumbing works.
- xii. Engaging photographer when urgently required.
- xiii. Cattle feeding.
- xiv. Emergency photocopying expenditure.
- xv. Toner for photo/copiers/printers.
- xvi. Chart preparation.
- xvii. Purchase of packing materials for investigation and other purpose.
- xviii. Hiring expenditure for Kalyanamandapam or other premises during preventive arrest.
- xix. Courier charges.
- xx. Trivial repairs and upkeep of premises.

**Guidelines:**

- i. Contingency fund should be allotted to each police station as per classification of Light, Medium and Heavy only.
- ii. Funds provided under Contingency Fund should be utilized for meeting the unforeseen expenditures, petty electrical repairs and also for the urgent expenditures to be met in emergency situations.
- iii. Contingency Fund allotted to the Police station should be utilized in the respective month itself and carrying over the money to the subsequent month is strictly barred.
- iv. The SHO's will be in-charge for the Contingency Fund amount and the vouchers pertaining to the expenditures should be submitted to the office of the Superintendent of Police/Commissioner of Police, Greater Chennai Police, in the first week of every succeeding month.
- v. The vouchers for the expenditures made under Contingency Fund will be under audit purview.
- vi. The SHO's will monitor the proper utilization of the funds by reviewing the expenditure every week. If the funds seem unutilized for two weeks and presumed that no expenditure is anticipated in the subsequent weeks, it should be brought to the notice of the officers concerned (Superintendent of Police/Commissioner of Police] so as to divert the amount to the needy stations.

- vii. Diversion of funds is to be made only as per the classification.
- viii. If unutilized money is surrendered in any case by not taking it to the notice of higher officials for diversion, the SHO and the station cash-in-charge will be held responsible for the surrender.
- ix. The Commissioners of Police and Superintendents of Police in the monthly meeting will review the proper utilization of the Contingency Fund allotted to the Police Stations.

*[Government Lr. (Ms).No.259, Home (Pol-X) Department, dated 23.03.2017].*

The Government sanction a sum of Rs.1,85,000/- (rupees one lakh and eighty five thousand only) towards Permanent Advance for the 37 units of CB CID Police Stations at the rate of Rs.5,000/- per annum for each unit, to meet the contingent expenses.

The expenditure shall be debited to the following head of account:

‘8672-00-Permanent cash imprest-101 Civil AA-Civil’

[DPC 8672-00-101-AA-0008]

*[G.O.Ms.No.325, Home (police-x) department, dated 02.03.2001].*

#### **(2) Service Postage Stamps -**

The instructions regarding the use of Service postage stamps in official correspondence are contained in Article 119 of Tamil Nadu Financial Code, Volume I and item 46 to Appendix 5 to Tamil Nadu Financial Code, Volume II.

(3) Police Officers should not send communications of any kind regarding their leave, pay, transfer, fund subscriptions and other analogous matters under Service Postage; as such communications are private and not official.

#### **Payment of sundry expenses for investigation -**

(4) (a) (i) Superintendents of Police are permitted to sanction, on their own authority, expenditure from their allotment under special rewards up to the limit fixed for their districts.

*(G.O. No. 317, Finance, 6th May 1914)*

#### **Expenditure under special rewards -**

(ii) Their Camp Junior Assistants/Assistants should keep a note-book in which the details of all expenditure under special rewards will be entered and which will be examined by the Deputy Inspector-General of Police at his inspections. Whenever possible vouchers should be obtained and filed.

(b) Orders sanctioning payment of special rewards should be in Form No. 29.

(c) Government have laid down that the Deputy Inspector General is responsible for a thorough audit of the expenditure under special rewards which should be conducted at least once in every financial year. He will furnish a certificate to the Accountant-General in the following form not later than the 31<sup>st</sup> December following the year to which it relates: —

(d) "I hereby certify that the amount actually expended by ----- for secret service in the year ending the 31st March was Rs. and that the balance in hand on the said 31<sup>st</sup> March was Rs. and that this balance was surrendered by short drawing in the first bill presented during the year; and I declare that the interests of the public service required that the above payments should be made out of secret service funds and that they were properly so made".

## **260. Permanent advances and cash books maintained by Sub-Divisional Officers -**

Superintendents of Police may give permanent advances from their own advances to Sub-Divisional Officers whose headquarters are different to that of the Superintendent of Police. Such Sub-Divisional Officers will maintain a cash book for their cash transactions in the prescribed form and will make out at the end of every month a detailed balance sheet in Form No. 30. In this balance sheet, on the debtor side, the permanent advance and all sums received and undisposed of will be entered, and, on the creditor side, all expenditure paid in advance and not recovered, and the cash balance in hand will be shown. Items of sums in hand in addition to the permanent advance shall be given in detail. The totals, and not the details, of contingent bill submitted to the Superintendent of Police and of items of contingent expenditure not yet billed for will be given. All other sums paid in advance shall, however, be shown in detail.

## **261. Sub-Divisional Officer's Contingent Account --**

(1) The Sub-Divisional Officer shall send in an account of his contingent expenditure, supported by vouchers, to the Superintendent of Police by the 5<sup>th</sup> of the month following that in which the expenditure was incurred.

(2) After the account has been audited in the office and passed by the Superintendent of Police, a remittance will be made to reimburse the permanent advance of the Sub-Divisional Officer.

## **262. Cash book in Police Stations -- Maintenance—Instructions —**

(1) A cash book in C.F. No. 119, shall be maintained in the headquarter station of each circle and in stations to which permanent advances are given. It shall be a record of all cash transactions of the station and the Circle Inspector also in the case of stations at circle headquarters. All moneys received on Government account, whether in cash, cheques, bank drafts. Remittance transfer receipts, bills etc., which are convertible into cash, shall be brought to account in it.

*(G. O. No. 4023, Home, 8<sup>th</sup> October 1937)*

(2) (a) The book shall contain two sets of pages; the left hand pages are marked "Dr." (debit) and the right hand pages "Cr." (Credit).

(b) The permanent advance and all other moneys received on Government account shall be entered on the "Dr." side and all disbursements or expenditure shall be entered on the "Cr." side.

(c) To facilitate the easy check of disbursements as against the corresponding receipts, the last column viz., Head of Account, etc., on each half shall be used for noting the dates of disbursements or dates of receipt of the different items.

(d) Sums paid to men of other districts from the permanent advance and their recoupment shall be entered in red ink so that the adjustments of such payments can be easily watched and delays brought to notice.

(3) (a) (i) The book shall be closed at the end of each day on which there is a transaction, the amount or cash on hand being shown as the last entry for the day on the "Cr." side, and brought forward as the first entry of the next day on the "Dr." side.

(ii) The book shall be in the custody of and shall be maintained by the Sub-Inspector himself, but, when he is likely to be absent from the station for a day or more, the book may be handed over to the station-writer with clear and definite instructions as to its maintenance. During the absence of the Sub-Inspector from headquarters, the station-writer should make entries in his own hand in the cash book and this should not be postponed on any account till the Sub-Inspector's return. The Station writer will be held personally responsible for the correct maintenance of the cash book during the Sub-Inspector's absence. On the Sub-Inspector's return to the Station, he shall check the entries in the book, the cash balance and initial the transactions for each day of his absence.

(b) The cash on hand in each Station shall be kept in a locked drawer or other suitable receptacle; when the charge of the cash book is exchanged, the cash balance together with the key of its receptacle shall be handed over by record in the General Diary, the amount handed over being stated in words as well as figures.

(c) The Circle Inspector shall, when he halts in his headquarters, check the entries in the book maintained in his headquarter station daily if possible, and in any circumstances not less than once a week. On return after an absence from his headquarters, he shall examine the book, check and initial the transactions for each day of his absence. In respect of cash books maintained in other stations of his circle, the Inspector shall check the book of each such Station as often as it is possible when he visits the station but not less than once a month, and certify in his diary that he has done so, that the books are in order and the cash balance correct, that all payments from the permanent advance up to the date the last recoupment bills were due have been claimed and that full cash recoveries have been made from all bills cashed up to date.

(4) At the end of every month a detailed balance sheet in Form No. 30 shall be made out in the cash book in the manner prescribed in Order No. 260.

(5) In Single Station Circle the duties in regard to maintenance of and checking of cash book will be performed by the Inspector himself.

### **263. Station House Officers to send contingent bills --**

(1) A sum as shown in Order No.259 is being sanctioned to each Police Stations for meeting the contingent expenditures. As and when expenditures are made, it shall be recouped by sending necessary vouchers to District Police Office.

(2) Each Station House Officer shall submit direct to the District Police Office on the 20<sup>th</sup> of the month a bill, in Form No. 31, for the contingent charges of his station. The bill should include all fixed charges, such as rent of station, wages of station sweeper, etc., to be paid during the next succeeding month, and also the expenditure actually incurred up to the date of submission of the bill under fluctuating items, such as service-bearing postage, for which vouchers should be attached. For any charges of an unusual nature, the previous sanction of the Superintendent of Police should be obtained through the regular channel before the amount is included in the bill. The Inspector shall make out a separate contingent bill for charges incurred by himself and forward it to the District Police Office on the 20<sup>th</sup> of the month.

(3) These bills will be audited in the District Police Office and passed by the Superintendent of Police. The money will be remitted to Inspector or, if the Superintendent of Police considers it advantageous, to the Station House Officers direct.

*(G.O.Ms.No.801 Home (Police.X) Department Dated: 18.06.1998)*

## **264. Supply of service stamps ---**

(1) Inspector shall submit a monthly statement of expenditure of service stamps with an indent for stamps in Form No. 32 to the District Police Office by the 5<sup>th</sup> of the month. They will distribute stamps to their Station House Officers. At their inspections of stations, Inspectors shall very carefully check the expenditure of service stamps.

(2) In single station Circles where Inspectors are the Station House Officers, they will themselves submit the monthly statement and indent referred to in Order No. 264 (1) direct to the District Police Office by the 5th of the month.

## **LEAVE PROCEDURE AND PENSION**

### **(i) LEAVE**

## **265. Grant of leave regulated by the Fundamental Rules -**

The grant of leave is regulated by the Fundamental Rules and the Tamil Nadu Leave Rules, 1933.

## **266. Casual and compensation leave -**

The following orders govern the grant of casual and compensation leave.

### **Executive Instructions issued by the Government of Tamil Nadu regarding Casual Leave**

#### **(1) Casual Leave: -**

Casual leave is not provided for in the Fundamental Rules and is a concession to enable Government servants in special circumstances to be absent from duty for short periods without such absence being treated as leave under the Fundamental Rules or the Tamil Nadu Leave Rules, 1933.

(2) No Government servant may, in any case, be absent on casual leave for more than twelve days in the course of one calendar year. Casual leave may be combined with compensatory leave, Sundays, or other authorized holidays provided that the resulting period of absence from duty does not exceed ten days. The fact that a maximum has been fixed for the amount of casual leave which may be taken within a year, does not mean that an officer is entitled to take the full amount of casual leave as a matter of course. If the eleventh and subsequent days are incidentally declared as holidays on account of natural calamities, death of national leaders, bandhs, strikes, a change in the date of the festival as per the announcements made by religious heads during religious occasions, etc., a Government servant who is on casual leave or compensatory leave may avail himself of those days also even though the period of absence exceeds ten days.

*[G.O. Ms. No. 704, P & A.R. (FR 3), Dept., dt 8-7-1985, w.e.f. 1-6-1985]*

[G.O. Ms. No. 309, P & A.R. (DO II) Dept., dt. 16-8-1993] –Annexure-VII. of F.R.

Note.—Casual leave may be granted for half-a-day at a time on application. In such cases, the half-a-day period should be either three hours from the commencement or before the closure of office hours.

(G.O. Ms. No. 907, Finance, dated 21<sup>st</sup> July 1970)

(3) Heads of Departments should intimate their intention of taking casual leave to Government in the department concerned.

(4) A register of casual leave taken should be maintained by every officer empowered to grant casual leave to his subordinates.

[G.O. Ms. No. 802, P. & A.R. (FR. 3), Dept., dt. 14-8-85]

(5) Menial servants paid from contingencies whose service is non-pensionable may be granted such casual leave as would be given to private servants, the ordinary limits of ten or fifteen days not being applicable.

(6) (a) **Special causal leave** not counting against ordinary casual leave may be granted to a Government servant in the following circumstances -

(i) When he is detained in a plague camp on the way to rejoin duty for a period not exceeding twenty-one days.

(ii) When he is directed by the head of his Office to absent himself from duty due to the presence of infectious disease in his house ordinarily for a period, specified in para (3) of the note below, provided that arrangement for conduct of his duties can be made without extra expense to Government or that the special sanction of the Government is obtained in cases in which a substitute is employed in the place of the absentee, without prejudice to his pay.

(G.O. No. 1952, Home, dt. 25<sup>th</sup> August 1936)

**NOTE** - (1) When the Government servant himself catches the infection, regular leave under the Fundamental Rules or the Tamil Nadu Leave Rules must be taken for the period of absence.

(2) Sanction of Government for the grant of special casual leave, without prejudice to the pay of the absentee will be accorded only in exceptional cases in which the absence is for less than thirty days and has no ordinary leave to his credit.

(3) The following will be treated as infectious diseases for the purpose of the grant of special casual leave not exceeding the period noted against each.

- (a) Measles – 7 days
- (b) Chickenpox – 7 days
- (c) Plague – 10 days

- (d) Swine Flu (category-C) – 7 to 10 days
- (e) Rabies – 10 days

*[G.O. Ms. No. 223, F & AR (FR. IV) Dept., dated 9-9-1998, w.e.f. 3-6-1997]*

*[G.O.Ms.No.28, P&AR (FR-III) Department, dated 24.02.2017].*

(4) In the case of chickenpox, special casual leave should not be sanctioned unless the Health Officer responsible considers that because of doubt as to the true nature of the disease, there is reason for the grant of such leave.

*(G.O. 292, Fin. dt, 7<sup>th</sup> August 1937)*

(7) (a) In the cases coming under clauses (1) and (2) above when the period of absence from duty exceeds the limits prescribed therein, the Government servant may be granted for the entire period of absence, such regular leave with leave salary may be due to him and thereafter extraordinary leave.

(b) The grant of casual leave other than special leave should not ordinarily result in any appreciable extra expenditure to Government. Care should be taken to see that no one is allowed to proceed on casual leave or avail of holidays frequently if he has actually to be relieved on such occasions and the payment of travelling allowance to another officer thereby becomes necessary.*(G.O. 104, Fin. 11<sup>th</sup> April 1940)*

(c) Probationary Sub-Inspector of Police should be allowed as a special case Special casual leave not exceeding six days in addition to the usual casual leave admissible to them during their training before they proceed to join the district in which they have to serve. This extra casual leave should not be debited to their ordinary casual leave account.

*(G.O. Ms. 1014, Home, dt. 29<sup>th</sup> March 1945)*

(c) (1) Special casual leave may be allowed to a government servant participating in sporting events as shown in the table given below. The period of absence in excess of the period specified in the table given below shall be treated as regular leave of the kind admissible under the relevant rules applicable to the persons concerned. For this purpose, Government servants may, as a special case, be permitted to combine special casual leave with regular leave but not with regular casual leave. He/she may be permitted to prefix or suffix or both, the government holidays with Special Casual Leave.

S.No	Purpose	No. of days.
01.	Participation in sports events of National or International, importance when Government servant is selected for such participation.	30 days per year

02.	To attend interview, medical examination in connection with their joining the Army, Air Force reserve, Territorial Army, Indian Fleet Reserve, Indian Naval Reserve, as the case may be	Actual period of absence from duty
03.	Sterilization	
	(a) Men	Not exceeding 8 days
	(b) Women (During ordinary time, (i.e. not immediately after confinement in any hospital in this State).	20 days
	(c) If wife undergoes puerperal or non-puerperal sterilization operation the Husband who is a Government servant is eligible	7 days
	(d) Intra Uterine Contraceptive Device insertion for women	1 day
4.	Home Guard duties	Entire period of absence.

[G.O. Ms. No. 216, Personnel and Administrative Reforms, dated 14<sup>th</sup> March 1983—With effect from 8<sup>th</sup> October 1982].

[G.O.Ms.No.28, P&AR, FR-III Department, dated 24.02.2017].

(8) (1) Causal leave cannot ordinarily be taken in combination with any leave recognized by the Fundamental Rules/Tamil Nadu Leave Rules with joining time or with vacation. Heads of departments may, however sanction such combination in special cases provided there is no evasion of the rules for instance when an officer obliged to be absent owing to the prevalence of infectious disease in his house and placed on special casual leave, himself contracts the illness and has to be granted regular leave in continuation.

(G.O. Ms. 2408, Home dt. 11<sup>th</sup> August 1944)

(2) There is no objection to the combination of special casual leave between two spells of leave under Fundamental Rules or the Tamil Nadu Leave Rules.

[G.O. Ms. 1356, Finance (F.R.-I), dated 22<sup>nd</sup> October 1974]

(3) The Special Casual Leave shall be granted by the Heads of Departments or as the case may be, the subordinate authorities who are competent to sanction regular leave.

(Vide G.O. Ms. No. 264, P&AR (FR.SPL.), dated 24-7-1991 w.e.f. 22-2-1982]

(9) Compensation Leave

A Government servant who is called on to attend office on a public authorized holiday, except as a punishment, should be granted another day in its place when

opportunity offers. If possible, a Government servant of the religious persuasion, who observes holiday, should not be called upon to work on that day. The grant of compensation holidays is subject to the followed conditions: -

(1) Such holidays may not be taken by any Government servant without the previous permission of the authority who is competent to grant him casual leave. An officer who is allowed to avail himself of casual leave without obtaining the previous permission of higher authority should intimate his intention of taking such a holiday to the authority to which he makes similar intimations in respect of casual leaves.

(G.O. 1917, Public, 16<sup>th</sup> September 1902 and G.O. 942, Public, 17<sup>th</sup> Oct. 1903)

(2) Not more than twenty such days in all may be taken in a calendar year and no such holidays shall be taken after the expiry of six months from the public holiday for which it is substituted. It will, however, be within the discretion of the head of an office to call on the subordinate affected to take such holiday on any date within the six months which the head of the office finds to be convenient.

(3) Not more than seven holidays may be accumulated and a lower number may be fixed in his discretion by the head of the office.

(4) Such holidays may be combined with causal leave or other authorized holidays, provided that the total period of absence from duty shall not exceed ten days.

(5) Officers of and above the rank of Deputy Superintendent of Police who are subordinate in an office may be granted such holidays under the foregoing rules. In the case of such an officer in independent charge of an office the same rules will apply, but if the permission of any authority to take a holiday is necessary under rule (1) above, such authority should before granting the required permission, satisfy himself that owing to the exigencies of the public service the said officer was unable to avail himself of the public holiday in lieu of which he applies for permission to take a holiday.

**NOTE** - Police officers of and above the rank of Deputy Superintendents of Police on executive duty and other police subordinates are also eligible for compensation leave. But the grant of compensation leave should be restricted to the absolute minimum and it should not be granted as a matter of course, simply because it is permissible.

[Govt.Memo No. 3822/53-3, Pub. (Political) dated 14<sup>th</sup> November, 1953 and No.1026/54-3, Public (Political) dated 4<sup>th</sup> May 1954]

## **267. Granting Leave –**

(1) Casual or compensation leave to officers may be granted by Superintendents of Police /Commandants to officers subordinate to them and by Deputy Inspector-General of Police in the case of Superintendents of Police /Commandants in their ranges, and by the Inspector-General of Police to Deputy Inspector-General of Police. In each instance, the grant of leave by the Superintendent of Police should be communicated to the Deputy Inspector-General of Police concerned, and the grant of

leave by the Deputy Inspector-General of Police should be communicated to the Director-General of Police for information.

(G.O.Ms. 3451 Home, 25<sup>th</sup> September, 1942)

(2) Sub-Divisional Officers, Deputy Superintendents of Police, Armed Reserve and the Deputy Superintendents of Police of Armed Police Battalions are empowered to grant casual and compensation leave to Inspectors, Inspectors (Armed Reserve) and Inspectors and Adjutant Inspectors respectively working under them. Each instance of grant of leave should, however, be reported to Superintendent of Police and Commandant respectively.

(3) Inspectors are empowered to grant casual and compensation leave to their subordinates. The grant of the leave should be reported in their diaries. All cases in which leave is refused by them should be reported to the Superintendent of Police or Sub-Divisional Officer for orders. The applications will be returned to the stations with the orders thereon and eventually filed there by the Station House Officer with a note of the latest of availing of and return from the leave.

(4) In emergencies, the Sub-Inspector or Head Constable in charge of a station or outpost may grant to any of his subordinates casual or compensation leave and may also permit them to combine Sundays and other authorized holidays with it, subject to the limits prescribed, reporting the matter for the confirmation of the inspector.

## **268. Register of casual leave ---**

(1) The register of casual leave prescribed by Government should be maintained in respect of officers of and above the rank of Deputy Superintendents of Police by the officer competent to sanction the leave.

(2) In respect of officers of and below the rank of Inspectors, the register of casual leave shall be maintained in every office by every Station House Officer for the men of his station, by the Inspectors for the Sub-Inspectors in their circle, by the Inspectors (Armed Reserve) for the Sub-Inspectors (Armed Reserve) and men under them, by the Inspectors and Adjutant-Inspectors of Armed Police Battalions for the Sub-Inspectors, Havildars and men working under them, by the Sub-Divisional Officers for the Inspectors working under them, by the Assistant Commandants of Armed Police Battalions for the Inspectors and Adjutant Inspectors working under them, by the Superintendent of Police for the Addl.Suptd.of Police, Sub-Divisional Officers, other Deputy Superintendents of Police and Inspectors working directly under the Superintendent of Police and for the Office Establishment.

**NOTE — The grant of compensation holidays will also be noted in the Casual Leave register. (G.O. 1288, Home. 12<sup>th</sup> May 1911)**

(3) Power of sanctioning casual leave, holiday permission and permission to leave headquarters, to District Superintendents of Police, Range Dy. Inspectors General of Police, Dy. Commissioners of Police of Commissioners of Police (Except Chennai City) are

delegated to the four Zonal Inspectors General. Necessary additional charge arrangements should be made and Addl. Director General of Police, Law and Order should be informed of the details of leave sanctioned to officers and leave sanction proceedings sent to Chief Office without delay. Casual leave register should be maintained in the Zonal Office.

[Chief Office Memo NO.150420/GB4(1)/2002, dated 22.11.2002].

## **269. Application for and grant of leave ---**

(1) The Superintendents of Police should submit their applications for sanction of Earned Leave to the Chief Office through the Deputy Inspector-General of Police concerned. Competent authorities may sanction earned leave up to 30 days and leave travel concession shall be as shown below:

Subject	Powers delegated
1) Sanction of Earned leave up to 30 days subject to eligibility to all Indian Police Service/State Police Service officers up to the rank of Additional Director General of Police.	<p>For Additional Director Generals of Police:-</p> <p><b><u>To be sanctioned by Director General of Police:</u></b></p> <p>From Superintendents of Police to Inspector Generals of Police in Law and Order hierarchy.</p> <p>(i.e.) All District Superintendents of Police, Range Deputy Inspector General of Police, Zonal Inspector Generals of Police, Railways and All Commissioners of Police in cities (except Greater Chennai Police).</p> <p><b><u>To be sanctioned by Additional Director General of Police, Law and Order.</u></b></p> <p>Others from Superintendents of Police to Inspector Generals of Police – including Greater Chennai Police.</p> <p>All Special Units (i.e.) Special Branch, CID, Crime Branch, CID 'Q' Branch, Economic Offences Wing, Armed Police, etc.</p>

	<p style="text-align: center;"><b><u>To be sanctioned by Additional Director General of Police (Administration)</u></b></p>
2) Sanction of Leave Travel Concession to all Indian Police Service/State Police Service officers up to the rank of Additional Director General of Police.	<p>For Additional Director Generals of Police:-</p> <p><b><u>To be sanctioned by Director General of Police</u></b></p> <p>From Superintendents of Police to Inspector Generals of Police in Law and Order hierarchy.</p> <p>(i.e.) All District Superintendents of Police, Range Deputy Inspector Generals of Police, Zonal Inspector Generals of Police, Railways and All Commissioners of Police in cities (except Greater Chennai Police)</p> <p><b><u>To be sanctioned to Additional Director General of Police, Law and Order</u></b></p> <p>Others from Superintendents of Police to Inspector Generals of Police-including Greater Chennai Police, All Special Units (i.e.) Special Branch CID, Crime Branch CID, 'Q' Branch, Economic Offences Wing, Armed Police, etc.</p> <p><b><u>(To be sanctioned by Additional Director General of Police, (Administration)</u></b></p>

[G.O.Ms.No.3, Home (Pol-1) dated 02.01.2012].

(2) (a) Range Deputy Inspectors General of Police/Commissioners of Police are empowered to sanction Earned Leave/Leave Travel Concession to Addl.Supdts.of Police/Deputy Superintendents of Police. The Superintendents of Police are empowered to sanction Earned Leave to Inspectors, Inspectors (Armed Reserve), Sub-Inspectors and Sub-Inspectors (Armed Reserve).

[G.O.Ms.No.19, Home (Pol-A) department, dated 08.01.2003].

(b) Earned Leave to Head Constables and Constables may be granted by the Deputy Superintendents of Police.

**NOTE** — The expressions "Superintendents of Police and Deputy Superintendents of Police" occurring in order No. 269 (1) (a) and (b) shall mean to include the Deputy Commissioners of Police in Cities; the Commandants of the Armed Police Battalions and the Assistant Commissioners of Police in Cities, the Assistant Commandants of the Armed Police Battalions respectively.

(3) For the grant of hospital leave, the Circle Inspector will, on the Constable's or Head Constable's return to duty from hospital, submit a leave roll with the Constable's/Head Constable's passport attached.

(4) In the case of Constables and Head Constables who are admitted into hospital for treatment as in-patients on passports, formal requisitions for medical certificate will not be insisted on by medical officers. They will grant separate medical certificates when recommending such men for long leave. In cases in which the leave recommended is only for the period spent as in-patient or for short periods to recoup their health, separate certificate is unnecessary and the recommendations can be made on the passport itself.

## **270. Grant of Leave—Provisions of Fundamental Rule 71 to be enforced -**

(1) The authority competent to grant leave or the authority under whom the Government servant is to be employed on return from leave, as the case may be should enforce the provisions of Fundamental Rule 71, under which no Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness. A medical certificate of fitness may be required also from Government servants who have been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate. An officer who applies for leave other than on medical certificate within a period of three months from his return from leave should state definitely the reasons for the leave in order that the officer granting it may see whether the spirit of the leave rules has been complied with.

(G.O. 406 Fin 21<sup>st</sup> July 1932)

(2) (a) Officers competent to grant leave to their subordinates are warned that they will be held personally responsible for the observance of the above orders and that the Government will not hesitate to recover from them any pecuniary loss to Government by their negligence.

(b) An officer who takes leave preparatory to retirement can be held to his offer to retire at the end of the leave and be compelled to do so, provided that it is on record that the leave was applied for preparatory to retirement and granted on that condition.

*(G.O 583, Judl. 17<sup>th</sup> October, 1925)*

## **271. Leave applications ---**

Applications from Head Constables and Constables for leave will be forwarded by the Station House Officer to the Circle Inspector with a leave roll in Form No. 33. The latter will submit the same to the Sub-Divisional Officer concerned through the District Police Office. The District Police Office will indicate the leave eligibility and forward the roll to the Sub-Divisional Officer. Settlement of medical leave availed by Head Constables, Constables and office staff can be ordered by the Administrative Officer.

*[G.O.Ms.No.18, Home Department, dated 02.01.1962].*

## **272. Departure on leave ---**

(1) Officers of and above the rank of Deputy Superintendents of Police before proceeding on leave should communicate their address while on leave to the Deputy Inspector-General of Police concerned.

(2) All subordinate Police Officers, before proceeding on leave should communicate their address to their immediate superior and keep him informed of any change of address.

(3) No subordinate Police Officer may proceed on leave without sanction.

(4) Head Constable and Constables proceeding on leave shall invariably be furnished with passports. A man who has obtained a medical certificate recommending him leave should be given a passport, before proceeding on leave, in token that the leave has been sanctioned. In the case of men of the Armed Reserve the leave passport will be given by the Inspector (Armed Reserve). In circles, it will be given by the Inspector or Station House Officer.

(5) (a) No leave on medical certificate or extension thereof to those in Group-C and D Executive Officers and Executive Subordinates and Menials of the Madras City Police, who are in Madras City within 16 kilometers thereof at the time of applying for leave or extension of leave shall be granted without a certificate from the Police surgeon. Certificates issued by

registered medical practitioners to applicants who are, at the time of application, more than 16 kilometers away from Madras City for such leave or extension of leave shall not be accepted without the counter signature of the Police Surgeon.

(b) No certificate should be submitted for counter signature without the cognizance of the Head of Office in which the applicant is serving.

(c) The counter signing officer may in his discretion, require the applicant to appear before him, unless it appears from the certificate of his medical attendant that he is too ill to bear the journey. In the latter case, the officer may, after careful investigation of the case, take appropriate decision.

(d) In support of an application for leave or for an extension of leave on medical certificate from a Groups C and D Government Servant in Basic Service, the authority to grant the leave may accept such certificate as it may deem sufficient. [*Rulings 16 to 19 under F.R.74 – Annexure II – Part-I*].

## **II. PENSION**

### **273. Refusal to undergo operation –**

No pension or gratuity is admissible to an officer who refuses to submit himself to operation when incapacitated from further service by a disease curable by an operation.

### **274. Effect of resignation –**

Government had laid down that, if a Government servant resigns his appointment, all his previous service under Government — and not only service in the particular post which he held when he resigned—will be forfeited. If such a Government servant is appointed again to Government service he will not be entitled to count any portion of his service prior to resignation for any benefit or concession under any rule or order.

### **275. Address to be furnished by retiring Officers –**

On retirement, officers should furnish their address in order that the authorities may communicate with them if necessary.

## **TRAVELLING ALLOWANCE AND RAILWAY WARRANTS**

**276. Travelling Allowance Grant of -** The grant of travelling allowance is regulated by the Tamil Nadu Travelling Allowance Rules, 2005.

**277. Refresher Courses --** Sub-Inspector, Head Constables and Constables called into Circle or district headquarters for refresher courses in drill will be treated as on tour for purposes of the Travelling Allowance Rules.

(G.O. No. 451 Judicial 13<sup>th</sup> September, 1928)

### **278. Journeys in attendance upon a sick officer ---**

When a Police Officer is deputed by a Medical Officer to attend during a journey upon a Government servant who is so ill as to make it inadvisable for him to travel without attendance, he will be deemed to have been travelling on duty and will be entitled to travelling allowance for the journey both ways.

(G.O. No. 40 Finance, 16<sup>th</sup> January 1907)

### **279. Government Bicycles/Motor Cycle not exempted --**

Bicycles/Motor Cycles, which are the properties of Government kept for the use of Police personnel, are not exempt from municipal tax wherever they are in force.

### **280. Preparation of travelling allowance bills –**

(1) Travelling Allowance bills will be prepared by the Station House Officer and forwarded direct to the District Police Office by the 5<sup>th</sup> of the month. In case of journeys by train or bus, foils of the railway warrant, marked "for the Superintendent of Police" or the bus warrant as the case may be should be attached to the bills. Bills relating to the claims of Sub-Inspectors will be forwarded through the Circle Inspector by the 1<sup>st</sup> of the month.

(2) Claims for travelling allowance must be supported by the passports of the men who travelled. These passports and railway or bus warrant foils must therefore be retained by the Station House Officer and attached to the travelling allowance bill. They will be filed in the District Police Office with the office copy of the bills.

(3)(a) Superintendents of Police are responsible for passing travelling allowance bills and seeing that improper claims to travelling allowance are not included in them. In the case of Inspectors, Sub-Divisional Officers will verify each claim with the daily diaries/Itinerary Reports of Inspectors and forward the bills with their remarks to the Superintendents of Police, with the least possible delay.

(b) Before submitting the travelling allowance bills to the Superintendent of Police, the Station House Officer should check the claims in the bills with the entries in the passports of the men concerned and certify to that effect on each travelling allowance bill. In the District Police Office the bills and passports need be subjected to test checks. Definite instructions as to the nature of such test checks and when such checks are to be made should be given by the Office Superintendent of each District Police Office.

## **281. Disbursement of Travelling Allowance ---**

(1) No delay will be permitted in the disbursement of Travelling Allowance through ECS method of payment. After the amount drawn from the Treasury is completely vouched for, the District Police Office will certify on the acquittance roll that it has been audited, noting the date of audit in column (11) of the Travelling Allowance Bills Check Register (Form No. 36) against entry concerned and the Superintendent will initial both.

(2) Superintendents of Police should take immediate and severe notice of delays in regard to the preparation of travelling allowance bills and disbursement of travelling allowance.

## **282. Railway Warrants ----**

(1) Railway Warrants (Form No. 37) will be accepted without question by Station Masters or Booking Clerks as a cash payment for value of tickets supplied, provided that rules 1 to 5 printed on the reverse of the foil headed "For Railway" are observed.

*(G.O.Ms. No. 569, Judicial 25<sup>th</sup> March 1913)*

(2) Before railway warrant books are issued to stations, each of the three foils of the warrants should be clearly stamped in the District Police Office Stores with the name of the station and district in the space allotted for "Police Office" and "District" at the top.

## **283. Preparation and Presentation at the Railway Station ---**

Railway warrants shall be made out in English. The foil headed "For Office Record" will be retained in the office of issue, and the remaining two foils handed over to the officer-in-charge of the travelling party, who will fill up column (4) in each, sign the railway foil and present them both at the railway station. The railway authorities will then issue the tickets required, and also return the foil 'For the Superintendent of Police' with the blanks filled in. This foil will be sent by the officer in-charge of the party to the officer-in-charge of his station, who will collect together all the foils received in the course of the month and attach them all to the travelling allowance bill of the station for the month.

*(G. O. Ms. No. 569, Judicial, 25<sup>th</sup> March 1913)*

## **284. Preparation of warrant by the Railway Administration for payment -**

The foil headed "For Railway" will, in accordance with rule 7 printed on the reverse, be presented by the Railway Administration to the Accountant General of the State to which the Police party belongs and the Accountant General will forward it

after payment to the controlling officer for scrutiny and counter signature. To enable the Railway Administration and the Accountant-General to send the warrant to the proper officers, the officer issuing it, will when the party does not belong to the same State or district as that of issue, respectively endorse in red ink at the top of the foil headed "For Railway" as follows: ---

"Payable by the Accountant-General, ..... To be sent to the Superintendent of Police, ..... for acceptance".

(*G.O.Ms. No. 569, Judicial , 25th March 1913*)

## **285. Concessional use of Railway Warrants –**

(1) Careful attention should be paid to the rules on the reverse of the foil headed "For Railway" of the form of railway warrants.

(2) Whenever possible, Railway Warrants shall be issued at the station of departure for the return journey also.

(3) Railway warrants should be issued to all Head Constables and Constables including those in the Cities, for journeys to and from hospital and from one hospital to another and also for journeys to seek medical advice coming under Rules 99 and 100 of the Tamil Nadu Travelling Allowance Rules, 2005.

(4) Railway warrants may be used for the conveyance of tappal to officers in camp provided that expenses or time can be saved thereby.

## **286. Safe custody of Railway and Bus Warrants ---**

(1) The book of railway or bus warrants should be kept under lock and key in the personal custody of the Officer to whom it is supplied and treated as cash. In the absence of the SHO from the station, it will be in charge of the next senior officer present. The rules for the safe custody of railway warrants printed on the inside cover of the railway warrant books should be strictly enforced. Warrants should be issued in strict serial order only. The travelling allowance bills sent monthly from each station to the District Police Office should be accompanied by a statement showing (a) the number of the railway and bus warrant foils attached to the bill (b) the numbers of the warrants already issued and to be accounted for with the bill of the following month and (c) the numbers of the warrants still in the custody of the Station House Officer. District Police Office should see that item (a) above agrees with the numbers of the railway or bus warrants actually received by them and that the foils of the warrants mentioned in item (b) in the statement of the previous month have been sent.

(*G.O. Ms. No. 113, Judicial, 7<sup>th</sup> April 1927*)

(*G.O. Ms. No. 194, Judicial, 23<sup>rd</sup> May 1927 and G.O.Ms. No. 42, Judicial, 25<sup>th</sup> January 1928*)

(2) Whenever transfer of charge takes place, the printed numbers of the railway or bus warrants handed over should be given in the certificate of transfer of charge.

### **287. Particulars to be entered –**

Each Station House Officer, Sub-Inspector (Armed Reserve), Inspector and Inspector (Armed Reserve) should be directed invariably to give the following particulars on the railway warrant:--

- (1) Name and number of Police Officer and nature of duty.
- (2) Reasons for travelling by Express or long distance train.
- (3) In the case of a transfer, whether it was on public grounds or at the request of the officer or for misconduct.
- (4) If a constable was sent to obtain an extract of previous conviction, why he was sent instead of obtaining the information by post.
- (5) In the case of treasure escorts, the weight of treasure, number of free passes issued and number and date of luggage ticket which should be entered in the railway warrants for both the forward and return journeys.

### **288. Escort of treasure —Number of free passes to be issued by Railway Administration --**

When Government treasure is escorted by train, the Railway Administration should, except in the case of escorts over the Mettupalayam - Ootacamund Section of the Southern Railway, issue free passes to the escort on the scale laid down in article 146 of the Resource Manual, viz -

- (1) One man to travel free, both on the onward and return journey, as a second class passenger, when the consignments of treasure are over 20 quintals and under 50 quintals.
- (2) Two men, when the consignments are from 50 quintals to 100 quintals.
- (3) Four men, when the consignments are of 100 quintals and over.
- (4) When a consignment amounts to 20 lakhs of rupees or more (200 quintals or more) a guard of four men to be allowed, with return passage, free of extra charge.

### **289. Railway ticket requisitions ---**

Railway ticket requisitions, in Form No. 38 are used for all journey performed by members of the Government Railway Police.

*(G.O. 566, Judl. 25<sup>th</sup> March 1913)*

## **RECORD OF SERVICE**

## **290. Defaulter Sheet ---**

(1) The Defaulter- Sheet is the record of punishments. In the case of the constabulary it forms part of the Service Roll (Form No. 39) and for others it will be kept separately in Form No. 3.

(2) All Police Officers below the rank of Inspector shall, on enlistment, be given a Defaulter Sheet.

(3) All punishments mentioned in the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 except punishment of drill, extra guard and fatigue duty, shall be entered in the Defaulter Sheet.

(4) Great care should be taken to enter only that item or portion of a charge, including modifications, if any, on appeal/review/mercy petitions, of which the delinquent has been found guilty.

(5) The Defaulter Sheets of other ranks than the constabulary shall be filed with Service Books in the District Office.

## **291. Entry of date of effect ---**

The date from which suspension, reduction or dismissal takes effect should be specifically entered in the Defaulter Sheet.

## **292. Defaulter Sheets to be kept in Stations ----**

Separate Defaulter Sheets in Form No. 3 containing all punishment orders will also be kept in stations, in charge of the Station House Officer for officers below the rank of Inspector. Entries therein shall be made by the Inspector or the Sub-Inspector.

## **293. Small Service book ---**

(1) Small Service Books in Form No. 40 shall be supplied to all Police Officers below the rank of Inspector on enlistment.

(2) They will be kept in the possession of the Station House Officer and should be sent to the Police Stations/Units concerned to which the officer is posted on transfer.

(3) Entries in the Small Service Books of Sub-Inspectors and Sub-Inspectors (Armed Reserve) will be made by Inspectors and Inspector (Armed Reserve); and in those of the constabulary by Inspectors and Inspectors (Armed Reserve) or Sub-Inspectors, as the case may be.

## **294. Sannads (Identity Cards)—**

Every Police Officer enrolled under Act XXIV of 1859, shall, on enlistment, be given a Sannad in Form No. 41.

Sannad has been replaced with the Photo Identity Card which shall be issued to Police Officers of all ranks as per sec.8 of the Police Act, 1861 and sec.11 of the Tamil Nadu District Police Act, 1859.

The card will contain the Name of the Officer, Rank, District, Photograph of the holder and signature of the issuing authority with seal on the front page.

On the reverse side of the ID Card, the date of birth, blood group, date of enlistment, identification marks, phone number and signature of the holder will be entered.

### **295. Medical History Sheets ---**

(1) In addition to the Sannad and Defaulter Sheet, all Head Constables and constabulary ranks shall be given a Medical History Sheet (Form No. 42) on enlistment.

(2) Medical History Sheets will be kept by the Station House Officer and given to men on their going to hospital. Entries of attendance at hospital will be made by Medical Officer alone.

### **296. Discharge Certificate --- Deleted.**

## **MISCELLANEOUS**

### **297. Upkeep of compounds –**

The rules regarding the upkeep of the compounds of public buildings are in Article 283 of the Public Works Department Code and they are reproduced below.

To ensure the proper upkeep of the compounds attached to Government buildings including residences in-charge of the Public Works Department/Tamil Nadu Police Housing Corporation, the following rules should be observed.

(1) The occupant of a Government building or residence shall be responsible for the proper care and upkeep of the trees, shrubs and hedges in the compound and will also see that the compound is kept in proper order.

(2) No tree or main branch of a tree shall be cut without the concurrence of the Executive Engineer concerned.

(3) The ground of the compound shall not without the concurrence of the Executive Engineer concerned, be broken for any purpose except that of "gardening" in the ordinary sense of the word and this sense shall not include the digging of pits, ponds or wells for watering purposes.

(4) Bushes and shrubs planted in the ground are the property of the Government and may not be cut down or removed from the compound without the

concurrence of the Executive Engineer concerned; but his concurrence shall not be required for such cutting down, uprooting or trimming of any bush or shrub or lopping of any tree that may be necessary for the proper maintenance of the garden.

(5) The Executive Engineer concerned will report to the Superintending Engineer concerned any breach of the above rules that may come to his notice.

## **298 . Recovery of rent, etc. ---**

The following rules in the Fundamental Rules and the Public Works Department Code regarding Government buildings, recovery of rent, etc, are reproduced below for information and guidance: --

(1) Allotment of residences -

(a) Buildings acquired, constructed or leased by Government for the occupants of particular posts shall ordinarily be occupied by the officers holding those posts.

(b) Where any question is raised as to which officer has the prior title to occupy a particular house, or if no officer wishes to occupy a house, as to which officer shall be required to pay rent for it, the question shall be decided by the Collector and the Superintending Engineer sitting together. (*S.R-I. (ii) under F-R. 45*)

(c) It will be the duty of the Executive Engineer to report every case of vacancy as soon as it is known that it is likely to arise and to take prompt steps to ensure that no house is allowed to remain vacant for a day longer than is unavoidable. An officer occupying public quarters shall, therefore, give timely notice in writing to the Executive Engineer of his intention to vacate them; otherwise he shall be liable to be called upon to pay rent up to the date of receipt by the Executive Engineer of such notice or the re-occupation of the quarters.

(*S.R. I (iv) under F.R. 45*)

(2) Exchange of residential Buildings by officers of the same station:

Any two officers at a station may exchange the buildings allotted to them with each other as a purely private arrangement, but each officer will continue to be responsible for the rent of the building assigned to him.

(*S.R. (2) under F.R.45*)

(3) Sub-letting of residence --

The sub-letting of an official residence may be permitted only under the following conditions: -

(a) The previous sanction of Government should be obtained for sub-letting;

(b) The officer will still remain personally responsible for the rent and for any damage caused to the building beyond fair wear and tear;

(c) Government will not recognize the sub-tenancy;

(d) The rent to be charged by the officer to his tenant should not, except with the sanction of Government in special circumstances exceed the rent paid by the officer to Government;

(e) Sub-tenancy should continue only for so long as the officer who makes the arrangement holds the appointment for which the official residence is provided.(*S.R.3 under F.R.45*)

(4) Officers on leave.

When an officer provided with Government quarters goes on leave, he should be held to have ceased to be in the occupation of the building from the date of commencement of leave, unless for any reason a competent authority decides otherwise.

**NOTE** - The local administrative head of the department may grant permission to occupy Government quarters to officers proceeding on leave on average pay not exceeding four months; in other cases, the permission of the Government is necessary.

The term "The local administrative head of the department" occurring in the note above includes heads of offices also.

(*S.R. 4 under F.R.45*)

(5) Exemptions from payment of rent --

An incumbent whether permanent or temporary of an appointment, for whose benefit a house has been constructed or purchased or leased by Government will be held responsible for the prescribed rent during his tenure of the appointment. In the following cases, however no rent will be recovered provided that the head of the department or the authority competent to make a permanent appointment to the post for the incumbent of whom the house is intended, furnishes a certificate to the officer responsible for the recovery of rents that the conditions laid down are satisfied.

(*S.R. 5 under FR 45*)

(a) When an officer is holding as a temporary measure under rule 49 an appointment to which a Government residence is attached, in addition to his substantive appointment and does not actually occupy the house.

(b) When an officer in addition to the duties of such an appointment carries on the duties of another appointment which preclude him from occupying the house.

(c) When an officer is officiating in an appointment for a period not exceeding one month does not wish to occupy the house; and

(d) When an officer is officiating in an appointment for a period not exceeding two months and the circumstances are such as to preclude him from occupying the house.

**NOTE -** An officer who is merely discharging the current or routine duties of an appointment to which an official residence is attached is not bound to occupy it and should not be considered as the incumbent of the appointment for purposes of recovery of rent.

(6) Conditions of allotment of residences — (1) When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed -

*[F.R. 45 (A) (IV)]*

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay -

(i) rent for the residence, such rent being the standard rent as defined in the Fundamental Rules or 10 per cent of his monthly emoluments, whichever is less; and

(ii) Municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

**NOTE -** For the purposes of the above rule, the portions of properly tax levied on Government buildings by local bodies representing water, drainage, lighting and scavenging taxes shall be treated as being not in the nature of house or property tax.

(2) When a building is leased by the Government for an officer who is not entitled to rent-free quarters, the full rent which the Government will have to pay for the building as well as any other incidental expenditure involved in securing a residence for him should be recovered in all cases from the officer occupying the building.

*[Instructions under F.R. 45.A (iv) (c) (ii)]*

(3) (a) In the case of Government servants occupying Government residential buildings, rent shall be recovered from them for the period of their occupation during joining time on transfers at the rates which they are payable before their transfer.

*(Instructions under F.R- 45A)*

(b) Rent shall be recovered at the same rates from Government servants on transfer who are allowed to occupy Government residential buildings beyond their joining time because neither the Government servants holding additional charge of

the posts nor the incoming regular incumbents of the posts for whom the said buildings are intended are in need of them for the period of such extended occupation, provided that the new posts to which the Government servants are transferred do not carry higher scales of pay. In cases where the new posts to which the Government servants are transferred carry higher scales of pay, their enhanced rates of pay shall be taken into consideration for calculating rent at 10 per cent of their emoluments from the actual date of their joining the new posts.

(c) Rent shall also be recovered at the rates specified in the first paragraph from Government servants on transfer, proceeding to new stations during their joining time and occupying the Government residential buildings attached to such posts, if vacant, earlier than actually taking over charge of the new posts, for the period of such occupation during joining time.

(4) In special circumstances, for reasons which should be recorded, the local Government --

(a) may, by general or special order, grant rent-free accommodation to any officer or class of officers; or

(b) may, by special order waive or reduce the amount of rent to be recovered from any officer, or

(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officers.

**NOTE -** (1) A sanction accorded under paragraph 4 above will not exempt the occupants from liability for payment of rent for water – supply, sanitary and electric installations and fittings which will be charged on the basis of 6 percent on their capital cost except in the case of Head Constables and Constables who have been exempted from the payment of such rent.

(a) In the case of Police Officers of and above the rank of Sub-Inspector and Sub-Inspector (Armed Reserve) who occupy buildings rented by the Government or buildings taken on rent by themselves and who are in receipt of house-rent allowance in lieu of free quarters, rent for water supply and electric installations shall be recovered at the rates prescribed by the Government from time to time.

(2) In the case of buildings rented by the Government, rent for water supply, sanitary and electric installations should be based on the cost of the installations as estimated by the Public Works Department officers.

(5) (a) Exemptions from payment of rent may be sanctioned with the previous approval of Government when a building is rendered uninhabitable by reason of

extensive repairs or for any other cause and is so certified by the Executive Engineer. The latter should forward his certificate to the Superintending Engineer, who will report to Government whether partial or total remission of rent should be allowed and for what period.

*[Instructions under FR. 45-A (V)]*

(b) When only a portion of a Government residence becomes uninhabitable, the occupant will be allowed the benefit of remission of rent, only if the standard rent to the building excluding the proportionate rent of the portion rendered uninhabitable falls below 10 per cent of the occupant's emoluments.

(c) Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant a remission of rent.

(d) The total amount of rent and service taxes recoverable from any Government servant in respect of a Government residential building owned by Government shall not exceed 10 percent of his emoluments. Government servants entitled to rent-free quarters will be exempted from the payment of service taxes.

**NOTE** — (a) The members of the Tamil Nadu Police Subordinate Service who are entitled to rent free quarters as a condition of the service shall be allowed rent-free quarters or house rent allowance in lieu thereof during leave period not exceeding six months or 180 days, as the case may be, irrespective of the fact whether substitutes are posted in their place and extra expenditure is involved. If the leave is extended beyond six months or 180 days limit, rent-free occupation of the quarters must cease.

*-Note 2 to the instructions under FR 45A*

(b) When subordinates of the Chennai City Police overstay their leave by short periods and thereby exceed the limit of four months for which alone they are eligible for the concession of free quarters, rent for the period overstayed should be recovered. In the case of Government Quarters, the full standard rent should be levied, whereas in the case of a hired house, rent charged should be the hire paid for the house together with the difference which the Government may have to pay in hiring a house for the substitute at a higher rate. Individual cases in which the application of this rule will cause hardship may be referred to Government for orders.

*[Ruling 6 under FR 45-A]*

*[Rules/Orders relating to eligibility of rent-free quarters or enhanced HRA in lieu of rent-free quarters-*

*Rule 31 of the Special Rules for the Tamil Nadu Police Subordinate Service.*

*Rule 27 of the Tamil Nadu Special Police Subordinate Service Rules.*

*Section 6 of the Tamil Nadu Manual of Special Pay & Allowances.*

*G.O.Ms.No.4051, Home Department, dated: 28.12.1964.*

*G.O.Ms.No.328, Finance (Allowances II), Dated 15.03.1973].*

*[Instructions regarding limitation/permission to retain quarters after transfer/retirement/death and penal rent to be recovered:-*

*G.O.Ms.No.950, Home (Pol.10) dated: 29.06.1993, as amended in G.O.Ms.No.568, Home (Pol.10) dated: 31.05.2000.*

*C.O.Memo No.19844/Buildings 2(1)/1993, Dated: 30.06.1994.*

*C.O.Endt.No.72099/Buildings 4(1)/1999, Dated: 19.10.2000.*

*C.O.Memo No.117282/Buildings 2(1)/2002, Dated: 08.10.2002]*

*Instructions regarding retention of quarters by personnel posted to certain Special Units within the same HQ:*

*C.O.Memo No.275601/Buildings 2(1)/92, dated: 09.03.1993 and 23.08.1993.*

*C.O.Proceedings No.37591/Buildings 4 (2)/99, dated: 19.02.1999.*

*C.O.Memo No.83245/Buildings 2/2006, Dated: 28.07.2006 ]*

(c) A permanent incumbent may, during absence or leave or on duty elsewhere, be permitted by the Superintending Engineer to store at his own risk, free of rent, his furniture and other belongings in his residence when both the conditions specified below are fulfilled.

(i) The temporary incumbent does not require the residence and exempted from the payment of rent for it; and

(ii) arrangements cannot be made to lease the house during the absence of the permanent incumbent.

The concession of storage of furniture and other belonging under this note, free of rent is subject to the condition that, if a claim for vacancy remission of property tax becomes inadmissible consequent on such storage, an amount equal to the vacancy remission of tax that would otherwise have accrued is recovered from the Government servant concerned.

(7) Damage to residential buildings by tenants —

Every officer for whom a Government residence has been provided is bound to leave it in a fit state for occupation by his successor, and will be required to pay the cost of any special painting, white-washing, cleaning or other repairs which may be rendered necessary by any improper use of the building. In order to give effect to this

rule and to see that the quarters have been handed over for occupation in thoroughly good order, the Executive Engineer concerned or the Sub-Divisional Officer should arrange to have each residential building inspected immediately after it is vacated. The incoming tenant will also be responsible for bringing to the notice of the Executive Engineer concerned or the Sub-Divisional Officer any special damage at the time he enters the building.

(Para 280 - P.W.D. Code.)

**NOTES** - (1) The intention of the rule is that while repairs occasioned by natural wear and tear should be carried out at Government cost, damages to Government property which can be proved to be due to culpable carelessness on the part of tenants should be charged to them.

(2) A notice to the above effect should be issued to occupants before they occupy their allotted quarters.

(3) A list of fixtures in each residential building shall be maintained by the Section Officers concerned in Public Works Department or the Executive Engineer concerned of the Tamil Nadu Police Housing Corporation, as the case may be and Sub-Divisional Officers and a copy of it shall be hung in each building. Whenever a change in occupancy of a building occurs, the outgoing officer should obtain from the incoming officer a receipt for the fixtures handed over and forward it to the Section Officer concerned in Public Works Department or the Executive Engineer concerned of the Tamil Nadu Police Housing Corporation, as the case may be and Sub-Divisional Officers in charge of the building. If the building on being vacated by one officer is not occupied immediately by another, the outgoing tenant on vacating the building should obtain a certificate from the Section Officer concerned in Public Works Department or the Executive Engineer concerned of the Tamil Nadu Police Housing Corporation, as the case may be and Sub-Divisional Officers that all the fixtures noted in the list are present and in good order; and when the building is re-occupied, they should obtain from the new tenant a receipt for the fixtures. If any of the fixtures are left in a damaged condition, the officer concerned should immediately report the fact through the Sub-Divisional Officer to the Executive Engineer concerned for recovery of the cost of the damaged articles from the outgoing tenant.

(8) Use of Vacant residential buildings as rest houses ---

The Government considers that it is undesirable to allow Government residences to be used as rest-houses, and direct that temporary occupation by anyone other than the officer for whom a house is intended should be allowed only with the previous permission of the Executive Engineer concerned and that the full rate of rent should then be charged.

(9) Care of vacant buildings —

If an officer, for whom a Government residence is provided with or without rent, is allowed for his own convenience to live elsewhere, he is expected to engage a watchman to take care of the building. Until a private watchman is so employed, the Public Works Department will, employ one and recover the cost from the tenant; when however, a residence remains unoccupied not purely on account of personal reasons but because the post to which the residence attached is vacant or its incumbent is exempted both from occupying it and from the liability to rent in the circumstances described in Subsidiary Rule 5 to Fundamental Rule 45, the following arrangements should be made.

(*Para 282 P.W.D. Code*)

(a) If the quarters are expected to be vacant for one month or less, the officer on the spot discharging the duties of the permanent officer for whom the quarters are intended should arrange to look after the vacant building and garden attached to it.

(b) If the quarters are expected to be vacant for more than one month, arrangements should be made to look after the building as well as the garden.

(10) Upkeep of the compounds ---

(1) Tenants of rented or rent-free residences may be allowed the enjoyment of the usu fruct of trees, provided the compounds are maintained at their cost and the pay of the gardeners and all garden expenses are borne by them.

(2) The officer occupying Government quarters has no right to the trees or branches blown down by cyclone, as the term `usufruct" is not meant to include them.

**299. Scale of fire appliances --**

(1) Chemical fire extinguishers and water or sand in buckets are first-aid appliances, to be used for attacking a fire at the outset to enable it to be put out immediately or at least to keep it under control until the arrival of the Fire Brigades. The type and scale of fire fighting appliances to be provided in a building will depend on the types of fires that are likely to be encountered in the building and this in turn depend to a large extent on the contents of the building. Government buildings can be broadly classified into two categories.

(*App. XXVIII of Tamil Nadu Fire Services Manual Vol. II*)

(a) Ordinary buildings ---

Where the hazard is caused by furniture, records, stores etc., stored in the building, fires encountered in such buildings usually involve paper, wood, cloth, etc., and all of which can be extinguished by application of water. The scale of fire fighting

appliances for such buildings will however depend upon the quantity of combustible materials in the building. In this basis, ordinary buildings can be further sub-divided into two types.

(i) Ordinary buildings with low fire hazard e.g., offices.

(ii) Ordinary buildings with high fire hazard e.g. record rooms, store rooms and godowns.

(b) Buildings Involving special risk on account of storage of oil or chemicals or use of electrical equipment --

The type of fires likely to occur in such buildings cannot be extinguished by application of water. Special types of fire extinguishers or dry sand will have to be used to put out fires in such buildings.

(2) (a) Ordinary buildings with low fire hazard --

One 10-litre water bucket for every 100 square metres of floor area or part thereof and one 9-litre soda acid extinguisher for every 6 buckets or part thereof with a minimum of one extinguisher and two buckets per compartment of the building. The appliances shall be so distributed over the entire floor area that a person shall not have to travel more than 90 metres from any point to reach the nearest appliance. In special cases, subject to the approval of the Local Fire Officer, buckets may be dispensed with, provided the supply of extinguishers is doubled.

(b) Ordinary buildings with high fire hazard.

One 10-litre water bucket for every 100 square metres of floor area or part thereof and one 9-litre soda acid extinguisher for every 6 buckets or part thereof with a minimum of 2 extinguishers and 4 buckets per compartment of the building. The appliances shall be so distributed over the entire floor area that a person shall not have to travel more than 15 metres from any point to reach the nearest appliance. In special cases, subject to the approval of the Local Fire Officer, buckets may be dispensed with, provided the supply of extinguisher is doubled.

(c) Buildings involving special risk ----

Where oils or chemicals are stored or electrical equipment is used, the number and type of fire appliances necessary for such buildings should be ascertained in consultation with the Local Fire Officer to meet the special hazard involved in the buildings.

**NOTE -** (i) In calculating the floor area, open verandahs, passages, terraces, etc., where no combustible material is stored may be excluded. In the case of storied

buildings, the floor area of each floor shall be calculated separately for arriving at the scale of fire fighting appliances required for each floor.

(ii) A list of suitable chemical fire extinguishers with the names of firms, where they can be purchased should be obtained from the Divisional Fire Officer concerned.

(3) Police Stations, outposts and other non-residential buildings which are in the occupation of the Police Department should be provided with fire appliances in accordance with the scale laid down in this order.

### **300. Progress report —**

A form of progress report in Form No. 44 will be forwarded to an Inspector at the time of the sanction of a work and he will submit the form with his diary of the first of the month for the Superintendent's information. After perusal it will be returned to him.

### **301. Completion of works ---**

Upon the completion of a work, a completion certificate in Form No. 45 will be signed. An officer of and above the rank of Deputy Superintendent of Police should examine new buildings and sign the certificate. Completion certificates signed by Inspectors will be countersigned by the Superintendent of Police. The final bill to complete payment should not be made out until the work has been finally examined.

### **302. Occupation and petty repairs of huts -**

(1) Where lines exist, Head Constables and Constables shall be bound to occupy them.

(2) The orders regarding white washing of Police Lines by fatigue parties are laid down in Police Standing Order No. 246.

### **(2) TENTS**

#### **303. Scale of tents ----**

The following is the scale of tents sanctioned by Government for the use of the Police Department.

(i) The scale of tents provided for each district will be two 180 lbs.

(ii) The scale of tents for Tamil Nadu Special Police Battalion is as follows:

Sl.No.	Make of tent.	Number prescribed.	
		Headquarter Company	Active Company
1	180 lbs	10	17

2	E.P.I.P.		6
3	40 lbs. Tents	7	1
4	Store tent	2	1
5	Necessary tent	2	3

(G.O. Ms. No. 2184, Home, Police XIV). 25<sup>th</sup> August 1980)

### 304. Tents - Storage of ---

(1) When not in use, tents should generally be kept in a dry place on stands about 18 inches high so as not to be damaged by rats or white ants. But during the monsoon, when they are not in use, they should also be spread out in the sun to dry not less than once a month.

(2) When a sub-division is left without an officer, the officer vacating it will hand the tents over to the Superintendent of Police, who will give them into the charge of the officer in-charge of stores for safe custody.

Instructions for pitching and striking tents —

(3) The following instructions are laid down for pitching and striking tents. Attention to these will make them last much longer than they would do otherwise. The failure on the part of any officer to comply with these instructions should therefore, be promptly reported to the Director-General for orders -

(a) Tents should on no account be pitched under tamarind trees.

(b) When tents are being pitched or struck and the ground is all muddy, the tent bags or some straw should always be spread below them to keep them clean.

(c) Great care must be taken in pitching tents that the pegs for the ropes are placed in a straight line with the seams in the fly, so that the strain may be direct and equal, and not crosswise. Ropes should not, therefore, be tied to trees unless they happen to be exactly in the true line, which will seldom happen. It is the safest plan never to allow them to be tied to trees. If tents bag at the corners, the ropes which pass up inside the fly round the pole must be pulled moderately tight and tied to the corner ropes so as to make the strain come on them and not on the canvas.

(d) In stormy weather, the corner and storm ropes of tents should invariably be "bushed". If bushes cannot be procured, as in sandy tracts, a hole should be dug and a tent peg be buried at right angles to the direction of the rope at a depth of a couple of feet, the rope tied to it and the hole filled in and the sand firmly rammed down. It will be found that ropes so secured will hold in sandy soil far better than if tied to pegs driven in the ordinary way.

(e) When rain comes on, all tent ropes should be slightly slackened off, so as to allow for the shrinkage of the ropes and canvas when wet. Ropes are otherwise liable to be broken and canvas to be torn and it often happens that their striking pulls the pegs out of the ground, especially in the dry weather when the ground is hard and the pegs have probably not been driven deep. If this should happen at night, as it frequently does, the fact that the pegs have drawn is likely to pass unnoticed and the tents will be liable to be blown down if the wind should rise.

(f) Care should be taken not to strike and pack tents when damp from rain or dew. A march had better be a little delayed than a tent be spoilt from mildew, which is the certain consequence of packing tents when damp.

(4) (a) Without detriment to Police duties, tents and shooting pals belonging to the Police department may be lent to other departments of Government whether commercial or non-commercial. As regards departments which are non-commercial, hire charges need not be collected but the expenditure, if any, incurred on account of conveyance, pitching, etc., or repair of damages caused to the tents, should be debited to the departments concerned.

*[G.O. Ms. No. 1686, Home, 14<sup>th</sup> June 1955,*

*Memo No. 50907 Pol. IV/56-1 Home, 15th June 1956,*

*Memo No. 32845/Pol. IV/56-4 Home, 30th July 1956 and*

*G.O. Ms. No. 2745, Home 29th Sept 1956.]*

(b) Police tents and shooting pals may be lent to commercial departments of the Government on the following conditions:-

(i) Hire charges shall be levied at the prevailing market rates.

*(G.O Ms. No. 3111, dt. 9th December 1981)*

(ii) that the department hiring the tents should undertake to return in the same good condition in which they are lent and to pay compensation for damages, if any, caused to the articles vide also Article 61, Tamil Nadu Financial Code, Volume-I.

(iii) Tents belonging to the Police Department may also be lent to private institutions and associations of STANDING subject to the conditions mentioned in 4(b) (i) and (ii) above; and

(iv) Tents of the Police Department should not be lent on hire to Circus, cinemas or dramas, performed for commercial purposes.

## SPORTS

**305. Kinds of sports --** (1) The following Police Sports are held in this State -

- (a) District Sports.
- (b) Range Sports.
- (c) Annual State Police Sports.
- (d) Inter-Recruits Schools Competitions.
- (e) Battalion Sports of the Tamil Nadu Special Police.

(2) District Sports are open to all the men of the districts and Range Sports are open to the districts of the Range. Chennai City will count as a district for purpose of these sports. The first two districts in the sports of each Range represent that range at the Annual State Police Sports. Inter-Recruits' School Competitions are held at the head quarters of one of the schools as may be agreed upon year by year.

### **306. Composition of the team –**

(I) The teams competing at the District and Range Sports should not include more than one officer of and above the rank of Deputy Superintendent of Police and sixty other ranks including staff. The Deputy Inspector-General of Police should, as far as possible, attend sports held in the range under his charge.

(2) For the Annual State Police Sports, each Range team shall consist of a team Commander (Superintendent of Police or Commandants nominated by the Deputy Inspector General of Police in charge from the Superintendents of Police and Commandants detailed to attend by the Director-General of Police) and up to a maximum of sixty from all ranks including ministerial staff under the conditions laid down by the Director General of Police. All officers and men may be members of the team provided they have completed one year of service on 1<sup>st</sup> December. Included in the team of sixty shall be one Inspector (Armed Reserve) or Inspector of Tamil Nadu Special Police Battalions who will be the team captain.

(3) A team for Inter-Recruits' Schools competitions should consist of not more than twenty members. They may either be all recruits or not more than two members of the staff may be included to bring the total number up to 20.

(4) Teams for Inter-Company Sports of the Tamil Nadu Special Police should also consist of a reasonable number of men and officers not exceeding twenty in any case.

**NOTE -** The expression "teams competing at the District Sports" means the teams sent from the Circles and the Armed Reserve of a district.

**307. Funds ---** (1) A consolidated grant is sanctioned by Government to meet the expenditure on all kinds of sports. This grant will be at the disposal of the Director-General of Police to be allotted to cities, ranges and districts at his discretion.

The procedure in dealing with the amounts thus allotted will be the same as in the case of other allotments of Government Funds in the sanctioned budget estimates. The expenditure from this grant will be subject to regular audit by the Accountant-General.

(G.O. Ms. No, 2768, Home, 16<sup>th</sup> June 1950)

(2) The collections of subscription from Police officers and the public for these sports or games (including prizes for shooting, etc.) are prohibited. The public will not be charged for admission to the sports or games. The responsibility for sanction and check and control of sports expenditure rests on the Superintendent of Police who will see that the expenditure is limited to an estimate sanctioned by them and is not extravagant or excessive.

### **308. Objects on which sports money should be spent ---**

The purpose for which the Government grant for sports should be spent is specified below:

(1) (a) Preparation of grounds including the making of Hockey and Foot-ball fields and sports courses with their paraphernalia.

(b) Hire of furniture.

(c) Charges for the transport of furniture.

(d) Lighting charges.

(2) (a) Equipment including expenditure on equipment for District, Range and Annual State Police Sports, Inter-Recruits' School Competitions and Inter-Company Sports of the Tamil Nadu Special Police.

(b) Preparation and training for all these sports throughout the year.

(c) Entrance fee to local tournaments not exceeding Rs. 20 on each occasion which may be sanctioned by the Superintendent of Police.

(d) Charges for the transport of sports equipment and tents.

(3) (a) Prizes including prizes for all sports-meetings mentioned in paragraph (a).

(b) Prizes for men during their training.

(4) Printing including cost of printing invitations.

(5) Special diet for men in training for District, Range and Annual State Police Sports, Inter-Recruits' School Competitions and Inter-Company Sports of the Tamil Nadu Special Police.

(6) Special clothing for teams participating in sports or games.

- (7) Stationery and postage connected with sports meetings.
- (8) Refreshments to persons attending or taking part in sports or games.
- (9) Expenses in connection with District Sports on such item as "Practice", "Training", "Preliminary arrangements" etc.
- (10) Railway fare and daily allowance: —
  - (a) To men taking part in sports other than those mentioned in paragraph 5, e.g., a hockey tournament;
  - (b) To men detailed for practice, training, preliminary arrangements in connection with sports of all kinds; and
  - (c) To the private employees of the State Police Band attending Police Sports.
- (11) Any miscellaneous expenditure which may be incurred legitimately in connection with sports.

### **309. Travelling Allowance -**

- (1) Travelling Allowance may be drawn according to the Tamil Nadu Travelling Allowance Rules, 2005 for journeys and halts made by: ---
  - (a) The members of teams attending the District, Range and Annual State Police Sports and Inter-Recruits' School Sports and              Inter-Company Sports of the Tamil Nadu Special Police.
  - (b) the orderlies accompanying tents required in connection with these sports; and
  - (c) the Government members of the State Police Band, attending the sports.
- (2) Concession tickets should, as far as possible, be obtained from Railway for the members of all teams. The travelling allowance should be reduced by the difference between the costs of tickets at the ordinary rate and at the concession rate.
- (3) Railway Fare and daily allowance of the private members of the State Police Band should ordinarily be paid out of the Sports Fund. If at any time this fund is deficient, the expenditure should be met from "Office Contingencies".

### **(4) All India Police Duty Meets ---**

- (a) All India Police Duty Meet is a highly significant event in the calendar of Police sports meets. The Meet aims at striving for professional excellence in Policing. Police personnel from the state Police forces and central Police forces of the country will be taking part in the professional competitions such as Anti-Sabotage Check, Computer Awareness, Dog Competition, Shooting Competition, Police Photography, Scientific-Aids to Investigation and Videography, and Prime Minister's medal for life saving, etc.

(b) The All India Police Duty Meet and its competitions have been a source of encouragement to the State Police Forces and Central Police Forces of the country and are a constant inspiration to all the Police personnel for doing their best in their professional duties.

(c) The All India Police Duty Meet will be held each year at such place and time as decided by the Central Coordinating Committee. The Director-General of Police (DGP) of the State, within whose jurisdiction it is held, will conduct the Meet. The Secretary of the All India Police Duty Meet will inform all the participating states and units about the venue of the meet.

(d) Entry fee has been fixed as Rs 25 per participant, including reserve, Manager and Coaches. This fee has to be sent in lump sum to the Organizing Secretary of the All India Police Duty meet along with entry form.

(e) The DGP of the host State shall conduct these competitions through a Working Committee appointed by him. Arrangements for boarding and lodging for competitors and team captains will be made in a camp and the team will abide by the rules of the camp. All team captains should settle their teams messing accounts before leaving the camp after the meet.

(f) The Working Committee will arrange accommodation and messing for the teams participating in the Meet. It shall be empowered to take disciplinary action against any competitor who is guilty of misconduct in the camp or during the competitions, on a report from the Camp Commandant or the officer conducting the competitions. On receipt of a report from the Working Committee, the DGP will report to the Central Coordinating Committee (CCC), cases of serious misconduct of any State Team or competitor for any action that the Committee may consider necessary with regard to the future participation of that team or competitor in the All India Police Duty Meet.

### **PART III - PARTICULAR DUTIES**

#### **CHAPTER XVIII**

#### **POWERS AND DUTIES OF THE POLICE UNDER THE ARMS ACT AND THE INDIAN EXPLOSIVES ACT**

##### **310. Powers and Duties –**

(1) Any Police Officer may arrest without a warrant a person found carrying or conveying any arms or ammunition, whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are or is being carried by him with intent to use them, or that the same may be used, for any unlawful purpose and seize from him such arms and or ammunitions.

*[Section 20 of the Arms Act, 1959]*

(2) Powers and Procedure -

Power or demand production of licence etc:

(a) Any Police officer or any other officer specially empowered in this behalf by the Central Government may demand the production of his licence from any person who is carrying any arms or ammunition.

(b) If the person, upon whom a demand is made, refuses or fails to produce the licence or to show that he is entitled by virtue of the Arms Act, 1959 or by any other law for the time being in force to carry such arms or ammunition without a licence, the Officer concerned may require him to give his name and address and if such Officer considers it necessary, seize from that person the arms or ammunition which he is carrying [Section 19(2) of the Arms Act]

(c) If that person refuses to give his name and address or if the Officer concerned suspects that person of giving a false name or address or of intending to abscond, such officer may arrest him without warrant [*Section 19(3) of the Arms Act*].

(3) Police officers of and above and rank of Sub-Inspector have been empowered to conduct searches under section 22 of the Arms Act, 1959.

(4) Search of vessels, vehicles for arms, etc.

Any Magistrate, any Police officer or any other officer specially empowered in this behalf by the Central Government, may for the purpose of ascertaining whether any contravention of this Act or the rules made thereunder is being or is likely to be committed, stop and search any vessel, vehicle or other means of conveyance and seize any arms or ammunition that may be found therein along with such vessel, vehicle or other means of conveyance.

(b) All arrests and searches made under the Arms Act or Rules shall be carried out in accordance with the provisions of the Criminal Procedure Code relating to arrests and searches [Section 37(a) of the Arms Act].

(c) Any person arrested and any arms or ammunition seized under the Arms Act by a person not being a Magistrate or a Police Officer shall be delivered without delay to the Officer-in-charge of the nearest Police Station and that Officer shall -

(i) either release that person on his executing a bond with or without sureties to appear before a Magistrate and keep the things seized in his custody till the appearance of that person before the Magistrate, or

(ii) Should that person fail to execute the bond and to furnish, if so required, sufficient sureties produce that person and those seized articles, without delay before the Magistrate {Section 37(b)}.

(iii) Any Police Officer may demand the production of his licence from any person who is carrying any arms or ammunition {Section (19(1))}.

(iv) The State Government have, in exercise of the powers conferred by Sub-Section (2) of Section 22 of the Arms Act, 1959, read with the Government of India, Ministry of Home Affairs Notification No. GSR 1309, dated 1st October 1962, specially empowered all Police Officers of and above the rank of a Sub-Inspector of Police to be the officers by or in whose presence searches under the said section shall be conducted. All such searches should be carried out in accordance with the provisions of the Code of Criminal Procedure relating to searches and any arms and ammunition found should be seized notwithstanding that the person concerned is entitled under the Arms Act and the rules thereunder or under any other law for the time being in force to possess them, and produced before the magistrate directing the search and his orders obtained for their safe custody.

*[As per relevant sections of Arms Act]*

### **311. Offences under the Arms Act-cognizable.**

(1) All the offences under the Act are cognizable within the meaning of the Code of Criminal Procedure.(sec.38 of Arms Act)

(2) No prosecution shall be instituted against any person in respect of any offence without the previous sanction of the District Magistrate.

(3) Section 3(b) of the Arms Act casts a duty on every person to inform the officer in charge of the nearest Police Station or the Magistrate, when he becomes aware of the commission of an offence under this Act. No person shall be excused for not complying with the provisions of this section unless there should be some reasonable excuse.

### **312. Going armed —**

(1) A licensee or any retainers acting under the licence shall not carry arms otherwise than in good faith for the purpose of sport/protection/ display and he shall not carry any such arms to a fair, religious procession or other public assemblage, unless specially authorized by the licencing authority.

(2) Exempted officers — With reference to section 4 (2) of the Arms, Act, 1959 nothing in the Act or Rules will apply to the carrying or possession of arms in the following cases: --

(a) Arms carried and possessed by officers of Government as part of their equipment.

(b) Arms supplied by Government to subordinates of the Police Department to be carried or possessed by them in the execution of their duty.

(c) The Government have declared that an Inspector or Sub-Inspector is entitled in the course of his duty as a public servant to bear or possess either a revolver supplied to him by the Government or a private revolver or automatic pistol of suitable pattern and ammunition for the same.

(3) Exemption of constabulary --

With reference to *section 45 of the Arms Act. 1959*, Head Constables and Constables are declared to be officers required to carry arms in the performance of their duty. Under category III (d) of Schedule-I to the Arms Rules, 1962, the carrying of a single-barrelled muzzle-loading gun with ammunition by a Village Assistant employed in the Police Department has been declared by government to be in the public interest.

(4) Under *Section 29 of the Arms Act*, licensed dealers in arms and ammunition are bound to ascertain that the persons to whom they sell arms, ammunition or military stores are legally authorized to possess the same. Any tendency on the part of dealers to evade this obligation should be checked by the Police by their constant strict supervision over the trade in arms and ammunition. The Police should also exercise constant vigilant supervision over the registers maintained by licensed dealers in order to ensure that arms and ammunitions are not sold to persons other than those legally authorized to possess the same. If, on inspection, they find that arms and ammunitions are supplied to persons whose exemption seems to be doubtful, they should take steps to ascertain whether such persons are really exempt from the provisions of the Arms Act, and if not, to report the matter to the Collector. In doubtful cases of sales to persons said to possess licences under the Arms Act and Rules, a reference to the registers maintained in Police Stations will show whether the purchasers are bonafide licencees or not.

### **313. Supply of Arms Act, 1959 and Arms Rules 1962 -**

The book "The Arms Act 1959", and the "Arms Rules, 1962", published by the Central Government has been supplied to all Group A and B officers in the Police department, Inspectors of Police, Assistant Public Prosecutors and Police Stations.

### **314. Application for licences or duplicates**

(1) (a) Application for licences or duplicates thereof shall be submitted in Form 'A' in Schedule IV to the Arms Rules, 1962.

(b) Application may be presented by the applicant in person or sent by post or otherwise to the licencing authority.

(c) It shall contain all such information as is necessary for the consideration of the application.

(d) Where an application is for the grant of licence in Form II, III, III-A, IV, V or VI from a person other than a bonafide tourist as defined in

Section 10(1) (b) of the Arms Act, it shall be accompanied by two passport size copies of the latest photograph of the applicant.

(e) The licencing authority may require, if he so desires, the personal attendance of the applicant before granting or renewing the licence applied for.

(2) Applications for new licences should be sent to the Collectors in the districts and to the Commissioner of Police in Chennai City. The Collectors will forward to the Police for report only those applications from individuals whose character, status or reputation is unknown or doubtful. Station House Officers will forward their reports to the Collector through the proper channel.

(3) Applications for renewal of licences should be submitted early during the last quarter of the year preceding that for which the renewal is desired, as all weapons for the possession of which renewed licences have not been issued by the 1<sup>st</sup> January must be deposited in the Police station. Each application should be accompanied by the licence and may be sent either to the Collector or the Commissioner of Police, Chennai as the case may be.

(4) Superintendents of Police will issue instructions to their subordinates to report at once any information which may indicate that the renewal of any licence is undesirable. About the end of September in each year the Superintendent of Police and Taluk Executive Magistrates will supply the Collector confidentially with any information which would appear to render the renewal of any existing licence inexpedient.

(5) When a Collector grants, cancels or refuses to renew a licence, he will intimate the fact to the Station-House Officer concerned. The Station-House Officer should, on receipt of the intimation, report promptly to the Collector through the Superintendent of Police the action taken in the case of a licence which has been cancelled or refused renewal.

(G.O.No. 512 Pub 22<sup>nd</sup> October, 1934)

(6) Cancellation/Suspension of Licence --

(a) Section 17 of the Arms Act empowers the licencing authority to cancel or suspend an arms licence on any one of the following grounds:-

(i) Contravention of any of the conditions of the licence;

(ii) Suppression of material information or furnishing wrong information for obtaining licence by the licensee or any other person on his behalf;

(iii) Failure to deliver up the licence in compliance with the notice from the licensing authority to do so under sub-section (1) of section 17;

(iv) Threat to public peace and security;

(v) The licensee being unfit to hold the licence either (1) because he is prohibited by law from acquiring, having in his possession or carrying any arms or ammunition, or (2) because he is of unsound mind, or (3) because he is unfit for any other reason.

(b) It is necessary that the licensing authority should have subjective satisfaction about the threat to public peace and security and about the licensee being unfit to hold the licence. No such subjective criterion is prescribed for suspension or cancellation of licence on the remaining three grounds set out above. If at any time, the Police are of the opinion that a licence should be cancelled or suspended, a report giving detailed reasons should immediately be sent to the licensing authority requesting cancellation or suspension of the licence.

(7) Import and Export of Arms under the Arms Act --

(a) Section 10 of the Act lays down that no person shall bring into, or take out of India by sea or air any arms or ammunition unless he holds, in that behalf, a licence issued in accordance with the provisions of the Act and the rules made thereunder.

(b) The import or export must be by the person himself who is entitled to possess them and not by other people for use by such person. The expression "private use" does not include sale or repairs [*Section 10(a)*].

(c) All tourists belonging to any of those countries could, subject to such conditions as may be prescribed, bring with them without any licence, arms and ammunition in reasonable quantities for use by them for purposes of sport only, provided they are not prohibited by the laws of their country from having in their possession any arms or ammunition. When Police officers come across bonafide tourists belonging to any of those countries in possession of arms and ammunition, they should ensure that their cases are covered by clause (b) of sub-section (1) of section 10.

(8) Prohibition of transport of Arms and Ammunitions --

(a) The purchase of a weapon by the licensee outside the area of validity of the licence and taking it to his destination amounts to transport of the weapons within the meaning of rule 37 of the Arms Rules, 1962.

(b) The provisions of rules 37 make a distinction between personal transport (or transport of arms and ammunition personally) and transport which is not personal.

(c) Clause (a) of Sub-Rule (2) of rule 37 of the Arms Rules governs cases of personal transport in reasonable quantities for the own use of the person lawfully entitled to possess or carry such arms or ammunition.

(d) In the case of personal transport as noted in clause © above, no separate transport licence or "No objection certificate" is required.

(e) Clause (e) of Sub-rule 2 of rule 37 of the Arms Rules governs cases in which the transport is not personal, but otherwise by a person lawfully entitled to possess such articles:

- (i) for his own use from the premises of a licenced dealer, or
- (ii) for examination or repair or test from the premises of a licenced dealer, or
- (iii) to the address of any other person lawfully entitled to possess such articles.

(f) If the transport as noted in sub-order (7) is personal, then the licensee should obtain a permit from the licensing authority at the starting place of transport.

(g) If the transport, as noted in sub-order (7) above, is not personal, then as per proviso to clause (e) of sub-rule 2 of rule 37, the licensee should take a "No objection certificate" from the licensing authority at the destination of the articles.

(h) Any contravention of the provisions of rule 37 amounts to a violation of the provisions of section 12 of the Act and such a violation is a cognizable offence punishable under clause (k) sub-section (1) of section 25 of the Act.

*[Under relevant provisions of the Arms Act]*

### **315. Issue of Licences-**

(1) Licences will be issued in printed form in the regional language or in English at the option of the licensee. If the Collector grants, renews, or declines to renew a licence, he should send the licence or order to the licensee either -

- (a) through the post, service paid, the nature of the contents being clearly noted on the cover in the regional language, e.g., "licence for the possession of a gun"; or
- (b) through the Taluk Executive Magistrate or the Deputy Tahsildar; or
- (c) through the officer-in-charge of the nearest Police station.

(2) If the Collector on an application for a new licence refuses to grant the licence, the order of refusal should be forwarded to the applicant through the Taluk Executive Magistrate for the information of that officer. The reasons for refusal to grant or renew a licence shall be recorded by the licensing authority, but they shall not be communicated to the applicant.

(3) If the licence or order sent by post is returned through the Returned Letter Office, it should be sent out for delivery to the addressee through the Taluk Executive Magistrate or the Deputy Tahsildar or the officer in charge of the nearest Police station.

(4) The licensing authority may grant a licence under section 3 in any other case or a licence under Section 4, Section 5, Section 6, Section 10 or Section 12, if the licensing

authority is satisfied that the person by whom the licence is required has a good reason for obtaining the same.

(5) (i) The Central Government has got powers to exempt any person or class of persons from the operation of all or any of the provisions of this Act under Section 41 of the Arms Act, 1959 which reads as follows :-

(ii) Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the official Gazette and subject to such conditions, if any, as it may specify in the notification:

(a) exempt any person or class of persons (either generally or in relation to such description of arms and ammunition as may be specified in the notification), or exclude any description of arms or ammunition, or withdraw any part of India, from the operation of all or any of the provisions of this Act; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons or the description of arms and ammunition or the part of the India to the operation of such provisions.

(iii) The exemption contemplated under section 41 of the Arms Act, 1959, cannot be granted as a matter of course, but can only be granted in cases in which it is necessary to so grant, in the public interest. Therefore, if, in the case of any applicant or a class of applicants, a report is required to be sent whether he/they may be granted the exemption as envisaged in the said section, the Police officers concerned should make thorough enquiries to find out whether the public interests demand the grant of such exemption. If the public interests do not demand the grant of the exemption, they should report accordingly and refrain from making any recommendations on extraneous circumstances.

*[Under relevant provisions of the Arms Act]*

### **316. Ammunition - possession - Scale of – Instructions to licensing authorities --**

(1) In the absence of any special reason to the contrary, licensing authorities have been authorized to adopt the following scales in the matter of fixing the maximum quantities of ammunition that can be possessed at any one time by the licensee: -

Short guns or .22 bore or target rifles-- ..	No limit
Revolvers ..	100 round each.
Rifles ..	200 round each.

(2) If any person proves that he needs more than 100 rounds for revolvers or 200 rounds for a rifle, he should be given a licence for a larger number.

(3) The quantity of shot that may be possessed by a licensee need not be entered in the licence as under paragraph 6 of G.O. No. 1615, Judicial, dated 22nd November 1909, birdshot, when possessed in quantities not exceeding 50 kgs. at any one time, is exempt from the operation of the Arms Act, 1959.

### **317. Retainers-Registration of —**

The following instructions are issued for the guidance of Collectors and the Commissioner of Police in regard to the registration of retainers in Forms XVI and XX of the forms in Schedule VIII appended to the Arms Rules, 1962. These instructions should be strictly observed.-

(1) Retainers should be permitted only to those persons whose standing or circumstances are such that they may reasonably require retainers or servants to carry weapons in the ordinary course of duty.

(2) All applications for the inclusion of retainers in Forms XVI and XX must be dealt with by the Collector or the Commissioner of Police in person.

(3) No change shall be made in the names of retainers entered in a licence except under the signature of the Collector or the Commissioner of Police who granted the license or his successor in office.

(4) When no retainers are licenced, the fact should be clearly stated in columns (5) to (9) of Form XVI or columns (4) to (8) of Form XX, as the case may be.

#### **(5) Licensed Dealers --**

Under Section 29 of the arms Act, 1959, and under rule 24(2) of the Arms Rules, 1962, licenced dealers in arms and ammunition are bound to ascertain that the persons to whom they sell arms or ammunition are legally authorized to possess the same. Any tendency on the part of dealers to evade this obligation should be checked by the Police by their constant strict supervision over the trade in arms and ammunition. The Police should also exercise constant vigilant supervision over the registers maintained by licensed dealers in order to ensure that arms and ammunition are not sold to persons other than those legally authorised to possess the same. If, on inspection, they find that arms and ammunition are supplied to persons whose exemption seems to be doubtful, they should take steps to ascertain whether such persons are really exempt from the provisions of the Arms Act, and if not, to report the matter to the District Magistrate. In doubtful cases of sales to persons said to possess licences under the Arms Act and rules, a reference to the registers maintained in Police Stations will show whether the purchasers are bonafide licencees or not.

*[Under relevant provisions of the Arms Act]*

### **318. Rules for the maintenance of Arms License Registers ----**

(1) All Collectors, and other Executive Magistrates (including Deputy Tahsildars) of the Revenue Department and Station House Officers will keep in Form-A appended to these orders decennial registers of licences issued under the Arms Act to persons residing in the area with which they are respectively concerned. In the office of the Collector, a separate register will be maintained for each taluk or Deputy Tahsildar. In each taluk register, the entries will be arranged by Police stations and villages, the village within the limits of each Police station being arranged in alphabetical or other convenient order. A page or more will be allotted to each village, as may be found necessary. No village being omitted although no licensee resides therein. Entries relating to hamlets will be placed under the parent village. The page numbers of each taluk register will be consecutive throughout the register. An index of villages arranged in alphabetical order will be placed at the beginning of each taluk register. The serial number of the licence will be a fraction of which the number of the page of the register in which it is registered in the numerator and the number of the line in the denominator, preceded or followed by a letter indicating the taluk (e.g., C-26/5). The entries in the registers maintained in subordinate offices which will be supplied in the first instance from the Collector's office must, therefore, correspond exactly, page to page and line to line, with the entries in the register maintained in the Collector's office. The Collector will fix dates between the 1st and 15th January for the submission to him of each taluk register in his district. Necessary entries will be made in the Collector's office in these taluk registers relating to all licences renewed or the renewal of which has been refused for the year just begun. The taluk registers will be returned to the Sub-Magistrates with as little delay as practicable. In the second fortnight of the first month of every quarter, each Station-House Officer will take or send his register to the Taluk or Deputy Tahsildar's office, as the case may be, have it checked with the register maintained in that office, corrected and brought up to date. All Officers of the Police department of and above the rank of Inspectors will inspect the Police Station register at every inspection of the station and see that it is properly maintained.

*(G.O. No 470, Home, 20<sup>th</sup> September 1938)*

(2) At the end of each register maintained in the office of a Collector or Taluk (Executive) Magistrate or Deputy Tahsildar, an abstract will be made in Form 'B' appended to this order showing the number of weapons of each kind licenced in the taluk or station. A fresh abstract will be opened at the beginning of each year by counting the licences already granted or renewed for the year by the 1st January. Whenever an alteration is made in the body of the register either by reason of the grant of new licence or the cancellation of or refusal to renew an old

licence, a corresponding entry will be made in column (1) of the licence abstract by quoting the register number of the licence preceded by a plus (+) sign in the case of a new licence preceded by a minus (—) sign in the case of a cancellation or refusal to renew a licence; the necessary entries in columns II, III and IV of the abstract will be made whenever it is desired to bring the abstract up to date and whenever a line in column-I is complete, the net total should then be struck in column II of the abstract.

(3) At the close of each month, the Collector will forward to his Subordinate Executive Magistrate concerned, lists of the licences granted, renewed, cancelled or the renewal of which he has refused during the month in the Forms C and D appended to this order. Licences renewed for the year following that in which the lists in Form-C are sent need not be shown in the lists. Licences, the renewal of which is refused for the following year, should be included in the lists in Form-D appended to this order, in order that action may be taken to see that the arm covered by the licence is not retained illegally by the licensee after the close of the year. If a license is not renewed the Collector will state in the last column of the list in Form-D the reason for non-renewal (such as the death of the licensee, the transfer of the weapon by sale, gift or otherwise, etc.,) and should see that the weapon is not retained by any person who is neither exempted from the operation of the Arms Act in respect of such weapon nor licensed to possess it.

(4) Not later than the 15<sup>th</sup> January of each year the Collector will forward to the Superintendent of Police (in Form 'E' appended) lists of licencees who have not applied before the 1<sup>st</sup> January for the renewal of their licences with the request that he will ascertain and report the causes of the omission, whether the arms have been deposited in the Police station, and whether the prosecution has been instituted in each case in which the arms were not duly deposited in the Police stations; a separate list will be sent for the village in each Police station. The lists should be returned to the Collector's office not later than the 15th March by the Superintendent of Police with his report and recommendation whether the unrenewed licence should be renewed or not.

(5) When the taluk registers are submitted to the Collector under Order 318(1), the Collector will have them compared with the register maintained in his office so far as the entries relating to the previous year are concerned and corrected if necessary. Before the abstracts in the registers maintained by subordinate officers are compared with the abstract of the register maintained in the Collector's office, the figures in the latter should be verified by counting the outstanding entries in the body of the register. The Collector will include in his annual report brief remarks regarding the maintenance of these

registers throughout his district. For this purpose the Superintendent of Police will report annually not later than the 1st February to the Collector on the maintenance of the register by Station-House Officers during the previous year.

(6) Registers for licences in Forms XIV and XVIII may be maintained in Forms A-1 and A-2, appended below. The norms will not be standardized and may be altered to suit local requirements. If collectors find it convenient, in districts where licences in these forms are few, to enter them in the existing register 'A' or in register 'A-3' referred to below, this may be done. For licences in Form XIX, to which the Government attach growing importance, a separate register in Form 'A-3' should be opened.

#### **FORM - A-1**

Village -----

Register number Page/Line Number	Residence of licencee (hamlet)	Of licensee	Of his father	Nature and description	Number of arm	Maximum to be possessed at any one time	Maximum purchasable during the year.
(1)	(2)	(3)	(4)	(5)	(6)	(7-a)	(7-b)
		Date of renewal, grant, cancellation or order refusing renewal of licence for the year.					Remarks showing disposal of weapon if licence is not renewed.
		20 20 20 20 20 20 20 20 20					

		(8) (9) (10) (11) (12) (13) (14) (15) (16) (17)	(18)
--	--	--	------

NOTE: - In column (6), R-Rie, G-Smooth - bore gun, M-Magazine, D.B.-Double Barrelled, S.B. - Single Barrelled, B.L. - Breech Loading, M.L. - Muzzle-Loading percussion cap ortna, L - Match lock, F.L. - Fluid lock, Ko - Revolver, P - Pistol, B - Bayonet, S - Sword, D - Dagger.

**FORM - A-1**

Police Station -----

Village-----

	Name	Arms or Ammunition covered by licence		Date of grant or renewal
1	Register-Page number/line number			
2	Residence of licensee (hamlet)			
3	Of licensee			
4	Of his father			
5	Description			
6	Quantity			
6-A	Maximum to be possessed at one time			
6-B	Maximum purchasable during the year			
7	Place with description where articles are to be kept			
8	Period for which the licence is valid.			
9	20	20	20	20
10	10			
11	11			
12	12			
13	13			
14	When licence cancelled or not renewed, disposal number and date of District Collector's order and disposal of weapon.			

Note: - Separate entries in columns 6(a) and 6(b) shall be made only in respect of ammunition; a single entry across both columns, being made in all other cases.

**FORM - A-2**

Police Station -----

Village-----

1	Register-Page number/line number	Name	Arms or Ammunition covered by licence		Period for which the licence is valid	Production of weapon and the licence before Magistrate
2	Residence of licensee (hamlet)	Of licensee				
3	Of his father	Of his father				
4		Description				
5		Quantity				
6		Maximum to be possessed at one time				
6-A						
6-B		Maximum purchasable during the year				
7		Place or track within which licence is				
8			Specification of the wild beasts which may be destroyed under the licence.			
9		From				
10		To				
11		<u>Designation of the Magistrate before Disposal</u>				
12						
13		When licence cancelled or not renewed, disposal number and date of District Collector's order and disposal of				

Note: - Separate entries in columns (6) (a) and (6) (b) should be made only in respect of ammunition; a single entry across both columns, being made in all other cases.

**FORM A-3**

Police Station -----

Village-----

1	Name		Arms or Ammunition or military stores covered by licence				Date of grant or renewal			
2	Residence of licensee (hamlet)									
3	Of licensee									
4	Of his father									
5			Description, quantity							
6			Maximum to be possessed at one time							
6-A			Maximum purchasable during the year							
6-B					Place with description where articles are					
7					Period for which the licence is valid.					
					20		20	20	20	20
8						9	10	11	12	
13									When licence cancelled or not renewed, disposal number and date of District Collector's order and disposal of weapon.	

Note: - Separate entries in columns (6) (a) and (6) (b) should be made only in respect of ammunition; a single entry across both columns, being made in all other cases.

## FORM B

I

II

Granted

Rifled Arms		Smooth bore Guns														
Details showing the page number and line of every new licence granted and old licence cancelled	1 Magazine	2 Double barrelled	3 Single barrelled	4 Double barrelled	5 Single barrelled	6 D.B.B.L.	7 S.B.B.L.	8 D.B.M.L.	9 S.B.M.L.	10 Match locks	11 Flint locks	12 Revolvers	13 Pistols	14 Bayonets	15 Swords	16 Daggers
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	

III

Cancelled

Rifled Arms		Smooth bore Guns														
1 Magazine	2 Double barrelled	3 Single barrelled	4 Double barrelled	5 Single barrelled	6 D.B.B.L.	7 S.B.B.L.	8 D.B.M.L.	9 S.B.M.L.	10 Match locks	11 Flint locks	12 Revolvers	13 Pistols	14 Bayonets	15 Swords	16 Daggers	17 Magisterial Hand-clas.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Abstract of the number weapons of the several kinds.

Note: - D.B. Double barrelled. S.B.----- Single barrelled. B.L. --- Breach loading. M.L.---- Muzzle loading percussion caps.

## **FORM-C**

## Proceedings of the District Collector of

Dated \_\_\_\_\_ No. \_\_\_\_\_ of 20\_\_\_\_

Sub-

The district Collector of

has been pleased to grant licence for the year 20\_\_ issued under the Arms Act to the following individuals residing in the

**Taluk** \_\_\_\_\_

Deputy Tahsildar of \_\_\_\_\_ for the weapons  
specified against their names

2. The Taluk \_\_\_\_\_ Magistrate of

is requested to cause necessary entries to be made in his copy of the register of licences under the Arms Act. The number and date of this order should also be entered in red ink in the appropriate column under the heading, Date of renewal, grant, cancellation or order refusing renewal”.

Page number	(1)	Line number	(2)	Village and number	(3)	Licencee's name	(4)	Father's name	(5)	Nature of arm	(6)	Number of arms	(7)	Police station and division	(8)
-------------	-----	-------------	-----	--------------------	-----	-----------------	-----	---------------	-----	---------------	-----	----------------	-----	-----------------------------	-----

Note:- (1) The entries in columns (3) (4) (5) (6) and (7) above should be neatly copied in the appropriate Column of the licence register on the page specified in column (1) and the line noted is column (2).

(2) In column (6) R-Rifle, G-Smooth-bore gun. M-Magazine DB-Double barrelled. S.B.-Single-barrelled. B.L.-Breech loading. F.L.-Muzzle loading percussion cap. Ma.L-match-lock. F.L.-Flint-lock Re-Revolver, P-Pistol, B-Bayonet, S-Sword, D-Dagger.

### FORM--D

Proceedings of the Collector of \_\_\_\_\_ dated \_\_\_\_\_

No. \_\_\_\_\_ of 20 \_\_\_\_\_

Sub-

The District Collector of \_\_\_\_\_

has cancelled or refused to renew for the year 20, licences issued under Indians Arms Act to the following individuals residing in the

Taluk \_\_\_\_\_

Deputy Tahsildar of \_\_\_\_\_ for the weapons specified

against their names

2. The Taluk \_\_\_\_\_ Magistrate of \_\_\_\_\_

is requested to cause the word cancelled "to be neatly written in red ink in the register of licences issued against each licence mentioned below immediately after the last "Renewal" entry. The entry in remarks column below should also be noted after the word cancelled with the number and date of this proceedings. A red ink line should also be drawn through the entries in the register relating to the licence.

Page number	Line number	Village and number	Licencee's name	Father's name	Nature of arm	Number of arms	Police station and division	Remarks (Reason for cancellation and disposal of weapon)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

E.g. - “Cancelled-Died. L.C.Dis. No.1-200 .” “Cancelled weapon sold. L.C. Dis. No.2-200. Cancelled unrenewed. L.C. Dis. 3-200, etc.

Note:- In Col. (16) R.-Rifle G-Smooth-Beregun M-Magazine DB.Double Barrel SB-Single Barrel BL-Breech Loading ML-Muzzle Loading, Percussion Ma L-Match Lock FL-Flint Lock, Re-Revolver, P-Pistol B-Bayonet, S-Sword D-Dagger.

### **FORM-E**

List of personnel who have not applied for the renewal of their licences in \_\_\_\_\_ division, \_\_\_\_\_ taluk \_\_\_\_\_ district, \_\_\_\_\_ for the year; 20\_\_ on or before the 1<sup>st</sup> January, 20 \_\_

Name of the village and hamlet, if any	Number and name of the licensee who has not renewed his licence	Father's Name	Nature of arms	Number of arms	Police inspectors report as to the cause for omission of renewal of licence in each case	Remarks	Order of the District Collector
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

NOTE- In Column (4) R-Rifle. G-Smooth-bore gun. M-Magazine D.B.-Double barrelled. S.B.-Single barrelled. B.L.-Breech-loading. M.L.-Muzzle-loading percussion cap. Ma.L.-match-lock. F.L.-Flint-lock, Re-Revolver, P-Pistol, B-Bayonet, S-Sword. D-Dagger.

### **319. Register of Arms Act Licences --**

(1) A register of licences granted under the Arms Act, 1959, has to be maintained in every Police Station.

*(G.O.No. 1005, Judicial 23<sup>rd</sup> June 1905)*

To be checked quarterly --

(2) The Station Licence Register shall be taken to the Taluk or Deputy Tahsildar's office in the second fortnight of the first month of every quarter for check with the register maintained there and initialled by the Taluk clerk who keeps the register.

*(G.O. No. 4570, Home, 20<sup>th</sup> September 1935)*

### **320. Register of fire arms forming part of equipment of officers --**

(1) A register in Form No. 45 under the Arms Act will be maintained in each District Police Office and in the offices of Deputy Inspector General of Police, Commandants, Tamil Nadu Special Police Battalion, Commissioner of Police and Principals of Police Training College and Police Recruits Schools, in respect of all revolvers or pistols and of ammunition in the possession of all officers of the department whether supplied by Government or privately owned by them in the course of their duty. In case of transfers of subordinate officers possessing private weapons, the particulars of the weapons should be communicated by the Superintendent of Police or other officers concerned to the Superintendent of the district or the officers of other units, as the case may be, to which they are transferred.

*(G.O. No. 159, Pub. (Pol) 29<sup>th</sup> March 1933 and G.O. No, 448 Pub, (Pol) 26<sup>th</sup> August 1933)*

(2) Any change in this register consequent on the transfer of officers or the disposal of the weapons owned by them or purchase of new weapons should be reported to the Director-General quarterly for communication to the Collector, or the Commissioners of Police as the case may be. For this purpose, changes in the register up to the end of a quarter should be consolidated in the prescribed form and communicated to the Director-General in duplicate so as to reach him by the 5<sup>th</sup> of the month succeeding each-quarter i.e., 5<sup>th</sup> April, 5<sup>th</sup> July, 5<sup>th</sup> October and 5<sup>th</sup> January. The nature of the change should be briefly indicated in the remarks column against each item, e.g. 'New supply', 'New purchase', 'Transfer to or from another place, etc.

(3) Production of pistols possessed by officers —

The officers concerned should produce their pistols once a year, preferably in December, before the Deputy Commissioner of Police, Headquarters, in Chennai City or the Revenue Divisional Officer in the mufassal for inspection.

(G.O. Ms. No. 203, Home, 18<sup>th</sup> January 1956)

(4) In order that a proper description may be available in case of loss, the general description and district number of each firearm in the circle shall be recorded on the fly leaf of the Inspector's Register of Government property (Form No.6). Entries should be made in the following manner: -

"The muskets at Vellore station are muskets, 410 Bore numbers 20 to 35", "Inspector's Revolver is Enfield Mark 11 No. ", as the case may be.

(5) References to the Arsenal number or the manufacturer's number stamped on all firearms supplied by Government should be given in the following registers in which they are accounted for —

- (i) List of Government property in stations.
- (ii) Inspector's register of Government property.
- (iii) Distribution list of Government property.

### **321. Inspection of shops and premises licensed under the Arms and Explosives Acts ---**

(1) Government have laid down that every shop and premises licensed to sell arms and ammunition (i.e., licensed in Forms IX, X, XI or XII in Schedule II to the Arms Rules, 1962) should be inspected once every half-year by the Sub-Divisional Police Officer in whose jurisdiction such shop and premises are situated. In the case of shops and premises situated in area under the direct control of the Superintendent of Police, such inspection should be conducted by the Superintendent of Police himself. These inspections are to find out whether the room in which arms and ammunition are kept is reasonably safe. During the second inspection in each calendar year, the inspecting officer shall also examine the stock and accounts of receipts and sales of arms ammunition and military store and see whether all the conditions stipulated in the licence forms are observed. A report on the results of each inspection should be forwarded to the Collector in Form No. 46, those from the Sub-divisional Police Officers being submitted through the Superintendent of Police concerned.

(G.O. No, 1453, Judicial 13<sup>th</sup> September 1882, G.O No. 448, Pub. (Pol) 26<sup>th</sup> August and G.O. No. 4571, Home, 25<sup>th</sup> October, 1950)

(2) Government have ordered that Superintendents of Police should report the result of the inspection of all licensed arms made by subordinate Police officers as laid down in Order No. 320 to their Collectors who will then take whatever steps they think fit with regard to irregularities brought to notice.

(G.O. No. 448, Public (Pol.), dated 26<sup>th</sup> August 1993)

(3) (a) -- Rule 106 of the Explosives Rules, 1940 confers on Police Officers of rank not below that of Sub-Inspectors certain powers of inspection, search and seizure and it is the desire of the Government that these officers should exercise, in full, their powers in the case of licences issued under the rule. In respect of shops licenced under the Explosive Act in forms (I) (K) (L) and (M) in Schedule IV to the Explosive Rules, 1940, periodical inspection by the Police once a month by Sub-Inspector and once in six months by Inspector and once a year by Superintendents of Police or the Sub-Divisional officer are obligatory. The inspection of shops and premises licensed to sell only country gun powder, fuses and fireworks may however be carried out by Circle Inspectors.

(G.O.Ms.No.4057, 9<sup>th</sup> December, 1960 & G.O. Ms. No. 679, Home, 27<sup>th</sup> March, 1981)

**NOTE** - In a single station circle where Inspector is the Station House Officer, he shall inspect once a month.

(b) Shops and premises licensed for a period not exceeding four months need not be inspected by the Superintendent of Police or Sub-Divisional Police Officers. Inspectors and Sub-Inspectors of Police should inspect such shops and premises once during the currency of licences.

(4) Government have ordered that any Station House Officer who receives a report of the loss of any fire arms should communicate the particulars of the case through the proper channel to the Collector of the district in which the licensee who lost the fire arms resides.

(G.O.Ms.No.121 Public (Police) dated 13<sup>th</sup> March, 1924)

(5) (a) Circle Inspectors/SHOs should inspect once a quarter the books, shops and premises and stocks of all licenced manufacturers and vendors of arms and ammunition (licenced in Forms IX, XI, XII or XIII in Schedule III to the Arms Rules, 1962) and the inspection of shops licenced under the Explosives Act in Form 'I' 'K' 'L' and 'M' in Schedule IV to the Indian Explosives Rules, 1940 should be carried out in accordance with the instructions under order No.321 (3)(a) with a view to ensuring that the conditions mentioned in the licence are generally observed. A report should be sent in form No. 46 to the District Collector through the Superintendent of the district. In Commissionerates the SHOs/Assistant Commissioners of Police will report to the Commissioner of Police, through the Deputy Commissioners of Police concerned. In the case of match factories where the

Central Excise Officers are stationed, it will however be sufficient if Sub-Inspectors of Police see once a quarter whether the conditions of licence are generally observed, but once in every six months they should make thorough inspection of such factories by a detailed examination of the stock and accounts to see whether all the conditions stipulated in the license are strictly complied with. In addition to this, surprise inspections should be undertaken by Sub-Inspectors of Police as often as possible in order to ensure that match factories are working properly and that the conditions mentioned in the license are generally observed.  
*(G.O.Ms.No.267 Home 20<sup>th</sup> August, 1963)*

(b) (i) All licensed arms other than revolvers and pistols have to be inspected at the licensee's residences, preferably by surprise visits by Police officers of a rank not below that of an officer in-charge of a Police Station twice annually once in the first quarter after the renewal of licences and again in the third quarter just prior to the renewal season, inspections being made simultaneously, as far as possible. The result of inspections by officers other than Superintendent of Police should be reported to the Superintendent of Police. The Superintendent of Police should report the result of inspections in the district to the respective District Collectors.

(ii) All licensed revolvers and pistols have to be inspected in the first quarter of each year by an officer not below the rank of Inspector of Police at the licensee's residence along with the check of other arms. The result of such inspections by officers other than that of the Superintendent of Police should be reported to the Superintendent of Police as in the case of arms other than revolvers and pistols. The Superintendent of Police should report the result of the inspection to the respective Collectors who will then take necessary steps with regard to any irregularities brought to notice.

*(G.O.No.1453 Judicial 30<sup>th</sup> September, 1882 and 448 Public (Pol.) 26<sup>th</sup> August, 1935)*

(c) The licensing authority may for the purpose of satisfying itself that any arms covered by licence are still in the possession of the licensee, at any time, while the licence is in force, by order in writing requires the licensee –

(i) to produce the arms at such time and place for inspection by such officer as may be specified in the order; or

(ii) at the option of the licensee, to produce a certificate from;

(iii) a Magistrate or the Officer in charge of the nearest Police Station in whose jurisdiction the licensee resides or has his occupation, or

(iv) if he is a Government servant, a group 'A' or 'B' Officer to whom he is subordinate, to the effect that he has seen the arms in the possession of the licensee and that they correspond to the description given in the licence;

(d) All shops and premises licenced to sell poisons under the Poisons Act, 1919, shall be inspected once a quarter by a Police Officer not below the rank of the

Sub-Inspector. The shops or premises, the stock and register of the licence holders shall be scrutinized with a view to finding out whether the conditions of the licence are observed.

(e) Apart from the periodical checks, the unit Police officers should alert their unit Special Branches and District Crime Intelligence Bureaus and keep a close watch on the storage, transport and illegal trade and mis-utilisation of arms, ammunition and explosives in their respective jurisdictions and to send a monthly report to the Additional Director General of Police, Intelligence, Chennai in a name cover in respect of the information collected and action taken in this regard before the 10<sup>th</sup> of every month in respect of information related to previous month.

[Arms Act]

**(f) Cancellation of Gun licence of criminals:**

Whenever persons are arrested for involvement in property crimes and violent offences, it must be verified whether such persons are in possession of gun licence and if so it must be got suspended or cancelled adopting appropriate procedure – *standing instructions 20/13, dated 30.04.2013 of the DGP.*

**322. Deposit of arms –**

(1) Arms, the possession of which is unlawful owing to the cancellation or expiry of licence or otherwise, must at once be deposited in the nearest Police Station. The arms so deposited should be shown in the “Register of arms Deposited” Form No.47 and an accurate description of each arms with the maker’s name and number if given and actual measurements if a country gun, should be given in column (3). The Station House Officer is responsible for the safeguarding of all arms deposited in the station. The arms should be kept under lock and key.(G.O.No.1447 Judicial 26<sup>th</sup> June, 1915)

(2) Arms in deposit in stations shall, if not returned or otherwise disposed of within one month from the date of their deposit, be removed to and lodged in the District Armoury. The Station House Officer will send such arms with an extract from the “Register of Arms Deposited” in Form No.48 (which is in duplicate with a trifoil for the station record). This form will be made out by carbon process. One copy will be retained in the District Armoury and the other returned to the Station House Officer as an acknowledgement. This acknowledgement should be pasted with the corresponding trifoil in the station, and the number allotted for each weapon in the District Armoury should be noted against the respective arms in the “Register of Arms Deposited” Column (13) – Form No.47 in the station.

(3) Arms received at the District Armoury have, after the expiration of one year from the date of their deposit, to be forfeited to Government. Such arms shall be shown in the ‘Register of Arms Deposited’ – Form No.47 under the supervision of the Inspector (Armed

Reserve) in charge of stores. An extract from this register shall be sent monthly in Form No.49 (which is in duplicate with a trifoil for the District Police Office record), to the Collector for orders declaring the arms forfeit to Government. The Collector will return the duplicate of the extract with his orders, and on its receipt, the arms with the exception of the fire arm of prohibited bore, shall be sent to the Collector's office accompanied by the above said duplicate extract. An acknowledgement shall be obtained on the extract for the arms so delivered from the Collector or some officer deputed on his behalf. Fire arms of prohibited bore need not be sent to the Collector's office but will be retained in the District Armoury.

(4) Inspecting officers should, during inspection, check all arms in deposit with the "Register of Arms Deposited" and see that an accurate description of every arm is entered in the register. They should report having done so in the inspection report.

(5) Charges for Cleaning and Maintenance of Arms and Ammunitions deposited --

(a) A fee of Rs. 15-00 (Rupees fifteen only) per weapon per annum or any portion thereof should be recovered from the owner or depositor of the weapon at the time of deposit. The owner or depositor of the weapon may either make payment of the prescribed fee in cash or by production of the original treasury challan in token of having credited the fees to any Tamil Nadu Government Treasury to the relevant head of account. When the fee is paid in cash, the officer in-charge of the Police station will issue acknowledgement and the amount received, brought on the cash book immediately. Thereafter, the amount will be credited to the treasury to the relevant head of account as early as possible.

(b) The fees realized should be entered in the register maintained in Form No. 47. The fact of the recovery of the maintenance charges shall also be recorded in the register of arms and ammunition deposited under section 21 (1) of the Arms Act.

(c) When the arms or ammunition not returned or disposed of within 30 days from the date of deposit, are sent to the District Armed Reserve or the City Armed Reserve in the case of Cities, the details of the credit of the maintenance charges will be intimated to the District Armed Reserve or City Armed Reserve, as the case may be.

(d) The prescribed fees should invariably be recovered before the weapon is returned to the depositor or any other person authorized to receive the weapon.

(e) If, for any reason, the depositor of a weapon fails to remit the prescribed maintenance fees of Rs 15.00 at the time of depositing the weapon and subsequently claims the return of the weapon, within the period of the forfeiture either by himself or by any other person to whom the weapon is sold or transferred, the maintenance charges should be recovered before delivery of the weapon.

(f) The maintenance charges due on a weapon deposited with the Police should be recovered in addition to the restoration fees prescribed by the State Government from the person to whom the weapon is restored.

(g) In cases in which maintenance fee is not realized at the time of deposit and the weapon is forfeited to the Government, the charges due may be treated as irrecoverable and written off under the orders of the Director General.

(6) Deposit of Arms and Ammunition for safe custody (otherwise than under section 21) --

(a) Under clause (a) of sub-rule (1) of rule 47, a person lawfully possessing arms or ammunition may deposit them for safe custody in a Police station.

(b) The Station House Officers before accepting arms or ammunition for deposit for safe custody should satisfy themselves that the persons depositing them have possessed them under a valid licence issued under the Arms Act and rules or under exemption from the need for such licence.

(c) A separate register called register of arms and ammunition deposited for safe custody should be maintained in every Police station.

(d) (i) If the depositor fails to get the licence renewed before expiry of the licence, the Station House Officer will continue to keep the arms/ammunition, but if the licence is not renewed for a period of 3 years after its expiry, the Station House Officer will send a report mentioning this fact to the District Magistrate, through the Superintendent of the district for such action as he may consider necessary.

(ii) Such arms or ammunition should, in no case, be returned to the owner, unless the licence to possess them is renewed or a new licence is obtained.

*[Arms Act]*

### **323. Rule for the Disposal of confiscated Arms and Ammunitions –**

(1) Arms, ammunition and stores which can be utilized by the Police or other Government department may be retained or brought into use with the sanction of the State Government. Pistols, revolvers, rifles and muskets of the prohibited bore which may thus be acquired, may be loaned to Government servants, who are authorized to keep them as part of their equipment or who by the nature of their duties require the protection of a weapon. These should not, however, be allowed to become the private property of the persons to whom they are issued.

(2) Arms, ammunition and stores, not so retained, shall be disposed of in the following manner: --

(a) All revolvers, pistols and rifles of prohibited bores, shall be sent to the appropriate Ordnance Depot, if of service pattern and to Ordnance Depot, Allahabad, if of non-service pattern. Such arms and ammunition similar to service type of ammunition and of prohibited bore shall be sent to

the nearest Ammunition Depot. All other ammunition of prohibited bore being disposed of in consultation with Chief/Circle Inspector of Explosives.

(b) Pistols and revolvers of non-prohibited bore may be sold to Government servants and others who are duly licensed. Government servants should however be given preference over "others" according to the needs of each category.

(c) Arms, ammunition and stores other than those described under (a) and (b) above may be sold to licensed dealers or other persons entitled to possess them.

(d) Arms not disposed of under (b) and (c) shall be broken up locally and the materials sold unless they are rifled fire-arms of rifle barrels, in which case they should be sent to the appropriate Ordnance Depots. Ammunition and stores not disposed of under (b) and (c) shall be destroyed. Alternatively, all arms, small arms, ammunition similar to service pattern and stores which cannot be disposed of under (b) and (c) may be sent to the appropriate Ordnance Ammunition Depots.

**NOTE** - Serviceable and unserviceable confiscated arms shall be sent to the following Ordnance Depots as the case may be -

1	Serviceable and repairable arms of standard pattern	Armament Stores Sub Depot, Kirkee.
2	Serviceable and repairable obsolete/ obsolescent/non-standard pattern.	Ordnance Depot, Allahabad
3	All unserviceable obsolete/obsolescent/ non-standard pattern	Ordnance Depot, Allahabad
4	Unserviceable confiscated arms of service pattern.	Rifle Factory, Ishapore.

(3) An acknowledgement should be obtained from the Officer in-charge of the Arsenal concerned for the receipt of arms and ammunition sent to him under clause (2) above.

(4) Procedure for auctioning of confiscated and forfeited Fire-arms ----

The following procedure will be followed for the auction of fire-arms that are confiscated or forfeited to Government and become available under the rules for disposal to dealers or other licencees,

(5) Before the weapons are sold in auction or steps taken to acquire them for Government use, a district price committee should be formed for each district and Cities to fix the minimum upset price for every available weapon in the district and the city. In the mufassal, the committee will consist of the Collector, the Superintendent of Police and the Deputy Superintendent of Police, Armed Reserve or if the latter post does not exist, the Inspector (Armed Reserve) of the District Armed Reserve. In Chennai City it will consist of the Commissioner of Police, the Deputy Commissioner of Police, Headquarters, and the Inspector (Armed Reserve) of Stores. The Superintendent of Police in the Districts and the Deputy Commissioner of Police, Headquarters in the City will be the convener of the Committee. The Committee should meet once in six months for the purpose of fixing the upset price for each weapon with due regard to: -

- (a) Its general condition;
- (b) the prevailing market price of a new weapon of the same make and design; and
- (c) its age.

(6) Before fixing the price, it should obtain an estimate from an arms dealer, if there is one in the district and that estimate will be the guiding factor. The prevailing market value of a new weapon of the same make and design should be taken as the starting point. Yearly depreciation should be allowed from the starting point at 10 per cent for the first two years, 5 percent for the next five years and 2½ per cent for the next 14 years. If the age of the weapon is not known, the probable period for which it might have been used should be decided and then depreciation allowed at these rates. The cost of repairs, if any, that will have to be carried out to the weapon should also be deducted from the price so arrived at.

(7) The public auction will be held by the Collector in each district and by the Deputy Commissioner of Police, Headquarters in Chennai City. If the weapon does not fetch at least the upset price fixed by the Committee, the matter should be reported to the Director-General of Police, who will either divert it to some other district where there may be demand for the weapon or issue other suitable instructions for disposal.

(8) Government officers may also bid at the auction either in person or through their agents. If a weapon is brought either by the Collector, the Superintendent of Police or anyone connected with the estimating committee, it should be handed over to the successful bidder only after obtaining the sanction of the Director-General of Police.

(9) The above procedure should be followed in regard to the sale in public auction of confiscated and forfeited ammunition and military stores also.

(10) Procedure for the loaning confiscated Fire-arms of prohibited bore to Government servants --

(a) According to the rules prescribed by the Government of India, pistols, revolvers, rifles and muskets of prohibited bore confiscated to Government under Section 21 of the Arms Act, I959 may be loaned to Government servants who are authorized to keep them as part of their equipment or who by nature of their duties require the protection of a weapon. The following rules will govern the issue, custody, etc., of such confiscated fire-arms of prohibited bore to Government officers.

(b) The Collector in the districts and the Commissioner of Police in Chennai City will maintain a record of all confiscated weapons in their jurisdiction. The weapon should be in the custody of the Superintendent of Police in the districts and the Commissioner of Police in Chennai City, at the respective Police armouries.

(c) Revolvers, pistols, rifles and muskets of prohibited bore may be loaned to Gazetted Officers of the Police and other departments who are authorized to keep them as part of their equipment, or who by nature of their duties require the weapons for protection. Non-Gazetted Officers also, may in special cases, be given these weapons. The officers concerned should apply for and secure licences in the usual course for the possession of the fire-arms, unless they are exempted under the Arms Act from obtaining a licence.

(d) Collectors in the districts and the Commissioner of Police in Chennai City will from time to time circulate to the heads of all offices in their jurisdiction, a list of confiscated weapons of prohibited bore available for loan to officers. In allotting such weapons, preference shall be given to officers who are required to keep arm as part of their equipment. The Director-General of Police will maintain a list of officers who are in need of confiscated weapons of prohibited bore and who have not been supplied with weapons by the Government and to give prohibited bore weapons to them on loan, as and when such weapons become available.

(e) The Superintendent of Police in the districts and the Commissioner of Police in the City of Chennai, should maintain register in the form prescribed below, of all weapons of prohibited bore loaned to officers.

Register of confiscated fire-arms of prohibited bore acquired by Government and loaned

<b>Sl.No.</b>	<b>Kind of weapon</b>	<b>Number, make and description of the weapons</b>	<b>Estimated value</b>	<b>By whom loaned</b>	<b>To whom loaned with date</b>	<b>Remarks</b>
(1)	(2)	(3)	(4)	(5)	(6)	(7)

The District Collector will send to the Superintendent of Police for record, copies of his orders sanctioning the loan weapons to officers. In the City of Chennai, the Commissioner of Police, will himself keep up a record. The officer to whom the weapon is allotted will take delivery of the weapon from the Superintendent of Police or the Commissioner of Police or in their absence from the Inspector (Armed Reserve) in-charge of the District or City Armed Reserve Stores, and acknowledge receipt of the weapon in the remarks column in the register. The delivery of the weapon to the officer will be intimated by the Superintendent of Police to the Collector and the Director-General of Police.

(f) Weapons loaned to officers should be surrendered at the time of their retirement or when the necessity for the fire-arms ceases, whichever is earlier.

(g) When an officer to whom a weapon is loaned is transferred out of the district or the City of Chennai, as the case may be, he should report to the Superintendent of Police or the Commissioner of Police, as the case may be, the fact of his taking with him the weapon loaned to him. On his joining his new station, he should report the particulars of the loaned weapon in his possession to the Collector and the Superintendent of Police of the district to which he is transferred or the Commissioner of Police, as the case may be, and also produce the weapon within a reasonable time before the Superintendent of Police or the Commissioner of Police, as the case may be or in their absence, before the Inspector (Armed Reserve) of the District or City Armed Reserve for inspection. On receipt of the report from the officer, the Superintendent of Police or the Commissioner of Police will enter the particulars of the weapon in the register maintained by him.

(h) Weapon should be loaned to officers free of charge but the weapons will not on this account be allowed to become the private properties of those to whom they are issued.

(i) All officers, both Gazetted and Non-Gazetted who have taken weapons on loan under this scheme, will send annually in the first week of April to the Collector and the Superintendent of Police or the Commissioner of Police, as the case may be, a certificate to the effect that the weapons loaned to them are

in their custody and in serviceable condition. Whenever a loaned weapon is lost or damaged, a detailed report should be sent to the Collector and the Superintendent of Police in the districts and the Commissioner of Police in the City.

(j) Whenever officers to whom weapons are loaned are transferred to another department, where they will not need the use of fire-arms, or proceed on leave preparatory to retirement or retire, they shall return the loaned weapon to the Superintendent of Police and the Commissioner of Police and obtain acknowledgement. The Superintendent of Police and the Commissioner of Police, will take steps, if there is need, to have the weapon reloaned to other Government Officers.

(k) When an officer proceeds on leave out of India, he shall deposit the weapon with the Superintendent of Police or the Commissioner of Police as the case may be and take it back, if necessary, on his rejoicing duty.

(l) The officers to whom the weapons are loaned should keep the weapons in question in proper order and incur all expenditure incidental to repair, maintenance, etc., at their own cost. They will be held liable for loss or damage caused to the weapons except that caused by fair wear and tear; and in the event of loss or damage, they should pay to the Government such amount as the Collector or the Commissioner of Police, Chennai City, as the case may be, may fix as compensation.

(m) The District Collectors and the Commissioner of Police should communicate to the heads of departments concerned details of the fire-arms loaned to officers under their control. The heads of departments should see that the loaned fire-arms in the possession of their subordinates are surrendered in all cases of retirements, resignations, deaths, etc., For this purpose the heads of departments may obtain half-yearly or annual returns from the subordinates concerned.

(n) All officers subordinate to the Commissioner of Police, Chennai will submit a return in the form prescribed in paragraph 4 on or before 1<sup>st</sup> February showing the list of weapons loaned to Government officers. In the case of retirement, resignation, death, etc., of the Government servant to whom the weapon is loaned, it should be reported whether the weapon has been surrendered or not, such entry being noted in the remarks column.

*(G.O. Ms.No. 6, Home, dated 3<sup>rd</sup> January 1966)*

### **324. Accidents in connection with Explosives and Inflammable Oils – Report to Chief Inspector of Explosives in India, Kolkatta –**

(1) On the occurrence of any accident of the nature referred to in section 8 of the Indian Explosives Act 1884, or section 27 of the Petroleum Act 1934, the Station House Officer should immediately make a report of the accident to the Superintendent of Police of the district either by telephone or wireless followed by a detailed report and the Superintendent of Police will then expeditiously convey the facts direct to the Chief Controller of Explosives, Department of Explosives, Block 'A', 5<sup>th</sup> Floor, C.G.O. Complex, Seminary Hills, Nagpur – 440006, with a simultaneous copy to the Joint Chief Controller of Explosives, Shastri Bhawan, Chennai-6. A report should also be sent to the Director concerned and to the Director General of Police, Additional Director General of Police, Intelligence, Additional Director General of Police, Law and Order, Zonal Inspector General of Police, Range Deputy Inspector General of Police and to the District Magistrate of the district.

*(G.O. 1178 Home March 1937 G.O, Ms. No. 4190, Home, 20<sup>th</sup> November 1945 and  
G.O. 1432, Home, 15<sup>th</sup>, May 1954)*

(2) If the accident involves any loss of life or is on a large scale, the Station House Officer should send an urgent report, by fax/e-mail, of the facts followed by a detailed report and the Superintendent of Police will then expeditiously convey the facts direct to the Chief Controller of Explosives, Department of Explosives, Block 'A', 5<sup>th</sup> Floor, C.G.O. Complex, Seminary Hills, Nagpur – 440006, with a simultaneous copy to the Joint Chief Controller of Explosives, Shastri Bhawan, Chennai-6. The Superintendent of Police will then send an immediate report of the facts to the Collector concerned and to the Director – General of Police, Chennai with a copy to the Additional Director General of Police, Intelligence, Additional Director General of Police, Law and Order, Zonal Inspector General of Police and Range Deputy Inspector General of Police. The fax/e-mail report is to be in addition to the report prescribed in the previous paragraph which should be sent in all cases.

(3) In the case of a serious accident, all wreckage and debris should, if practicable, be left in position under guard and not removed, until information is received from the Chief Controller of Explosives, Nagpur that he does not wish any further investigation or enquiry to be made.

(4) All exhibits and substances suspected to be explosives or connected with an explosion not involving the death or grievous hurt to any person or persons, or serious damage to property should be sent to the Joint Chief Controller of Explosives, Shastri Bhawan, Chennai-6 with a copy of the report that is to be sent to the Chief Controller of Explosives, Nagpur.

(5) In the case of explosions involving death or grievous hurt to any person or persons or serious damage to property, the Police will not handle or remove any exhibits connected

with the explosion. Such exhibits and substances will be handled only by the Joint Chief Controller of Explosives on his arrival for investigation. The help of the Forensic Science Department experts may be availed in protecting the clues on the scene till the Joint Chief Controller of Explosives takes charge. The Police should not send any such samples for examination, but only a copy of the report sent to the Chief Controller of Explosives, Nagpur should be sent to him.

(6) A magisterial enquiry is prescribed by section 9 of the Indian Explosives Act into all accidents referred to in section 8 of the Act, other than those which occur in, or about, or in connection with, any place, carriage vessel under the control of any of the Indian Armed Forces. Intimation of all such accidents should, therefore, be also sent to the District Magistrate.

(7) The cases registered under Explosives Act, Explosives Substances Act or Arms Act and relevant rules be treated as Grave Crime Cases, which have to be investigated by the Inspector of Police and the Sub-Divisional Officers have to write G.C.Rs and periodical progress reports have also to be submitted to the District Superintendents of Police and the Range Deputy Inspectors General of Police, as in the case of other G.C.R. cases. Sub-Divisional Officers should submit the particulars in the prescribed proformae (Form I to IV prescribed by Chief Office) in respect of all the explosives and fire-arms cases, along with other G.C.Rs till the investigation is completed. They will also furnish copies of proformae directly to the Superintendent of Police, 'Q' Branch, CID, Chennai for review.

*(Circular Memorandum Rc.No.227835/Crime I (1)/2006 Dated: 27.01.2006 of the Director General of Police, Tamil Nadu, Chennai-4)*

(8) Bombs --

(a) In cases involving prosecution of persons for illegal possession of unexploded military grenades, mortar bombs, etc., the Joint Chief Controller of Explosives, Chennai, should be informed and his arrival awaited. If the bomb has exploded and it is desired to prosecute a surviving person, the Joint Chief Controller of Explosives, Chennai and the Chief Controller of Explosives in India should be informed by wire in accordance with the instructions contained in paragraph (2) above. In other cases, the remnants of the exploded bombs etc. should be sent to the Joint Chief Controller of Explosives, South, Chennai.

*(G.O.Ms.No.1962 Home 17<sup>th</sup> June 1953)*

(b) In forwarding articles suspected to be of an explosive nature, special precautions should be taken to avoid risk of their exploding in transit or when unpacked. The usual type of bomb used in Tamil Nadu is quite safe to handle if thoroughly wetted, but very dangerous if dry. Anything of the nature of live bomb should, therefore, be thoroughly wetted with water, packed in such a way that it will not dry in

transit and sent through a messenger, and not by railway parcel or post, to the Joint Chief Controller of Explosives, South, Chennai.

(c) For prosecutions under the Explosive Substances Act, sanction of Government is necessary under section 7 of the Act.

(9) Bombs and Improvised Explosive Devices --

(a) Bombs and improvised explosive devices are used by criminals, extortionists, extremists and terrorists for indiscriminate killing or for target killing or for creating panic and distress. Human bombs are also used by terrorists and extremists.

(b) Terrorists are extensively using explosive devices in their operations. Explosives are terrorists' principal tool which are the most powerful and can be controlled by remote control methods. It is very essential for the Police to know about these devices not only from the security point of view of personages but also from the point of view of saving lives and property.

(c) The improvised explosive devices are operated by the terrorists electrically or mechanically and they are designed to explode while handling or by use of delay mechanism, ambient conditions or remote control device. A standard improvised explosive device or bomb mechanism consists of -

(i) Explosives, (ii) detonators, (iii) power source, (iv) switches.

(d) The detection of bombs and improvised explosive devices poses a major problem because of the ingenuity of the motivated user and the ease with which an improvised explosive device can be concealed in any ordinary harmless looking article such as parked vehicles, brief case, books, coconut, radio, tape-recorder, television, laptop computers, video cassettes, toys, cigarettes, fruits and vegetables, tiffin boxes, iron pipes etc.

(e) The Police are to be ever alert and vigilant to search every possible location to defeat the design of terrorists and other extremists. Bomb detection teams are to be trained and latest equipments are to be provided to them. When bombs are found, the Police should know the techniques of their disposal.

(f) In all such cases where bombs are found or exploded, the nearest Joint Chief Controller of Explosives should be informed and the help of the bomb disposal squad should be requisitioned.

(g) In respect of all service bombs and shells recovered by the Police, they shall contact the nearest Joint Chief Controller of explosives. The latter would be at liberty to seek assistance from the Inspecting Ordnance Officer at the nearest Ammunition Depot for identification and disposal, etc. Should this Officer be unable to identify the exhibit, he will send it to the Chief Superintendent of Development (Ammunition), Kirkee. In all court cases the Deputy Chief Controller of Explosives will testify when necessary. Under this

arrangement, request for examination of service bombs and shells to the inspecting ordnance officer at the nearest Ammunition Depot would go through the Deputy Chief Controller of Explosives and not from the Police direct.

(10) Country Bombs --

(a) Unexploded country bombs made in soda water bottles, jam tins, water cistern floats, coconut shells, bundles of jute, hemp or cloth or bamboo tubes, book bombs and letter bombs may be designed to explode:

- (i) when moved in any way;
- (ii) when turned over;
- (iii) when placed in water;
- (iv) when thrown down;
- (v) when a fuse is lighted;
- (vi) by a clockwork arrangement, or
- (vii) by chemical reaction.

(b) Remnants of exploded bombs - All remnants of exploded bombs should be sent to the Joint Chief Controller of Explosives together with a history of the case.

(c) Incendiary Devices not coupled with a Bomb or Explosive Device - The initiating agents in these devices should be carefully examined and removed before they are sent through a messenger to the Deputy Chief Controller of Explosives. Wherever any doubt is felt, the facts of the case should be reported to the senior officer and the assistance of the Deputy Chief Controller of Explosives should be sought by Police Radio Message/Fax, if necessary. If the device has already taken fire, the remains, without removing the ash or soot, will have to be sent to the Deputy Chief Controller of Explosives.

(d) (i) Incendiary Device Coupled with an Explosive Device - (a) These devices have a fairly elaborate mechanical arrangement and may look like bombs. The Deputy Chief Controller of Explosives will have to be informed by Police Radio Message/fax or other quickest means and his arrival awaited. If any piece of yellow phosphorus is found, it should be removed immediately. If the arrangement has already fired or exploded, the remains together with the ash or soot will have to be sent to the Deputy Chief Controller of Explosives for his opinion, along with a report of the facts of the case.

(ii) In forwarding articles suspected to be of an explosive nature, special precautions should be taken to avoid risk of their exploding in transit or when being unpacked.

(iii) According to sections 3 to 6 of the Explosive Substances Act, 1908 (Act VI of 1908) unlawfully and maliciously causing or attempting to cause explosion likely to endanger life or property, unlawfully and maliciously making or keeping explosives with intent to

endanger life or property, making or possession of explosives under suspicious circumstances, and abetment of the above are offences under the Act.

(11) Bomb Threat and action to be taken when a Bomb is traced ---

(a) A bomb threat may be received on telephone or through a written message.

(i) When a Police Officer receives such a call, he should try to make the caller talk more and try to get information on the location of the bomb, the type of the bomb, etc. The information like location and time of explosion is very important for taking action of search and evacuation.

(ii) When the call received is on a telephone, it should be monitored if monitoring facilities are available. Attempts should be made to trace the call and record the voice. When the information is received that the bomb is planted in a building, decision should be taken to search and to evacuate depending on the circumstances. When decision is taken for evacuation, the announcer by keeping his calm should advise the public and employees to walk out of the building in a quiet manner without panicking, without running, without using the elevators, taking personal belongings if possible. Windows, doors and cupboards should be opened before leaving. Ladies, children and old people should be helped to come out. Passage of Bomb Disposal Squad should not be obstructed. Rumours should not be allowed to be spread.

(iii) The search should be carried out carefully by the Bomb Detection and Disposal Squad and in case the suspected object is located, the following action should be taken:-

(a) Inform bomb threat Control room if it is formed,

(b) Arrange for Police cordoning, medical help and fire-brigade,

(c) Arrange for the evacuation of the area and keep the people away from the place.

(d) Place sand bags, mattresses, wet-blankets or cushions around the suspected object. It should be kept all round the object up to three times more the height of the suspected object, and one foot away from the object. Bomb blankets should be used if available. The walls adjacent to the room should also be buttressed with sand bags. The damage can also be minimized by following the procedures of baffling, venting, buttressing and taping.

(iv) Attempt to estimate the blast direction and prevent people moving along the blast path.

(12) Precautions to be taken for securing recovered Bombs/Improvised Explosive Devices (IED) --

(a) Evacuate and secure the area by keeping members of public and other security personnel at a safe distance.

(b) As far as possible security persons in the vicinity should wear protective jackets.

- (c) Don't use walkie-talkie or radio sets in the vicinity of bombs/IEDs.
  - (d) Only one person at a time should approach the IED for securing it.
  - (e) Don't stand near the IED and discuss the course of action. Keep safe distance from the IED.
  - (f) If the IED has been recovered indoor one/two layer of sand bags should be placed on all sides so that in case of accidental explosion, the four walls do not take major impact of the blast. Door and windows should be kept open. In case the IED has been recovered, outdoor multi-layer (2/3) sand bags should be placed around it at least up to human height.
  - (g) No effort should be made to fiddle with the IED like pulling or cutting wires etc.
  - (h) Always remember de-activation of IED is an Expert's job and only Bomb Disposal Squad (BDS) personnel should attend to it.
  - (i) Do not put recovered IED in water because unless type of explosive is known, it may sometimes result in accident.
- (Circular Rc.No.SCA 1 No.8320/C/2005 Dated: 26.07.2005 of the Security Branch, CID, Chennai.)
- (j) It has to be remembered that investigation of bomb explosion cases requires special skills which should be acquired by the Police Officers.
  - (k) It should also be remembered that criminals keep on upgrading their knowledge of the explosives and find the safest method which could create the maximum damage. Hence, the Police have to keep on constantly upgrading their knowledge.
  - (l) It should be remembered that prevention is better than cure and hence, methods are to be devised to see that explosive substances are not accessible to unauthorized persons. Also intelligence collection is of paramount importance. A strict vigil should be kept on the movements of suspected radical and extremist elements and suspected religious fundamentalists, etc. Use of remote control devices and human bombs have made the situation more difficult and the Police have to gear up to meet this challenge by acquiring full knowledge of the explosive devices and the methods that are being adopted by the criminals. They should upgrade their professional skills of not only detecting and defusing the bombs but also investigating such offences so that the culprits could be booked and their further activities could be stopped. However, taking preventive measures is the best method in frustrating the efforts of the criminals and this is where collection of intelligence plays its primary role.

## CHAPTER XIX

### GUARDS

#### **325. SCOPE OF ORDERS –**

(1) The orders in this chapter are for general information and guidance in normal conditions. When temporary or local necessity demands some departure from them, the officer or officers concerned must exercise their own judgement to cope with the situation and if it be necessary to provide a stronger guard for some special occasion, it should be provided.

(2) Strength -

(i) The minimum strength of the guard will be one head constable and four constables.

(ii) Sub-Jail and Sub-Treasury guard duty is generally performed by the Local Police and District Treasury guard duty by Armed Reserve.

(iii) Constables deputed for guard duty will be under a Head Constable, known as the guard commander. In the absence of a Head Constable, the senior most Constable will be in charge of the guard.

(3) Rules for standing guards -

For all standing guards, printed orders in English and Tamil shall be hung up in the guard-room. These orders shall contain instructions on the following points; —

(1) The strength of the guard.

(2) The number of rifles/muskets and the quantity of ammunition.

(3) The number of men to be present during the day and during the night.

(4) (a) The number of sentries required to be posted during the day and during the night, specifying their exact position, the extent of their beats and their duties and responsibilities.

(b) The exact position and the duty and responsibility of each member of the guard, on the guard turning out during night.

(5) The arms to be carried by sentries by day and night.

(6) The periods of sentry-go.

(7) The posting and relief of sentries.

(8) The maintenance of a Sentry Relief Book.

(9) The premises and articles for which the sentry is responsible.

(10) The duties of the officer-in-charge.

(11) An instruction to report immediately to the Station House Officer, any important occurrence.

(12) The inspection of the guard by the Station-House Officer and or an officer of equal rank and Inspector of Police.

(13) A warning that neglect of guard duty will be severely punished.

(14) Men are deputed on this duty for one week at a stretch every Sunday at 6 p.m. The hours of sentry duty for each member of the guard will be fixed in advance for a day of 24 hours from 6 p.m. to 6 p.m.

[Tamil Nadu Police Drill & Training Manual]

### **326. General instructions as to guards –**

(1) Day duty runs from 6 a.m. to 6 p.m. and night duty from 6 p.m. to 6 a.m.

*(G. O. 241, Judicial. 4<sup>th</sup> February 1913)*

(2) The period of sentry-go is ordinarily three hours in all guards, except the District Treasury Guard, in which it is two hours and any other guard if specially ordered, then it will be two hours.

(3) (a) During the day, sentries may leave the guard as soon as relieved, for a period equal to the duration of their sentry-go. On return, they must remain in waiting and may be employed on any light duty not involving absence from the premises. The guard commander should on no account, quit his guard when on duty except to obey a call of nature and before quitting the guard, he should place the next senior officer-in-charge by an entry in the sentry relief book. He should also prevent any Constable from quitting the guard without leave, which will be granted sparingly only for special purposes and for the shortest possible period. An entry regarding the grant of leave should be made in the Sentry Relief Book.

(b) After the sentry relief at 6 p.m. the guard commander and the men on duty between 3 p.m. and 6 p.m. may be absent until 9 p.m. provided that during their absence there are, besides the sentry who goes on duty at 6 p.m., the third day sentry who returns after availing himself of off duty from 3 p.m. to 6 p.m. and an officer-in-charge of the guard. The whole guard must be present in the guard room at 9 p.m. The sentry on duty from 6 p.m. to 9 p.m. shall be allowed to be off-duty for an hour from 9 p.m. to 10 p.m. to enable him to have his food.

(c) Guard commander is responsible for the regularity and good conduct of the guard, for the correct performance of their duties and for seeing that the men are at all times

properly dressed and sober. He is also required to acquaint himself thoroughly with the orders of the guard.

(d) The guard commander will see that all standing orders regarding duties of the guard are duly observed and will satisfy himself, as soon as the guard is mounted, that all such orders are known to the men and understood by them.

(e) The guard commander should see that the Constables on guard duty have not in their possession any opium, liquor, ganja or other stupefying or intoxicating substance. Should any such substance be found with any of them, the guard commander should confiscate it and report the matter to his superior officer without delay.

*[Tamil Nadu Police Drill and Training Manual]*

(4) In treasury and sub jail guards, the watch from 3 p.m. to 6 p.m. shall be performed by the guard officer and the sentry alone, provided that, in the event of there being prisoners in the sub jail, a sufficient guard is detailed to take charge of them. The rest of the guard shall be permitted to be absent during these hours returning at 6 p.m. After the sentry relief at 6 p.m. the guard officer and the men on duty between 3 and 6 p.m. may be absent until 9 p.m., provided that during their absence there are, besides the sentry who goes on duty at 6 p.m., the third day sentry who returns after availing off-duty from 3 to 6 p.m. and the officer-in-charge of the guard who may be the station-writer. The sentry on duty from 6 p.m. to 9 p.m. shall be allowed to be off-duty for an hour from 9 p.m. to 10 p.m. to enable him to have his food.

(5) (a) Sentries shall be posted by guard officer. At each relief, the guard officer shall go round the premises with the sentry on duty and the relieving sentry and examine them thoroughly noting whether seals are intact and prisoners present. A note of anything wrong shall be made at once in the Sentry Relief Book. During nights, the sentry on duty is responsible for waking up the guard officer five minutes before he is due to be relieved, for the latter to mount the next sentry.

*(G.O.3036, Home.2<sup>nd</sup> April 1946)*

(b) The officer in-charge of the guard, except when he is on the duty mentioned in clause (6), must be present with the guard constables when the prisoners are taken out of the sub-jail for the purposes mentioned in Order No. 327 and he and the guard constables will be jointly and severally responsible for the custody of the prisoners taken out.

(c) In order to ensure that the prisoners have nothing on them except their clothes, their persons must be searched every time before they are put into their cells after being taken out and the officer-in-charge of the guard shall, on every

such occasion, make an entry in the Sentry Relief Book that the prisoners were searched and that no contraband articles, weapon or other articles likely to facilitate escape is left with them. Provided that all prisoners, whether remand, under trial or convicted confined in sub-jails may be permitted to get a reasonable quantity of toilet items such as soap, hair-oil etc. for their use at their own cost. Provided further that the hair-oil to the prisoners shall be permitted only in bio-degradable containers and not in containers made of glass.

[G.O. No. 3059, Home 27<sup>th</sup> November 1950 & G. O. Ms. 2417, Home, dated 7<sup>th</sup> September 1970]

(6) (a) The Officer-in-charge of a treasury guard shall be present every evening when the treasury is closed and every morning when it is opened, and examine the seals. The private seal of the Treasury Officer should be affixed to the outside of the treasury door in addition to the official seal and this seal should not be broken except by that officer's orders.

(b) The officer in-charge of Treasury guards should also receive, for safe custody when delivered, the sealed bag containing the keys of the record rooms of the respective treasuries and those of the ordinary record rooms, if any, and sign in the appropriate columns of the register maintained by the Officials of the Treasury/PAO for that purpose.

(G. O. No. 331, Public (Service) 29<sup>th</sup> February 1930 and G. O. 478, Public (Pol.) 26<sup>th</sup> August 1930)

(7) A Sentry Relief Book in Form No. 50 shall be maintained.

(G. O. Ms. No. 2423, Home, dated 16<sup>th</sup> August 1960)

(8) During spells of sentry go, five rounds of .410 Buckshot ammunition shall be in charge of the sentry and kept in his pouch. Sentries armed with .303 Rifles shall each carry five rounds of .303 ball ammunition. The remainder of the ammunition shall be kept under lock and key by the guard officer.

(a) Each man forming part of the guard will carry in his pouch one packet containing 10 rounds ball ammunition except the sentry on duty who should carry 10 rounds buckshot cartridges loose in the pouch, which he will tear open in the front to facilitate quick loading. These 10 loose buckshot cartridges will be handed over to the relieving sentry, who will exchange for them his closed packet of 10 rounds ball ammunition. When the guard is relieved, all the ammunition will be handed over to the relieving guard. The guard commander will be responsible for the ammunition being correct.

(b) The firearms of the guard should not be loaded but should always have the bayonets fixed, and should be kept in the guard room when not in use. The sentry should carry the firearm bayonet fixed but not loaded.

(9) In the event of the guard commander or any constable on guard duty being absent or becoming incapacitated by sickness from remaining at his post, the fact should be immediately reported to the Sub-Inspector or such senior officer as may be near at hand or the Inspector of Police (Armed Reserve) in the case of Armed Reserve Guards, who will forthwith take measures to send a substitute in the place of the absentee or to relieve the incapacitated officer or constable. When a constable is sick or absent at the time of his turn of sentry duty, another constable should be posted in his place, a note being made on the reverse of the duty roster

*[Tamil Nadu Police Drill & Training Manual]*

(10) The absence without leave of any member of the guard or neglect of duty by the sentry shall be immediately entered in the Sentry Relief Book by the guard Officer.

(11) The guard officer shall send every morning to the Station House Officer the Guard Duty Roster in Form No. 51. On the reverse of this form should be noted the number of prisoners in the case of sub-jail guards, the number of seals in the case of treasury guards and other particulars of remarks, if any, as well as the remarks of the visiting officers. This report will be sent with the General Diary.

*(G. O. Ms. No. 979, Home, 6<sup>th</sup> May, 1943)*

(12) General orders for Sentries --

(a) A sentry when moving off on his beat will come to attention, take a pace forward, slope arms, turn to his right or left, and move off in quick time.

(b) On arrival at the end of his beat, a sentry will halt and turn about by making two distinct turns outwards (i.e., towards his front) to the right or left, as the case may be, and will move off again in quick time.

(c) A sentry will not halt on his beat except in front of his box or post, unless to pay a compliment and stand at ease.

(d) When halting outside his box or post, a sentry will face his front, order arms, take a pace to the rear, and stand at ease.

(e) The sentry;

(i) must be on the alert during his turn of sentry duty;

(ii) must be in uniform;

(iii) must not sit down or lounge about;

(iv) must not converse with anyone except in the performance of

his duties;

- (v) must on no account quit his arms;
  - (vi) must not leave his post till relieved; and
  - (vii) must not take shelter in his box except in very bad weather.
- (f) A sentry will always remain alert, and will pay all necessary compliments smartly.
- (g) The sentry should keep on the move in sight of the prisoner or near the property
- (h) If the sentry finds himself incapacitated by illness or other cause for the performance of his duty he will call the guard commander who will, if necessary, relieve him.

(13) Sentries Challenging –

(a) A sentry will challenge all persons or parties, during the night, approaching his post or the guard room when he is doubtful as to whether the person or the party approaching is authorized to pass or when he is suspicious as to his or their reasons for approaching.

(b) When challenging on the part of a sentry is necessary, it will be carried out as follows: -

(c) When a person or party approaches his post, the sentry will as soon as the person or party is within speaking distance, come to 'On Guard' position and call out 'Halt, who comes there'. He will repeat this in the language most suitable to the locality, without disclosing his position. When the person or party has halted, he will call out 'Advance One' (translated if necessary). If and when the sentry is satisfied as to the identity of the person or party he will say 'Pass Friend All is well' remaining 'On Guard' until the person or party has passed. If not satisfied regarding the identity or bonafides of the person or party, the sentry will stand to the guard, and report to the guard commander. If, in answer to the challenge, the sentry receives the reply 'Grand' or 'Visiting Round' and the sentry is satisfied, he will follow the procedure laid down in paragraph 15 given below.

(d) If a person fails to halt and reply when challenged, the sentry should turn out the guard and the guard commander will then institute enquiries and take such action as is required to deal with the situation. Fire may be opened in self-defence when there is an apprehension of being overpowered or when there is an imminent danger of the property under guard being destroyed or sabotaged. If a person cannot satisfactorily explain his presence there, he should be detained in the guard room and a report sent at once to the Station House Officer or to the Inspector (Armed reserve) in the case of an Armed Reserve Police Guard.

(14) Turning Out a Guard by night –

(a) When the sentry sees the 'Grand Round' or the 'Visiting Round' approaching his guard, the sentry will come to the 'On Guard' position and halt the 'Round' approaching by 'Halt, who comes there'.

(b) At the challenge 'Halt, who comes there' the 'Grand' or 'Visiting Round' will halt and disclose his identity by saying 'Grand Round' or 'Visiting Round'.

(c) When the sentry has received the answer to his challenge and is satisfied that the round approaching the guard is a 'Grand' or 'Visiting Round', he will stand to the guard by shouting 'Halt grand or visiting round, Guard Stand to'. He will repeat this (Guard Stand to) three times, and remain at the 'On Guard' position. The guard along with the guard commander will then come out of the guard room at the double and take positions.

(d) The guard commander will approach the sentry and enquire from his 'Sentry what Round' and on a reply from the sentry 'Grand or Visiting round', he will give a pass to the Round by saying 'Advance Grand Round' or 'Visiting Round', "All is well". The sentry in the meantime will take his position behind the post already detailed, and so also the guard commander

(e) After the inspection is over, the grand or visiting round will give the following orders:

(i) 'Stand Down the Guard'.

or

(ii) 'Fall in the Guard'.

(f) If the guard is required to 'Stand Down' they will leave their posts and double-up to the guard room.

(g) The guard commander will move to the guard room after the inspecting officer has recorded his inspection etc., in the sentry relief book and has left.

(h) If the guard is ordered to 'Fall in', the guard minus the sentries will fall in on the prescribed line and the same procedure will be followed as for inspection by day. The inspection of the guard room, etc. may not be done and the guard may be ordered to be dismissed after the inspection.

#### (15) Guard Turn-out for Inspection by Day --

(a) When the sentry sees the inspecting officer actually approaching the guard, the sentry will come to attention, slope arms, and shout 'Guard Turn Out'.

(b) All personnel of the guard will move at the double and fall in on the prescribed line.

(c) When the inspecting officer has taken post in front of the guard, the guard will give the appropriate salute on orders from the guard commander. For those who are entitled to it, the bugler will sound the appropriate salute.

(d) Where the inspecting officer is so entitled, the command 'Present Arms' will be given after the guard has 'fallen in', followed by the command 'Slope Arms' and 'Order Arms' before the guard is reported to the inspecting officer.

(e) When the inspecting officer is seeking the salute, all others who may be accompanying him will stand to attention behind him.

(f) After the guard has been brought to the 'Order Arms', the guard commander will report 'Guard ready for inspection' to the inspecting officer. No other form of report will be used.

(g) After receiving the report of the guard commander, the inspecting officer will go forward to inspect the guard. All the personnel of the party other than the inspecting officer will remain at attention, wherever they may be, till the inspection has been completed and the guard dismissed. When the inspection is completed, the inspecting officer will order the guard commander to dismiss/Turn in the guard.

(h) Having received instructions to 'Turn in the Guard'/'Dismiss the Guard' from the inspecting officer, the guard commander will give the order 'Guard Slope Arms, Sentry Stand Fast, Remainder Dismiss', or 'Guard to the Guard Room, Dismiss'. All personnel of the guard except the sentry will turn to their right, salute and then move off at the double to the guard room.

(i) Having dismissed the guard, the guard commander will turn towards the inspecting officer and salute. He will then accompany the inspecting officer for an inspection of the guard room and its vicinity. Other persons who have accompanied the inspecting officer may now accompany him during the inspection

(j) After the inspection of the guard room and its vicinity is completed, the guard commander will again salute the inspecting officer and then break off and return to the guard room.

(k) If there is only one other man of the guard present in the guard room, the sentry in the day time will not 'Turn Out' the guard on the arrival of an officer entitled to compliments, but will salute according to the status of the officer.

(16) General instructions and compliments to be given by the guards and sentries: -

(a) General

. (i) Sentries always march with sloped arms and bayonets fixed and always turn outwards by making two distinct turns left or right, as the case may be, i.e., never face the sentry post.

(ii) Bayonets will always remain fixed in the guard room.

(iii) Every relief will be inspected by the guard commander on going out and returning.

(iv) Compliments will not be paid to unarmed parties.

(b) Compliments by guards during day (between reveille and retreat)

Day guards will turn out and present arms to: -

(i) The President, Governors.

(ii) The Director General, the ADGP, the Inspector General, Deputy Inspector General and Police officers of equivalent ranks.

(iii) The Superintendent of Police on his first visit to the guard each day.

(iv) Grand Rounds.

(v) Officers of and above the rank of Generals of the Indian Army, Navy and Air Force.

(vi) All Armed parties.

(vii) District and Sessions Judge, Deputy Commissioner, Divisional Commissioner, Magistrates of the First Class and Gazetted Police officers.

Police guards will fall in and present arms to a body of troops or Police passing the guard

(c) Compliments by guards during night (between retreat and reveille)

Guards will not turn out after retreat or before reveille, except on the approach of an armed party, or to receive grand and visiting rounds, nor will they during this period pay any compliments except to grand rounds to whom they will present arms.

(d) Compliments by Sentries

1. DAY - (a) A sentry will present arms to Police officers wearing the State emblem or badges of higher rank and to officers of the Indian Army, Navy, and Air Force of and above the rank of Majors.

(b) Before paying a compliment, a sentry will always halt and turn to his front. If standing in a sentry box, he will salute by coming to attention.

(c) A sentry will present arms to armed parties and will salute unarmed parties.

2. NIGHT - (a) A sentry will not present arms to any armed party after dark.

(b) As long as a sentry can discern an officer, he will halt and turn to his front on his approach, and will pay the correct compliments as for day.

(c) When officers, on whose first appearance only the turn out of the guard is prescribed, appear again during the same day, the sentry will present arms. Officer of lower rank than superior officers will be given only butt-salute by the sentry.

(d) When a guard is provided for a VIP, it will present arms only to the VIP and persons of higher rank than the VIP and give butt-salute to all others entitled to a salute.

(e) At night, the lantern, if provided, in the guard premises should be so placed that its light is diffused only in the main approach to the premises and at the same time will not enable any undesirable person or persons to easily spot out the sentry and attack him. The guard should always use a lantern, where it is required, and not an uncovered and unprotected lamp.

(f) The sentries will be posted by the guard commander. During nights the sentry on duty is responsible for waking up the guard officer five minutes before he is due to be relieved for the latter to mount the next sentry.

(g) Neglect of guard duty will be met with severe punishment. Absence from or sleeping while on sentry duty will normally entail dismissal from the service

*[Tamil Nadu Police Drill & Training Manual]*

(17) Rules for sub jail guards — The guard officer shall be off-duty from 6 p.m. on the night of Monday, Thursday and Saturday until 6 a.m. next day and from 12 noon to 6 p.m., on Sunday, Tuesday, Wednesday and Friday. Another Head-Constable, Grade I Police Constable or a Grade II Police Constable will be appointed to relieve him.

*(G.O. No. 292, Home, 30<sup>th</sup> October, 1936)*

(18) The guard shall sleep in uniform near their arms at night and be ready to turn out at a moment's notice. They shall turn out at night, for inspection of any Police officer going on rounds.

(19) The men of the guard shall be changed every Sunday at 06.00 p.m.

(20) (a) (i) During the day, sentries will warn the guard to turn out on the approach of the officer entitled to take compliment. Guards will be turn out and present arms only once a day on his first visit to the Director General of Police. Guards will act in a similar manner once a day on their first appearance to the following officers: -

District and Sessions Judges, Magistrates of the First Class, Officers of and above the rank of Deputy Superintendents of Police and in Military Stations, the Officer Commanding the Cantonment and the Cantonment Magistrate.

(ii) On the other occasions the guard will not be turned out but the sentry will present arms to all Officers belonging to group `A' and `B' and salute Police officers of lower rank.

(b) At small sub-jails and treasuries, where, as a rule, there will probably be only one other man of the guard present, the sentry in the day time will "not turn out", the guard on the arrival of an officer entitled to the compliment, but will present arms or salute according to the status of the officer.

(c) Guards will not turn out automatically for inspection by any officer whatsoever, after "retreat" and before "reveille" when sounded by bugle or otherwise between sunset and sunrise. After the orderly officer or other officer has inspected the position i.e., the cells, Treasury seals, etc., with the sentry, he may order the guard to fall in for inspection. The guard will fall in for inspection, only when specifically ordered to do so.

(d) Between 'retreat' and 'Reveille' when sounded by bugle or otherwise between sunset and sunrise, sentries will not pay compliments, but will stand to attention, when they recognize the officer passing by, after he has been challenged.

(G.O. Ms No. 7, Home, dated 2<sup>nd</sup> January, 1958)

(21) The lantern, where it is used, in the guard premises shall be so placed and its light may be diffused only in the main approach to the premises and at the same time will not enable any undesirable person or persons to easily spot out the sentry and attack him.

### **327. The duties of the Police in a subsidiary jail where Police guards are provided are defined in the Tamil Nadu Subsidiary Jail Manual as under: -**

"47. During nights and whenever during the day, the warder is absent from the Subsidiary Jail for the purpose of taking his food, etc., the keys of sub-jail shall be in charge of the senior Office Assistant of the Revenue Department on duty and the senior Police Officer of the Sub-Jail guard shall be informed of the person who has charge of the keys. For this purpose a register shall be maintained in the sub-jail in which shall be obtained the signature of the warder, the senior Revenue Office Assistant on duty and the senior officer of the Police guard on duty, the last that he may know in a case of emergency where the keys are kept. The register shall also show the exact time of delivery of the keys by the warder to the Revenue Office Assistant and vice versa. If during the day time, no Revenue Office Assistant is available to take charge of the keys during the temporary absence of the warder, the keys

may be handed over to the senior Assistant on duty of the Sub-Jail Superintendent's office and his signature shall be obtained in the register.

48. The guarding of Subsidiary Jails and the prisoners therein shall be carried out by the Police and the Police guard shall be responsible for the safe custody of the prisoners both while the prisoners are in the wards and while they are removed for labour to the cook-house, latrine, etc.

48-A. When a long term convict or notorious criminal is confined temporarily in a sub-jail while under trial or otherwise the following special precautions shall be adopted: --

(a) A special guard consisting of three Police constables shall be engaged to maintain a strict watch over such prisoner by night and day and such prisoner shall be locked up in a separate cell, if available ---

(b) the ward in which the prisoner is confined shall be regularly searched at short intervals and when a separate cell is provided, the special guard shall allow no one to approach the cell, except the prison officials, the person deputed to give the prisoner his food, the scavenger or other person specially authorized by the Superintendent in writing;

(c) to enable the guard to watch the prisoner by night, a lantern shall be so placed as to throw a good light into the ward or cell. The key of the door of the ward or cell shall be kept by the officer in charge of the special guard.

(d) the prisoner shall not be detained in a sub-jail for a longer period than is actually necessary, and both the Superintendent of the Sub-Jail and the senior Police officer in charge will be held severally responsible for the safety of the prisoner.

(e) In the case of a long term convict who is confined in a sub-jail under the Prisoners' Testimony Act or who halts at a sub-jail enroute to a Central or District Prison, the further precaution of imposing fetters should be observed. The fetters should ordinarily be removed during the prisoner's actual appearance in court, unless, in the case of an exceptionally dangerous or violent prisoner it is deemed unsafe to remove them.

49. The Police shall not interfere in the matter of jail economy. Their duties shall be limited to guarding prisoners and to giving assistance in case of refractory behaviour on the part of the prisoners.

### **328. Custody of an approver –**

An under trial prisoner who has been admitted as an approver by a Court shall be kept separate at all times from the other prisoners in the same case, and all communication between them must be prevented.

### **329. Guarding prisoner ---**

Constables guarding a gang of prisoners should remain at a sufficient distance to enable them to use their arm in the case of a rush.

### **330. Attempt of prisoners to escape ---**

When prisoners attempt to escape, the Police must use all means in their power to prevent them, but will not be justified in causing death, except in the exercise of the self defence when attacked, or when the escaping prisoner is an individual accused of an offence punishable with death or transportation for life.

(*G.O.Ms.No. 452, Judl. 16<sup>th</sup> February 1883*)

### **331. Guards for other departments ---**

When applications are made by other departments for guards for emergent purposes, the Superintendent of Police should use his discretion as to supplying them in anticipation of the Director-General's sanction.

(*G.O.Ms.No. 1839, Finance, 9<sup>th</sup> August, 1884*)

### **332. Police Guard for prisoner temporarily for treatment in Civil Hospitals-**

In the case of prisoners of a dangerous type, who are temporally released and sent to Civil Hospital, for medical treatment, a regular Police guards shall be arranged for by the Superintendent of Police.

(*G.O.Ms.No. 1525, Law (Genl.), 16<sup>th</sup> May, 1934*)

### **333. Guards for Public Works Department Officer ---**

When a Chief Engineer considers that a guard is necessary for property in the charge of Public Works Officers when on tour or in camp, such guards shall be supplied by the Superintendent of Police free of charge on application from an Executive Engineer.

### **334. Private Guards ---**

(1) Police guards applied for by private parties under section 13 of the Madras District Police .Act, 1859 (XXIV of 1859), will be supplied on the sanction of the Deputy Inspector-General of Police and those under section 14 of the same, Act on the sanction of the Director-General of Police.

(2) If a private guard is provided by the Superintendent of Police in anticipation of the sanction of the Director-General of Police or the Deputy Inspector-General of Police as the case may be, care must be taken to see that the strength of

the guard is equal to the work demanded of it. A guard for duty throughout the day and night should never consist of less than four men.

## CHAPTER XX

### ESCORTS

#### **335. Escorts—General Rules —**

(1) Escorts by road should report themselves at all Police Stations through which they pass.

(2) Escorts must return in a body in the charge of their officer.

(3) Escorts coming to Chennai should report at the office of the Commissioner of Police. They may deposit their arms and kits at the Flower Bazaar Police Station or the Walajah Road Police Station.

#### **336. Escorts of treasure by road ---**

Police treasure escorts should travel by night on roads where night travelling is usual, but should refuse to allow transhipment of treasure after dark.

#### **337. Strength of treasure escorts by road and train —**

(1) (a) The following scale of the strength of escorts for treasure by road is given as a general rule, to be varied as local experience may prove an increase or decrease necessary: —

The amount usually transported is so big that all the calculations, to draw any relation between the amount involved and the force required is very difficult. So, instead of supporting the idea of a larger force, attention has to be paid towards the efficiency based working. If well motivated and well trained force is deployed, better results can be achieved from even smaller contingents. The greater need, therefore, is to ensure effective measures to guard the cash and other items like arms and ammunition and tear smoke munitions against falling into the hand of undesirable anti-social elements.

Amount	Head Constables	Constables
Cash up to 1 crore	1	2
Cash above 1 crore but below 10 Cr.	1	4
Cash Above 10 crore	1	6

For escort of cash exceeding 5 crore, one SI or SI (AR) and for escort of cash exceeding 10 crore, an Inspector or Inspector (AR) should be provided.

*[As per prevailing standards]*

(2) Escorts on the above scale will rarely be required for remittances by train, but timely notice must be sent to the Superintendent of the district of destination to provide men sufficient to strengthen the escort for any road journey to be performed after alighting from the train. In Chennai, the Commissioner of Police will supplement escorts. An Inspector of Police (Armed Reserve)/ Inspector, Sub-Inspector (Armed Reserve) or Head Constables, as the case may be, and two Constables for each wagon will ordinarily suffice for escorts by train, unless the escort has also to return with treasure, in which case the strength will be two Head Constables and six Constables in addition to the Officer -in-charge.

(3) (a) Treasure escorted by the Police between places where bus services are regular, continuous and reliable and where there is no railway connection may be conveyed by motor bus provided the Police Officer concerned considers it safe to do so. The following is the scale of the strength of escorts for treasure in one motor bus by day: -

*(G.O.Ms. No. 639, Public (Pol.) 9<sup>th</sup> December, 1929)*

SUM	HEAD CONSTABLES	CONSTABLES
(1)	(2)	(3)
Cash up to 1 crore	1	2
Cash above 1 crore but below 10 crore	1	4
Cash above 10 crore	1	6

For escort of cash exceeding 5 crore, one SI or SI (AR) and for escort of cash exceeding 10 crore, an Inspector or Inspector (AR) should be provided.

*[As per prevailing standards]*

(b) As laid down in paragraph (1) above the scale is a general one and should be increased when considered necessary, e. g., by night by 50 per cent. Each man of the escort should carry fire arms.

### **338. Treasure packed in boxes escorted within the district ---**

When money is remitted within the district in locked boxes, the Police escort should grant a receipt in terms of bags and not of boxes. The bags need not be weighed in the presence of the escort, as this precaution affords practically no

additional check if the sealing of the bags is properly attended to. It will be sufficient if the escort officer examines the seals and counts the bags as they are put into the box. The bags being inside the box the seals upon them are protected and may be expected to reach their destination intact. Where steel yards are supplied, the loaded boxes have to be weighed in the presence of the escort as an additional precaution.

(G.O. No. 188 Revenue, 15<sup>th</sup> March, 1899)

### **339. Resources Manual**

The following instructions based on those contained in the Resources Manual are issued for the guidance of officers-in-charge of treasure escorts; --

(G.O. No. 3314, Home, 22<sup>nd</sup> November, 1935)

(1) (a) Receipts and deliver of Treasure-Duties of officer in charge of escort. — The escorts are solely and entirely responsible for the safe transit of the treasure boxes, and for handing over the boxes in the condition in which they received them.

(b) The escort officer shall see the boxes of notes and coin weighed or in the case of chests or carts containing bags of coin shall count the number of bags. He shall satisfy himself that each box, chest or cart is properly fastened and secured before he takes charge of it. He should refuse to take charge of the treasure insecurely packed, reporting the reasons for so doing to his superiors.

(c) He will, if he is satisfied, sign the receipt at the foot of each copy of the invoice for ..... bags packed in..... carts, or ..... boxes of marks and weight detailed above said to contain ..... coin and notes to the value of Rs. .... the blanks will be filled up in words and, if the escort officer be ignorant of English he will be required to write the numbers of the bags or boxes which he has received, in Tamil on the copy of the invoice to be retained by the Treasury Officer.

(d) When the escort officer is relieved in the course of the journey, he will obtain a receipt for "..... carts in good order said to contain ..... coin to the value of Rs..... in ..... bags or for"..... boxes (or sealed wagons), in good order, said to contain ..... coin and—or notes to the value of Rs. .... When the remittance reaches the addressee, the latter will count the bags and weigh the boxes, and give a receipt for " ..... bags said to contain, ..... coin to the value of ..... Rs ..... or for..... boxes of marks and weights detailed in the invoice said to contain ..... coin and/or notes to the value of Rs.....". If any box be of short weight or shows signs of having been tampered with, it should be opened in the presence of the escort officer otherwise he should be allowed to return at once.

Escort of treasure by rail ---

(2)(a) Before the treasure is loaded in a van, the officer in charge of the escort shall examine the van and see that it is secure in every way. If any defects are found, he shall immediately bring the matter to the notice of the railway station master and, if they are not remedied or another secure van is not provided, he shall decline to load the treasure reporting the grounds therefor to his superiors.

(b) Police guards escorting treasure to the railway station and protecting the loading, and guards escorting treasure by rail should be of the strengths laid down in order No. 337.

(c) The treasure must be deposited in the van in the presence of the whole guard, after which the van shall be locked on both sides. The guard will be furnished with an extra padlock of good quality for each door to be used in addition to any lock furnished by the railway. If the wagon be secured by double locks, one key shall be held by the shroff and the other by the escort officer. If there be only one lock, the key shall be held by the shroff but the escort officer is responsible for not allowing the wagon to be opened before arrival at destination save in the case of a breakdown, when the treasure must be moved to another wagon in his presence. In the case of remittances sent without shroffs, single locks shall be used and the keys entrusted to the escort officer in a sealed cover which he should not open except when absolutely necessary in the case of breakdown. If a breakdown separates treasure loaded in more wagons than one, the officer-in-charge shall divide his guard and make adequate arrangements to guard each part of the convey attaching himself to the part where risk seems greatest.

(d) If for any reason a box is smashed in transit, the contents should immediately be shroffed under the close surveillance of the escort by the shroff if he is present, otherwise by the officer in charge of the escort and the contents carefully recorded on the invoice.

(e) During the railway journey the escort will be accommodated in a brake van attached to the treasure van if the remittance is carried by goods train, or in a compartment nearest to the van carrying the treasure. In the latter case, the officer in charge of the escort may travel in the nearest first or second class compartment adjacent to the treasure van. The door of the compartment occupied by the escort should not be locked.

(f) When a wagon containing treasure is detached from the train for any reason, the station master or the guard in-charge of the train will warn the Police-guard in charge of the treasure, in order that necessary arrangements may be made to guard it.

(g) The officer-in-charge of the guard shall, if he so requests, be provided with a lantern which will burn all night. He shall cause a sentry to alight every alternate stopping place and ascertain that the locks have not been tampered with. At every important railway station and at other stations where the train stops for any length of time, a constable sentry shall be posted on the platform close to the treasure wagon or van. If there be several such wagons it will suffice to post two sentries, one at each end of the wagons. The officer posting the sentries shall, at that time, examine the wagon or wagons, or van or vans, carefully with the aid of a lantern if necessary and verify that everything is secure.

(G.O. No. 3650, Home, 20<sup>th</sup> November, 1946)

(h) As the guard is required to be constantly on duty, it should be relieved at suitable stations at intervals of about 12 hours. As far as possible, relieving stations should be at district headquarters. The most convenient course in regard to this should be adopted in each case and due notice for relief of escorts given to the officers concerned as required in clause (3) (c) of this order and in Order No. 340 (1).

**NOTE -** (1) Order No. 342 (2) shall be followed as regards the relief of inter-State escorts.

**NOTE -** (2) This order does not apply to treasure escorts from the Chennai City which are governed by Police Standing Order No. 341.

(i) An Officer in charge of a relieving guard shall see that the numbers of the wagons agree with those given in the blank receipt, in the form given in clause (j) below, tendered for his signature, that the locks and all openings or ventilators are secure, that the seals are unbroken and bear no signs of having been tampered with and that the locked doors of the van cannot be opened. If the seals on a wagon are broken or bear signs of being tampered with, or, if a wagon has not been sealed, it is the duty of the escort officer to insist on the wagon being opened and the number of boxes counted before he gives a receipt for the consignment. In such cases, the fact of the wagon having been opened and the number of boxes counted should be endorsed on the receipt.

(j) The officer in charge of the escort will, on delivering the boxes at the treasury to which they are addressed, obtain a receipt for " .....bags said to contain coin (or notes) to the value of Rs....." or for " ..... boxes with marks and weights detailed in the invoice said to contain coin and or notes to the value of Rs.....". If any box be of short -weight or shows signs of having been tampered with, it should be opened in the presence of the escort officer; otherwise he should be allowed to return at once. The form of receipt to be used by a relieving guard should run thus: -

"Received charge from ..... Police officer of ..... district of railway wagon No..... said to contain ..... boxes aggregating Rs..... (and so on). The wagons were duly locked and sealed, and one key for each made over; ..... receipts to be given by other relieving guards are also acknowledged. The number and contents of each wagon should be detailed in case of a breakdown."

(k) Whenever any breach of these orders occurs, the officer in charge of the guard must insist on the treasure van being detached from the train, and should immediately inform the facts to the remitting officer, to his own departmental superior, and to the Traffic Manager of the Railway.

#### **Instruction to be given to escort officer -**

(3) (a) The attention of the Officer in charge of the escort shall be drawn by the Treasury officer despatching the consignment to the memorandum of instructions on the subject.

(G.O. Ms. No. 3650, Home, 29<sup>th</sup> November, 1946)

(b) The Treasury officer, jointly with the Police officer, who is to travel in charge, shall superintend personally or by substitute, the loading of the vans, and shall hand to the Police officer a memorandum of instructions, as shown below, in English and in Tamil and as many blank receipts as there will be reliefs. The Treasury Officer shall take a receipt for these documents. The memorandum of instructions shall be handed over on relief to the relieving officer.

(G.O. Ms. No. 2362, Home 10<sup>th</sup> June, 1949)

#### **Memorandum of instruction to be given to the Police Officer in charge of a remittance by train.**

#### **INSTRUCTIONS**

1. The Police Officer taking charge of a treasure guard, travelling by train will not see the treasure packed at the treasury; but he will see the boxes weighed; and satisfy himself that each box is properly secured before it is transferred to the van, and that it is properly placed therein.

2. The guard should be accommodated in a brake-van attached to the treasure-van or in the end compartment of the carriage next adjoining the treasure-van; and the doors of the compartment occupied by the guard should never be locked.

3. The escort officer will inform the receiving officer the number of the train (passenger or goods) conveying the remittance and its hour of departure and will also inform again on route if any change in the train has been made or anything has occurred to delay its arrival.

4. An officer relieving such a guard will see that the numbers of the wagons agree with those given in the blank receipt tendered for his signature; that the locks are secured; that the seals are unbroken and bear no sign of having been tampered with; and that the locked doors of the van cannot be opened.

5. The officer in charge of such a guard should be provided with a lantern/torch which will burn all night, and should cause a sentry to alight at every alternate stopping place and ascertain that the locks have not been tampered with. During any long stoppage a guard must remain on duty by the door of the treasure wagon; if there be several such wagons it will suffice to tell off two men who may stand, one at each end of the wagons.

6. In case of a break-down, separating a convoy, the officer in charge should separate his party attaching himself to the disabled portion.

7. On delivering the boxes at the treasury to which they are addressed he will obtain a receipt for ..... bags said to contain.....coin to the value of Rs..... or ..... for .....boxes, with marks and weights detailed in the invoice said to contain coin or notes to the value of Rs.....If any box be of short weight or shows of having been tampered with, it should be opened in the presence of the escort officer; otherwise he should be allowed to return at once.

(a) The form of receipt to be used by a relieving guard should run thus ----

"Received charge from ..... Police Officer of ..... district of Railway wagon No.....said to contain .....boxes ..... aggregating Rs..... wagon No ..... said to contain .....boxes aggregating Rs..... (and so on). The wagons were duly locked and sealed, and one key for each made over;

(b) Receipts to be given by other relieving guards are acknowledged. The number and contents of each wagon should be detailed in case of breakdown. The receipts should be in English, the Police Officer acquainted with that language, otherwise in Tamil.

**NOTE -** If the seals in a wagon are broken or bear signs of being tampered with or if wagon has not been sealed, it is the duty of the relieving escort officer to insist on the wagons being opened and the number of boxes counted before he gives a receipt to the relieved officer. In such cases, the fact of the wagon having been opened and the number of the boxes counted should be endorsed on the receipt.

8. The escort officer will present the command certificate for examination to the remitting treasury or bank officer before the remittance is handed over to him. He should also present it for examination to the treasury or bank officer taking charge

of the treasure. The latter will satisfy himself, that he is taking over the treasure from the officer named in the command certificate and will at the same time check the strength of the escort with that stated in the command certificate noting any difference that he may find. When all is correct, he will merely sign the command certificate.

9.Whenever any breach of these rules occurs, the officer in charge of the guard must insist on the treasure van being detached from the train, and should immediately inform the facts to the remitting officer, to his own departmental superior and to the Traffic Manager of the Railway.

10. When a shroff accompanies a remittance he is responsible during the whole course of the journey for the contents of the boxes and the Police guard acts as an escort. The Shroff will not interfere in any way in the performance by escort of its legitimate duties but he must be permitted to satisfy himself that all necessary precautions are being taken. In the event of damage occurring to a box, it is the duty of the shroff to take over any coin that may fall out and to verify the contents and repack the box, if repacking becomes necessary. The escort officer must not permit the shroff to be interfered with in the execution of his duties.

Intimation to destination --

(11) The escort officer when starting with the remittance by train shall inform his relieving officer the probable time of his arrival at the relief station. He shall also wire to the receiving officer the number of the train (passenger or goods) conveying the remittance and its hour of departure, and shall also inform route if any change in the train has been made or if anything has occurred to delay its arrival.

*(Article 130, Resource Manual)*

Currency Notes --

(12) When the remittance consists of currency notes only, small packets of notes shall be carried by one of the constables forming the escort.

**NOTE -** When remittances consisting of currency notes are entrusted to a servant of the Postal Department who has furnished security, the Police forming the escort will be responsible for the safety of the departmental official and not for the notes being of the correct value.

### **340. Scale of Escort-**

(1) All consignments of arms and ammunition should be sent or taken delivery of under Police escort. The scale of escorts by train will be as under:

*(G.O. Ms. No. 3498, Home, dated 3<sup>rd</sup> October, 1952)*

Item	Inspr.	S.I	HC	PC
Consignment containing up to 1,00,000 rounds of ammunition or 300 rifles not exceeding one wagon load (by train)	--	1	1	5
If the journey is to be undertaken by road	1	1	2	8
For every additional wagon load, the strength will be increased by	--	--	1	3
In case of two wagon load or more, the escort will be supervised by	1	--	--	--
Escort for Gas equipment/munitions-for one wagon load	--	1	1	5
For every additional wagon load, the strength will be increased by	--	--	1	3
If the journey is to be undertaken by road	1	1	2	8

Deployment of an officer in the rank of Dy.Superintendent of Police/Assistant Commandant in-charge of the escort party may also be considered in suitable cases. *[As per prevailing standards]*

This scale should be increased, if the internal security situation demands it. The same scale may be adopted for escort by road also, but it should be varied, if necessary, according to local conditions.

**NOTE** - Police escorts for collection of arms and ammunition from Ordnance depots to consignees will be detailed only in times of unrest or whenever the Army authorities insist on the provision of escorts on security grounds.

(G.O. Ms. No. 2606, Home, dated 30<sup>th</sup> August, 1960)

(2) Arsenal authorities will issue the packages intended for each consignee and furnish in time the following particulars to the Police officers concerned—

- (a) The date on which the consignments will be ready for delivery;
- (b) designation of the officer for whom the consignment is intended;
- (c) number of arms to be issued to each officer;
- (d) quantity of ammunition to be issued to each officer; and
- (e) other instructions, if any.

(3) On receipt of intimation from Ordnance Depots that the stores are ready for the collection, immediate arrangements should be made to depute necessary

escorts on the prescribed scale to take delivery of the consignments from the arsenals. A separate escort party should be sent to each arsenals.

(4) At least 24 hours' notice of the date of arrival of escorts should be given to Chief Ordnance Officers so that arrangements may be made for the transport of consignments at the other end.

(5) The packages are booked by Chief Ordnance Officers "Freight to Pay". As soon as the stores reach the destinations the officers concerned should arrange for the payment of railway freight charges by drawing the required amount on a contingent bill, or by the issue of credit notes, as the case may be. The railway receipts will be the necessary vouchers required for the bill.

(6) On receipt of the articles, the Officers will check them and bring deficiencies, if any, to the notice of the Chief Ordnance Officer. The priced arsenal vouchers which will be received by the officers from arsenals should be duly countersigned and returned without any delay, if the articles are correctly received.

(7) The following particulars should be furnished in the case of all indents for arms and ammunition on the Ordnance Depots-

(a) Consignment instruction, the designation of the Officer and the railway station to which the articles should be booked, and

(b) the designation and address of the officer to whom due intimation should be sent by the Ordnance Depot for detailing Police escorts to collect the stores ready for issue in cases where the provision of an escort is necessary.

(8) A memorandum of instructions in the form given at the end of this order in English and Tamil and as many blank receipts as there will be reliefs will be handed over to the escort officer when he is detailed for escort.

(9) The escort officer will be provided by the consignor with a list of packages showing their serial numbers and connected voucher numbers. This list will be handed to the consignee to enable a check to be made that all packages have been delivered.

(10) The stores may be loaded in sealed wagons of a goods train or in the brake van of a passenger train or may be kept in the personal custody of the escort in the compartment in which the escort is travelling depending on the quantity and nature of the stores to be escorted.

(11) Before the stores are loaded in a van the Officer in charge of the escort shall examine the van and see that it is secured in every way. If defects are found, he shall immediately bring the matter to the notice of the railway station-master and if

they are not remedied or another secure van is not provided, he shall decline to load the stores reporting the grounds therefor to his superiors.

(12) The stores must be deposited in the van, and the van padlocked and sealed by the railway authorities in the presence of the whole guard. If for any reason, the stores have to be loaded in more than one wagon, the Officer in charge shall divide his guard and make adequate arrangements to guard each part of the convoy.

(13) During the railway journey, the escort will be accommodated in a van attached to the sealed wagon in which the stores are loaded. On occasions, the consignment may have to be loaded in the brake van and it may not be possible to accommodate the escort in a compartment alongside, or the wagon may have to be attached next to the brake van but the escort of the vehicle cannot, for operating reasons, be accommodated next to it. In such cases a sentry will, after obtaining the guards permission, travel in the guard's compartment. In any case, the escort should always be near enough to the consignment to prevent any possibility of tampering with it.

(14) When the consignment is in an unsealed compartment or wagon, the sentry or sentries on duty will invariably travel in the same compartment or wagon.

(15) A strict watch must be kept for fire and should an outbreak of fire occur, the alarm must be raised at once. If necessary, the wagon (s) will be detached and isolated from the rest of the train. Should a fire break out in the wagon(s) which is/are being escorted, the escort officer will open the wagons in the presence of the railway officials; or, if enroute, in the presence of the train guard. He will make a note of the articles, destroyed or damaged by fire on the list provided by the consigner, and he will as far as possible obtain the signature of the railway officials/train guard against such entries.

(16) All escorts should apprise the guard of the train, of the coach in which they are travelling and advise him also of the wagon, or wagons for which they are providing escort. This will ensure that, in the event of anything unforeseen happening which necessitates the cutting off of one of the wagons in question, they may be immediately informed and so enabled to take suitable action to safeguard the consignment.

(17) If, for any unavoidable reason, it is necessary to detach the wagon over which an escort has been placed, the station-master of the station, at which the detaching takes place will issue a certificate to this effect stating reasons for detaching the wagon. The escort in such cases will detail guard for the detached wagon and ensure that the detached wagon is sealed irrespective of whether or not it is filled to capacity.

**MEMORANDUM OF INSTRUCTIONS TO BE GIVEN TO THE POLICE OFFICER  
IN CHARGE OF THE ESCORT OF ARMS AND AMMUNITION BY TRAIN**

Specimen orders to escort officers

Office

Place

(1) You with .... will escort from ..... to..... the following stores: -

(2) Your tasks are;

(a) to prevent interference with sealed wagons throughout the journey;

(b) to safeguard stores in brake vans or in personal custody from pilferage or damage enroute (delete (a) or (b) if irrelevant); and

(c) to ensure that stores reach their destination as quickly as possible.

(3) (This paragraph will contain any special orders as to the property to be escorted.)

(4) You will dispose your escort in the best manner possible for the protection of the stores entrusted to you.

(5) On arrival at the train, you will tell the guard of the coach/train in which you are travelling and ascertain from him which sealed wagon or wagons you are to prevent interference with. You will, also advise him of unsealed wagon or wagons, for which you are responsible.

(6) In the event of it being found necessary to detach any of these wagons, you will obtain a certificate to this effect from the station-master of the station at which the detaching has taken place and detail a guard for the detached wagon(s), if practicable. Otherwise, ensure that the wagon(s) is/are sealed and report to the nearest Police (local) Officer for assistance.

(7) If, on your way, you think that the stores have been tampered with or damaged or that they are NOT being sent forward as quickly as they should, you will, in addition to doing all that you can to protect them, report the matter to the nearest Superintendent of Police.

(8) On arrival at

you will

(a) Ensure that the sealed wagon or wagons are unsealed in your presence by the competent railway authority.

(b) Hand any other stores over to ..... together with the list of packages provided by the despatching authority. If there are any packages deficient, you will explain the discrepancies as far as possible and sign a written explanation if called upon, to do so.

Signature and designation of the  
Officer deputing the escort.

**(18) Providing Police escort and transport to Government Departments,  
banking institutions, private bodies, etc. -**

(a) Police escorts may ordinarily be provided for a short duration, subject to the availability of staff and sufficient prior notice, to the government departments including the Departments of the Central Government, industrial concerns, Banking institutions, and private bodies or individuals, on payment of the prescribed fees and charges, as ordered by the Government from time to time, for escorting cash or treasure in transit from one place to another.

(i) The duty time should be counted from 7 AM to next day 7 AM.

(ii) The standard cost should be reviewed once in three years or as and when new scale of pay is fixed by the Government.

*(G.O.Ms.No.919 Home (Police.8) Department Dated: 11.08.2008 and G.O.Ms.No.249, Home (Police-8) Department, dated 21.03.2017)*

(b) A part of a day shall be reckoned as a day for the purpose of calculation of charges, and the charges for the whole day recovered.

(c) The charges will apply to escort of remittances into or from the currency chests held in the custody of the branches of the Agency Banks or the treasuries and sub-treasuries acting as the agencies of the Reserve Bank of India on account of either replenishment or accumulations of soiled notes. The charges will be collected from the Issue Department of Reserve Bank of India.

(d) The parties requisitioning the Police escorts shall send their requisitions to the Superintendents of Police of the district or the unit officers concerned at least 8 days in advance in the case of private bodies or individuals including institutions and industrial concerns and at least 3 days in advance in case of government departments.

(e) The government departments, private bodies or individuals, including industrial concerns and Banking institutions requisitioning the Police escorts will ordinarily make their own arrangements for transport. However, when it is necessary to use the Police vehicles, such vehicles may be provided on hire basis, subject to the availability of Police transport and sufficient prior notice.

**NOTE - For calculating hire charges, the distance covered shall be reckoned from the Police garage and back to that garage.**

(f) The hire charges for providing Police Transport will be as prescribed by the Government from time to time.

(g) The Police escorts will not be provided in the following circumstances: -

(i) If the fees and the charge prescribed are not paid in advance, wherever necessary.

(ii) If, for any unforeseen occurrence of incidents or circumstances which may not allow the personnel of the escort party to attend to the escort duty.

(h) The party requisitioning the Police escorts shall invariably depute a cashier or other responsible person on its behalf, to be in charge of cash or treasure, and the Police escorts shall not be in any way responsible for the correctness of cash or treasure purported to be under escort.

(i) Where the government departments or private bodies or individuals make their own arrangements for transport, the vehicles should be such as to ensure safety in transit.

(j) If the parties concerned provide their transport, they shall also provide vehicles for transporting the Police escorts from their headquarters station and back.

#### **(19) Use of fire–arms by escort of treasure**

Persons attacking and attempting to loot treasure may be fired upon, when the use of arms is necessary for the protection of the escort or to overcome the violence of the persons making the attempt, the order to fire in such an emergency being given by the escort officer. This course shall be resorted to only when the escort is convinced of the futility of all other means to defeat the attack and attempt to loot the treasure. The escort should always keep its firearms ready for immediate use in an emergency.

*[Model Police Manual]*

#### **341. Relief of the Chennai City Escort –**

Subject to the provisions in Police Standing Order Nos. 342 and 343 escorts with treasure from the Chennai City shall proceed to the final destination within the State collecting and handing over treasure en-route at intermediate railway stations both on the outward and return journeys, as required by requisitions received from the Currency Officer.

*(G.O. Ms. No. 2267 Home, 9th May, 1941)*

The escort will work on exactly the same system of relief as any ordinary guard and the provisions of Police Standing Order No.339 (2) (h) will not apply to the City. Sentries posted for duty as per Police Standing Order No. 339 (2) (g) will be relieved every 3 hours.

#### **342. Relief of escorts to and from the State of Tamil Nadu—Treasure and prisoners --**

(1) The following rules are prescribed for the relief of escorts in charge of prisoners or treasure coming into or going out of Tamil Nadu State.

(a) In all cases where relief of escorts is necessary, three days clear notice should be given by the despatching officer to the first relieving station in the neighbouring State. If letter by post would not give three days' clear notice, the requisition should be sent by e-

mail/fax. Such notice or e-mail/fax requisition should invariably furnish the following information.

(i) In the case of prisoners---

- (a) The number and class of prisoners;
- (b) Whether dangerous, ordinary, under trial, woman, juvenile, etc.
- (c) The strength of the escort to be relieved.
- (d) Whether demonstrations are likely to be made at stopping station enroute.

(e) The date and probable hour of arrival of the escort.

(ii) In the case of treasuries---

- (a) The value of the treasure,
- (b) Whether in gold, silver, copper, nickel, or currency notes.
- (c) The number of wagons in which treasure is loaded.
- (d) The number of boxes in which the treasure is contained in each wagon.
- (e) The strength of the escort to be relieved,
- (f) The date and probable hour of arrival of the escort.

(2) On receipt of the information referred to in clause (1) (a) above, the Superintendent of Police of the district concerned will put into force the escort rules of his own State, increase or decrease the strength of the escort in accordance with those rules and make any other arrangements he considers necessary.

(3) It should be clearly understood that reliefs for inter-state escorts must always be provided and never refused or withheld on the ground that the men cannot be spared.

### **343. Centres for the relief of escorts of Treasure and Prisoners –**

The following arrangements apply to the relief of escorts to treasures and prisoners.

<b>Route</b>	<b>Direction of journey</b>	<b>Place of relief</b>	<b>Relief to be provided by</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
1. North-East Line.	From Chennai to Places on Calcutta side	Gudur	Superintendent of Police, Nellore district, Andhra Pradesh
	To Chennai from places on Calcutta side	Gudur	Commissioner of Police, Chennai.
2. North-West Line	From Chennai to places on Mumbai side.	Renigunda	Superintendent of Police, Chittoor district, Andhra Pradesh.

	To Chennai from places on Mumbai side.	Arakkonam	Superintendent of Police, Vellore district.
	From Chennai to places on Chittoor side.	Katpadi	Superintendent of Police, Chittoor district, Andhra Pradesh.
	To Chennai from place on Chittoor side.	Katpadi	Superintendent of Police, Vellore District.
3. South-West Line.	From Chennai to places on Bangalore side.	Jolarpet	Kolar Gold Field Police, Karnataka.
	To Chennai from place on Bangalore side.	Jolarpet	Superintendent of Police, Vellore District.
4. South-West Line.	From Chennai to places on Nilambur, Kozhikode, Ernakulam, Cochin Harbour and Palghat sides.	Olavakot	Superintendent of Police, Palghat district, Kerala.
	From Chennai to Palghat	Olavakot	Superintendent of Police, Palghat district, Kerala.
	To Chennai from places of Nilambur, Kozhikode, Ernakulam, Cochin Harbour and Palghat sides	Podanur	Superintendent of Police, Coimbatore District.
	From Palghat to Chennai	Pollachi	Superintendent of Police, Coimbatore District.
5. Southern Line.	From Chennai to places on Trivandrum and Quilon side.	Shencottah	Superintendent of Police, Quilon district (Kerala)
	To Chennai from place on Trivandrum and Quilon side.	Shencottah	Superintendent of Police, Tirunelveli district.

(2) On receipt of a requisition for the relief of an escort, the Superintendent of Police concerned (or in his absence, his office Superintendent) should at once make necessary arrangements.

(3) Escorts from the Nilgiris District to places within this state beyond Coimbatore, will be relieved at Coimbatore by the Coimbatore District Armed Reserve. Requisition for relief should be made to the Superintendent of Police, Coimbatore. On receipt of the requisition, the Superintendent of Police, Coimbatore, should at once make the necessary arrangements.

#### **344. Prisoners wanted in other States in India and arrested in this State**

In the case of prisoners wanted in other States in India and arrested in this State, necessary escort should be provided by this State to take such prisoners to the States where they are wanted without any charge being claimed, on a reciprocal basis.

(G.O. Ms, No. 4086, Home dated 30<sup>th</sup> November, 1966)

#### **345. Escorts for prisoners or treasure proceeding to any place in India outside Tamil Nadu**

Escorts for prisoners or treasure proceeding to any place in India outside Tamil Nadu should at their starting stations be provided with railway tickets up to the destination of their charge. At the station where they are relieved, they will hand over the tickets to the relieving escort. Arrangements have been made with Railway Administration to permit their transfer of tickets. Cash for obtaining tickets for the return journey of the escorts of this State from the Station where they are relieved should also be paid to them at the time of their deputation. Similarly, escorts arriving from any place in India outside Tamil Nadu will hand over their tickets which will be up to the destination of their charge to the relieving escorts of this State who need be provided with cash for their return journey from the destination of their charge to their own headquarters only. The cost of railway fares issued under this order will be treated as a charge of the district in which they are issued.

(G.O. Ms. No. 715, Home dated, 11<sup>th</sup> March, 1959)

#### **346. Instructions for the issue of Railway warrants for treasure escorts-**

The following procedure should be adopted when treasure is escorted over the Southern Railway: --

##### **(1) Forward Journey. ---**

A single railway warrant should be presented for the entire forward journey whether the escort is relieved en route or not. The actual strength of the escort should be shown on the railway warrant, the number allowed to travel free according to the scale laid down in Article No.146 of the Resource Manual and printed on the inside of the cover of the book of railway warrants, being shown in the column "Number of free passes issued" in the both the foils "for Railway" and "for Superintendent". In exchange for this warrant the Railway authorities will issue a single Police ticket for the entire party which should be passed on to the relieving party or parties, if any.

##### **(2) Return journey: —**

For the return journey also, a railway warrant should be presented at the station from which the escorting party returns in

exchange for which a single Police ticket will be issued as above. When the escort is relieved en route each party should present a separate railway warrant for the journey it has to make. In order to enable the Railway authorities to make the free allowance on every railway warrant for the return journey, reference should be given therein to the warrant presented for the forward journey at the starting station as follows: -

Railway warrant for the forward journey No.

dated                  from                  to

This information should be furnished without fail by the relieved escort to the relieving escort at the time of relief.

Postal Remittances--- Escorts for --

### **347. Police escorts on requisition by the postal authorities -**

(1) Police escorts should, on requisition by the postal authorities, be furnished for postal remittances as per norms prescribed in order 337 or which are to be conveyed over roads, the safety of which the Police are unable to ensure.

(G.O. Ms. No.4509, Home, 15<sup>th</sup> September, 1938)

(2) The following principles will be adopted for the recovery of charges from the Postal Department for Police escorts supplied to it: -

(a) No charges will be claimed from the Postal Department for men who can combine the work of escorting a postal remittance with other work which they would be ordinarily performing.

(b) Full charges as calculated under Order No. 380 for private guards will be claimed in respect of daily escorts on which one or more men have to be exclusively employed.

(c) (i) As regards escorts which occur at more or less regular intervals, but not so frequently as to necessitate a special addition to the staff, only the travelling and other incidental expenses incurred by the escorts will be claimed.

(ii) when recurring periodical escorts monopolize the services of a policeman for ten or more days during a month, additional staff will be engaged and charged for as in clause (b) above.

### **348. Escort of Prisoners under the Prisoners' Act --**

(The following rules are laid down by Government under the Prisoners (Attendance in Courts) Act, 1955 (Central Act, XXXII of 1955). The Act which provides for the attendance in courts of prisoners confined in prisons for obtaining their evidence or for answering a criminal charge, is the Prisoners (Attendance in courts) Act 1955.

(1) The escort of prisoners under the Prisoners (Attendance in Courts) Act, 1955 shall be undertaken by the Police [Paragraph 453 in Chapter XXX (Part I)—Page 137 of the Tamil Nadu Prison and Reformatory Manual, Volume II].

[*G.O. Ms. No. 963, Judicial 15<sup>th</sup> July, 1908, G.O. Ms. No. 3698 Home, 27<sup>th</sup> December, 1955 and Chapter XXX, Part I of the Madras Prison and Reformatory Manual Volume II, Paras. 453-477*]

(2) Whenever an order for the production of a prisoner to give evidence or to answer a charge is received from a competent court by the officer in charge of a prison, such officer shall send a copy of the Court's order to the head of the local police who thereupon shall cause the necessary police guard to be detailed in accordance with the terms of the order, and the prisoner shall be made over to the custody of this guard. [*Paragraph 454 in Chapter XXX (Part I) — Page 137 of the Tamil Nadu Prison and Reformatory Manual, Volume II*].

(3) Whenever the court and the prison are in the same station, the prisoner shall be taken from the prison to the court and back daily until his attendance is dispensed with. On every day he attends the court, he shall receive the full prison ration, and shall be allowed to take his midday meal with him for consumption at any convenient hour. (*Paragraph 455 in Chapter XXX (Part 1) Page 137 of the Tamil Nadu Prison and Reformatory Manual, Volume II*)

(4) Whenever a prisoner is sent for examination to, or has to halt a night in enroute at a station where there is a central or district prison, he shall be confined therein. Where there is no central or district prison, he shall be confined in the subsidiary jail, and where there is no subsidiary jail, he shall be confined in the Police lock-up. [*Paragraph 456 in Chapter XXX (Part I) page 137 of the Tamil Nadu Prison and Reformatory Manual, Volume II*]

(5) If the escort is unable to reach a central, district or subsidiary jail or police lock-up before sunset, the Police shall make necessary arrangements for the safe custody of the prisoner. [*Paragraph 457 in Chapter XXX (Part 1)-Page 137 of the Tamil Nadu Prison and Reformatory Manual, Volume II*]

(6) If the prisoner is taken to a central, district or subsidiary jail, the prison or Police establishment guarding it shall be responsible for the custody of the prisoner. Whenever the escort desires to proceed, the prisoner shall be handed over for that purpose, provided that no prisoner escorted under these rules shall be admitted into a prison after sunset, nor handed over to the escort before sunrise. [*Paragraph 438 in Chapter XXX (Part 1) - Page 137 of the Tamil Nadu Prison and Reformatory Manual, Volume II*].

(7) If the prisoner is taken to a police lock-up, in which there are no other prisoners, the police in charge of the lock-up shall permit the prisoner escorted under these rules to occupy a ward in the lockup, the key of which shall be handed over to the escort and the prisoner shall be entirely under the charge of the escort as regards safe custody, supply of food, etc., On the departure of the escort with its prisoner, the key of the ward occupied shall be returned to the police in charge of the lock-up. In the event of any prisoner committing damage to a ward occupied by him, the fact shall be reported to the officer in charge of the prison, from where he was brought and he shall defray the cost of repairing the damage. [Paragraph 453 (I) in Chapter XXX (Part-I)—Page 138 of the Tamil Nadu Prison and Reformatory Manual, Volume II]

(8) In the event of a police lock-up being occupied by other prisoners, the prisoner shall be confined with them, the police in charge of the lock-up being then responsible for his safe custody. The duty of supplying the prisoner with food and of watching him cook and eat, shall rest with the police escorting him. [Paragraph 459 (2) in Chapter XXX (Part-I) - Page 138 of the Tamil Nadu Prison and Reformatory Manual, Volume II].

(9) Police escorts shall conform to the rules in force at lock-ups as regards hours for cooking and meals e.g., when the custody of the prisoner devolves upon the police in charge of the lock-up, the escort shall not demand that he be let out at unauthorized hours to cook his food, etc. (Paragraph 459 (3) in Chapter XXX (Part I) ---Page 138 of the Tamil Nadu Prison and Reformatory Manual, Volume II).

(10)(a) A prisoner escorted under these rules shall ordinarily be sent by train or by water; when travelling by train, the accommodation to be provided shall be of second class in the case of 'C' class prisoners and first class in the case of 'A' and 'B' class prisoners. At district headquarters, prisoners should be conveyed from prison to court and back in a Police van. Prisoners whose confessions are to be recorded should be taken to the court from the prison in a police van, escorted by warders as a special case. In places where there are no police vans but where motor bus is available, under trial prisoners shall be conveyed by motor bus, irrespective of the distance to be travelled, provided that the number of prisoners to be taken at a time is small and can be controlled easily and provided also that their presence in the bus does not cause inconvenience or annoyance to members of the public using it. In place where none of the above modes of conveyance is available, under trial prisoners, who are persons of good social position and are accustomed to use a conveyance, may be allowed a conveyance, provided their safe custody is not endangered. On no account, they should be allowed to use the conveyance of their own.

(b) The same rule should be followed in the case of prisoners who are certified by the Medical Officer to be physically unfit to walk. In other cases, prisoners should go on

foot except in the cases noted below. No prisoner should, however, be compelled to march on foot more than fifteen miles in 24 hours.

(i) When convicted prisoners are escorted along with under trial prisoners, the former may be conveyed by the motor bus in which the latter are conveyed, irrespective of the distance to be travelled in order to avoid inconvenience and expense of providing a separate escort for them.

(ii) Whenever women prisoners have to be escorted by road, they should be provided with a conveyance, where the distance to be traversed by them exceeds one mile. Conveyances may also be provided for shorter distances in case in which, for reasons of health or custom or other valid reason, failure to make such a provision would cause undue hardship to them.

(iii) A convicted prisoner shall not be handcuffed, unless there is a reasonable expectation, either from the heinous nature of the crimes with which he is charged or from his character or behaviour, that such person will use violence or will attempt to escape or that an attempt will be made to rescue him. The same principle shall be followed in the case of under trial prisoners. *[Paragraph 462 in Chapter XXX (Part I) -- Page 138 of the Tamil Nadu Prison and Reformatory Manual, Volume II.]*

(12) (a) (i) The prisoners shall be classified into two categories namely: -

<b>CLASSIFICATION OF PRISONERS</b>	<b>TYPE OF PRISONERS</b>
(HRP) High Risk Prisoners	Terrorists, Dangerous Criminals, High Security Prisoners, Prisoners prone to escape custody.
(LRP) Low Risk Prisoners	Other prisoners who are facing ordinary criminal charges under IPC under other local laws.

(ii) \*The minimum strength of the Police guard shall be as follows:

#### **ESCORT STRENGTH TO BE DEPLOYED**

<b>No. of prisoners</b>	<b>Inspector</b>	<b>SI</b>	<b>HC</b>	<b>Others</b>
1	-	-	-	2
2	-	-	-	3
3	-	-	-	4
4	-	-	1	5
5	-	-	1	6
6	-	-	1	7

7	-	1	1	8
8	-	1	1	9
9	-	1	1	10
10	-	1	2	10

**NOTE -** For every additional prisoner more than ten, one additional PC may be detailed.

### **ESCORT STRENGTH FOR HIGH RISK PRISONERS**

No. of prisoners	Inspector	SI	HC	Others
1	-	1	1	2
2	-	1	1	3
3	-	1	1	4
4	-	1	1	5
5	-	1	1	6
6	-	1	1	7
7	-	1	2	8
8	-	1	2	9
9	-	1	2	10
10	-	1	2	12

**NOTE -** For every additional prisoner more than ten, one additional PC may be detailed.

(b) While yardsticks regarding the strength of Police escort parties/guards for escorting prisoners have been prescribed, the arrangements need to be reviewed and strengthened in the context of escorting terrorists, extremists, dangerous criminals and other high security/escape risk prisoners. Prisoners are required to be escorted in various types of situations including escorting from the point of apprehension to police lock-up, from there to courts and from prisons to courts and hospitals and vice versa and also from one prison to courts/prisons both within and outside the State. While in each case, the strength and composition of the escort party would require to be fixed after considering various relevant factors including number of prisoners, their antecedents, mode of travel and duration of journey, etc. the under- mentioned points may be kept in mind.

*[As per prevailing standards]*

(c) A female warder shall, wherever necessary accompany female High Risk Prisoners and Low Risk Prisoners instead of one of the constables. *[Paragraph 463(1) in Chapter XXX (Part I) - Page 139 of the Tamil Nadu Prison and Reformatory Manual,*

*Volume-II.]* Such escort by a female warder shall also be provided when the female prisoners or juveniles have to be taken outside the State limits.

(13) When prisoners are of desperate character or are likely to attempt to escape or when the number to be escorted exceeds ten, the strength of the guard shall be increased at the discretion of the officer in charge of the police. *[Paragraph 463 (2) in Chapter XXX (Part I) ---Page 139 of the Tamil Nadu Prison and Reformatory Manual, Volume II]*

(14) The cost of conveyance (if any) and of maintaining prisoners while absent from the prison shall be advanced by the officer in charge of the prison to the officer in charge of the escort, provided that whenever possible the escort shall be given articles of diet sufficient for the prisoner's rations during his absences instead of money. If a prisoner is admitted into any prison, he shall be supplied with rations by that prison during the period that he spends there. *[Paragraph 464 (1) in Chapter XXX (Part I) ---Page 139 of the Tamil Nadu Prison and Reformatory Manual, Volume-II]*

(15) The cost of conveyance of prisoners to and from the Court shall be recovered by the officer in charge of the prison from the Court before which the prisoner's attendance is required. Conveyance and other incidental charges of under trial prisoners sent from this State to other States and vice versa should be borne by the State sending such prisoners. *[Paragraph 464 (2) in Chapter XXX (Part I)---Page 139 of the Tamil Nadu Prison and Reformatory Manual, Volume II]*

(16) No State Prisoner, or prisoners under sentence of death, shall be removed under "the Prisoner's (Attendance in Courts) Act, 1955 " from the prison in which he may be confined without the special sanction of the Government except in the case of a prisoner, under sentence of death whose presence is required by a Sessions or High Court for the purpose of taking additional evidence in the case. *[Paragraph 465 in Chapter XXX (Part-I)-Pages 139 and 140 of the Tamil Nadu Prison and Reformatory Manual, Volume II].*

(17) For the purpose of the Prisoners Act and the rules, the Superintendent shall be deemed to be the officer in charge of the prison. *(Paragraph 466 in Chapter XXX [Part I]--Page 140 of the Tamil Nadu Prison and Reformatory Manual, Volume II)*

(18) When a prisoner is sent from one prison to another under these rules, his original warrant or warrants of commitment and a nominal roll in Form No. 52 (of the Tamil Nadu Prison and Reformatory Manual) shall be sent with him.

(19) The attention of all Superintendents of Police is drawn to the wording of paragraph (12) above. The scale laid down therein is the minimum only.

Officers who depute escorts should invariably increase the strength in the case of dangerous prisoners [paragraph (13) above], or when a journey by train will take more than twelve hours or will take place at night, so that regular sentries can be posted, while others take rest.

(20) When a journey by train is to take more than twelve hours and to take place by night, the escort commander must maintain in his note-book, in Sentry Relief Book form, details of sentries (the period should be as a general rule two hours), as well as their acknowledgments of being posted and taking charge of the particular number of prisoners.

(21) Special care to be taken while escorting extremists under-trials/convicted prisoners -- The strength of the escort should be increased depending upon the number and notoriety of prisoners without strictly adhering to the scale prescribed in 348 (12) which indicates only the minimum. The Police party escorting under trial prisoners from place of detention to court and vice versa should be absolutely vigilant and constantly alive to the possibility of the prisoners' objective of escaping. If there are more than two prisoners, all of them should not be allowed to take food simultaneously. Their handcuffs should not be unlocked at one and the same time. They should be split into groups of two, and one group at a time should be allowed to take their food. The escort party should escort any prisoners going to wash their hands etc.

(22) Extremists under trial /convicted prisoners should always be escorted in a Police Van. The investigating officers should invariably indicate to the Officer in charge of the escort party that the under trials to be escorted are dangerous elements and that extra care and caution should be ensured.

(23) The Police party should be thoroughly briefed by the prison authorities and senior police officials with regard to antecedents of prisoners, their habits, past modus operandi and whether there are high security/escape risks before handing them over.

(24) Thorough physical search of prisoners should be conducted by both the prison staff and escort party before taking them over. They should not be allowed to carry any articles which can be used for offensive/escape purposes.

(25) An under trial prisoner besides being searched before leaving the prison, should be searched each time before he is produced in court and articles, if any found, taken away from him. It should be the joint duty of the prosecuting officer and the officer-in-charge of the escort to make a thorough search and satisfy himself that no offensive weapons are being carried to court by the accused. Similar precautions should be taken regarding prisoners surrendering themselves in court.

**(26) General precautions -**

(i) The Guard/Constable in immediate custody of the prisoner(s) may invariably be unarmed to obviate the chance of getting overpowered and losing his weapon. However, he should be covered adequately by other armed guards at all times, who should also invariably be beyond the hand reach of the prisoner.

(ii) During transit, glass bottles for water should be avoided and only metallic containers should be permitted.

(iii) Items of equipments like chains/ropes/torches should be so placed that the prisoners have no ready access to them.

(iv) The guards should so position themselves and be vigilant as to obviate/minimize possibility of chilly powder or other material being thrown in eyes/face as has been reported in several cases, particularly in congested areas.

(v) The Police escort party should be cautioned to prevent any contact, exchange of articles or conversation with all (including friends and relatives) in transit and also in court premises.

(vi) They should be warned against attempts by prisoners to gain their confidence resulting in laxity in custody and also against accepting any food, drinks, or hospitality while escorting prisoners.

(vii) Escort party should be permitted adequate advance for meeting expenditure on food, repairs and other unforeseen contingencies enroute in case of long distance travel.

(viii) In case of hard-core terrorists, etc. while they are either in the court premises or lodged in hospitals outside prisons, all possible vigil by armed guards should be maintained to frustrate attempts by outside help to free the prisoner(s).

(ix) In the case of the above category of prisoners, the police authorities shall inform the prison staff about the antecedents, past modus operandi, the degree of security/escape risk etc. Similarly, the escort party shall be thoroughly briefed about this, who in turn, shall fully brief the authorities to whom the prisoner is being handed over at the place of destination, in writing about the background and antecedents, etc. of the prisoner so that adequate caution is exercised at all times and adequate arrangements are made by the receiving authorities.

(x) While actual strength and composition of the escort party would have to be determined in each case depending upon various relevant considerations, the escort party for terrorists and dangerous criminals should invariably be headed by an officer not below the rank of an Inspector. In appropriate cases, a senior officer including a Deputy Superintendent of Police or Assistant Commissioner of Police, as the case may be, may be deployed. For every such prisoner, there shall be at least two constables/guards having direct custody of the prisoner, exclusive of armed guards of the escort party. The minimum strength of the escort party in no case shall be less than 1 SI, 1 HC and 3 Constables per prisoner. At least 75% of

the escort party shall be armed, including automatic arms, (LMGs/Sten guns) SLRs/Rifles as may be appropriate.

(xi) The composition and strength of the escort party shall be so determined (depending on travel time, mode of travel, number of prisoners, etc.) so that even if two or three members are absent at any given time for answering calls of nature, other duties, etc., the extent and quantum of vigilance is not diluted.

(xii) Wherever long distance travel by road is undertaken, journeys, after dusk or under poor visibility conditions should be avoided/discouraged.

(xiii) It should be ensured that one of the vehicles is equipped with a wireless set.

(xiv) Where it becomes necessary to break journey for night, prior arrangements should be made to ensure halts at police station/lock-up/prisons. Permission from the courts concerned, as necessary and security arrangements at such places should be ensured in advance.

(xv) As far as possible, feeding of both prisoners and the escort party should be completed before commencement of the journey. Wherever food en-route becomes necessary the convoy should be stopped as far as possible at the police station/ police lock-up premises and not in congested areas/bazaars. Food before being consumed by the prisoners shall be tested/checkered.

(xvi) For answering calls of nature etc. police stations/police lock-ups en-route should be used. However, if it becomes necessary to stop en-route, the spot should be selected by the leader of the escort party. Where necessary, prisoners should be tied with long chain and only handcuff released. Under all circumstances, it has to be ensured that the prisoner(s) is always in close proximity and under the direct gaze of the guards at all times.

(xvii) In courts where terrorists/dangerous criminals are frequently required to be produced, arrangements for earmarking a room or some other place for holding them in custody, pending court proceedings, should be arranged. In case of high escape risk prisoners, permission of the court to keep the prisoners in hand-cuffs, if necessary, fetters should be obtained and they be requested to take up their cases on priority to reduce waiting time. Special care should be taken while allowing prisoners to use toilet facilities. Conversation/communication, etc. with outsiders in court premises (which are generally crowded) should not be permitted.

(xviii) Special training in escort duties for high security risk prisoners should be imparted to select physically fit persons of the police force. Till then, only those who are physically fit, with a clean record and experienced in such duties should be deployed for escorting high risk prisoners.

(xix) The Police bus or van shall be brought as close as possible to the point where prisoners are to be taken out from their place of confinement. For this purpose, the driver

shall comply, to the best of his ability, with the instructions of the escort officer regardless of the rank.

(27) \*The following instructions about the precautionary measures to avoid escape of prisoners while being escorted from the prisons to courts and from courts to prison should be followed strictly.

(1) While escorting notorious militants and dangerous prisoners: -

(a) The escort route and date should be kept secret and divulged only on need to know basis.

(b) The officers deputed for escort duty should be vetted by the District Special Branch/Intelligence Section concerned. The honesty, integrity and efficiency of the escort team should be ensured.

(c) The escort party should be briefed well about the sensitivity and seriousness of escorting notorious militants. The fact should find place in their duty passport.

(d) The escort party should be provided modern weapons with well trained gunmen.

(e) The escort team should not make unscheduled halts, enroute.

(f) Should not allow the prisoner to have meals brought by outsiders or share the food stuff, offered by the prisoner.

(g) Handcuffs and leading chains will invariably be used on dangerous prisoners after obtaining court permission by the I.O.

(h) Dangerous prisoners should be escorted in the designated 'lock-up on wheels' vehicle available in each District/Commissionerate.

(i) The yardstick for escort should be followed.

(2) While escorting other prisoners: -

(a) The under-trial prisoners should be given food only at the nearest Police Station by putting them in the Police Station Cell.

(b) Should not be allowed to meet any of the relatives and friends of the under-trial prisoners or to give any food items.

(c) While sending escort party to other District, one additional constable is being deputed besides yardstick to avoid escape.

(d) Women Police Personnel who are escorting women prisoners should not be sent by public transport.

(e) Prisoners escort with sufficient vehicles should be provided by the concerned District Superintendent of Police/Commissioner of Police in whose courts, the prisoner is summoned to appear.

(f) Bus Warrant/Railway Warrant should be issued to the Prisoners Escort Party with utmost care.

(g) If the above Bus Warrant/Railway Warrant is not used by the escort party in unavoidable circumstances, they should be handed over to the issuing authority at once. The issuing authority should account for this without any omission.

(h) Under no circumstances, the escort party should use the Bus/Railway Warrants issued for some other purposes. The unit officers should keep strict vigil over the issue of Bus/Railway Warrant to the escort party through a Bus/Railway Warrant Register.

*[\*Memorandum Rc.No.245743/Crime II (2)/2008 Dated: 01.02.2008 of the Director General of Police, Tamil Nadu]*

### **28. UTILIZATION OF VIDEO CONFERENCING FACILITY- INSTRUCTIONS.**

In order to prevent escape of under-trial prisoners, the Officers are instructed to coordinate with the Prisons and Judicial Magistrate Courts and ensure that the movement of under-trial prisoners are minimized and remand extension is done through video conferencing.

The Officers are instructed to ensure that the Technical Inspector/SI visits the Prison and the Judicial Magistrate Court where the video conferencing facilities are provided and ensure that they are in working condition.

The Deputy Inspectors General of Police, Inspectors General of Police and Commissioners of Police will monitor the utilization of video conferencing facilities and guide the Investigation Officers properly.

- *DGP's Memorandum No.100380/Crime 4 (3)/2015, dated: 23.06.2015*

*(List of Courts in the State provided with video conferencing facilities, as of June, 2015 is furnished vide DGP's Memorandum No.100380/Crime 4 (3)/2015, dated: 23.06.2015)*

### **349. Personal cash property of detenus under Police escort —**

Detenus are allowed to use their personal cash property for legitimate purposes during journeys while under police escort. The police escort will be in custody of the personal cash property and should maintain accounts of the expenditure incurred during transit.

*(G.O. Ms. No. 3585, Home, 17<sup>th</sup> September, 1947)*

### **350. Producing prisoners in Courts —**

The following rules have been laid down in the Prison Manual and the Subsidiary Prison Manual for regulating the production of under trial prisoners before Courts:

(1) The duty of ascertaining the time at which a prisoner committed to the Sessions is to be produced before the Sessions Court, and of providing the necessary escort for this purpose rests with the Police.

*[Rule 741 of the Prison Manual and Rule 121-A of the Subsidiary Prison Manual]*

(2) The Superintendent of Police is responsible for the production in Court, at the appointed time of a prisoner remanded, pending a magisterial inquiry or trial and shall make suitable arrangements with the Police for provision of the necessary escort.

(3) A receipt in Form No. 62 (of the Prison Manual) or Form No. 4-B (of the Subsidiary Prison Manual) as the case may be shall be obtained from the senior Police Officer of the escort, whenever a prisoner, whether committed to the Sessions or under remand, is made over to the charge of Police Officer for production in Court.

(4) The Police are responsible for the safe custody of any prisoner committed to their charge under the preceding clauses of this rule, till he is returned to the prison or discharged from custody in due course of law. It is for the Police to decide whether such prisoners shall be handcuffed or not.

(5) When an under trial prisoner has to be brought back to the prison even in the event of his acquittal or discharge, the senior Police Officer of the escort should be informed of the fact and the receipt in Form No. 62-A (of the Prison Manual) or in Form No 4-B (of the Subsidiary Prison Manual) as the case may be, taken from him.

(6) When women under trial prisoners are taken from Sub-Jails to Courts or vice versa they shall be provided with conveyance where the distance to be travelled by them exceeds one mile. Conveyance may also be provided for shorter distances in cases in which for reasons of health or custom or other valid reasons, failure to make such provision would cause undue hardship to them.

(7) Whenever dangerous prisoners whether remand, under trial or convicted are escorted to Courts, Sub-Jails or Central Prisons either for trial or for confinement or vice versa necessitating travel either by bus or train or by any other public conveyance, the escort men should not have their muskets loaded with ammunition, when inside such vehicles as it is likely that the muskets may go off accidentally causing danger to fellow passengers. It is enough that the musket is kept loaded while escorting by foot on the road but before boarding the vehicle the weapon must be unloaded and if necessary it may be re-loaded after getting down from the vehicle.

The Officer-in-charge of the escort or the senior Police Officer present shall ensure that these precautions have been adhered to before commencing journey in any vehicle.

(8) When remand prisoners or under trial prisoners are escorted to courts either from sub-jail or central prison for purposes of trial, the party escorting the prisoners should be so armed that half the party carry lathis and the other half, musket and ammunition.

(9) When escorting dangerous prisoners viz., political prisoners, and prisoners involved in party factions, communal factions or in widespread disturbances such as rioting arson, etc. either from Sub-Jail or Central Prison for purposes of trial, the officers who depute the escorts should use their discretion and decide whether the escort party as a whole should carry muskets or lathis. Receipt in to the prison on Sundays, etc prohibited.

(10) Apprehension of child alleged to be in conflict with law:-

(i) As soon as a child alleged to be in conflict with law is apprehended by the Police, such child shall be placed under the charge of the Special Juvenile Police Unit or the designated Child Welfare Police Officer, who shall produce the child before the Juvenile Justice Board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time necessary for the journey from the place where such child was apprehended.

Provided that in no case, a child alleged to be in conflict with law shall be placed in Police lock-up or lodged in a jail.

*-Section 10 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (Act 2 of 2016).*

### **351. The following are the provisions in the Prison Manual regulating the time for admitting prisoners -**

(1) No prisoner shall be admitted to any prison on any of the recognized holidays for prisoners, viz., Sundays, Christmas day, Good Friday, the last day of Ramzan and Pongal except with the written orders of a Chief Judicial Magistrate/Chief Metropolitan Magistrate.

(2) No prisoner, except such as may have been temporarily absent attending Court, shall be admitted to any prison before sunrise on any day or after the prisoners have been locked up for the night.

### **352. Prisoners breaking journey in Chennai-**

(1) (a) when a prisoner has to be escorted from Chennai by a train leaving between the hours of 7 p.m. and 7 a.m. he shall be temporarily confined in Flower Bazaar

Police Station, if leaving from the Central Station, and in Vepery Police Station, if leaving from the Egmore Station.

(b) When a prisoner has to break his journey in Chennai, and, arriving at Central Station, has to leave from Egmore Station, he shall be taken at once to Vepery Police Station. A prisoner arriving at Egmore Station and leaving from Central station shall be taken immediately to Flower Bazaar Police Station.

(c) In no circumstances may a prisoner be taken to the railway station more than three-quarters of an hour before the departure of the train by which he is to travel.

(2) Prisoners in transit by train should not be detained in railway Police stations but should, unless there are special reasons to the contrary, be taken for safe custody to the nearest local Police station provided there is such a station within two miles from the railway station.

### **353. Escort halting at Police stations ---**

An escort in charge of prisoners, halting at a station on its route, is for the time being under the immediate orders of the Sub-Inspector or Station House Officer of the station, who is responsible for posting a guard, consisting of escort and so many men of the station as are necessary to bring the escort up to a sufficient strength to furnish four sentries.

*(G.O.1119, Judl. 27th July. 1904)*

### **354. Medical certificate of fitness to travel ---**

(1) The Medical Officer or subordinate in charge of a local hospital or dispensary shall grant " certificates of fitness or otherwise to travel " to prisoners when it is intended to despatch to a prison when such prisoners are produced at the dispensary or the hospital during the usual hours of attendance.

(2) At stations where the examination of prisoners for this purpose can be more conveniently carried out at the sub-jail itself as for instance, where a Medical Officer or subordinate is either in-charge of the Sub-Jail or visits it regularly in the course of his routine duty, the examination may take place on the occasion of his visit to the Prison, thereby avoiding the necessity of sending prisoners to the local hospital or dispensary.

*(Para. 327 of the Civil Medical Code)*

### **355. Railway warrants for Prisoners –**

(1) When prisoners are taken by train or motor bus, a railway warrant or bus warrant will be issued for both the prisoners and the policemen who escort

them. The entire cost of railway or bus warrants will be borne by the Police department.

[G.O. Nos. 569, Judl. 25<sup>th</sup> March, 1912 and 274, Law (Gen.) 22<sup>nd</sup> Jan. 1931]

(2) Police escorts for "A" and "B" class prisoners should travel in the class of railway accommodation in which the prisoners in their charge are allowed to travel. In addition, Head Constable and Constables will draw daily allowance. The railway accommodation to be provided for "A" and "B" class prisoners shall be first class or if no first class is available, second class.

[G.Os. 384 Pub (Pol.) 17<sup>th</sup> July, 1931 and 81 Public (Genl.) 26<sup>th</sup> Jan. 1931]

### **356. Prisoners by Mail/Express trains --**

Prisoners may also be sent by mail/express trains.

### **357. Reserved accommodation for prisoners –**

(1) Reserved accommodation should be obtained for the conveyance by train of all parties conveying prisoners who number over five including the prisoners, of parties conveying military prisoners and of persons in the custody of the Police who are insane, violent or dangerous. Reserved accommodation is not required for parties numbering five or lesser, unless the prisoner is a military prisoner, or insane, violent or dangerous.

(G.Os. 569, Judl. 25<sup>th</sup> March 1913 and 231 Rys. P.W. 6<sup>th</sup> July, 1917)

(2) The following table shows the accommodation required for parties of police and prisoners. The accommodation required always be entered in column 3 of the railway warrant.

### **SCALE OF RESERVED ACCOMMODATION**

Number of Prisoners.	Head Constables	Constables	Total Strength of the prisoners and escort.	Accommodation required on the broad gauge lines of all railways
(1)	(2)	(3)	(4)	(5)
1	..	2	3	Three seats
2	..	2	4	Four seats

3	..	2	5	Five seats
4	..	2	6	One Reserved Compartment
5	..	3	8	Do.
6	..	3	9	Do.
7	1	4	12	*One reserved compartment (for one head constable), Two constables and six prisoners) and three unreserved seats (for two constables and prisoner).
8	-	4	13	One reserve compartment (for one head constable, two constables and six prisoners) and four unreserved seats (for two constables and the prisoners)
9	1	4	14	One reserved compartment (for one head constables and six prisoners) and five unreserved seats (for two constables and three prisoners)
10	1	4	15	Two reserved compartments.

\*Except on the Central Railway where two compartments should be requisitioned for.

### **358. Prisoners taken by the Railway Police ---**

When prisoners are taken by train by Railway Police, the railway warrant in Form No. 38 should be used. The credit note at the bottom will be only for the difference between the fare for the accommodation provided for the prisoners and escort party and fares for the railway policemen who travel on free passes obtained on requisition in Form No. 38.

*[G.O. Ms. No. 589, Judicial, 25<sup>th</sup> March, 1913 and 261, Rly P.W. 6<sup>th</sup> July 1917]*

### **359. Prisoners released on medical grounds –**

A prisoner conditionally released on medical grounds from a prison situated in a district other than that in which he wishes to reside should be taken charge of by the Police of the district in which the prison is situated, for escort to the district where he proposes to reside.

*[G.O. Ms. No. 1942, Judicial, 23<sup>rd</sup> 1886]*

### **360. Escort of Soldiers ---**

A military escort should be applied for, for the purpose of escorting soldiers still in service who are in the custody of the civil power from one place to another whether before or after sentences. Police escorts should not be furnished for the purpose.

*[G.O. Ms. No. 1775, Judicial 24<sup>th</sup> November 1403 and 1973, Judicial, 12<sup>th</sup> November, 1901]*

### **361. Deserter---Apprehension --**

(1) In all cases where a deserter or absentee from the Army or Air Force surrenders or is apprehended by the Police, a certificate in Form No. 60 should be forwarded without delay to the Officer Commanding the unit to which the deserter or absentee belongs. Under the existing rules, the Army or Air Force authorities, as the case may be, are bound to despatch at once an escort to take charge of the deserter or absentee.

(2) Another copy of Form No.60 should be prepared in manuscript on plain paper (copied from the proforma) and signed and should thereafter accompany the deserter whenever he is moved to fresh custody. It should be finally handed over to the Non-Commissioned Officer in charge of the military escort detailed to take over the deserter from the civil authorities.

*(G.O.Ms.No.721, Home, dated 29<sup>th</sup> March, 1943)*

(3) Deserter Register ---

The District Crime Records Bureau will maintain a Deserter Register showing the description of the deserter, section of law for which he is wanted, complete particulars of the unit of defence services deserted, places likely to visit, persons he is likely to visit, reward if any, etc. This register should be brought up-to-date as and when the deserter is arrested by entering the date of arrest or rejoining the unit.

(4) A Deserter Register will be maintained in every Police station furnishing details of offence, unit of defence service, rewards, clues about his whereabouts, etc.

### **362. Persons arrested on Ceylon Warrant ---**

When a person is arrested under a Ceylon warrant he should not be immediately despatched under escort, but should be remanded and inquiry made by e-mail/telephone, whether a Ceylon escort can be sent to assume custody of him. Action should be taken in accordance with the reply received.

*(G.O.Ms.No. 676 Judicial, dated 9<sup>th</sup> May 1908)*

### **363. Residential Office Assistants :**

The Government direct that the orderly system in Police Department of this state be dispensed with forthwith. An alternative arrangement for appointment of residential Office Assistants be made.

*[G.O.Ms.No.2231, Home (Pol-VI) dated : 05.09.1979.]*

### **364. Relief of Orderlies : Deleted.**

## **CHAPTER XXI.**

### **BEATS AND PATROLS.**

### **365. Village Beats----Principles.**

The principles governing the despatch of constables on village beats are, firstly, that the village authorities should be held responsible for reporting crime and supplying information about the movements of bad characters, but it should be clearly understood that this does not take away the responsibility of the police for gathering information necessary for the effective prevention and detection of crime, and secondly that constables should not, as a rule, visit villages, except under definite orders, for a definite purpose or unless the village lies in their way to or from any duty. Prevention must necessarily take precedence over detection. Intimate knowledge of the conditions prevailing in the station jurisdiction and of the movements and doings of

criminals are conditions precedent to the successful prevention of crime. To gain such knowledge, an efficient beat system is a primary necessity.

### **366. Purposes for sending beat constables ---**

Constables shall be sent on beat for the following purposes;

- (1) To provide police services within easy reach of the community;
- (2) Policing of a manageable area and households by specified Constables and Head Constables;
- (3) Promote awareness and thorough understanding of the policing needs of the community and of the law by the community;
- (4) Promote and build voluntary and participative support through Village Committees/Village Administrative Officers and groups in preventive and detective work of police and protection of lives and properties and honour;
- (5) help understanding and reconciliation in caste, communal and group hostilities;
- (6) Gather, record and communicate information on crime, criminals, strangers, factions, organized criminal gangs, terrorists, anti-national and anti-social elements;
- (7) Provide day and night patrols to keep order, prevent crime, intercede when necessary;
- (8) maintain effective surveillance on history sheeted persons and ex- convicts;
- (9) Arrest of persons in terms of section 41 CrPC;
- (10) Preservation of crime scenes and assistance in investigation.

### **367. Bad Characters---Enquiry of ---**

Constables sent on village beat should make enquiry about the presence of bad characters, about their doings, conduct and livelihood from the date of such previous enquiry. They should be specifically instructed that there should be no domiciliary visit except it is the house of Habitual Offender. They should not be sent out as a matter of course to make such enquiry at night. Special arrangements should however be made for such enquiry when circumstances require it.-

### **368. Selection of villages to be visited ----**

(1) All the villages in the jurisdiction of a rural Police Station are not of equal importance nor is it possible, with the limited manpower in a station, to pay full attention to all the villages, for if this is attempted, it will result in important villages not receiving adequate attention. For this purpose, all villages under a Police Station including those under the Outposts, if any, will be first classified into the following three classes:-

Class	A	Important Villages,
	B	Unimportant Villages,
	C	Deserted Villages.

(2) The following are the types of villages which should be classified as important or Class A villages:-

(i) Villages in which there have recently been frequent outbreak of crime.

(ii) Villages in which K.Ds, B.Cs, suspicious strangers, ex-convicts, active and dangerous criminals reside.

(iii) Villages in which there are acute factions.

(3) Thereafter Class A villages will be conveniently grouped into suitable beats, each beat being described as I, II, III, etc., and a Beat Book in Form No. 54 kept for each beat. These villages will be called 'Beat Villages'.

(4) The selection and grouping of villages as outlined above will change from time to time. Suppose a village was constituted into a beat, because an active bad character was residing in it and for no other consideration and subsequently, if the bad character dies or is convicted and sentenced to undergo a long-term imprisonment, the village loses its importance. It should then be included in a miscellaneous beat or treated as a route village attached to a regular beat. Again, if a village in a miscellaneous beat gains importance through a sudden outbreak of crime, it should be separated from the miscellaneous beat and added on to an existing beat or itself made into a beat.

(5) In the constitution of beats, geographical positions of villages should be the primary criterion. A beat should not normally consist of too many Class A villages and these villages should be situated so close to one another that a constable can visit all of them one after another and return to the station within a reasonable time.

(6) If a Class A village is so situated that it cannot be joined to another Class A village to form a beat, then that village alone should be constituted into a beat.

(7) A village, Class B or Class C, which is not itself a beat village but which is so situated that constables going on a beat should pass through or near it, will be called a 'route' village. There may be one or more such villages in respect of each beat. They will be shown separately under the heading 'Route Villages' in the Beat Book.

(8) Class B and Class C villages, other than 'Beat' and 'Route' villages, will, on the basis of their location, be grouped into a convenient number of 'Miscellaneous Beats', and a Beat Book kept for each such beat.

(9) The beats should be organized taking into consideration the crime, the vigilance required, factions prevailing, clandestine activities being organized in the area etc. The

frequency of visits and period of stay depends upon the sensitive or hypersensitive nature of the area. The classification keeps changing from time to time. The villages can be classified as sensitive or hypersensitive according to the existing crime and law and order situations and the past history of the concerned village.

(10) Each beat will be properly defined and beat constables and beat supervisory officers will be detailed for guard, patrolling and collection of intelligence pertaining to each beat. The category of each village could be changed from time to time in the light of crime and law and order situations of each village.

(11) Special attention should be given to villages in which bad characters reside i.e., offenders, criminals, or members of organized crime gangs or syndicates or those who foment or incite caste, communal violence, for which history sheets are maintained and require surveillance, villages in which there have been in the immediate past frequent incidents or outbreaks of crime, either against persons or property, villages in which there are acute factions due to group rivalries, political, communal or caste or other tensions, and villages in which organized criminal or drug related activity or manufacture. Likewise the villages in which trafficking in firearms and movements of explosives exists or where there is possibilities of shelter being given to the terrorists and other organized criminals exist, should also be given special attention by the beat officers of such villages.

(12) The beats in an outpost or police station jurisdiction should not be more than 3 or 6 respectively, and not more than 8 in both put together. Each beat should cover approximately 1000 households or 7,500 population. If a police station area has 40,000 or more population, there should normally be six beats, with each beat covering a population of 6000 - 10000 depending on factors mentioned above. Such other factors as most convenient, accessibility, road, rail, network, communication facilities and the number of sensitive or hypersensitive localities of the villages should also be considered. Sensitive and hypersensitive villages should be distributed in all beats and not grouped into one or two. A beat book will be maintained for each general beat. The crime chart should show the areas covered by and the serial number of each beat.

(13) The Sub-divisional Officer, during the annual inspections, must particularly ensure whether the beats have been organized conventionally and based on all relevant and realistic factors. He should personally tour in one or two beats along with SHO and the police officers assigned to the beat in the same manner as a beat Constable does, to make sure that it is organized properly and can be served in the manner prescribed.

(14) Two Police officers i.e., either two Police Constables or one Constable and one Head Constable should be allotted to each beat. They are responsible to visit and patrol sensitive village. The hyper-sensitive villages should be more frequently visited. It is not necessary that all villages in a beat should be covered every time the constables go to that beat. They should cover the villages in the beats at least once a week not only in the day time

but also at nights. They shall proceed on beat duty at least 4 times in a month, each visit being spread over at least two days and one night. The SHO should ensure that they are not allotted any other duty in the PS when the Constables/HCs in charge of a beat proceed on beat duty once a week. The SHO may, however, earmark any two days or more if necessary to the Constables in charge of the beat to proceed to their respective beat areas to discharge their responsibilities and duties enumerated herein. The SHO should obtain prior permission for any deviation from this from Inspector/SDPO. The Inspector shall surprise at least one beat in a PS in a month in addition to regular inspections.

(15) Visiting villages and staying there is essential for efficient policing in a beat area. The smaller villages attached to larger village, should also be treated as a separate village for the purpose of village visiting or patrols either by day or night. All those areas constituted into Municipalities may be called Towns. Major Municipalities and Municipal Corporations should be identified as cities.

(16) The duration of the visit by the Constables and Head Constables during the beat in a village depends upon the purpose. Visits should include all hamlets and settlements or colonies. The SHO should visit villages as prescribed. The beat area constables and HC before leaving the PS for duty on their beats should make relevant entries as to the purpose and duration in the General Diary. Visits include patrol by day or night, besides other duties, should be for a specific purpose. They should neither be hurried nor- unduly prolonged. All visits and work accomplished should be reflected in the relevant records.

(17) (a) Villages to be regularly visited should be conveniently grouped and a beat book (Form 54) kept for each group. Every beat including a miscellaneous beat should have a Beat Book. Constables going on a beat should take the Beat Book along with them and note in them, under appropriate columns, the information they gather. Separate beat books will be kept for use when constables are deputed upon the occasional duties already specified.

(b) Beat Constables are required to bring the signature of a village officer or of a respectable inhabitant of the village in proof of their visit to a village. If the signature of any of the persons could not be obtained the reasons there for should be mentioned in the column. The Beat Book should be carried by the constable while on beat duty. For the purpose of checking beat books, a Book in Form No 55 shall be kept in the station, in which shall be entered the usual signatures of the village officers and of any respectable villagers selected to sign in beat books.

(c) Point books in Form No. 56 shall be supplied to village officers and/or selected respectable inhabitants of the respective village for ensuring cross checking of the visit made by the beat constable. It shall be the duty of beat constables and officers checking beats to sign and date their names in the point books whenever they visit the villages. Beat constables shall obtain the signature of the point book holder in

the beat ticket. Checking Officers, Sub-Inspectors and Inspectors shall also see whether constables who have visited the village subsequent to the previous check have signed the point books.

(d) The Constables assigned to a beat should perform the following duties:

(i) Gather information about movement of bad characters, suspicious strangers and wandering gangs in the village;

(ii) Watch specially dangerous criminals or gangs which require surveillance;

(iii) pick up information from or about travellers at camping grounds, choultries, rest houses, railway premises, ferries and places of public resort ;

(iv) ascertain any definite piece of information and serve processes;

(v) find out whether any crime has occurred in the village after the last visit of a member of the Police Station staff to the village;

(vi) gather information about the visit of any bad characters, suspicious strangers and wandering gangs in the village;

(vii) make enquiries about the movements and doings of ex-convicts including K.Ds., and suspects and whether any ex-convict or other person has been spending money lavishly or incurring expenses beyond his normal means;

(viii) find out whether there are any receivers of stolen properties in the village and whether any known receiver has been contacted by any bad character or strangers;

(ix) make enquiries about liquor shops, illicit distillation of liquor, vice dens, gambling houses, drug peddlers, unlicensed weapons, gatherings and panchayats, activities of political parties, factions or ill-feelings in respect of lands, temples, processions, festivals, religious or communal disputes, stone throwing likely to give rise to riots and other matters affecting the public peace ;

(x) to gather information about the delivering of lectures, holding of meeting of political nature or otherwise; Collect intelligence about agitational activities of political parties or other organizations and clandestine activity of any organization or their associates, or members or supporters.

(xi) to make enquiries in particular villages whether bad characters have been, or are, in the neighbourhood;

(xii) to gather information in villages the authorities of which cannot, it is believed, be trusted to report information.

(xiii) Identify through discreet enquiry, observation and verification about habitual offenders, especially dangerous criminals, the nature of crime they are addicted to, or gangs,

including members of organized crime syndicates requiring surveillance irrespective of their area of operation;

(xiv) Ascertain or verify any definite piece of information concerning crime or criminals; Service of summons and execution of warrants.

(xv) To notice and ascertain any fresh settlers in the village or visitors and the places from where they have arrived and their friends and relatives in the village with whom they are staying or providing support to them.

(e) The Station House Officer should decide the intervals at which he should send men on the different beats in his jurisdiction according to the importance of the beats. Constables should be deputed to beats as often as possible, visits to more important beats being more frequent than to others. It is not necessary that all villages in a beat should be covered every time a constable is sent to that beat. This is a matter entirely within the discretion of the Station House Officer. It should, however, be ensured by the Station House Officer that every village whether of Class A or B or C in the jurisdiction of the station is visited by a Beat Constable at least once a month.

(f) Every constable in the station should be fully acquainted with every beat and he should know about suspicious characters and undetected crimes of each beat. Whenever a constable is sent out on duty either on beat duty or any other duty, the Station House Officer should give specific instructions to the constable regarding such matters as the nature of the work he has to perform, the manner in which it should be performed and the time by which he should return to the Police Station.

(g) Constables going on beat duty will proceed to the beat direct from the Police Station. Likewise, on return they should report at the Police Station before going home. The departure of a constable on beat duty and the instructions given to him by the Station House Officer should be entered in the Station House Diary as well as in the Beat Book. Beats should be served not only in the daytime but also at nights.

(h) Beat constables should be instructed to visit Railway Stations and Bus Stands in their beat and ascertain from the Platform Constables or Bus Stand Duty Constables or from others any information regarding the arrival or departure of suspicious foreigners and bad characters and obtain the signature of the Platform Constable or Bus Stand Duty Constable, where one is posted, in their Beat Books.

(i) It is incumbent upon the police to ensure the safety of the road and strict attention must, therefore, be paid to road patrolling. Unduly severe work should not be demanded from night patrol men. They should be sent out with definite orders which may be varied, as circumstances permit. It should always be possible to arrange for a patrol to take some rest at a named place. If possible, two constables should patrol together. To secure the due performance of road patrolling, constant checking is absolutely essential, and superior

officers must see that a sub- ordinate officer, from Inspector downwards, perform their fair share of this duty.

(j) On the National Highway, the State Highways and other important roads on which the cases of Highway Robberies and Dacoit are reported, arrangements have to be made for the movements of vehicles in a convoy with mobile armed escorts. Where mobile escort cannot be provided to the convoy of vehicles, armed men have to be provided to the first and the last vehicle of the convoy.

(k) Every beat including a miscellaneous beat should have a Beat Book. Constables going on a beat should take the Beat Book along with them and note in them, under appropriate columns, the information they gather. The signatures of at least two persons, whose sample signatures are maintained in the station in the Sample Signature Book, should be obtained by the constables in the appropriate column. Such signatures should be obtained in all the villages including 'Route' villages through which the beat constables pass. If the signature of any of the persons could not be obtained the reasons therefore should be mentioned in the column. The Beat Book should be carried by the constable while on beat duty. Like beat books, Point Books should be supplied to the village officers or selected respectable inhabitants of the respective village for ensuring cross checking of the visit made by the beat constable. Likewise, check register of bad characters, duty roster, village rosters etc. should be maintained by each police station with regard to effective and efficient performance of beat duties.

(l) When a constable returns from beat duty, he should report to the Station House Officer. An entry should be made about the time of return of the constable from beat duty in the Station House Diary. The Station House Officer should check the signatures in the Sample Signature Book in the Station.

(m) The Station House Officers should carefully seek report from the constables on their return from beat to elicit any information they have obtained. Constables should be sent out with specific orders and questioned as to the performance of their duty on their return to the Police Station. This duty is not to be delegated to the subordinate officers. Station House Officers should deal with it themselves.

(n) The information brought by the constable should be studied and appropriate action taken. For example, if a bad character is reported to be absent from his village and the place to which he has gone is known an Enquiry Roll Form 'A' will be issued immediately to the Station House Officer to whose jurisdiction the bad character is reported to have gone. If the place to which the bad character is reported to have gone is within the jurisdiction of the same Police Station, a Constable or a head Constable will be sent out to the place to ascertain the movements and activities of the bad character. It must also be seen whether the absence of the bad character has synchronized with the occurrence of any crime in the limits of the station or neighbouring stations.

(o) The Station House Officer/Police Sub-Inspectors, Assistant Sub-Inspector and Head Constables should check the constables on beat duty by surprise. The Circle Inspector who is the Station House Officer, Police Sub-Inspectors or Head Constables should visit selected villages with the Beat Books and compare the dates and hours of the entries in the Beat Books with those in the Point Books, Such verification should be made even when the Station House Officer or a Head Constable goes to a village on any other work, such as petition enquiry or investigation. If Beat Books are not available, the checking officer will note down the particulars in his note book and compare them with the Beat Book on his return to the station. The Circle Inspector and the Station House Officer should also make enquiries with the villagers other than Point Book holders about the beat constable's presence on the days noted in the Beat Book. The Station House Officer should be able to check all the beats in the limits at least once a month. The Police Sub-Inspectors, Assistant Sub-Inspectors and Head Constables should do so more often. The Police Inspector/Police Sub-Inspector in charge of the Police Station should ensure that he visits every village in his jurisdiction at least once a quarter.

(p) Officers of and above the rank of Circle Inspector visiting or inspecting a station should not only see whether beat villages have been properly selected but also ensure that beats are being regularly served and checked. The fact of having done so should be embodied in the inspection notes together with the instructions, if any, given to the Station House Officer.

#### **(18) MEETING BEATS**

Meeting beats should be arranged between the adjoining Stations and the beat constables should be required to halt in the meeting villages, where necessary. The beat constables should sign in the Beat Books of their counterparts with date and time.

#### **(19) SPECIAL BEAT**

Special beats should be devised for extraordinary occasions as and when there are outbreaks of crime and the presence of criminal gangs is suspected in the station limits. Constables should then be deputed to search jungles and hill tracts with the help of villagers to hunt down such gangs and prevent their depredations.

*[Model Police Manual]*

**(20) Bad Character---Check Register----Maintenance of** — (a) A check register of all K. Ds., habitual offenders, notorious rowdies and suspects, inclusive of those residing in the limits of outposts shall be maintained in each station in Form No. 57.

(b) The bad characters who are in jail and not likely to be released during the year, can be entered at one stretch in the opening pages of the Register. The bad characters who are present, out of view or in jail but likely to be released during the

year shall be entered beat-war thereafter. In the cases of bad characters in jail, entries regarding the period of imprisonment and the dates of their probable release shall be made against each.

(c) Close watch bad characters should be written, K.Ds. first and then suspects in red ink, followed by non-close watch bad characters in blue or black ink, in the same order. All those entries should be beat-war.

(d) The date of the expiry of the History Sheet shall be noted in the remarks column against each bad character.

(e) Such a register will be maintained in out-posts also, for characters living in their respective jurisdiction when the out-posts are for the purpose of checking K.Ds., suspects and habitual offenders.

(f) Names of notorious rowdies ordered by an officer of and above the rank of Deputy Superintendent of Police to be watched, shall also be entered in this register.

### **369. Road Patrols:--**

(a) It is incumbent upon the Police to ensure the safety of the roads and strict attention must, therefore, be paid to road patrolling. Unduly severe work should not be demanded from night patrol men. They should be sent out with definite orders which may be varied, as circumstances permit, with respect to the time to be passed at particular spots. It should always be possible to arrange for a patrol to take some rest at a named place. If possible, two constables should patrol together or a constable should be accompanied by a Village Assistant through his village limits. It is often useful for patrol constable to look up bad characters in villages not far from the road side. To secure the due performance of road patrolling, constant checking is absolutely essential, and officers of and above the rank of Deputy Superintendent of Police must see that all subordinate officers, from Inspector downwards, perform their fair share of this duty.

(b) On all roads along which there is much traffic during the nights, motorists should be advised to proceed in a convoy and at the various halting places to do their stages in company and to keep together as much as possible so as to be more or less of a protection to one another.

*[Model Police Manual]*

**370. System of work in town stations:-** (1) The whole of police of a town station with the exceptions of Sub-Inspector, Station-Writer, Standing Guard and men for traffic regulations duty will be divided into three sections A, B and C. Each section containing as nearly as possible an equal number of men. Surplus Head Constables will be allotted general

duty and if no Grade I. P.C. is available, will attend to such work as may require to their attention or be given to them.

(2) (a). The 24 hours will be divided into reliefs, four of these consisting of four hours each and one of night hours.

(b) The following table shows the cycle of sections and the rotation reliefs under the system. It covers four days of duty:-

Relief	Hours	Section on duty for four days			
(1)	(2)	(3)			
First	7a.m to 11a.m	A	B	C	A
Second	11a.m to 3p.m	B	C	A	B
Third	3p.m to 7p.m	A	B	C	A
Fourth	7p.m to 11p.m	B	C	A	B
Fifth	11p.m to 7a.m	C	A	B	C

(c) The incidence of a Constable's duty for a period of three days will thus be as follows: -

First Day: Duty from 7 a.m. to 11 a.m. and from 3 p.m to 7 p.m. 8 hours.

Second Day: Night Duty from 11 p.m. to 7 a.m. 8 hours.

Third Day: Duty from 11 a.m. to 3 p.m. & from 7 p.m. To 1 p.m. 8 hours.

(d) Arrangements to be made for the men on duty from 7 p.m. to 11 p.m., as far as possible in batches, for half an hour for their evening meals. Ordinarily the actual period of night patrol of the fifth relief should be only from 12 midnight to 5 a.m. but the hours of patrol may be varied subject to the period of five hours of actual patrol duty not being exceeded. When not on patrol, the men shall rest at the Station Houses.

(3) (a) Two men for sentry duty at the station and one for process service shall be drawn from the three sections and shall be on duty in reliefs as follows ;--

From 6 a.m. to 10 a.m.

From 10 a.m. to 2 p.m.

From 2 p.m. to 6 p.m.

From 6.p.m. to 10 p.m

From 10 p.m. to 6 a.m.

(b) The men on duty from 10 p.m. to 6 a.m. may, when there are no prisoners, sleep in the station. When prisoners are in custody, two night patrol section police constables will be deputed as sentries by night to relieve each other for two hours. These two men and the constable taken for process service may be changed once in every three days.

(4) (a) In town stations where there are no separate traffic stations, the men employed on traffic control duty should be entirely separated from the ordinary station staff and may work directly under the Inspector who has only municipal jurisdiction. In circles which have rural stations also, the men employed on traffic duty will work under the Sub-Inspector of the most centrally located town station. Traffic staff would include point-duty men and bus regulation staff. Traffic process work and case Work would continue under the Sub-Inspectors with jurisdiction.

(b) The station-writer will, in addition to attending to station records, receive all telephone/VHF messages and communicate them to the officers concerned or pass them on to the Station House Officer for necessary action. For efficient discharge of this duty, he should sit close to the telephone/VHF receiver.

(5) Two general diaries will be maintained in each town station one by the Station House Officer for noting his personal duties and those of his assistants, the reports of cases, cognizable and non-cognizable accidents and other occurrences made at the station and the other by the section Head Constables for recording matters received for disposal by the section and instructions to section men for the performance of section duties.

(6) The section Head Constable will be responsible for the clean turn out, education and the efficient discharge of duties of the men in his charge. In the absence of the section Head Constable, charge of the section will be handed over by him formally to the senior section police constable present by record in the section general diary.

(7) The Sub-Inspector or other officer in-charge of the station for the time being, will make a note of orders and instructions to section officers in the section general diary in regard to matters which will be carefully prepared with due regard to the requirements of the station. Therein will be noted---

(a) the notorious rowdies about whose presence enquiry has to be made and the time when such enquiry is to be made;

(b) localities where nuisances are committed and the times when such nuisances are usually committed;

(c) bazaar-streets which incessantly require to be cleared of obstruction and the hours during which they are liable to obstructions;

(d) cases of missing children;

(e) notices of important cases requiring the vigilance of section men; and

(f) particular localities to be specially visited for prevention of mischief or other crime, etc.

(8) (a) Section Officers will, as they come on duty, make a point of perusing the orders and instructions recorded in the section general diary for their information and guidance. They will issue detailed orders to the men of their section on those matters and will also note in the section general diary later on that duties assigned to them were duly performed.

(b) Day beats as such will be abolished.

(9) Section Constables sent out to attend to obstructions or nuisances in particular localities or any other work may be entrusted if they find no obstructions or nuisances, etc., or when they have done the work allotted in the places to which they were sent, to patrol through them smartly and return at once to the station to be in waiting or to be sent out to other places. Constables without definite work are not to loiter about the streets. Instructions for Constables in regard to work to be attended to by them should be noted in out-door work tickets (Form No. 59) to be supplied to them.

(10) The Constables will note in their tickets the time of their departure from and return to the station, giving reference to their notebooks for details of work done. Any shortcomings noticed by officers shall be noted in their tickets. On the return of Constables to the station it is the duty of the section Head Constables to receive from the Constables their tickets and note-books and to see that these are properly written up. They must then and there question them as to short comings, etc. and take any action that may be called for. They will then write up the section general diary by reference to the Constables' note-books, which they have already perused and initialled. Men should not be allowed to take their note-books away with them from the station while off-duty. The note-books must be in the station and the section Head Constables will be responsible for their custody under lock and key. The general duty Head Constables will take charge of the note-books whenever the section Head Constable happens to be absent from the station.

#### Night Patrols --

(11) One or more batches of patrol-men preferably in mufti-should be sent to important junctions, streets or lane corner, where house-breakers are likely to pass from their sphere of operation. Such patrol men should hide themselves in unobservable parts of the locality, alert and ready to pounce upon night hawks. These might with advantage be shifted from one corner to another for specified periods on each night and need not necessarily be kept on for the full period of five

hours in one place. One man may sleep while the other keeps alert. The test is that they shall be able to spot their checking officer when they pass. (Specific directions as to the locality and time at each spot should be noted in Tamil in the work-tickets concerned before men are detailed.) Other available men may be given a specific short length of streets to go round, noting the exact streets. Such blocks to be traversed by patrols should be changed from night to night. The greatest care must be taken to limit the extent of these patrols- men, who have had already five hours of night duty, should not be detained in the morning to deal with nuisance cases. Bad characters should not be checked by night by the police unless they are actually under suspicion of being engaged in night crime. Regular enquiries in the day time are what are required.

(12) Sub-Inspectors shall go on night rounds on successive nights, the Inspector in the case of a purely town circle, also doing this duty at frequent intervals to be specifically laid down. If the circle Inspector has rural stations also, he shall check night patrols in the town by means of surprise visits as frequently as possible. In single stations circles, the Inspector shall take night rounds in turns.

(13) Sub-Inspectors in-charge of town stations should personally detail night patrols giving full and specific instructions on the above lines in the section general diary. When the section Head Constables have become familiar with the above principles, they may be allowed to detail night rounds, subject to constant supervision and check by the Sub-Inspectors.

(14) (a) Town men should have clear day off at regular intervals of not less than six days. As far as Head Constables are concerned, there are in all town stations a sufficient number of Head Constables. In regard to Constables the strength available will be reduced to its effective strength for duty at a time by the number of Police Constables required to provide for days off and the number so reduced will always be off duty, the men taking an off-duty day in strict rotation. A similar arrangement should be made with traffic men.

(i) The Station House Officer of each station will draw up in advance a list of Head Constables and Police Constables showing on which day of the following week each is allotted his off-duty and paste it on the Notice Board every Friday. This will be liable for alteration, should it be found later that a particular duty e.g. to attend court on his off-duty day that Head Constable or Police Constable will then have his day off-duty altered to the day preceding or the day following his allotted duty, a Head Constable or Police Constable due for off-duty that day being interchanged.

(ii) The Police Constables on off-duty will be divided evenly over each day of the week, the larger number being on the early days of the week and Court holidays. Thus in a

station with 16 Police Constables, three Police Constables will be allotted their off-duty on Sunday and Monday, and two on the remaining days of the week. Should, for instance, the Thursday be a Court holiday then three Police Constables would be on off duty on Sunday and Thursday and two on the remaining days of the week.

(iii) No one on his off-duty day may leave his headquarters without permission.

(iv) A Head Constable or Police Constable having had a day's leave during a calendar week, shall not be eligible for a day off-duty during the remainder of the week.

(v) If, in the public interest, any Head Constable or Police Constable is not given a day off-duty in any week he shall be granted remuneration for the extra time duty at the rates prescribed from time to time. Each Station House Officer will maintain a register showing the names of Head Constables and Police Constables who are eligible to draw this extra time remuneration with full details as to the circumstances in which off-duty days could not be allowed. A copy of these entries should be sent to the District Police Office once in a month when such claims are preferred.

(15) The following system should be adopted in small town stations where only two head constables are available for section work:--,

(a) The day sections comprising two-thirds of the men under one Head Constables will remain at the station during the day except only when allowed off for relaxation or meals under general diary record or when they are sent out on specific work which they will attend to promptly and return forthwith. Their deputation on such work and their reports when they return will be fully entered by the Head Constable in a general diary to be maintained separately for work performed by sections. The Sub-Inspector will daily record matters requiring attention by the day sections in the section general diary and the Head Constable will be responsible for attending to it. The Head Constable will be responsible also for letting the men off for meals or for reasonable periods of relaxation under record in the general diary. When he goes himself for meals or relaxation he will hand over under formal record in his general diary to the next senior section men present. One section, composed of the remaining one-third of the station men available, will be on night duty each night.

(b) Petty petitions will be handed over at once under record to the section Head Constable or the section in-charge for disposal. The sections will attend to all day work of the station not specifically provided for otherwise.

(16) A town duty register will be maintained in Form No. 58 and outdoor work tickets in Form 59. Orders regarding off duty for Taluk Policemen are contained in Police Standing Order No. 243.

## CHAPTER XXII.

### MISCELLANEOUS DUTIES.

#### **371. Other multifarious duties in maintaining public order.**

(1) Apart from performing their primary duty of Prevention and Detection, the Police many a time will have to perform other multifarious duties in maintaining public order such as;

(a) Arrangements at Fairs & Festivals

(b) Manage large assemblies during public functions, processions, strike, agitations, etc.

(c) Relief works and other assistance at the times of natural calamities

Duties when accidents occur involving loss of human life and properties

(d) Security arrangements during the visits of VVIP etc.

The following are some of the instructions given for the guidance of Police Officers handling the aforesaid situations.

*[Model Police Manual]*

(2) List of festivals to be kept –

A list of festivals in the district and of those festivals of other districts, to which men have to be sent, shall be kept in Form No.60 in each District Police Office and an extract sent to each Circle Inspector/Station House Officer, who will enter it in the Circle Information Book /Station Crime History Part IV at the Police Station.

(b) The list will specify the number of officers and constables who should attend the festival and all stations and districts from which they should be sent.

(c) Circle Inspector/Station House Officer should gather additional information regarding the festival such as i) type of festival ii) gathering expected and iii) scale of bandobust required with the reason and make detailed note in Circle Information Book/ Station Crime History Part IV.

*[Model Police Manual]*

#### **372. Precautions to be taken against fires in festival pandals –**

(1) The Government have ordered that whenever there is a proposal to celebrate a festival in which a pandal within enclosures is likely to be erected, the Village Administrative Officer/Village Headman should report the fact as well as the date of the festival, as early as possible to the Station House Officer of the Station within the limits of which the village is situated. On receipt of the Village Administrative Officer/Village Headman's report, the Station House Officer

concerned should proceed immediately to the village and arrange with the authorities in charge of the festival to provide a sufficient number of exits of suitable size on all the sides of the pandal and in the enclosing walls, if any and to erect the pandal sufficiently high to prevent all danger of its catching fire from torches or other naked lights which may be used in the pandal during the festival.

[G.O. No. 395, Public (Pol.) 24th July 1935.]

(2) If the Station House Officer finds that the pandal put up does not satisfy the above requirements, he should in the interests of public safety at once move the Executive Magistrate having jurisdiction over the area to issue an order under Section 144 of the Code of Criminal Procedure, 1974, to stop the festival and take steps to see that the orders passed by the Magistrate are obeyed and that no breach of the peace results.

(3) While it is primarily the duty of the Village Administrative Officer/Village Headman to report festivals of the kind in question to the Station House Officers, the latter are also expected to look out for such festivals and to take necessary action in time. Any delay or failure on the part of the Village Administrative Officer/Village Headman in making the report prescribed in paragraph 1 above should be reported to the Superintendent who will report it to the Collector for necessary action.

### **373. Instructions for managing large assemblies ---**

The following instructions for managing large assemblies are given: -

- (1) Men detailed for this duty should not be allowed to take their families,
- (2) Care should be taken that men do not get away to festivals independent duty such as, on the pretext of serving warrants.
- (3) Camps may be erected for the accommodation of the men.

(4) If necessary, the locality should be divided into sections with a definite number of men so allotted to each section. A reserve force, sufficient to ensure the suppression of a disturbance at its outset but not necessarily of considerable strength should be available. When it is necessary to detail such force of considerable strength a bugler should be included. Whenever Women Police are available they should be made use of, to control crowds of women and children. The service of Home Guards should also be availed of.

(5) Out-posts with Police and Medical Subordinates in-charge should be established round the locality in order to examine persons suspected to be suffering from an infectious disease or to have come from an infected locality.

(6) Each policeman on duty should be given printed memorandum of instructions in Tamil as to what his duties are. The principal duties of Police Officers are-

(a) To maintain a careful watch over sanitary arrangements and to prevent nuisances being committed and not to wait until they are committed and then arrest and charge the offenders. This should particularly be the case where women and children are concerned. If the police get the idea that they will be praised for a number of prosecutions, there is grave risk of officious interference and abuse of power.

(b) To report to medical officer cases of small-pox, cholera, gastro-enteritis and other contagious or infectious diseases etc.

(c) When on patrol duty, to interfere as little as possible with the people but to prevent crimes and offences, preserve the peace, keep order and mark down depredators and bad characters.

(d) To warn people not to drink or take water from prohibited places.

(e) To see that parking places are kept clean.

(f) To give as little troubles as possible to the pilgrims and to be as courteous as possible—a help and not a nuisance to them. The men should be made to understand that they will get credit for the maintenance of quiet order and that officious interference with orderly people will not be tolerated.

(g) To send children or lost property to the Child Rescue Centre " or the "Lost Property Office" if such office exist, and if not, to the nearest police station and to direct persons in search, of lost children or property to go there.

(h) To report fires to the nearest temporary Fire Station and/or Fire Service Station and Police Station.

(i) To take injured persons to the nearest medical camp/hospital in case of accidents, etc.

(j) When on duty at temples, to prevent nuisances and crimes and to report to, the Inspector in-charge all cases of importance. The men should be given to understand that they are not to help the temple authorities and others to collect or coolies or extort gifts.

(k) Not to go about in uniform when off duty particularly in railway premises.

(l) To adhere strictly to the orders regarding the regulation of traffic.

(m) To go to the feeding camp, if such exists, at the prescribed time and to occupy the accommodation provided.

(7) Each Policeman attending the festival on duty should be awarded a specific duty to perform, to which he will adhere during the entire festival. His camp Station, Section hours of duty be specified in writing on the list of printed rules given to him in the form given below:-

TAMIL NADU POLICE.

Constable Number (1)	Name (2)	District (3)	Camp Number (4)	Section (5)	Hours (6)	Duty (7)

(8) Men should not be employed for more than six hours at a stretch.

(9) As a general rule, not more than ten men should be employed under one Head Constable.

(10) Arrangements should be made to have the locality lighted throughout the night. This may be a means preventing accidents or crimes.

(11) Fire Engine should be established where necessary with a sufficient number of men at each Engine.

(12) If circumstances render it necessary a "Child Rescue Centre" and a "Lost property Office", should be opened with a sufficient number of men in-charge. Funds should also be provided for the Child Rescue Centre for the feeding of the children.

(13) Rules regarding the regulation of traffic, at such places and on such occasions as may be necessary, should be published and the men instructed to carry them out carefully. The stopping of traffic should only be done when it is in the interests of the vast majority of the visitors.

(14) In mobilizing the Railway Police Force required for duty at a Railway Station in connection with a festival, the requirements of other principal stations on the railway line should also be considered and sufficient number of men should be detailed for duty only when it is in the interests of the vast majority of the visitors.

(15) (a) The number of men required for duty at the temporary waiting sheds at railway stations and other places where rush of people is likely, should be correctly estimated. Accidents are likely to occur during the rush of passengers into the train,

when an enclosure is opened. To prevent such accidents it is desirable to employ a sufficient number of men, preferably under the supervision of an experienced officer inside such enclosures. Alternatively Talented persons, women and children may be separated and allowed to pass out first in preference to able-bodied men.

(b) The work of the Police may be lightened by having more exits than one to these enclosures and barriers within them facilitating the formation of queues might ease the strain.

(16) Men Off-duty must not be allowed to go about in uniform. These men not being under proper control are apt to misbehave and give trouble.

(17) The men deputed for duty at the festival should be detained until after the majority of the pilgrims have left.

(18) OTHER ARRANGEMENTS TO BE MADE:

(a) The officer in-charge of the bandobust will arrange for a public address system to announce the details of the missing persons or to give instructions to the public with a view to helping them.

(b) The officer in-charge should liaise with the Home Guards and Fire Force Department for the deployment of the Home Guards. The Home Guards deployed should be treated with due courtesy and provided with the wireless and telephone facilities.

(c) A temporary health centre should be got set up through the concerned department and sufficient quantity of medicines should be got stored. An ambulance should also be stationed. Qualified doctors should be available with sufficient supporting staff in the health centre.

*[Model Police Manual]*

### **374. Police to work under Sanitary Officer —**

(1) At large festivals, in order to secure adequate attainment of such objects, as referred to in clauses (a) and (b) Order No 373 (6) and in clauses (d) and (e) to execute other necessary sanitary measures, such as guarding isolation camps, a certain number of the Police Constables deputed for bandobust duty should work under the direction of the Principal Sanitary Officer.

(2) The men should be selected for their suitability for the duty. As regards discipline, the men will be under their own officers.

### **375. Constables to be armed with lathies --**

(1) Constables employed on miscellaneous duties on the occasion of large assemblies such as festivals, processions and the like will invariably be armed with lathies.

(2) Whistle calls in emergencies:-.

Should an emergency arise which necessitates the assemblage of men employed singly or in small parties, the signal will be too long blasts repeated at intervals as necessary.

(3) Immediately on hearing the whistle all men who could leave their place of duty should double up towards the sound of the whistle and form up there under the command of the senior officer on the spot.

### **376. Deputy Inspector-General of police - to be present --**

The Deputy inspector General of the Range should be present at especially large festivals.

### **377. Temple cars and rafts --**

(1) Each Station House Officer should keep a list of Car and Theppam festivals held within his jurisdiction and see that temple authorities apply one month in advance of the date of commencement of the festival to the Sub Divisional Officer, Public Works Department, having authority to examine the car or raft regarding its structural ability and safety, with a copy of the application to the Police.

(2) (a) (i) On receipt of such an application referred to in Clause (1), the raft or the car and the route of the car or the proposed path of raft should be jointly inspected by the Local Station House Officer, the Assistant Engineer and the Executive authority of Panchayat Board as the case may be and the temple authorities and a certificate of fitness granted by the Assistant Engineer if the raft or car is in a fit condition A raft or car should not be moved without his certificate.

(ii) In cases of "Theppams" which will be assembled over the raft only a few days before the festival, the Theppam should be inspected a second time on the previous day of the festival by the Public Works Department authorities jointly with the Police who would also by actual trial, test the number of persons the Theppam could carry.

(b) The Station House Officer should satisfy himself whether the temple authorities have carried out the technical advice given by the Engineer regarding the repairs to the car or the raft, and whether the former and the local body concerned have taken special steps to provide an even surface for the roads or streets through which the car is to be dragged. In the case of Theppam, it should also be ensured that in the proposed path of the raft, projection like jutting rocks, or submerged article which cannot be removed, are prominently marked by lighted buoys so that the Theppams could be towed clear off obstructions.

(3) (a) The Station House Officer should find out whether temple authorities had contacted the local Electricity Officers to see that the top portion of car does not come into contact with live wires and if it is proposed to take the car on routes whether there are over-head live wires, whether necessary precautions to cut off the supply at the time of dragging the car had been taken.

(b) As in the case of temple cars, there should be no over-head power lines or under-water cables obstructing the free passage of the Theppam. If they do not conform to the conditions, the dragging of the car or the floating festival should not proceed.

(4) (a) The Police will instruct the Temple authorities to see to the very slow movement of the car when it is being dragged and to the special precautions to be taken to keep down the speed at curves and over undulating and sloping grounds where it will be difficult to control the speed. The car would be made to move in the centre of the street. Experienced persons should be engaged by temple authorities for application of brake-wedges. A cordon of at least 3 to 4 feet should be thrown around the car.

(b) In the case of Theppams, the Police would see that arrangements had been made by the temple authorities for towing the raft slowly carefully manoeuvring it at the turnings and approaches to the bank., for entrusting towing operations to experienced persons, and for ensuring that the raft is not loaded beyond limit, leading to any stampede, disallowing entry of unauthorized persons into the raft.

(5) If the car or raft is certified to be unsafe by the Assistant Engineer or where a certificate of fitness is not given by such an officer or whether the conditions of the road or street or path of raft is so bad that the car or raft could not be dragged or towed as the case may be, without any risk to public safety, the Station House Officer should obtain immediately an order from Magistrate preventing the car or raft from being used till such time as the temple authorities produce the certificate of fitness aforesaid or provide an even surface for the roads or remove the obstacles from the path till it conforms to requirements.

(6) The Circle inspector should pay special attention to the car and Theppam festivals.

### **378. Duties of the Police on the outbreak of Fire ---**

(1) Summoning of fire engine. — On the out-break of fire, the first Police Officer in the vicinity, who hears of it, shall immediately send information to the Fire Station or Fire Engine shed, where these exist, by telephone or other quickest means giving his name and designation and indicating

the locality and extent of the fire as precisely as possible, He shall then inform the nearest Police Station and proceed to the scene of the fire to render assistance.

(G.O. Ms.No. 2062. (Home) 7th July 1944.)

(2) Police Officer to go the scene of fire. –

All Police Officers in the vicinity, who are not on duty and hear of a fire, shall go there at once.

(3) Action in Police Stations:-

On receiving information of a fire, the senior Police Officer present in the Police Station shall immediately take the following steps—

(a) Send prompt information by the quickest available means to the nearest Fire Station or Fire Engine staff. The Government have directed that normally fire appliances should be sent up to 30 miles from their headquarters to attend to fire calls and that in exceptional cases they may, at the discretion of the Fire Officer in charge of the section concerned, be sent to places beyond 30 miles from their headquarters. The senior officer present should use his discretion in deciding (i) whether having regard to the distance at which the nearest fire station or fire engine is located, the Fire Station can render timely and effective aid in putting out the fire and (ii) whether the fire is serious enough or likely to be serious enough to justify a long journey by the Fire Service vehicles.

(G.O. Ms. No. 1947. (Home) 2nd July 1946)

(b) Requisition of medical assistance and an ambulance should be made and the presence of the Doctor and an Ambulance secured.

(c) Inform his next superior officer and the Inspector (Armed Reserve) of the Armed Reserve if the fire is at the headquarters of an Armed Reserve, and call out all available Police officers for duty at the scene of fire.

(d) Send to the scene of fire all available fire-hooks, rakes and crow, buckets in places where there is no fire service.

(e) Report to the Police Sub-Divisional Officer or the Superintendent of Police, any fire involving loss of human life or damage to the property.

(4) Help from neighbouring stations---In all serious fires at a place where there are two or more Police Stations within easy reach, the senior Police Officer at the scene of the outbreak shall summon from the neighbouring Police Stations or Armed Reserve, wherever it is available, such number of men as he considered necessary to control the crowd or assist in putting down the fire.

(5) Keeping the scene clear. --

(a) As soon as sufficient number of Police Officers is present, the senior Police Officer shall detail men to draw a cordon round the fire, to keep back the crowd, mark hydrants or other sources of water-supply and approaches to them.

(b) He shall also tell off' any men required to guard property and keep a sharp look-out for any pilfering by the crowd. These men shall ordinarily come from the station concerned. Loiterers should be moved beyond the cordon.

(6) Keeping Police in reserve:-

A Police Officer shall be deputed to take charge of all Police Officers as they arrive and tell them off for duty. All those who are not immediately required for duty shall be kept in reserve in a body under this officer.

(7) **First steps at a fire:-**

On arrival at the scene of fire, the first steps to be taken by the Police are-

(a) to get every person out of the building and endeavour to rescue persons in peril;

(b) to examine out-houses and cattle sheds in which any animal is kept, cover its eyes with sacking or cloth, lead it out or cut it loose, and allow it to escape;

(c) to see that the doors and windows, especially those on the ground floor are closed, as such openings create draughts which seriously increase the fire;

(d) to cut off the electric current to the building;

(e) to render first-aid to injured persons before medical assistance arrives;

(f) to remove injured persons to the hospital by the quickest conveyance available;

(g) to cause the removal of all movable properties placing them as far as possible in one spot and causing them to be guarded against theft;

(h) to deliver to the parties concerned under proper acknowledgements, property so removed.

(i) Action pending arrival of fire engine:-

In localities where fire engines are stationed, the Police officers present shall pending arrival of the engine, take all possible steps to extinguish the fire and prevent its spreading by removing all inflammable materials near the fire.

(j) **Directing the fire engine:-**

The exact spot where the fire is burning can seldom be understood on receipt of the call at the Fire Station. It is, therefore, most important that people, Police officers if available, should be stationed on the main street down which the engine must come, to direct it. The Police Officers first on the spot shall see to this

and it shall be the first duty of a responsible officer, from Inspector to Head Constable, to see that it has been done.

(ii) Besides directing the fire engine to the scene of fire, it is equally important that the Police officers first on the spot shall find out where the nearest hydrants or other sources of water-supply are situated and tell off a man to meet the engine on arrival at the scene and direct it to the hydrant or other water-supply.

(8) Searching houses:-

The best means of searching houses on fire is to ascend the staircase, taking care that every door, which is passed, is closed. When this is found impossible, when it is necessary to enter by a window, great care must be taken. Windows should be closed, if possible, after entering to prevent outer air getting in.

(9) Moving in burning buildings---

When moving in a burning building, men will find it advantageous to crawl on hands and knees and tie a wet handkerchief round the mouth and nose as a precaution against being overcome by smoke,

(10) Rescue by ladder.--

When rescuing a person from or through a window, the Policemen concerned should take care at all times to keep his balance especially at the moment of placing his weight on the ladder and should be tied as wide as possible taking each step close to the side of the ladder as the strength of the smokes is greater here than in the centre.

(11) List of Police Officers to be recorded.—

A list of all Police Officers who worked in extinguishing the fire shall be recorded.

**(12) Powers of Police Officers on occasion of fires. --**

(a) Section 81 of the Indian Penal Code gives protection to Police Officers causing damages or obstruction in good faith for the purpose of fire-fighting.

(b) Any Police Officer above the rank of constable may, on the occasion of fire:-

(i) remove or order the removal of any persons who, by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property, and close any street or passage in or near which any fire is burning;

(ii) by himself or those acting under his orders, break into or pull down or use for the passage of hoses or other appliances, any premises for the purpose of extinguishing the fire, doing as little damage as possible;

(iii) cause the mains or pipes in any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(iv) call on the person in charge of any fire-engine at places where there is no branch of the Tamil Nadu Fire and Rescue Services, to render such assistance as may be possible;

(v) generally take such measures as may appear necessary for the preservation of life and property.

(13) List of hydrants to be hung up in Police Stations.—A list of hydrants where these have been installed, or other sources of water-supply as are likely to be useful to extinguish fire in the station limits, shall be hung up in each Police station and every Police officer shall be made to know their position.

(14) (a) Duties and responsibilities of the Police in regard to NATURAL Calamities like Earthquakes, Tidal Waves, Floods and Railway accidents –

(1) In the case of calamities like earthquakes, tidal waves, floods and railway accidents, which occur without warning, no hard and fast rules as to the police arrangements to be made can be laid down, as much depends on the circumstances of each occurrence. However, it will be the duty of every Police Officer to render such measures as appear necessary for the preservation of life and property and the maintenance of law and Order. All possible assistance should be rendered to the Revenue, Public Works and other departments engaged in rescue, relief and rehabilitation work, so that the counter and remedial measures taken may be expeditious and effective. It is the duty of all Police Officers at all times to create a mental preparedness in their subordinates in regard to such natural calamities so that when emergencies arise, they would know how to meet the situation.

(2) There are some types of natural calamities which are to a certain extent foreseeable and against which, therefore, reasonable precaution could be taken, for instance, floods occur at particular periods of the year, generally during and immediately after the monsoons. Such floods generally take the form of inundation of low lying areas or the breaching of tank bunds or river embankments due to heavy rains either in the same locality or in upper reaches. In regard to the action to be taken by the police in respect of these types of natural calamities, reference should be made to the schemes drawn up and approved from time to time. The schemes provide for evacuation of people and cattle from inundated or threatened area, requisitioning of transport facilities for such evacuation and cordoning off of affected areas. The schemes also provide for patrols in affected areas to maintain law and order and for rescue parties to assist in the preservation of life and property. Arrangements should be made to co-ordinate rescue work and for the restoration of lost children to their parents or guardians, recovery and disposal of dead bodies, tracing of missing persons, investigation of cases, traffic control and location of wireless stations for quick communications.

(3) Whenever the local police get timely intimation of danger from floods, they should pass it on as soon as possible to the concerned district authorities like the Revenue, Public Works, Civic and Health Departments, so that they might commence mobilizing their resources. They should also warn the inhabitants of the low-lying areas of the impending danger. The local police should take such action as is contemplated under the scheme and render all possible assistance to the officers of other departments without detriment to their essential duties.

(4) The Superintendent, on receipt of information, should proceed to the scene with as much force as he can mobilize, collect information as to the extent and seriousness of the situation and inform the Director General / ADG L&O / ADG (INT) /Zonal IGP/ Range DIGP and the District Magistrate by the quickest possible means. He should arrange to put the scheme into operation either wholly or partly depending upon the situation. He should issue instructions as contemplated in the scheme regarding the detailing of men, location of wireless stations and other measures to be adopted. According to the seriousness of the situation, he may requisition such help as he deems necessary, including reinforcements from the nearest unaffected district with the prior approval of the Director General. He may also, if necessary, request the District Magistrate to call for assistance from the Army or other Service units which may be stationed in or near the area. He should also warn the neighbouring district, which is likely to be affected by the floods, of the impending danger.

(5) The Sub-Divisional Police Officer, in whose jurisdiction the affected area lies, will be in immediate charge of the operations under the general control and supervision of the Superintendent. The latter should promptly report all important developments to the Director General and other concerned senior officers and the District Magistrate by wireless, followed by detailed reports as soon as possible.

#### **14 (b) Role and Functions of Police during Disaster ---**

The primary areas of Police responsibility are summarized as follows. --.

1. The saving of life in conjunction with other emergency services.
2. Co-ordination of the emergency services and other organizations
3. Traffic and crowd control.
4. The investigation of the incident in conjunction with other investigative bodies where applicable.
5. The collation and dissemination of casualty information.
6. Identification of victims.
7. The restoration of normality at the earliest opportunity.

## **8. Access and Crowd Control**

Whenever a disaster takes place, the police should immediately cordon off the area and prevent people from thronging the scene. The experience has shown that a large number of people try to reach the scene of occurrence out of sheer curiosity or with the intention of extending their assistance to affected persons, it becomes necessary that police establish an outer cordon around the site of the disaster to control access to the whole of the disaster site, if practical stricter access control shall be enforced by the police, it should be ensured that no unwarranted person gains entry to the scene of disaster.

## **9. Traffic Diversion**

Immediate traffic arrangements shall be made to divert the traffic away from the scene of disaster. The motorists shall be suitably notified about the traffic diversion through the P.A. system, radio, TV as well as by the traffic policemen present at the spot. The area should also be kept clear of all the traffic so as to ensure that the vehicles of emergency services face no hindrance to reach the site. The obstruction of way to the site of disaster may delay the arrival of fire brigades, ambulances and other vehicles as well as the staff and is likely to affect the rescue and relief operations.

## **10. Crowd Control and Regulation**

Adequate arrangements are to be made by the police to prevent the crowd to reach that site of disaster. Those who have already reached there should be asked to move away. The scene of disaster shall be cleared of all onlookers whose presence would only impede the job of the service personnel. Sometimes the public also gets agitated and displays their annoyance against the government which soon turns into a law and order problem. The police should deal with them effectively but tactfully. They should be properly equipped to deal with such a situation.

## **11. Search, Rescue and Evacuation**

(i) During the disaster, normally the police is first to reach the spot. Till the arrival of other emergency service personnel, it should search the area and remove the casualties from the site. It should also extend full co-operation to other services and the local authority in the rescue and evacuation operations.

(ii) In some circumstances it may be necessary to advise the public on whether they should evacuate a given area or stay put and shelter indoors. Such circumstances include risks to life or health from:-

(a) the release or threatened release of radioactive materials, or other hazardous substances;

(b) the spread of fire;

(c) explosion;

- (d) severe storms; (c) flooding;
- (f) earthquake; and
- (g) environmental contamination.

(iii) In the event of the release or threatened release of non-radioactive hazardous materials, additional information on the nature of the risk may be obtained from the fire service or other accredited sources. Once crucial factor in determining the area to be evacuated will be the forecast of speed and direction of the wind which can be obtained from the appropriate weather office.

(iv) It is normally the police who recommend whether or not to evacuate and define the area to be evacuated. Their recommendation should, however, take into account the advice from the fire service on risks associated with fire, contamination and other hazards, from the ambulance and local authorities. The police can only recommend evacuation and have no power to require people to leave their homes.

## **12. Control and Co-Ordination**

Depending on the size and location of the incident, three levels of police Command and Control may be developed:-

(a) Forward control point: Normally the first control to be established, under the command of the local area officer who would be responsible for initial communication links and deployment.

(b) Incident Control Post: To control and co-ordinate the management of the incident and provide a central point of contact for all emergency and specialist services. A coordinator should be appointed with responsibility for the control post, reporting to the area Police Chief or Commander.

(c) Major Incident Control Room: To co-ordinate resources to a protracted incident under the control of area Police Chief or Commander. Handling of media and setting up of a cell to inform the media about the real situation and casualties and to prevent spread of rumours and dis-information.

## **13. Co-ordination**

Co-ordination means the harmonious integration of the expertise of all the agencies involved with the object of effectively and efficiently bringing the incident to a successful conclusion. It is the police responsibility, in any disaster situation, to co-ordinate-the strategic roles of all the emergency services and other organizations involved. It would be desirable that due to the nature of certain natural disasters or major incidents this coordination role is handed over to another more appropriate service or agency. At all times, however, the personnel and resources of each service should remain under the command of their respective

departmental heads. Where appropriate, the formation of a coordinating group from the key service and agency personnel will be quite useful.

(b) This group may be normally chaired by the police who will be responsible to maintain written records of its deliberations. Appropriate members of the group will also ensure that proper records are maintained of the incident.

In discharging the coordinating role, account shall be taken of the features of each particular disaster, together with the professional expertise of each of the emergency services and their statutory duties. It may be necessary to assign the control of specific functions to one or more of the emergency services or other agencies. For example, the fire service and Ambulance service will normally have responsibility for the rescue, initial treatment and medical evacuation of casualties. In extreme circumstances, e.g. a terrorist incident, it may be necessary for the police to take executive action in respect of the total disaster.

#### **14. Scene Control and Legal Action**

(i) It is vital that the scene and surrounding area of any major incident should be protected for:-

- (a) safety of victims, and
- (b) protection and preservation of evidence.

(c) protection of properties of the affected persons against theft, looting, etc. during the disaster and its post impact period.

(ii) It must be accepted that large numbers of police officers will be required to achieve this aim and, therefore, the in charge of the district or incident commander should take early action for the reinforcements.

(iii) Unless a disaster has been caused by severe weather or other natural phenomena, the police would be required to treat the scene at and around a disaster as a scene of crime and preserve it accordingly. It has to initiate necessary legal action regarding registration of a criminal case and investigation of the crime. Police has also to facilitate inquiries carried out by the responsible accident investigation body such as Railway, Civil Aviation, Medical and other departmental investigating agencies. The police shall process casualty information and have responsibility for identifying and arranging for the removal of the dead. Wherever appropriate, the police have to identify the culprits, arrest and subsequently prosecute them.

#### **15. VVIP/VIP Visits**

(a) Visits by VIP's can lift the morale of those affected by the disaster as well as those who are involved with the response. It has been seen that the Ministers, members of Parliament and State legislatures, local councillors, leaders of various political parties, etc. visit the scene of a disaster and the injured to mark public concern and see the disaster response. It may be possible that the scale of a disaster may in addition, prompt visits of the

Prime Minister, Governor, Chief Minister, etc. Sometimes their visit to the disaster site is likely to adversely affect the rescue operations, particularly if casualties' are still trapped, it should be ensured that their visits do not interrupt rescue and life saving work and the police, as coordinators of the disaster response, should explain the ground situation to them and try to avoid their visit, if possible. However, in case the visit becomes inevitable, it should fix up the timing of visits. The additional need for their security would also cause a problem. The police and the local services are, however, experienced at handling VIP visits and many of the usual considerations will apply to their visit to a disaster site.

(b) It would be desirable to restrict media coverage of such visits, in which case the police should liaise with the government press Officer to keep their number to minimum. It may also be necessary for the police to brief the VVIP/VIP beforehand about the details of casualties, damage and the nature of the disaster. It should, therefore, prepare a brief note for such briefings.

## **16. Reception Centre**

Recent experience of disasters has shown that, if they believe their friends and relatives may have been involved, it is likely that many people will travel to the scene or to meeting points such as travel terminals. If necessary, a reception centre for friends and relatives will be established by the police (usually in consultation with the local authority and commercial, industrial or other organizations concerned) and staffed by the police, local authority and suitably prepared voluntary organizations. The fullest possible information should be given to enquirers seeking news of those involved in a disaster. Experience has shown that this is best done in a controlled way with general enquiries being referred to a specific source. This helps to ensure consistent and non-contradictory information being given out. Friends and relatives who may be feeling intense anxiety, shock or grief, need to be treated with sympathy and understanding. Access to the reception centre should be controlled to prevent those inside being disturbed by uninvited media representatives or onlookers.

## **17. Intimation Regarding Foreigners**

If foreign nationals have been -or are thought to have been involved in the disaster, the police will inform the Consular authorities of the death or injury to any of their nationals by quickest possible means.

14 (c) Fire Service responsible for fire-fighting – Police responsible for maintenance of law and order –

In localities where there are sections of the Tamil Nadu Fire and Rescue Services and after their personnel have arrived, they will be solely responsible for dealing with the fire and the senior fire officer present will be in charge of the operations. The police will, on no account, take any part in the actual fire-fighting unless called upon to do so by the fire

officer-in-charge. Police are primarily responsible for maintaining order and controlling the crowds at the scene of fire in order that the fire force personnel may not in any way be obstructed in their work.

(15) The police shall closely co-operate with Fire Service units wherever these are stationed and shall from time to time hold combined fire practices.

**(16) Accidents in Fireworks Factories and Match Factories – Instructions.**

- (a) When an accident takes place in a fireworks industry or Match factory owing to negligence, the owner /licencees has to be made accountable. The message that owner / licensee will be arrested will instil fear so that proper precautions against accidents are taken and the conditions of the licence and the Act/Rules are strictly adhered to.
- (b) SPs must review these cases of accidents in fireworks factories and match factories and ensure that deterrent convictions are secured.
- (c) Range DIG and Zonal IGs must also review these cases in detail.

*-DGP's standing instruction No.37/2013 Dt:08.08.2013*

- (d) The following instructions shall be adhered to Strictly:

- (i) Whenever an explosion or a fire breaks out in a fireworks unit or match factory or an explosive shop, the owner or licensee must be arrested if violation of licence conditions is found to be responsible for the mishap.
  - (ii) Cases should be charge- sheet without undue delay.
  - (iii) Special attention should be paid to the trial of cases involving large casualties. It will send a bad message if nobody is held to account in such cases.
  - (iv) In the event of acquittal, scope for appeal must be examined by the concerned SP / COP.
  - (v) If any lapses on the part of police officers are found to be responsible for acquittal, the concerned should be punished.
- 
- (e) Range Dy. Inspector General of Police and Commissioners of Police must monitor the performance of SPs/ DCs with special reference to such cases.

*-DGP's standing instruction No. 47/2013 Dt: 07.09.2013*

**379. Inspection of places of Public Resort --**

(1) In municipal towns and places to which the provisions of the Places of Public Resorts Act, 1888 (Act II of 1888), have been extended, a license from the Chairman of the Municipal Council or a Magistrate having jurisdiction over the local area has to be obtained before using any place or building, with an area of 500 square feet or upwards, for public resort or entertainment. The relevant sections of the act with which the Police are concerned are printed in Volume II.

*(G.O. Ms. No 1224 Dated: 2nd August 1909)*

(2) Any Station House Officer or Police Officer above the rank of Head Constable may at any time inspect such building or enclosure, and may prevent its use as a place of public resort, if there is no license, or if the conditions of the license are not observed or if he sees reason or apprehend imminent danger to the public.

(3) The Superintendent or Divisional Officers shall decide whether any Police Officer should be deputed for duty inside the premises of a place of public resort and will determine the strength of the force to be employed. To obviate any objection on the part of the management to the free admission of this force, the licensing authority should be moved to insert the necessary provision, as a condition of the license, in column 10 of the prescribed form.

### **380. Fees for services of the Police at entertainments and for private guards —**

(1) Superintendents have been empowered by Government to levy fees for the services of the Police at public and private entertainments in towns at which their presence is requisitioned subject to the following rules: -

(a) (i) \*The standard cost of fees payable to Police Officers for services at private entertainments/private mega events, etc. will be as prescribed by the Government from time to time and calculated on the basis of the following:-

Full day = Guard charges per month/30 (worked out in terms of order 380(2)(d)

Below 12 hours= 50% of the full day charges.

Above 12 hours=75% of the full day charges.

-G.O.Ms.No.249, Home (Pol.8), dated: 21.03.2017.

(b) (i) The duty time should be counted from 7 AM to next day 7 AM.

(ii) When replying to applications from individuals or companies for the services of the Police at public or private functions, the fees applicable should be quoted.

Notes.--(i) Events like marriages, reception, etc. are to be classed "private".

(ii) Events like cinemas, dances, shows, cricket matches, athletic events, races, exhibitions, etc. are to be classed' "Public. " where the profit motive is usually present.

(c)(i) No fees should be levied when the entertainments are for charitable purposes.

(ii) No fees should be levied for the maintenance of order in connection with any official or quasi-official function organized by the Chairman of a Municipal Council or by the President of a Local Board in accordance with a resolution of such council or Board, provided that the Police required for the purpose can be found from the Local Force.

(iii) No fees should be levied for providing Police bandobust in respect of functions conducted by Government Departments as provision of such bandobust is for the maintenance of law and order and as there is no profit motive in holding such functions.

(G.O. Ms.No. 1282. (Home), 14th May. 1978)

(d) Fees should be levied when Policemen are deputed to attend annual sales by auction held by Local Bodies.

(e) Police Officers on duty at entertainments should not accept any remuneration. A person desirous of giving remuneration to the Police in instances when no fees are prescribed or in excess of the sanctioned scale of fees should be requested to communicate with the Superintendent.

(f) **Police Service at Cinema Theatres.**—(1) The standard cost given in order No.380 (a) (i) will also be applicable for Police Service at Cinema Theatres. A nominal security deposit of Rs. 1000/- per Theatre should be collected in advance from the concerned managements.

(ii) Bandobust should be indented for 3 days in advance to enable the Inspector of Police to find the men required.

(iii) Bills for bandobust charges which will be presented by the Police for a calendar month on or before the 5th of succeeding month should be paid within one week of the date of delivery of the bills.

(iv) Payment of bandobust charges in advance should be insisted upon in the cases of Cinema Theatres which default in payment according to condition (iii) above twice in a period of six months.

NOTES: (I) The number of men to be deputed for the duty should be fixed by the Superintendent according to requirements and should be approved by the Deputy Inspector-General if and when the arrangement is for a prolonged period or of constant recurrence.

(2) Normally only 'on duty' men should be employed for public events. However, if sufficient number of 'on duty' men are not available, the Station House Officer may detail 'off duty' men also for public events. Detailing of more men than is actually necessary to regulate traffic and maintain order at public or private events must be avoided as a rule. When Policemen whether 'on duty' or 'off duty' are deputed for official or quasi-official events, no charges need be levied. When they are detailed for private or public or public events, fees should be collected in accordance with the scale prescribed in clause (a) (i) Order No.380 (1) above.

The fees collected for `on duty' men will be credited to Government. Fees collected for `off duty' men will be paid to the men.

Explanation.-- By `off duty' men it is meant Police personnel from the rank Inspector of Police to Police Constable who are detailed for bandobust at `public' and private events after discharging official 8 hours duty in a 24 hours calendar day from 6AM to next day 6 AM.

(2) Fees for the services of additional Police deputed for duty on the application of any private person or institution or authority shall be levied as follows :

(a) When 'off-duty' Police are deputed the scale of fees as in paragraph (a) (i) of **Order No.380 (1)** above shall be charged and the fees collected shall be paid in full to the men on duty.

(b) When Police of the Local establishments are deputed and are for that purpose deflected from other regular duties, fees on the same scale as laid down in clause (2) (a) above shall be charged and credited to Government.

(c) When Police additional to the local establishment are deputed, fees on the same scale as in clause (a) above with Travelling Allowance of the Police so drafted in, shall be levied and credited to Government.

(d) The following is the standard cost to be collected for (i) provision of Guards to the various Central/State Government Departments/Undertakings, Nationalized Banks and (ii) for provision of escort to the currency remittance of Reserve Bank of India.

i) Pay and Allowances:-

The gross sanctioned cost of the additional establishment .

10% Addl amount on total pay per month may be added on the first January of every year towards increase in dearness allowance component and any other eligible allowance will be charged extra

- (ii) 14% of towards Travelling Allowance
- (iii) 10% towards Pension Contribution
- (iv) 25% towards LTC, Clothing and Supervision Charges and Leave Salary Contribution.
- v) House rent shall be charged at the standard rent liveable under Fundamental Rule 45-A, when Government quarters are provided. When quarters are hired, the rent shall be the same as that actually paid by Government for the quarters.
- vi) Food Allowance hill Allowance will be charged extra as per norms in force

vii) Any other allowance as applicable should be mentioned in the Sanction Order and should be recovered from the receiving agency.

- *G.O MS NO 249 H (Pol.8), dated: 21.03.2017*

3 (i) The standard cost should be reviewed once in three years or as and when new scale of pay is fixed by the Government.

(ii) The quantum of guard charges be worked out as per the rate fixed above and same should be collected in advance once in six months from various Central/State Government Department/undertakings, Banks for provision of guard/escort at their request.

(iii) An advance of Rs.15 lakhs should be collected in respect of police guards deployed to other State Governments and the balance if any should be collected in instalments once in 15 days till final recovery is completed and adjusted.

-*G.O.Ms.No.919 Home (Police.8) Department Dated: 11.08.2008.*

-*G.O.Ms.No.249, Home (Pol.8) dated: 21.03.2017*

*- For Rates of Guard Charges, Standard Charges for Escort Duty and Rates of Bandobust Duty Charges to Private Mega Events, on the basis of Revised Pay Levels as per VIII Pay Commission Recommendations, refer G.O.Ms.No.139, Home (Police 8) Department, dated: 04.03.2019.*

### **381. FEE FOR ANALYSIS AT FORENSIC SCIENCES DEPARTMENT, TAMILNADU: -**

1. Applications should be sent to the Director, Forensic Sciences Department, Forensic House, 30-A, Kamarajar Salai, Chennai- 600 004.

2. Acceptable applications fall into the following classes:-

A) Applications from the Police Department, Director of Vigilance & Anticorruption, and Prohibition & Excise Department of Government of Tamil Nadu either directly or through Courts or through Government Medical/Veterinary institutions (including authorized Private Medicolegal autopsy centres), clinical toxicology cases from Government Medical/Veterinary institutions in Tamil Nadu.

B) Applications from other Departments, local bodies, Universities etc. under Government of Tamil Nadu; licensees of Commissioner of Prohibition and Excise of Tamil Nadu; cases from family courts/ other courts in Tamil Nadu, wherein Government of Tamil Nadu is not a party.

C) Applications from Courts outside Tamil Nadu and from Departments of other State Governments including their local bodies, Universities etc. cases of other States referred by any authority in Tamil Nadu.

D) Applications from Public Sector Undertakings, Boards, Commissions, Tribunals, Councils etc. of Tamil Nadu/Other States/UT/Central Government and from Departments of UT/Central Government.

E) Applications from Banks including Nationalized Banks, Private Hospitals/ Colleges and others.

Note: Applications from classes not categorized above will be accepted under special circumstances, if they are not detrimental to the normal work and as per the discretion of the Director, Forensic Sciences Department, Chennai-600 004.

3. (i) Fees for the examination of Questioned Documents:-

No fees are chargeable for cases coming under class (A). A minimum fee of Rs.1500/- will be charged for 25 exhibits and a sum of Rs.500/- will be charged for each 10 additional exhibits for cases coming under class (B); Rs.2000/- for 25 exhibits and Rs.1000/- for each 10 additional exhibits for cases coming under class (C); Rs.3000/- for 25 exhibits and Rs.2000/- for each 10 additional exhibits for cases coming under class (D); and Rs.4000/- for 25 exhibits and Rs.3000/- for each 10 additional exhibits for cases coming under class (E).

(ii) Fees for the examination of exhibits other than Documents:-

No fees are chargeable for cases coming under class (A). A minimum fee of Rs.300/- will be charged per article for cases coming under class (B); Rs.400/- per article for cases coming under class (C); Rs.600/- per article for cases coming under class (D); and Rs.800/- per article for cases coming under class (E).

(iii) Fees for the examination of paternity cases (Serological):-

No fees are chargeable for cases coming under class (A). A minimum fee of Rs.3000/- will be charged per case of 3 persons and Rs.1000/- will be charged for each additional person for cases coming under class (B); Rs.5000/- per case of 3 persons and Rs.1500/- for each additional person for cases coming under class (C); Rs.8000/- per case of 3 persons and Rs.2500/- for each additional person for cases coming under class (D); and Rs.10000/- per case of 3 persons and Rs.3000/- for each additional person for cases coming under class (E).

(iv) Fees for the examination of skull superimposition cases:-

No fees are chargeable for cases coming under class (A). A minimum fee of Rs.1500/- per case will be charged for cases coming under class (B); Rs.2000/- per case for cases coming under class (C); and Rs.3000/- per case for cases coming under classes (D) & (E).

(v) Fees for the examination of DNA profiling:-

a) Paternity case: No fees are chargeable for cases coming under class (A); a minimum fee of Rs.7500/- will be charged per case of 3 persons and Rs.2500/- will be charged for each additional person for cases coming under class (B); Rs.10000/- per case of 3 persons and Rs.3000/- for each additional person for cases coming under class (C); Rs.12000/- per case of 3 persons and Rs.4000/- for each additional person for cases coming under class (D); and Rs.15000/- per case of 3 persons and Rs.5000/- for each additional person for cases coming under class (E).

b) Other than paternity case: No fees are chargeable for cases coming under class (A). A minimum fee of Rs.10000/- will be charged per case of 3 sources/ items and Rs.2500/- will be charged for each additional source/ item for cases coming under class (B); Rs.12000/- per case of 3 sources/items and Rs.3000/- for each additional source/item for cases coming under class (C); Rs.15000/- per case of 3 sources/items and Rs.4000/- for each additional source/item for cases coming under class (D); and Rs.15000/- per case of 3 sources/items and Rs.5000/- for each additional source/item for cases coming under class (E).

(vi) The classes of user-agencies and the fees are shown in the Table appended below:

[Vide Ref. I. G.O.Ms.No.996, Home (Police 18) Dept., dated 08/09/2000

2. Govt. Lr.No.107701/Police18/2000-1 dated 03/11/2000

3. Govt. Lr.No.93132/Pol.18/2001-1, dated 29/01/2002]

(vii) Provided that in such of those cases referred by family courts in Tamil Nadu wherein the annual income of the complainant/plaintiff is Rs.24000/- or below (as authenticated by the competent revenue authority and attested by the judge of the family court) the fees may be waived for the services falling under Rule3 (iii) and (v) (a).

(viii) However the fees mentioned above do not cover travelling allowance with regard to cases under classes (B), (C), (D) and (E), which is governed by rule 9 below.

(a) Among cases falling under class (B), the Heads of Departments in the (Chennai) city, who require the services of the Director, Forensic Sciences Department, Chennai-4, may make payment, by book adjustment or by Demand Draft on their own behalf and also on behalf of the officers of their Department in the mofussil, who require such services and present the adjustment challan for the purpose of record.

(b) In cases from courts under class (B) and in all cases falling under classes (C), (D) and (E), the fee is payable in advance and each application should be accompanied by a treasury challan showing the payment of the amount under head of account, “0055, Police 800 Other receipts AE Miscellaneous - Service fees for services rendered by the Director, Forensic Sciences Department, Chennai-4 (Code 0055 00 800 AE 0009)”. Payment can also be made by cash at Forensic Sciences Department, Chennai-4 or by Demand Draft drawn in favour of “Director, Forensic Sciences Department, Chennai-4”.

(c) Fees once paid will not be refunded under any circumstances.

4. In all cases falling under classes (B), (C), (D) and (E), the authorities submitting the cases will be informed of the exact cost involved and will be required to communicate their consent for the payment of the fees, so that the examination of the articles can be taken up.

5. In all cases falling under classes (B), (C), (D) and (E), if the scientist of the Forensic Sciences Department is required for more than one day for depositing evidence before a Court, Commission etc., an additional fee of Rs.1500/- will be charged, in addition to the Travelling Allowance and Daily Allowance, for each day after the first day on which evidence is given.

6. In all cases falling under classes (B), (C), (D) and (E), the scientists of the Forensic Sciences Department will be prepared to attend court etc., provided that they can do so without detrimental to their normal work and provided that they are requisitioned at least one month ahead of the hearing date.

7. Presiding officers of Courts and inquiring authorities are requested to detain the scientists of the Forensic Sciences Department for the least possible time compatible with the requirements of the cases. They are also requested to accept, as far as possible, the time and date for attendance offered by those scientists, as they have to frequently attend several courts in the course of their official duties in addition to their regular laboratory work.

8. When the scientists of the Forensic Sciences Department are required to travel in order to give evidence or for any similar purpose, the authority employing their services in cases falling under Classes (B), (C), (D) and (E) will be required to pay travelling allowance and daily allowance at the rates laid down by the Government of Tamil Nadu. Such allowances will also be payable for the Office Assistant accompanying the scientists at the rates fixed by the Government of Tamil Nadu. In such cases the Presiding Officers of the Courts and inquiring authorities concerned will be required to certify that the cost of such allowances has been deposited/will be paid before the scientists concerned undertake the journeys.

Table: FEE FOR ANALYSIS AT FORENSIC SCIENCES DEPARTMENT, TAMILNADU

Sl. No.	Nature of case / Exhibit Examination	Agencies requiring Forensic Science Service				
		Articles/cases from Police, DV&AC and P&E Dept. of Govt.of Tamil Nadu either directly or through courts or through Govt. Medical/ Veterinary instns. (including authorized private ML Autopsy Centres), clinical toxicology cases from Govt.Medical/ Veterinary Instns. In Tamil Nadu [Class (A)]	Articles/cases from other Depts. local bodies & universities under Govt. of Tamil Nadu, licensees of Commr. of Prohn.& Excise of Tamil Nadu, cases from family courts, and other courts in Tamil Nadu wherein Govt. of Tamil Nadu is not a party. [Class (B)]	Articles/ cases from courts outside Tamil Nadu/ Departments of other State Governments including their local bodies, Universities, etc., cases of other States referred by any authority in Tamil Nadu. [Class (C)]	Articles/Cases from Public Sector Undertakings, Boards, Commissions, Tribunals, Councils etc. of Tamil Nadu/ Other States UT/ Central Governments, from Departments of UT/ Central Governments [Class (D)]	Articles/cases from Banks including nationalized banks, private hospitals/colleges & others. [Class (E)]
(1)	(2)	(3) fee	(4) fee	(5) fee	(6) fee	(7) fee
1	Questioned Documents	NIL	Rs.1500/- for 25 exhibits; Rs.500/- for each 10 addl.exhibits.	Rs.2000/- for 25 exhibits Rs.1000/- for each 10 addl. exhibits	Rs.3000/- for 25 exhibits Rs.2000/- for each 10 addl. exhibits	Rs.4000/- for 25 exhibits Rs.3000/- for each 10 addl. exhibits
2.	Exhibits other than Documents	NIL	Rs.300/- per article	Rs.400/- per article	Rs.600/- per article	Rs.800/- per article

3.	Paternity cases (Serological)	NIL	Rs.3000/- per case of 3 persons; Rs.1000/- for each addl.person	Rs.5000/- per case of 3 persons; Rs.1500/- for each addl.person	Rs.8000/-per case of 3 persons; Rs.2500/-for each addl. person	Rs.10000/-per case of 3 persons; Rs.3000/- for each addl. per
4.	Skull Super-imposition case	NIL	Rs.1500/- per case	Rs.2000/- per case	Rs.3000/- per case	Rs.3000/- per case
5.	DNA Profiling a) Paternity case	NIL	Rs.7500/- per case of 3 persons; Rs.2500/- for each addl.person	Rs.10000/-per case of 3 persons; Rs.3000/- for each addl. person.	Rs.12000/-per case of 3 persons; Rs.4000/- for each addl. person	Rs.15000/- per case of 3 persons; Rs.5000/-for each addl.person.
	b) Other than paternity case	NIL	Rs.10000/- per case of 3 sources/items; Rs.2500/-for each addl. source/ item	Rs.12000/-per case of 3 sources/ items; Rs.3000/- for each addl. source/item	Rs.15000/-per case of 3 source/items; Rs.4000/- for each addl. source /item	Rs.15000/- per case of 3 source/items; Rs.5000/- for each addl.source /item

### **382. Destitute Persons in Towns:**

(1) Destitute Persons in Towns: - Destitute persons found dying of disease or starvation in towns must be taken to the nearest hospitals or dispensary. If refused admission, the orders of the Revenue Divisional Officer if present or in his absence of any local Executive Magistrate should be obtained.

In Villages - (2) Police personnel of all ranks should extend their services to provide appropriate assistance and other relief to people in distress situation like helping the sick/injured by removing them to their residence or for hospital for treatment in police vehicles. They can also undertake rescue operations during outbreak of epidemic and floods, etc.

### **383. Stretchers-**

One or two stretchers for carrying sick or injured persons to hospital shall be kept in Town Police Stations.

### **384. Treatment of Lunatics**

(1) (a) Under Section 14 of the Indian Lunacy Act, 1912 (Act IV of 1912), every Officer-in-charge of a Police Station may arrest or cause to be arrested all lunatics found wandering at large and shall arrest or cause to be arrested all dangerous lunatics within the limits of his station. Every lunatic so arrested shall be taken forthwith to First-class Magistrate.

(b) By "at large" is meant that they are found at a distance from their residence, and obviously uncared for and uncontrolled by their proper guardians.

(2) Under Section 13 (2) of the said Act, it is the duty of every officer in charge of a Police Station immediately to report to a first-class Magistrate any instance of a lunatic within the limits of his Station not being under proper care and control or being cruelly treated or neglected by any relative or other person having the care of such lunatic.

(3) When a person arrested as a lunatic is being taken to the Magistrate, he may be confined in Police Lock-ups or Sub-Jails if no other place of safe custody is available. After his production, it will rest with the Magistrate to prescribe the place of detention.

*(G.O. Ms. No. 1969, Judicial, dated 11th August 1879.)*

(4) Criminal lunatics should be confined in Sub-Jails or district Jails according to the stage of the inquiry.

*(G.O. No. 2762, Judl, dated 25th November 1880.)*

(5) (a) When a lunatic is sent to the Institute of Mental Health the Magisterial or Police Officer who despatches the person is responsible that the escort is provided with sufficient means to provide such articles such as milk, coffee, bread, biscuits or any suitable cooked food for the use of the insane during his journey to the hospital. In case the insane refuses food or becomes sick, he should be taken to the nearest Hospital. Every female insane should be accompanied by a female attendant or relative in addition to the Police escort.

*(G.O. Ms. No. 826, Judicial dated 8th May 1896).*

(b) Criminal lunatic, recovered and unrecovered when sent by rail should not be allowed to mix with other passengers, but should be placed with their escort or attendants in a separate compartment.

(c) Police escorts for lunatics entitled only to lower class of accommodation by rail shall travel in the higher class in which lunatics in their charge travel and in addition, will draw in the case of constables, daily allowance and, in the case of others half fare of the class by which they are entitled to travel at Government expense.

*(G.O. No. 427, Public (Police) 11<sup>th</sup> August 1932.)*

(d) A Police Escort accompanying a mental patient for any purpose should wear plain clothes and be unarmed and provided with hand cuffs to be used when necessary. A conveyance should be provided for taking him from place to place. (*G.O. No. 1855, Home, 11th May 1951.*)

(6) When required by a Magistrate, the Police shall obtain and furnish the information necessary for the compilation of a lunatics' medical history sheet. The Police should furnish the medical officer to whom a lunatic is sent for observation, with all available details as to his previous history and the alleged causes of his insanity.

(7) Every Police Officer may recapture any lunatic who escapes from an Institute of Mental Health provided that in the case of a lunatic not being a criminal lunatic, the power to recapture shall be exercisable only for a period of one month from the date of escape.

(8) When required by the Superintendent of the Institute of Mental Health, the Police shall take such steps as are necessary to bring to this Institute, a mental patient temporarily discharged therefrom, who is not produced before the Superintendent of the Institute whenever he is required to be produced or on the date of the termination of the period of the temporary discharge.

Note. : In districts where the judiciary has been separated from the executive, the Judicial Magistrate will exercise the power under Section 13 of the Lunacy Act.

(*G.O. No. 1534, P.H. 27th April 1939.*)

### **385. Treatment of Policemen.**

The rules relating to the medical treatment of Police patients are laid down in paragraphs 163 and 317 of the Tamil Nadu Medical Code which are reproduced below.

Policemen should be treated in Hospitals or Dispensaries including Rural Dispensaries or modern or/and Indian medicine nearest or more accessible to their Stations. They need not be removed to a separate Police Hospital or District Headquarters Hospital but may be retained and treated in the nearest hospital easily accessible if the Medical Officer attending on them considers that the complaint is one which could be treated by him properly and cured by him. If the Medical Officer however is of opinion that their transfer to a separate Police Hospital or District Head quarters Hospital is necessary considering the nature of illness he should ascertain before and except in emergent cases whether accommodation will be available for them in the Hospital to which they are proposed to be sent and then arrange for their transfer.

(G.O. No. 1670, P.H. 8th May 1939. G.O. Ms. No. 2739, P.H. 21st Jun. 1940, and G.O. No. 1403, Health, 15th April 1953.)

Cost of treatment of Policemen.

(1) Policemen treated in Police Hospitals in Special Police wards attached to Government, Panchayat Union or Municipal Hospital will be treated as other Government servants in the matter of recovery of Hospital charges. Where local bodies maintain Police wards, the charges incurred by them will be paid by the Government in the manner provided in paragraphs 4 and 6 of G. O. No. 68, Medical, dated 19th September 1916. Charges for diet will be recovered from Gazetted Police officers when they are treated in Government Hospitals as per scale in paragraph 456 and credited to Government.

(G.O. No. 622, Medical, 16th November 1920.)

(G.O. Ms. No. 364, Public (Police), 4th August 1934, and G.O. No. 1991, P. H. 22nd August 1934.)

(2) Special Police Officers injured on duty and admitted to Government Medical Institutions are entitled to free accommodation, diet and treatment. When they are admitted to Panchayat Union, Municipal Institutions, the charges, if any, leviable from them under the rules of the institution will be borne by the government.

(3) When Policemen are treated as out-patients or as in-patients of a Hospital where no special arrangements are made for their treatment, they will be subjected to such rules as are applicable to other persons of the same status at the hospital in question; any charge leviable on them under the rules of the Hospital will be borne by Government,

### **Medical check-up to Police Officers.**

(4) The members of Tamil Nadu Police Subordinate Service and Tamil Nadu Police including Superintendents of Police other than officers of the Indian Police Service shall be subjected to medical check up compulsorily once in two years. The Superintendents of Police shall arrange for the examination of each member of the said services by a Government Medical Officer available at the Station or if no such officer is available, by a Medical Officer of a Primary Health Centre or a Panchayat Union Hospital. The Superintendent of Police other than those belonging to I.P.S, shall also subject themselves to such medical examination compulsorily once in two years. The examination should be free in all cases,

[G.O.Ms, No.1621, Home (Pol. XIV), 14<sup>th</sup> July 1981]

(5) A register of all compulsory medical check up shall be maintained for this purpose in the following form.

Name (1)	Designation (2)	Station (3)	Date on which last underwent medical check-up (4)	Due date of next compulsory medical check-up (5)	Date of Medical Check-up (6)

A separate leaf for each member shall be allotted for entering the above particulars.

(6) If a member is transferred out of the district, the date on which he last underwent medical checkup shall invariably be noted in last pay certificates issued. In respect of members who are not issued with last pay certificates from the District Police Office, the information shall be ascertained from the member concerned entered in the register maintained for the purpose.

(7) The Superintendent of Police shall review this register at the end of each Calendar year and ensure that every member had the checkup within in the prescribed period.

(8) The Superintendents of Police should also ensure that members are sent to the medical institutions in such convenient batches so as to avoid a heavy strain on the medical officers. A programme should be drawn up in consultation with the Medical Officers concerned at the beginning of each calendar year.

## CHAPTER - XXIII.

### CORRESPONDENCE

#### **386. General Rules:---**

(1) The name as well as the official designation of an officer should be set out at the head of every letter, memorandum or proceedings issued by him or from his office on his responsibility irrespective of any signature which may be given by procuration at the end and irrespective of the authority or person to whom it may be sent

*-Chapter XIX- Paragraph 158 of Government Office Manual.*

(2) The use of facsimile signature stamps in lieu of sign manual in correspondence is forbidden. Official documents should be signed in a uniform and legible manner.

(3) When it is necessary to add a date to initials or signature, the year as well as the date and month should be shown.

(4) When a large number of enclosures are sent with a letter, a list of them should be forwarded.

(5) Notifications and orders including those addressed to members of the public, issued in the exercise of statutory powers, should be duly signed both on the office copies and the fair copies by the officers empowered to issue them and not by any other officer on their behalf.

(6) All communications addressed to Government or superior officers should be signed by the officers concerned or by the officers specially authorized to sign on behalf of the officer concerned.

(7) All communications should contain the name of the officer signing the communication either typewritten or legibly written in brackets, below the signature.

(8) Telegrams should not be used when Police Wireless/TP/Fax/E-mail and other electronic communication media can be employed.

(9) Urgent letters should be despatched by speed post/express delivery. Courier system can be used rarely in extremely exceptional and urgent situations.

#### **387. Letters to be paid for --**

All letters despatched by Government officers in their official capacity, in reply to communications of any kind received from individuals or associations, should be despatched "service paid". (*G.O. 532, dated 22nd July 1905.*)

### **388. Confidential communications --**

(1) (a) Covers containing correspondence which is not of confidential nature, should be addressed to officer for whom they are intended by his official designation only and without the addition of his name.

(*G.O. 1151, Public, dated 21st December 1963.*)

(b) Confidential papers should be placed in double covers, the inner cover being marked 'confidential' and sealed and super scribe with the name only of the addressee, the outer cover being addressed in the manner prescribed in the previous paragraph.

(2) Officers of and above the rank of Deputy Superintendent of Police are supplied with an almirah for the custody of confidential papers. Such papers shall, as far as practicable, be kept in the officer's personal charge.

(3) Top Secret, Secret and Confidential Correspondence --

(1) They are classified broadly as follows:-

(a) Top Secret - This marking is reserved for papers containing information of such a nature that for reasons of national security, it must only be disclosed to persons whose duty makes it essential that they should have knowledge of it. Such papers include references to current or future military operations, impending movements or dispositions of the armed forces and shipping and secret methods of warfare, to matters of high political policy and to methods of secret intelligence and ciphers.

(b) Secret - This marking is reserved for papers other than those marked top secret which are of such a nature that their disclosure to persons other than those whose duty is to have knowledge of them, would cause administrative embarrassment or difficulty or would be helpful to the enemy, without being gravely dangerous to the national interest.

(c) Confidential - This marking is reserved for papers containing information the circulation of which is desirable to restrict, for administrative reasons and which do not disclose such vital information as to warrant their inclusion in the secret category.

(d) Private - means, 'not to be placed in an official file or referred to in official correspondence'. Papers so marked should be kept by the recipient so long as they are required and then destroyed.

(e) Personal - (On a cover) means 'not to be opened' by anyone except the officer named on the cover and to be returned to the sender if the addressee is not available.

(4) Address on covers containing official correspondence –

(a) All 'Top Secret', 'Secret' and 'Confidential' documents should be placed in strong covers and where the contents are bulky, cloth-lined covers should be used.

(b) Letters or packets containing ‘Top Secret’, ‘Secret’, and ‘Confidential’ papers, when sent by post, should invariably be registered and sent ‘Acknowledgement Due’. Even when they are sent by hand delivery the signature of the recipient should be obtained in token of his having received the documents.

(c) Parcels or envelopes containing ‘Top Secret’ or ‘Secret’ papers should be placed in a canvas bag while sending to the post office. They should be sent by insured post, if necessary.

(d) ‘Top Secret’ papers should be opened only by the officer for whom they are intended or by an officer who is dealing with his work in his absence. ‘Secret’ or ‘Confidential’ papers should be opened only by the officer for whom they are intended or by the officer who has been authorized to do so or who is looking after the work in his absence. In no case should such papers be opened by an officer other than a superior officer.

(5) Disclosure of information relating to the identity of sources and of Police Officers

---

(a) No record or information which relates to, or which leads or may lead to the discovery of the identity of the source from which or of any agent or informant from whom any secret information has been or may be obtained shall be communicated by any Police Officer to any other member of the police force to which he belongs, except as provided below:

(i) Officers of and below the rank of Inspector in the Intelligence shall not communicate, any record or information of the type described above to any Police Officer other than the Superintendent, or an officer of higher rank, if any of these officers require it.

(ii) Officers of and below the rank of Inspector in the Criminal Investigation Department shall not communicate any record or information of the type described above to any Police Officer, other than the Superintendent, or an officer of higher rank, if either of these officers require it.

(iii) Officers of and below the rank of Inspector in the district police shall not communicate any record or information of the type described above to any police officer, other than a superior officer of the district in which they serve if such an officer requires the information. Any superior police officer who is in possession of any record or information of the type described above shall not communicate it to any police officer, other than his immediate superior officer, if that superior officer calls for it. For the purpose of this order, the Deputy Inspector General and above of the State Intelligence or Deputy Inspector General and above of the Criminal Investigation Department, Chennai will be regarded as the immediate superior of a Superintendent, so far as information relating to matters coming within the purview of the Intelligence or the criminal investigation department is concerned.

(iv) No record or information which relates to, or which leads or may lead to the discovery of the identity of any Police Officer who has obtained or may obtain, any secret information or who is or has been employed or who may be employed on any secret enquiry shall be communicated by a Police Officer to another Police Officer, other than his own immediate superior State Service Officer, if such superior officer requires such record or information.

(v) No record or information which relates to, or which leads or may lead to the discovery of the identity of any source from which or of any agent or information from whom any secret information has been or may be obtained and no record or information which relates to, or which leads or may lead to the discovery of, the identity of any Police Officer who has obtained or may obtain any secret information, or who is or has been employed on any secret enquiry shall be communicated by any Police Officer, otherwise than as provided in the preceding orders to any person except under the specific orders of the Director General of Police which should be obtained in each case. Greatest care shall be exercised to avoid exposure when the source of information has to be transmitted to another Police Officer. Original report or a copy of any original report shall not be transmitted. Either the substance should be communicated or the report paraphrased.

(6) Communication of secret information ---

(a) No secret information of a type other than those described in sub-paragraph (i), (ii) and (iii) in Paragraph 5 of Order No.388 shall be communicated by any Police Officer to any person other than a member of the police force within the State except as provided below:

(i) The State Intelligence as well as the CID may communicate secret information to such persons, other than members of the police force within the State as are approved by the Government, lists of whom shall be maintained in the State Intelligence and the CID respectively. In urgent cases, the Heads of the State Intelligence and CID may, in anticipation of approval of the DG & IGP, communicate such information relating to their respective departments to members of a police force outside the State other than those mentioned in the approved lists.

(ii) Secret information which has to be communicated to District Magistrate in the interest of maintenance of law and order may be sent by or under the authority of the Superintendent of Police of the district.

(iii) Communication of secret information by the District Police to any member of a police force outside the State should ordinarily be made through the State Intelligence or CID, as the case may be. In urgent cases, however, the Superintendents, may, in anticipation of approval, communicate such information to an officer of corresponding or higher rank in a police force outside the State, either in response to an enquiry from such officer or on his own initiative when the delay caused by communicating through the usual channel is likely to be

prejudicial to the peace and security of the district concerned or the area to which the secret information is to be sent.

### **389. Demi-Official Communications --**

(1) Demi-Official covers should ordinarily be addressed to the officer for whom they are intended both by his name and by his official designation. Should the officer addressed by name have vacated his appointment, his successor or locum-tenens should open such covers and deal with the communications enclosed if he is competent to do so; if he is not competent, he should return them to the sender with an intimation to that effect and should treat any information thus obtained as confidential.

(2) Demi-Official communications which are intended to be opened by the addressee and by no one else should be enclosed in cover addressed to him by name only, his official designation being omitted. If he has vacated an appointment and they are delivered to his successor or locum tenens, they should be forwarded to him direct if his address is known, and, if not, returned to the sender.

(3) All the D.O. letters should close with 'yours sincerely'.

(4) Except for social purposes or in reply to congratulatory messages, etc., Assistant Superintendents, Deputy Superintendents and officers of equivalent rank should not ordinarily address D.O. letters to the DGP/ADGP/IGP/Deputy Inspectors General.

(5) All correspondence addressed to subordinate Police Officers should be in memo form.

(6) If the addressee is one outside the department and superior in status, he should be addressed as 'Dear Sir'.

(7) If the addressee is one outside the department and equal in status or junior in status, he should be addressed as 'Dear Thiru (name)'.

(8) If the addressee is one outside the department and is well acquainted, he may be addressed as 'Dear Thiru (name)'.

(9) D.O. reminder letters to Director General --

Demi-official reminder letters should not be sent direct to the Director General of Police for a reply in routine cases. If a reply is due from chief office in respect of any reference, the Superintendents will, in the first instance, send the usual reminders to the Director General of Police by designation and if such reminders fail to bring about the desired effect, D.O. reminder letters may be sent, addressed to the concerned Inspector General/Deputy Inspector General who should promptly see to the expeditious disposal of the case in question. If, even after such D.O. reminders to Inspector General/Deputy Inspector

General concerned, reply is not received, then a D.O. reminder letter addressed to the Director General (by name), may be sent.

Demi-Official letters to the Additional Director General of Police/Inspector General of Police/Deputy Inspector-General of Police (Administration)

(10) Demi-Official letters from gazetted officers, of a purely personal nature, should be addressed to the Additional Director General of Police/Inspector General of Police/Deputy Inspector-General of Police (Administration). Such communications will, if necessary, be placed before the Director-General for orders.

(11)(a) Government have issued the following instructions in the matter of sending demi-official forms letters to senior officers and the appropriate forms of salutation to be generally used in such demi-official correspondence.

*(Memo. 4498/52-3 Pub. (Ser.C), 31st March 1953)*

(i) Between members of any of the All India Services, such as the I.A.S., I.P.S., I.A., and A.S., I.F.S., Indian Service of Engineers, etc, a junior member should use the form "Dear Thiru A" in addressing a member of the same service who is senior to him by 10 years or more. He may use the form "Dear Thiru A" in addressing others.

*[Memo. 1590/53-2 Pub. (Ser. C), 22nd May 1953 and*

*Memo. 3093/53-1, Pub. (Ser.C.) 10th September 1953.]*

(ii) A member of any of the All India Services such as I.A.S, etc., should address a member of any other such All India Service by the form 'Dear Thiru A.' "if there is a difference of 10 years or more of service between them, in other cases also, the form "Dear Thiru" may be used.

(iii) Gazetted Members of the State Service may use the form "Dear Thiru A" in addressing a member of the All India Services, who may be their colleague or who enjoys the same or similar official status as themselves, in other cases, where they have to address a member of the All India Service, it would be appropriate for them to use the form "Dear Sir".

(iv) As between members of State Services, they may appropriately observe the convention followed by All India Services as laid down in instructions (i) and (ii) above.

(v) The position of a Collector in a district is slightly different. As the Head of the district, he can address all officers in the district or even Regional Officers stationed in the Headquarters by the form "Dear Thiru A" irrespective of their seniority. In addressing the Collector, members of the State Services having jurisdiction over district or part of a district should use the form "Dear Sir".

Regional Officers of the State Services having jurisdiction over one or more district like Superintending Engineer; of Conservators of Forests should also use the form Dear Thiru A".

(vi) As the district and Sessions Judges occupy a high place in the district administration that they may address the Collector as "Dear Thiru" and similarly the Collector may also address them as "Dear Thiru".

(vii) In the case of women officers, the same instruction may be followed using "Tmt" or 'Selvi' as the case may be, in the place of 'Thiru'

(b) In interviews and conversations with senior officials the term "Sir" should generally be used in greeting Ministers and high officials in taking leave of them and in taking any instructions or orders from them. The following general instructions will be found useful in this connection:-

(i) The term 'Sir' is appropriate when members of All India Services address any member of the same service who is senior to him by ten years or more.

(ii) The term 'Sir' will be appropriate when members of the All India Services, other than the I.A.S., address members of the I.A.S. if there is a difference of ten or more years of service between them.

(iii) The term 'Sir' will be appropriate when members of the State Services address members of the All India Services who are not their colleagues or who do not enjoy the same or similar official status as themselves.

(iv) An I.A.S., Officer may say "Thiru" when addressing in interview and conversations, officers of the All India Services other than I.A.S. who are senior to him by more than ten years in age or in gazetted service.

Officers will pay due attention to these accepted forms of salutation in correspondence and in conversation.

### **390. Form of Address --**

(1 ) (a) In all official correspondence and Government records only the following honorifics will be prefixed to the names of Indian Nationals, men and women, irrespective of race or religion of the person concerned.

For men — Thiru

For women --

If married — Thirumathi

If unmarried — Selvi

*(G.O.Ms.No.3095 Public (Service.A) dated 18<sup>th</sup> December, 1969.)*

So far as men are concerned each name should have the honorific 'Thiru', for example 'Thiru Ramakrishnan' and 'Thiru Ganapathi' and no need should arise for a plural for 'Thiru'. For women 'Thirumathiyan' and 'Selviar' should, however, be used as plurals for 'Thirumathi' and 'Selvi' respectively.

(b) While addressing companies, firms, etc. bearing personal names, the honorific 'Messrs.' should be used in English correspondence and the honorific 'Thiruvalargal' in Tamil correspondence.

### **EXAMPLE.**

#### **Firms bearing personal Names:**

For Correspondence in English.                          For Correspondence in Tamil

- |                          |              |           |               |
|--------------------------|--------------|-----------|---------------|
| 1. Messrs Spencer & Co   | திருவாளர்கள் | ஸ்பென்சர் | அன்டு கம்பெனி |
| 2. Messrs King & Co,     | திருவாளர்கள் | கிங்      | அன்டு கம்பெனி |
| 3. Messrs Kalyanam & Co, | திருவாளர்கள் | கல்யாணம்  | அன்டு கம்பெனி |

While addressing companies firms, etc, bearing impersonal names the use of honorific should be dropped, both in English and in Tamil correspondence.

### **EXAMPLES.**

#### **Firms bearing impersonal Names:**

For Correspondence in English                          For Correspondence in Tamil

- |                                    |                                   |
|------------------------------------|-----------------------------------|
| 1. The A.C.C Madras                | தி எ.சி .சி . சென்னை              |
| 2. The Universal Book House        | தி யூனிவர்ஸல் புக் ஹவுஸ்          |
| 3. The Neyveli Lignite Corporation | தி நெய்வேலி லிக்னைட் கார்ப்பரேஷன் |

(c) Separate honorific prefixed for non-Indian Nationals besides 'Thiru', 'Thirumathi' or 'Selvi' are unnecessary. As far as possible, 'Thiru', 'Thirumathi' or 'Selvi' as the case may be should be used as prefixes to all, except in the case of personalities of internal importance, where prefixes appropriate to them (i.e. commonly used in their respective countries) may be used.

(d) The honorific 'Thirumathi' may be used for widows also and 'Thiru' may be used for boys.

(2) Medical Practitioners of the scientific system of medicine (except those who hold military ranks); whether in the service of Government or otherwise should be addressed by the courtesy title of 'Dr'.-before their names and with their degrees and licences (in the case of Government servants) added at the end, examples:

'Dr. M B.B.S.,

`Dr. L. M.S.,

`Dr. L. M.P.,

### **391. Form of correspondence with Tahsildars and Sub-Magistrates-**

Correspondence between an Officer of and above the rank of Deputy Superintendent of Police and a Tahsildar or Sub-Magistrate may be by letter or in the form of endorsement but the endorsement form should be used in preference to the letter form whenever possible. Proceedings or similar mandatory forms implying subordination should not be used. The letter form should be in the simplest briefest and most direct style.

(G.O. 895 Rev. dated 7th June 1923).

### **392. Form of correspondence between Station House Officers and Officers Superior in rank to them.—**

Sub-Inspectors and Station House Officers shall address officers of and above the rank of Inspectors, Magistrates, Tahsildars, officers of the Salt, Central Excise and Customs departments of and above the rank of Inspector and other Government officers of corresponding rank by letter in Form No. 61 using the following formula.

`Sir,

Yours faithfully.

### **393. Between Inspectors and Officers superior in rank to them —**

The same style of address shall be adopted by the Inspectors when addressing Officers superior in rank to themselves.

### **394. Between Inspectors, Sub-Magistrates, etc.**

Inspectors of Police shall address the Court as well as Sub-Magistrates and Tahsildars by using the words namely `Sir', `Submitted and/or `Resubmitted.' irrespective of the fact whether they are letters or endorsements or printed forms. Inspectors of the Salt, Central Excise and Customs departments shall be addressed by letter form.—

"Sir"

Yours faithfully.

### **395. Memorandum Form of correspondence.-**

(1) The Government have authorized the use of the memorandum form of correspondence within the Police department.

(G.O. 5, Public, dated 4th January 1921).

Memorandum Form Book --

(2) The Memorandum Form Book (Form No. 61) is intended for all correspondence, including correspondence with the magistracy, for which no particular form is prescribed.

### **396. Correspondence with Central Bureau of Investigation --**

(1) Direct correspondence on routine and non-controversial matters pertaining to crimes of a non-political character can be had with Central Bureau of Investigation, New Delhi.

(2) The Co-ordination, Records and Interpol Division in the Central Bureau of Investigation consists of three wings viz. (i) Crime Records Wing, (ii) Interpol Wing and (iii) Co-ordination Wing. All correspondence should be addressed to the Deputy Director, Co-ordination Wing, C.B.I., East Block No, 7, R.K. Puram, New Delhi-22 or to the Assistant Directors of the respective divisions to which the subject matter relates.

### **397. Correspondence- Direct correspondence on routine and non-controversial matter between officials of Tamil Nadu State and those of the adjoining States.**

[G, O. 3736 Pub, (Pol.) 19th September 1950 and Memo. 450-B/51, Pub (Poi), 29th April 1951]

(1) To facilitate matters in day-to-day administration the Heads of Departments and certain others mentioned in column (1) of the table below, are permitted to correspond directly on routine and non-controversial matters on the subjects mentioned in column (2) thereof with the State officials mentioned in column (3).

Table showing subjects on which officials of the Tamil Nadu Government may correspond with officials of the adjoining State Government

Officer or Officers of the Government of Tamil Nadu who are permitted to correspond direct.	Subject on which correspondence is permitted	Officer or Officers of adjoining State permitted to correspond direct with the Officers of the Tamil Nadu Government
(1)	(2)	(3)
POLICE DEPARTMENT		
Officers of and above the rank of Inspector of Police	Matters relating to border crime and crime and criminals	Officers of and above the rank of Inspector of Police

Do	Exchange of intelligence	Do
Do	Surveillance of gangs and ex-convicts and checking of ex-convicts	Do
Do	Enquiries regarding antecedents of persons	Do
Do	Circulation of lists of property	Do
Do	Recovery of property and documents wanted in criminal and cases and recording statements of persons	Do
Do	Assistant for investigations	Do
Do	Pay of moneys such as rewards	Do
Do	Border beats and patrols	Do
Do	Information about Police Officers on leave or ex-members of the police and their families	Do
Do	Border meetings	Do
Do	Correspondence on any other matter necessary for the successful investigation of cases and tracking down of criminals.	Do
Commissioner of Police	Correspondence on any other matter necessary for successful investigation of cases and tracking down of criminals and information of a routine nature relating to the administration of the Police Department.	Director General of Police
Do	War watching and other defence operations	Do

Director General of Police and Officers of and above the rank of Deputy or Assistant Superintendent of Police	Transfer of cases between Tamil Nadu State and other States.	(1) Commissioner of Police for the City and Superintendent of Police for the districts and also Assistant Superintendent of Police, Andhra Pradesh.  (2) Director General of Police in Karnataka and officers of and above the rank of Superintendent of Police.  (3) Director General of Police, Kerala.
Officer of not lower than the rank of Assistant Supdt. of Police	Verifying the attendance and character of Police recruits.	Officers not lower than the rank of Assistant Superintendent of Police, Karnataka.  Director – General of Police, Kerala.
Director – General of Police	Verification of sale of arms.	Director – General of Police, Karnataka.  Director – General of Police Kerala.
Superintendent of Police, Special Branch, CID, Chennai.	All Political matters (communists and allied organizations, Forward Block, Muslim League and allied organizations; and other minor political organizations.)	(1) The Director General of Police, Kerala.  (2) The Deputy Inspector-General of Police, Special Branch in Karnataka, Bangalore.  (3) The Deputy Inspector-General of Police, CID, Andhra Pradesh.
Inspector-General of Police CID, (Intelligence) Chennai.	Foreigners Verification of antecedents of persons, Liaison with State Border meetings to exchange political intelligence.	Do
Sub – Inspectors or Station House Officers.	Routine matters not controversial in nature.	Officers of the Karnataka, Kerala and Andhra Pradesh States of rank corresponding that of a Sub-Inspector.
Police Telecommunication Office	Matters relating to the mechanical working of the Telecommunication net work.	Director-General of Police, Andhra Pradesh, District Superintendent of Police, Armed Reserve, Kerala or Assistant Superintendent of Police, Wireless Station, Armed Reserve Kerala, Wireless Officer, Karnataka and Police Wireless, Bangalore.

MISCELLANEOUS		
Collectors or the District Magistrates, as the case may be.	Arms licences and working of the Arms and Explosives Act.	Chief Secretaries of the State concerned.
Commissioner of Police, Chennai and the District Magistrate.	Routine matters relating to the working of the Arms Act and Explosives Act.	Surgeon-General, Kerala and District Magistrate concerned.
Collectors or the District Magistrates as the case may be	License or import of arms, etc., to Tamil Nadu State from Karnataka and other States.	District Magistrates of the districts in the States concerned.
Do	Magisterial matters.	Chief Secretaries of the States concerned, District Magistrates of Karnataka State.
Collectors or the District Magistrates as the case may be	Enquiry into pauper petitions and supply of information regarding the solvency of persons residing in the State.	Andhra Pradesh District Judges, Collectors/Registrar, High Court, Bangalore, Collectors concerned in Trivandrum, Quilon, Kottayam and Trichur.
Collectors or the District Magistrates, as the case may be	Examination of witnesses on commission	Andhra Pradesh District Judges and Magistrates or the Collector/District Magistrates concerned i.e. of Trivandrum, Quilon Kottayam, Registrar, High Court, Bangalore, District Magistrate, Trichur.
Commissioner of Police, or District Magistrates	Working of the Cinematograph Act, 1918.	Director – General of Police and District Magistrate.

## (2) Correspondence with Government --

(i) The Superintendents should invariably send replies to reference, received by them direct from Government, through the Director General of Police. The replies should invariably be accompanied by copies of the Government reference and its accompaniments, if any, and should, when necessary be submitted through the Range Dy. Insp. General and Zonal Inspector General concerned.

(ii) All routine and urgent references relating to information collected by the criminal Investigation Department may be sent direct to Government by the Additional Director

General of Police, CID (Intelligence), copies being simultaneously forwarded to the Director General of Police. References on important and policy matters should be submitted to the Director General of Police and replies sent to Government either direct or through the Director General of Police according to the nature of correspondence.

**(3) Official Correspondence --**

(i) All correspondence to the superior officers should be addressed by means of letters which should contain the following salutations:

- (a) The word 'Sir' at the beginning of the letter.
- (b) The words 'Yours faithfully' at the end of the letter.
- (c) The subject-matter and the reference, if any, should invariably be noted in all letters.
- (d) A sample form of letter is given below for guidance.

**MODEL**

From,

To,

(Designation)

(Designation of the officer)

No.....

Date.....

Sir,

Subject:

Reference:

(Contents of the letter)

Yours faithfully,

(Signature)

Name and designation.

(ii) The same form as shown in the preceding order should be adopted while addressing official letters to a private or non-official person or body or to officers of other States or a letter of the nature of an official reference addressed to a higher officer of any other department of the Government.

(iii) In respect of correspondence passes through ‘Endorsement’, ‘Forwarded to’ should be followed when sent to subordinate officers.

(iv) In addressing superior officers or officers of equal status whether of the police department or of other departments, the words “Copy submitted to..... for favour of information” should be used.

### **398. Correspondence with Ministers**

(a) Whenever local subordinates are asked by Ministers to enquire into any matter or make reports, the reports should be sent through the head of the Department concerned and the concerned Department in the Secretariat. Heads of Departments also should not correspond direct with Ministers except through the concerned Department in the Secretariat. On rare occasions, whenever they are asked to furnish information by Ministers, when a rigid adherence to the above procedure may result in some delay however little, which may defeat the very object with which the information may have been sought, they can. In addition to their regular reports through the normal channel, send a copy direct to the Minister. Any further instructions or orders on the subject will continue to emanate, as at present only from the concerned Department of the Secretariat or the concerned head of the Department.

#### **(b) Correspondence with Members of Legislature/Parliament ---**

(1) Whenever a Member of Legislature or Parliament writes on matters relating to the public or section thereof or an individual to whom the member thinks injustice has been done, the officer receiving such communication from the Member should give an acknowledgement to the Member concerned within three days. The concerned officer should also examine the matter promptly and send a considered reply within a month as far as possible. If this is not possible, they should give interim replies indicating among other things, the probable date of the final reply and every attempt should be made to adhere to this date.

(2) The Unit Officers should maintain a special register in this behalf showing the date of receipt of the letter from the Member of Legislature or Parliament, date of issue of acknowledgement, further stages of the case and the date of issue of final reply. This register should be reviewed once a month personally with a view to verify that prompt action is taken at all stages. All sections of the chief office should likewise maintain the special register in each section and the registers should be put up before the Director General every month for his perusal.

(3) With regard to the supply of information, to the members of the Legislature/Parliament, the unit officers concerned may furnish information on request made by the members subject to the following conditions :-

(a) The information is purely factual;

- (b) The information is readily available and special efforts to collect it from the number of sources are not required;
- (c) The information is not secret or confidential;
- (d) The information does not relate to individual cases, whether of government servants or otherwise;
- (e) Information on question does not involve a statement of opinion or general policy will not be furnished.

(4) Where an officer feels that he is not in a position to comply with a request for information, he may send a courteous reply to the members that he should address his query to the Government.

(c) Instructions regarding furnishing replies to Legislative Assembly Questions and Lok Sabha Questions, etc. –

(i) Replies to questions raised on the floor of the Legislative Assembly and the Lok Sabha, Rajya Sabha should be furnished on top priority basis.

(ii) When questions raised on the floor of the Legislative Assembly are referred to the Director General of Police, he should immediately furnish the required information if the information is available in his office. Where information has to be collected from subordinate officers, the Director General of Police will send copies of the question to the unit officers not below the rank of Superintendent of Police who should furnish draft replies, a note to answer supplementaries and any other relevant information to the Director General at once or within the time-limit specified, as the case may be. The Director General will prepare a draft reply to the question(s) along with a note for replying possible supplementaries and furnish the same to the Government within the prescribed time-limit.

(iii) If the questions are sent to the officers direct by Government i.e. Addl. DG of Police, IG of Police, DIG of Police or Superintendents of Police of the districts and other unit officers, etc., such officers should furnish the replies to the Director General of Police, who will send the reply to the Government promptly after examining the same.

(iv) Whenever the information is called for by fax with a view to avoid any possible delay the replies should also be furnished by fax.

(v) Similar action should be taken in sending replies to Lok Sabha or Rajya Sabha questions.

(vi) If, in spite of the best efforts, it is not possible to furnish a reply within the prescribed time-limit, an interim reply should be sent to the Government specifying the time-limit within which the reply could be sent, with specific reasons for the delay. This procedure may be adopted only in exceptional cases.

(vii) All correspondence regarding Lok-Sabha/Rajya-Sabha/ Legislative Assembly questions should go in envelopes superscribed as "IMMEDIATE - LOKSABHA/RAJYASABHA/LEGISLATIVE ASSEMBLY QUESTION".

**(d) Correspondence with Accountant-General --**

The Superintendent of Police may furnish direct to the Accountant General information on accounts matters required by him. In respect of matters requiring sanction of the Director General of Police or Government or involving interpretation of rules, etc., the Superintendent should make a reference to the Director General of Police.

**(e) Prompt submission of reports to Chief Office – Avoidance of reminders –**

(i) Whenever a report is called for from Chief Office, it should be submitted within the time stipulated; if no time is stipulated, then the report should be sent within a fortnight.

(ii) If, for any unavoidable reason, it is not possible to expedite the report, the officer concerned should send an interim report within the time stipulated in Sub-Order (i) above, mentioning when he would be sending the report called for.

(iii) If the officer concerned does not send a report as required in sub orders (i) or (ii) a reminder shall be issued from the Chief Office and the officer concerned should at once expedite his report without any delay.

(iv) If, in spite of the reminder issued, the report is not expedited, a D.O. reminder letter will be issued, which will be the final reminder and if he still fails to do so, he will be held personally responsible for his failure to comply with the above instructions.

**(f) Papers which have to be sent through the Inspector General/Deputy Inspector General of Police --**

In order to prevent unnecessary delay in correspondence and with a view to enabling the Deputy Inspectors General of the Ranges to know what is happening in their respective ranges, the lists of subjects on which references and reports should be submitted direct to the Director General of Police and through the Range Dy.Inspr.General and Zonal Inspectors General by the Superintendents of the districts and other unit officers are given below for guidance.

(i) List of subjects on which correspondence may be carried on by the Superintendents of the Districts and other Unit Officers direct to the Director General of Police with copies to the Zonal Inspectors General of Police and Range Deputy Inspector General of Police.

(a) References and reports regarding strikes.

(b) Riots and disturbances

(c) Reports about movements or capture of notorious dacoits or gangs and dacoit operations, and matters of exciting public interest

(d) Reports of death of police personnel.

(e) Annual budget

(f) Charge reports

(g) Pension and gratuity cases requiring the opinion or sanction of the Director General.

(h) Indents for articles of clothing, equipment and stationery and forms

(i) Periodical returns

(j) All routine correspondence relating to bills, accounts and special advances.

(k) All other routine correspondence.

(ii) List of subjects on which correspondence should be sent to the Director General by the Superintendents of Districts and other Unit Officers through the Range Deputy Inspectors General.

(a) Appointments requiring the orders of the Director General

(b) Promotions requiring the orders of the Director General

(c) Transfers requiring the orders of the Director General

(d) Retirements requiring the orders of the Director General

(e) Punishments requiring the orders of the Director General

(f) Exemptions from the prescribed rule or order for enlistment or for promotion requiring Director General's approval

(g) Appeals and revisions addressed to Director General and Government

(h) Confidential reports to be perused and/or to be maintained in chief office.

(i) Application for grant of land

(j) Reallocation of staff and incidental matters affecting the sanctioned strength of police stations and other units.

(k) Constructions of and repairs to buildings-additions and improvements to buildings

(l) Telephone and electrical installations

(m) Recommendations for medals, honours and titles, etc.

- (n) Reward rolls requiring the sanction of the Director General/Additional Director General.
- (o) Extraordinary pension and gratuity
- (p) Reduction and withholding of pension
- (q) Interpretation of rules and amendments to rules and standing orders
- (r) Training and deputation of police personnel, including superior officers within and outside the State, except the training of head constables and police constables in the Police Recruit Schools.
- (s) Correspondence relating to recruitment and training of Sub-Inspectors
- (t) Reports regarding allegations of torture against Police Officers.
- (u) Prosecutions of Police Officers
- (v) Leave requiring the sanction of the Director General
- (w) Audit reports
- (x) Correspondence on all policy matters
- (y) Proposals and schemes on any subject and special reports.
- (z) Condemnation and replacement of police motor vehicles.

(aa) Any other important matter on which the opinion or remarks of the Deputy Inspectors General is necessary.

(bb) Annual Administration Report

(g) Delay in the disposal of official correspondence --

(i) It is the duty of every Government servant to contribute his utmost towards quick and efficient disposal of correspondence entrusted to him, and if he fails to do so, it will be presumed that he is either indifferent or incompetent.

(ii) Heads of offices should take very severe notice of any unreasonable delay in the disposal of the work entrusted to an officer subordinate to him.

(iii) At the same time the practice of members of the staff taking Government files home with a view to keeping their work up to date should be deprecated. No member of the staff should be allowed to take Government files home, except in special circumstances and then only after the permission of the officer concerned has been obtained.

### **399. Unpaid letters ---**

Unpaid letters superscribed as on public service but not signed by a person authorized to frank, must not be accepted,

## **400. Orders on petitions ---**

(a) Petitions received from persons outside the department should not be returned in original but an order should be communicated to the sender.

### **(b) Disposal of Applications/Petitions from the Public ---**

(i) A letter or petition duly stamped in accordance with the law on the subject or where there is no such legal requirement, postage stamps are affixed, should be acknowledged immediately and at the most within 3 days of the receipt of the letter/petition. The acknowledgment should indicate the reference number in the office to enable all future correspondence to be addressed. The Public Grievances Section, in the case of the Office of the Director General of Police and Petitions Sections in Heads of Offices in other subordinate offices who receive the communication will be responsible for issuing the acknowledgment.

(ii) The name of the signing Government servant should invariably be indicated in block letters below his signature. He will be personally held responsible to see that all the blanks in the card are properly filled and whichever column of the card is not applicable is scored-out neatly.

**Note:** - In all cases where district officers are required to communicate the orders of Government to private parties, they should send self-contained letters to the parties embodying only the gist or purport of the Government order. In no case Government orders in original or copies thereof should be forwarded to the parties concerned. Similarly, copies of the communications addressed to Government, should not be endorsed to private persons. In such cases suitable interim reply should be sent to the parties concerned.

(iii) When a communication is received in an office, and the subject matter is such that it should be sent to another office for disposal, it should immediately be forwarded to the concerned office and the petitioner should be informed of it while sending him an acknowledgment.

(iv) When petitions are presented to Ministers while on tour, they may be handed over to the local officers concerned for necessary action. The officers receiving such petitions should take immediate action to acknowledge them as in sub-order (i).

### **(v) Acknowledgment should not be granted in the following cases:-**

(1) Applications for appointment, but when the application is in response to an advertisement, the application may be acknowledged;

(2) Applications repeating a request already disposed of and when the applicant has been told that further representations will not be considered;

(3) Applications couched in improper, impolite or scurrilous language,

(4) When only copies of communications addressed to other offices are received, except when a communication received from a superior authority specifically asks for an acknowledgment.

(vi) The acknowledgment may normally be in the prescribed printed card and the officers may, at their discretion, send acknowledgments in the letter form also. All communications other than the initial acknowledgment to non-officials including applicants and petitioners should invariably be in the form of a letter.

(vii) Applications should be read carefully and dealt with promptly, expeditiously and satisfactorily. If delay in their disposal is likely to occur, the applicants should be informed suitably. It should be borne in mind that the public have a right to expect promptness, courtesy and care in the disposal of applications sent by them.

**c) Procedure for dealing with grievance petitions:**

(viii) Grievance itself should be redressed within a maximum period of One Month of its receipt and it should be with a speaking order in the event of a redressal or rejection if found necessary.

ix) The Citizens approaching the Government departments with their grievance petitions should be informed of the progress of his/her grievance.

x) In case, for some reason, additional time is required for its finalization, the person, who has given grievance petition, should be informed in writing for the extended period of time for its finalization.

xi) In case it is not found feasible to accede to his/her request, a reasoned reply may be issued to the aggrieved citizen within the stipulated time limit of one month.

-G.O.Ms.No.99, P&AR (A) Department, dated: 21.09.2015

**d) Chief Minister's Special Cell:-**

The Chief Minister's Special Cell is the grievance redress mechanism of the Hon'ble Chief Minister which aims at speedy and effective resolution of grievances aired by the public. The petitions are classified and sent to various Departments. The petitions bear specific codes to distinguish the source of receipt of petitions. The following are the codes and the timelines specified:-

1. S- Special Petitions:- These petitions are submitted by MLAs directly to Hon'ble Chief Minister. The Hon'ble CM has directed that these petitions be sent to the administrative Departments in the Secretariat and taken to the notice of the concerned Secretary. Report on the petitions may be obtained from the subordinate offices and reply to be given to the MLA with the concurrence of the Secretary.

2. P-Priority Petitions- These petitions are submitted by the public-some directly to the Hon'ble Chief Minister and in person at the Chief Minister's Special Cell. These petitions should be redressed within a week's time.

3. W. Website Petitions- These are online petitions filed by the public in the website: <http://cmcell.tn.gov.in/>. These are petitions which require immediate action. They should be resolved within 48 hours. If immediate redressal is not possible, then an interim reply should be given and resolved within 7 days time.

4. I- Government of India Petitions – These petitions are filed by the public at the public grievance domain of the Government of India: <http://pgportal.gov.in/> They need to be downloaded from the website and replies have to be in English.

5.F- Offline Petitions, E- email Petition, Y-RTI Petition, O-CM Office Petition, B-CM convoy route Petition, U-CM Cell counter petition, M-MLA Petition, Z-Repeat Petition, T-Tour Petition- For all other petitions, redressal should be done within 15 days of receipt of the petition.

All Departments are requested to adhere to the time limit for redress. The quality of replies sent is a major concern because, it has been noticed during audit of replies that may Departments send stereotyped reply without even giving an opportunity to the Petitioner and enquiring him. The manner of redressal should be in tune with the principles of good governance. Officers are requested to review the quality of redressal along with the pendency of petitions. Number of petitions disposed is not the only factor indicating effective redress. Very often, a tendency to dispose of the petition remains the focus of the Departments, rather than ensuring that the grievance is redressed. This trend is unhealthy and does not serve the purpose. Hence it is requested that Secretaries and Heads of Departments may review the quality of redress on sample cases and direct the nodal officers to the Department to put up notes on quality of replies given by the subordinate officers. This will give a valuable feedback about the efficiency and effectiveness of the officials dealing with the public, since public satisfaction is an important gauge to measure the competency of any organization.

-CM's Special Cell Circular No.1/2015, dated: 03.02.2015

**e) Action to be taken on complaints against Police Officers/personnel:**

i) Complaints against Officers up to the rank of SI should be enquired by the Deputy Superintendent of Police and complaints against Inspectors and above shall be enquired by the Superintendent of Police.

ii) Name and Designation of the Officer who conducted the enquiry shall be mentioned in the enquiry report.

iii) Complaints lodged through anonymous or pseudonymous petitions shall be enquired into.

iv) Enquiry report should be sent to Chief Office within 15 days of its receipt by the Enquiry Officer.

v) The enquiry report should be sent in duplicate in English and Tamil. If a reply/report is due to the Government or other departments the English version should be sent in triplicate.

-*Chief Office Memo No.6080/PG 1/96, Dated: 09.01.1996*

vi) Repetition of enquiry against copies of the same petition received from different sources or authorities should be avoided.

-*Govt. Lr. No.6756/Per.N/93-1, P&AR, dated: 23.03.1993*

**f) Anonymous and Pseudonymous Petitions – Procedure of dealing with petitions:-**

The following instructions were issued in Government U.O. Note No.99807/Per.N/89-2, P&AR Department, dated: 08.11.1989:

Total rejection of petitions for the reasons that they are anonymous or pseudonymous and their authors could not be fixed for want of clear names and addresses of the senders, is not desirable, as such petitions also help the Government to keep an eye on misdeeds of Government Servants. Therefore, it has now been decided that the procedure as set out below should be followed from now on:

i) Whenever a petition making allegations against Government Servants are received, it should be verified with the petitioner first, If the petition contains the name and address of the sender and whether he confirms having sent the petition, an enquiry may be taken up through the appropriate channel viz., the Police or the Directorate of Vigilance and Anti-Corruption or the Departmental Officer, following the prescribed procedure.

ii) Whenever such reference to the petitioner is not possible and whenever the reference made to the petitioner is returned undelivered, even then, if the petition contains any specific allegation capable of being looked into and verified, action may be taken on such complaint or petition irrespective of the fact that it is anonymous or pseudonymous.

iii) The instructions mentioned in para (i) above will apply to the employees of State Government undertakings/Corporations/Statutory Boards/Local Bodies also.

-*Govt. Lr. No.19647/N/96-5, P&AR, dated: 20.09.1996*

**401. Nil returns --**

Printed forms of returns should not be used when the return is a 'Nil' one. A half sheet of paper can be used.

**402. Payment for telegrams ---**

All telegrams and other communications from officers of Government regarding their leave, pay, transfer, leave allowance; fund subscriptions and analogous matters are private and not official and should not be sent at the public expense. If a telegraphic reply in any such communication is desired, it should be prepaid,

*[G.O. 449 Public 13<sup>th</sup> April 1914]*

**403. Corrections in records --**

All corrections and alterations in police records should be made by drawing a line through the original entry so as not to obliterate it and writing the required alteration above and initialling it.

## **PART IV—PARTICULAR BRANCHES OF THE DEPARTMENT AND VILLAGE POLICE**

### **CHAPTER XXIV.**

#### **ARMED RESERVES.**

##### **404. District Armed Reserve –**

At each district headquarters and at such other places as may be necessary, there will be a body of armed men called the District Armed Reserve. In the case of Commissionerate this armed force is called the City Armed Reserve and is kept under the charge of Deputy Commissioners of Police, City Armed Reserve. The Superintendent of Police of every district or the Deputy Commissioner, City Armed Reserve, as the case may be, should ensure that an adequate part of this armed reserve is available to deal promptly with law and order situations which the civil police is not able to combat effectively. It is desirable that a stand-to party of armed reserve men with a police van is kept at a convenient place to rush the same to the scene of trouble without any loss of time.

(2) In case of emergency any Superintendent may send requisition to the DGP for reinforcements through the Range Deputy Inspector General of Police. The Range Deputy Inspector General of Police can deploy three platoons of Armed Reserve in his discretion stationed in his range. This deployment power is specially delegated to him by the DGP. For extra force, the DGP will give permission after having consultations with the ADGP, L & O, who makes a quick assessment of the requirement. Consequently, ADGP/IGP, Armed Police will ensure the deployment of the required number of TSP Companies.

(3) The armed reserve is meant only for emergency duties and as soon as the emergency is over and the situation returns to normalcy, the unit officers should arrange to withdraw the armed police from the scene of trouble and send them back to the headquarters. In the case of Commissionerates the deployment of the City Armed Reserve is subject to the orders of the Commissioner of Police.

##### **405. Tamil Nadu Special Police Battalions and Railway Police Platoons --**

(1) In addition to the platoons of the regular District Armed Reserves, Tamil Nadu Special Police Battalions are stationed at the headquarters as noted below:

Name of the Battalion	Headquarters
TSP I	Trichy
TSP II	Avadi
TSP III	Veerapuram
TSP IV	Kovaipudur
TSP V	Avadi
TSP VI	Madurai
TSP VII	Pochampalli
TSP VIII	New Delhi
TSP IX	Manimuthar
TSP X	Ulundurpet
TSP XI	Rajapalayam
TSP XII	CSG, Manimuthar
TSP XIII	Sundarampalli
TSP XIV	Guard Battalion, Palani

(a) The Battalions shall function under the control, direction and supervision of an Officer in the rank of Inspector General of Police and above. The Battalion shall be deployed under the specific orders of the Director General of Police, to aid and assist the Police in dealing with virulent and widespread problems of public disorder or other forms of violence, which needs the deployment of Battalion.

(b) The Railway Police Armed Reserve platoons or half-platoon are stationed in the following places: -

St. Thomas Mount, Vellore, Cuddalore, Thanjavur, Madurai.  
Ramanathanuram, Salem, Coimbatore and Tiruchirappalli.

(2) Deleted.

(3) The Railway Police Armed Reserves will for the purpose of training and supervision form part of the District Armed Reserve of the district to which they are attached in the same way as the Deputy Inspector's-General Armed Reserve. The Superintendents of Police, Railway Police, Tiruchirappalli will call upon the Superintendent of Police concerned to provide for railway protection purposes as and when required, the platoons reserved for railway police work.

#### **406. The Superintendent should give information to the Collector - of**

(1) (a) the mobilization of the District Armed Reserve stating the reasons therefor and

(b) the despatch of any part of the District Armed Reserve to suppress riots, or to maintain order in disturbed areas, or, under the orders of the Director-General or Deputy Inspector-General to do duty in another district. (Memo 1737-1 Public (Pol.) 1<sup>st</sup> May 1931)

#### **Mobilization of neighboring Reserves.—**

(2) (a) In cases of emergency a Superintendent may apply to the Deputy Inspector General of the range concerned for such reinforcements to his district are necessary. The Deputy Inspector General concerned may, on receipt of such requests, order the movement of Armed Reserve from within his range. If movement of Armed Reserves is considered necessary from outside the range, such movement shall be made only under the order of the Director General. Any movement made under this order shall be promptly reported to the Director-General.

(b) Government have laid down that before ordering the movement of an Armed Reserve district to another, the Director-General should consult the Collector concerned if there is time to do so. If, however, in an emergency, there is no time for such prior consultation, he may act at his discretion provided that he informs the Collector concerned as early as possible of any orders that he may issue with the reasons for them. Any orders issued by him bearing on the maintenance of law and order such as, for example, instructions to the Armed Reserves, should be communicated for information to the Collector concerned. [G.O. 406, Pub. (Pol.) 18th July 1930.]

(3) Whenever a detachment of the Armed Force of a district whether District Armed Reserve, Deputy Inspector's-General Armed Reserve or Railway Police Armed Reserve is deputed for duty outside its own district, the Superintendent of Police of the district to which the detachment is attached should keep the Director General, Additional Director General of Police, Zonal Inspector General of Police and the Range Deputy Inspector-General of Police informed of its movements by sending prompt report on the despatch and return of the detachment. The purpose for which it is deputed and the number of platoons or sections despatched should also be stated.

(G.O.Ms. 1081, Home, 8<sup>th</sup> April, 1946.)

#### **407. How to be armed —**

(1) When called out for duty connected with the maintenance of peace, the Inspector (Armed Reserve), Sub-Inspector (Armed Reserve), Special Sub-Inspector (Armed Reserve) of an Armed Reserve shall be armed with a pistol or revolver. Head Constables, Grade I Police Constables and men shall be armed with rifles, with 20 rounds of ball ammunition and lathis, unless ordered otherwise. [*Model Police Manual*]

(2) If the carrying of rifles is deemed essential, the mob control parties will ensure that they have at least two men armed with muskets, who will carry both buck-short and ball ammunition in alternate pouches.

#### **408. Organization and formation of Armed Reserves:-**

(1) Each Armed Reserve will be treated as a company which will consist of the headquarters wing comprising of specialists like motor transport staff. Armourer, carpenters, tailors and orderlies and regular platoons each under a Sub-Inspector (Armed Reserve). A platoon will consist of four sections and a section will consist of one Head Constable, one Grade I Police Constable and 12 constables including two constables for vacancy reserve. The headquarter wing will have its own vacancy reserve. Robrowning staff is provided in the headquarters wing of the Armed Reserve of Tiruchirappalli district.

(G.O.Ms.No. 1081, Home 8th April 1946)

(2) (a) An Inspector (Armed Reserve) will be the Company Commander. A platoon will be under the command of a Sub-Inspector (Armed Reserve), a section under the command of a Head Constable and a half section under the command of a Naik

(b) The Deputy Inspector's General platoons and Railway Police platoons will also be under the command of the Inspector (Armed Reserve) but will form a separate platoon under a separate Sub-Inspector (Armed Reserve).

#### **409. Ordinary duties of the District Armed Reserve ---**

(1) The duties to be performed by each Reserve will be classified as "fixed" and "fluctuating" duties. Men required for 'fixed' duties, i.e., duties the nature of which is such that the men performing them cannot be changed from those duties in times of emergency, e.g., Armoury Staff, Motor Transport Staff, Orderlies etc. are provided for in the head quarters wing outside the formation strength of platoons. Men required for 'fluctuating' i.e., duties the nature of which is such that the men who perform them can and must be changed frequently e.g., guards, escorts and other miscellaneous duties, will be found from the formation strength of platoons. The platoons or platoons employed for the time being on fluctuating duties will be styled the 'duty platoon or platoons'.

(2) The duty platoon or platoons will be employed as such for a week at a time in rotation, the other platoon or platoons being mobilized and exclusively engaged in training when not called out for bandobust or the maintenance of the peace or other definite duty of the kind. It is not desirable to send Head Constables and Police Constables who are over 45 years of age or those in indifferent health for active law and order duties.

(G.O. Ms.No. 1051, Home 13<sup>th</sup> March 1942)

(3) (a) The District Armed Reserve shall furnish guards and escorts at headquarters, and parties for preserving order at festivals and large public assemblies, and for maintaining the peace when disturbance is anticipated and occur.

(b) The employment of the Reserve Police on festival bandobust duty should, however, be restricted as much as possible. When it is found necessary to send a party of Armed Reserve Police to a festival, they should be kept apart as a Reserve to be used in case of emergency and should not be employed on isolated duties.

(4) (a) All Head Constables, Grade I Police Constables and Police Constables in an Armed Reserve should have a clear day off-duty at regular intervals of not less than six days, the week starting from Sunday. Ordinarily the whole Armed Reserve except the "Emergency strength", the stand-by Motor Transport staff, guards etc., will have its off-duty on Sunday. This "Emergency strength" with stand-by Motor Transports staff, guards etc., which were on duty on the Sunday, will have their off-duty day Thursday. Inspector of Police (Armed Reserve) of each Armed Reserve will draw up in advance a list of Head Constables, Grade I Police Constables and Police Constables entitled to a day off-duty in the ensuing week and paste it on the Notice Board.

(b) No one on his off-duty day may leave his headquarters without permission. Men on off-duty should attend the roll call.

**NOTE:** The off-duty facility may be refused in public interest, in times of emergency.

(c) If, in the public interest, any Head Constable, Grade I Police Constables or Police Constable is not given a day off-duty in any week, he shall be granted remuneration for the extra-time duty "at the rates prescribed from time to time". Each Inspector (Armed Reserve) of the Armed Reserve will maintain a register showing the names of Head Constables, Grade I Police Constables and Police Constables who are eligible to draw this extra-time remuneration with full details as to the circumstances in which off-duty days could not be allowed. A copy of these entries should be sent to the District Police Office once in a month then such claims are preferred,

## **410. Emergency Strength --**

(1) A minimum "Emergency strength" will be laid down for each Armed Reserve and it must always be available and ready for immediate action.

(2) The minimum prescribed are additional to the Deputy Inspector's General and Railway Police Armed Reserve Platoons which should always be available for action in full.

(3) Men of the Armed Reserve for duty on emergency shall be deputed in complete sub-formations-platoons, sections or half-sections as the situation to be dealt with may require. The Tamil Nadu Special Police Companies should not be further broken into sections and they should be used in formation only.

## **411. Duties of the personnel of the District/City Armed Reserve --**

The duties of the Inspectors (Armed Reserve) and their subordinates in the District/City Armed Reserve, are set out below;---

### **(1) (a) Inspector, Armed Reserve ---**

The senior most of the Inspectors (Armed Reserve) will be in overall charge of the entire Armed Reserve Unit of the District/City.

(b) He will be in-charge of all items of work, such as Buildings. Lines, Parade grounds, Sports, Musketry apparatus, sports gear and those other than specifically allocated to the other Inspectors (Armed Reserve).

(c) The Inspector (Armed Reserve), Armed Reserve shall consolidate the company-war or platoons-war rosters daily after checking them. He shall record his arrival and departure in the Armed Reserve General Diary. He shall personally maintain all other records of the Armed Reserve. He shall hand over his sealed duplicate keys to the City Police Office/District Police Office Superintendent if the Armed Reserve is stationed at district/city headquarters, when he leaves headquarters. He shall provide by specific written orders issued weekly for the checking of all Armed Reserve guards.

(d) He will be in-charge of all Non-Commissioned Officers training cadres, training in Tear Gas and other training classes that may be held from time to time.

(2) **Inspector (Armed Reserve), Stores** - (a) The Inspector (Armed Reserve), Stores will be in charge of all store work relating to the Arms, ammunition and accoutrement. He will maintain the registers relating to the condemnation and auction of all articles in the Armed Reserve.

(b) Deleted.

(c) He will be responsible for checking the daily work done by the Armourer, carpenter and tailor and for conducting the range practices. He

should attend parades twice a week and such other parades as ordered by the Superintendent of Police/Deputy Commissioner of Police.

(d) He will be in-charge of the magazine and deposit arms.

(e) He will be in-charge of the welfare work and also of the administration of the welfare units.

**(3) Inspector (Armed Reserve), Motor Transport –**

The Inspector (Armed Reserve), Motor Transport will be in over all charge of the Motor Transports, Petrol and diesel pumps and the Headquarters platoons. He will supervise the duties of the Headquarters Sub-Inspectors (Armed Reserve) and be responsible for the maintenance of the Motor Vehicles in the District. He should attend parades twice a week along with the headquarters wing and such other parades as ordered by the Superintendent of Police/Deputy Commissioner of Police.

**(4) Headquarters Sub-Inspector (Armed Reserve) —**

(a) The Headquarters Sub-Inspector (Armed Reserve) who is in direct charge of the Headquarters wing will be the staff Sub-Inspector (Armed Reserve) of the Armed Reserve and will work directly under the control and supervision of the Inspector (Armed Reserve), Motor Transport. He will perform such miscellaneous duties as may be assigned to him from time to time by the Inspector (Armed Reserve), Motor Transport.

(b) He will be in-charge of all motor transport, accessories, and personnel. He shall check the mileage done by the vehicles and the petrol used, once daily and make a record of this in the vehicle diary. He shall maintain all motor registers viz., M.T. Returns, Petrol Register and Vehicle Hire Register.

(c) He should attend parades twice a week along with the headquarters wing and such other parades as ordered by the Superintendent of Police.

(d) Platoon Commanders will be held responsible for the arms cleaning.

**(5) Orderly Sub-Inspector (Armed Reserve).-**

(a) The Orderly Sub-Inspector (Armed Reserve) will be responsible for the safe custody of the Railway warrant and Bus Warrant Books.

(b) He will be in-charge of all arms and ammunition in the Armoury.

(c) He will be responsible for all working keys, while sealed covers containing duplicate keys will be in the possession of the Inspector (Armed Reserve).

(d) The Orderly Sub-Inspector (Armed Reserve) shall not leave the Reserve lines without the written permission of the Inspector (Armed Reserve) to be recorded in the General Diary and when such permission is granted he shall be regularly relieved by

the Inspector (Armed Reserve) or by another Sub-Inspector (Armed Reserve). Whenever the Orderly Sub-Inspector (Armed Reserve) leaves the vicinity of the Armoury, he shall hand over the charge by entry in the General Diary to the Guard Commander.

(e) He shall put the Armoury clock right daily.

(f) He shall be responsible for the maintenance of the General Diary in which everything that happens in the Armoury shall be recorded. He shall exchange charge under record and signature in the General Diary whenever he leaves the Armoury and returns to it.

(g) He shall depute all escorts or parties of men and issue passports to them and note departure and arrival of all escorts including escorts from other districts and parties of men, in the General Diary. He shall inspect all men going out on escort and other duty both before they go on, and after they return from, such duty. He shall check all equipments or stores or other material issued to them or brought by them and make a record of such in the General Diary.

(h) He shall mount and relieve Armoury, Magazine and District Police Office guards and other guards in District Headquarters.

(i) He shall receive all sick men from Platoon Sub -Inspectors and see that all names are entered in the Sick Register before they are marched to hospital. He will also obtain the medical History Sheets of the men reporting sick and send them with the Non-Commissioned Officer in-charge of the sick so that the necessary entries could be made by the Medical Officer in the case of men discharged. On discharge, the Medical History Sheets of the discharged men will be returned to the Platoon Sub-Inspector.

#### **(6) Platoon Commander Sub-Inspector (Armed Reserve):—**

(a) Each Sub-Inspector (Armed Reserve) in-charge of a platoon shall maintain the duty roster of his platoon. The Inspector (Armed Reserve) shall communicate general orders for the deputation of men for duty to him.

(b) The Platoon Commander Sub-Inspector (Armed Reserve) shall receive all sick reports of his platoon and produce men before the Orderly Sub-Inspector (Armed Reserve) to be passported to hospital. He shall form up his men on parade and have ready for presentation to the Inspector (Armed Reserve), a parade statement showing details of the Head Constables, Grade I Police Constables and Constables who are present and accounting for absentees. He shall nominate Head Constable and men of his platoon for duties as may be required and shall if he is not himself Orderly Sub-inspector, inspect them before sending them to the Orderly Sub-Inspector to be passported. He shall report Head Constables

and men who misbehave and shall be responsible for producing them at Orderly room. He shall be responsible for the carrying out of orders, awarding extra drill or guards to Head Constables and men of his platoon. He shall serve orders received from the Inspector (Armed Reserve) upon Head Constables and men of his platoon, and take their explanations for misconduct as required.

### **Other Ranks --**

(7) (a) Men in the platoon or platoons will have Sunday free. Any fatigue that has to be done on Sundays will be done by the men of the Duty platoon or platoons'.

(b) The Armourer and his assistant will attend all alarms and all morning parades at headquarters on Mondays and Fridays. Similarly all orderlies not on duty will attend on those days.

(c) The Head Constable-mechanic will be responsible for the maintenance of the motor vehicles in good repairs and efficient condition.

(8) (a) **Orderly Room:** - The holding of orderly room is very important function for the maintenance of discipline based on publicity, fairplay and the redress of just grievances which are not to be stifled. The Superintendent or the Personal Assistant to the Superintendent of Police or the Sub-divisional Officer stationed at district headquarters should hold Orderly Room once a week at about 10.30 hrs. Orderly Room, will, of course, be held on all other working days, except Thursday, by the Inspector (Armed Reserve) himself. All matters of discipline and general administration should be dealt with at Orderly Room. Platoon Commanders marching in their own men and being present while orders are passed or requests and complaints considered. As far as possible all representations from the men should be dealt with there as also the sanction of leave, the grant of General Provident Fund Advances, requests for transfers, the allocation of line huts, etc. Individual applicants and those who wish to make representation will be marched in, the orders being passed and intimated to them then and there. A diary should be maintained for the orders, etc., issued at the Orderly Room. The need for frequency in holding Orderly Room is stressed. Thereby time is actually saved, justice is swiftly meted out and grievances are handled before they are magnified by brooding. Disciplinary matters requiring action by the Gazetted Officer at his Orderly Room will be brought before him by the Inspector (Armed Reserve) who will deal with his own cases prior to the time fixed for the holding of the orderly room by the superior officer.

## **(9) Roll Calls**

Roll calls of Head Constables and Constables and staff of equivalent ranks will be held daily at 8 P.M. No officer, Head Constable or Constable should leave his quarters after the evening roll call without the previous permission of his platoon commander or the orderly officer as the case may be.

## **(10) Housing**

All ranks of the armed reserve will reside in the quarters or barracks provided for them at the Reserve headquarters.

## **(11) Kit Inspection**

The platoon commanders and the officer-in-charge of headquarters platoon must inspect the kit and arms of every constable and head constable at least once a quarter.

## **412. Annual mobilization --**

(1) All Armed Reserves are to be mobilized once a year or at any time which the Superintendent may consider to be most convenient. The Armed Reserves are then to be drilled for fifteen days, both the Superintendent and Sub-divisional Officers being present at the drill and taking an active part in it. It is most important that officers should not permit themselves to become so rusty in their drill that they are unable efficiently to command their Armed Reserves in the absence of the Inspector (Armed Reserve).

(2) Superintendents are personally to supervise the organization of the mobilized Armed Reserve and, as a rule, they should remain at headquarters so long as the mobilization continues.

## **413. Mobilization orders —**

(1) Standing orders for mobilization shall be drawn up.

(2) In these shall be detailed the standing duties of the District Armed Reserve and the circle or stations which will supply men to fulfil each of these duties. A copy of the orders shall be hung up in each station concerned.

(3) Instructions on the following points shall be given in respect of the men to be sent in from the district--

- (a) the number of men of each rank to be sent;
- (b) how their work will be carried out in their absence;
- (c) to whom and where they should report themselves;
- (d) what their duties will be;
- (e) what arms, if any, they should take with them; and

(f) that full kits will be taken.

(4) It shall be laid down that men will be passported direct to the place where they are to do duty.

(5) Circles not to be unduly weakened.--Care should be taken when drawing up mobilization orders, not to weaken unduly the important circles.

#### **414. Armed Reserve on detachment duty —**

In the case of a sub formation of an Armed Reserve on detachment duty-

(1) The senior officer of the detachment should post up particulars of daily attendance for duty and absentees in his note-book.

(2) A Sub-Inspector (Armed Reserve) in-charge of a platoon on detachment duty should attach to his daily report a statement accounting for the daily employment of all ranks in his platoon. If the detachment is employed outside the district to which it belongs, copies of the daily report should be sent to the Superintendents both of the district in which the detachment is employed and of the district to which it belongs.

#### **415. The curriculum for intensive training of the Armed Reserves** will be as follows:

The training will be done on the following lines:--

(1) From March to November inclusive.--

Superintendents will see that the weekly programme of work provides for parades of one and half hours duration each morning except Sunday and Thursday, parades of 45 minutes duration each evening except Sunday or Thursday, or other day if locally indicated; e.g., Shandy with lectures three times a week between 9.30 and 10.15 a.m. by the Inspector (Armed Reserve) or by a Sub-Inspector (Armed Reserve). The annual musketry course should be fixed during the months when rain will not interfere. Hours of work for men doing musketry on the range will be specially detailed. Due provision will be made for regular instruction and training in-

Squad, Company and Arms Drill,

Skirmishing (instructions),

P.T., B.T. and Lathi Drill,

Route marches and small tactical scheme.

Mob operations,

House surroundings,

Camp layout and discipline,

Field Firing,  
Bayonet fighting,  
Construction of obvious shelters (instructional),  
Tent-pitching,  
Musketry (instructional),  
Care of arms,  
First-Aid (selected men),  
Anti-malarial measures and sanitation,  
Care of clothing and equipment,  
Section leadership,  
Night marching by company,  
Cooking (selected men) and  
Games.

(2) December to February.---

Specially intensified training should be given to the mobilized portion of the Reserve in each of these months.

(3) The ordinary parade programme in December, January and February, should provide for two hours' work in the morning and one hour's work in the evenings instead of the one and half hours and 45 minutes prescribed in items (1) above and for lectures on five days of the week. Superintendents will attend as many parades as possible during this period and see that the trainings given become definitely intense so that the men are thoroughly tried out. Sub divisional Officers should also be brought in to head quarters at this time for a fortnight each, as convenient, and should attend parades daily unless prevented by other really urgent work.

#### **416. Lathi drill and exercise and mob operations --**

The instructions regarding Lathi drill and mob operations are contained in Chapter XIII Sections 122 and 123 of the Drill and Training Manual for the use of Tamil Nadu Police.

#### **417. Target Practices and Badges for good shooting --**

(1) Target practices will be held as laid down in the Drill Manual.

(2) "Good shooting badges" will be awarded on the completion of the annual practice and will be worn on the lower part of the fore-arm. The kinds of badges viz., Gold, Silver and Silk and the conditions for the award of these badges are contained in Chapter XIV--Section 156 of the "Drill and Training Manual for the use of the Tamil Nadu Police".

#### **418. Cash Book in Armed Reserves - Maintenance – Instructions --**

(1) A Cash Book in C. F. No.119 shall be maintained in all Armed Reserves. It will be a record of all cash transactions of the Armed Reserves. All moneys received on the Government account, whether in cash, cheque, bank drafts, remittance transfer receipts, passed bills, etc., are convertible into cash shall be brought to account in it.

(2) The book shall be in the custody of and maintained by the Inspector (Armed Reserve) himself. It shall be closed at the end of each day on which there is a transaction and signed by the Inspector (Armed Reserve), and also by his clerk when he writes it up. The amount of cash on hand being shown as the last entry for the day on the "Cr" side and brought forward as the first entry of the next day on the "Dr." side.

(3) On the last working day of the week, one of the Superintendents of the District Police Office, selected by the Superintendent of Police shall check the cash balance and audit the entries in the cash book for the week by a reference to the vouchers. The Personal Assistant to Superintendent of Police or the Superintendent of Police, as the case may be shall scrutinize the cash-book and initial it weekly.

(4) At the end of the month, a detailed balance sheet in Form No. 30 shall be made out in the cash book. The Superintendent and the Personal Assistant to Superintendent of Police, or the Superintendent of Police, as the case may be, shall scrutinize the balance sheet in the course of their weekly examination of the cash-book.

#### **419. Tear Smoke Squad --**

(a) The strength of the Tear Gas Squad in Commissionerates and at every district headquarters will be determined by the Director General depending upon the prevailing law and order situations.

(b) Each squad will consist of two Head Constables and eight Constables under a Sub-Inspector (Armed Reserve) divided into two sections of one Head Constable and four Constables each. One section will be armed with gas guns and shells and the other section with gas grenades. The staff required for the squad will be found from the sanctioned strength of the active platoons.

(c) Intensive training should be imparted to the men selected for the squad. Training should also be imparted to an additional staff of one Head Constable and four Constables per squad to be kept as training and leave reserves. The period of training will be three months.

(d) After the members of the squad undergo the basic course of training, they will be given a refresher course for a period of fifteen days in each quarter.

(e) The tear gas section will be used if there is a call for tear gas. When disturbances are apprehended, tear gas squads should be mobilized and kept in readiness for being rushed to places where they are required.

(f) If there is a likelihood of more than one simultaneous call for the tear gas section, the Superintendent will decide when the full squad, sections, half-sections or sub-sections are to be despatched.

(g) A tear gas section is not invulnerable to attack, because it carried its own munitions and equipment and cannot carry weapons of self-defence in addition. Hence, no tear gas section should be deputed for duty without the protection of a separate Armed Police.

(h) Not less than three armed men should accompany each half-section or sub-section to protect them, with musket fire. A section of armed men should accompany the whole gas squad, when it operates as such. This protective armed section will also be provided with serviceable respirator.

(i) The method of using tear gas depends upon the circumstances of each situation, including air current, the presence of side street providing for outlets for the mob and thereby preventing stampede and injury, the position of the police, and the munitions available, the range or ranges to each of the various spots at which gas is to be thrown, the possibility of the tear gas section having to change position, and the vulnerability of other police parties on duty to any gas that may be thrown, etc., Unless the Sub-Inspector (Armed Reserve) is given necessary time to scrutinize the situation and allowed to make his own decisions, mistakes are likely to be committed and the situation might become unfavourable to the police and the utility of the gas might be impaired. The Sub-Inspector in-charge of the gas squads, therefore, should not be in a hurry in the use of tear gas and no officer who has not been trained in the use of tear gas should interfere with the method used in spreading gas.

(j) The use of short range shells, at too short a distance from a mob can result in very serious casualties, which would not be in consonance with the spirit and principles of employing tear smoke materials. A standard table showing the various types of munitions which should be used at different distances is noted below:

RANGE	TYPE OF AMMUNITION	
Medium	(10 to 50 yards)	Hand Grenade
Long	(50 to 100 yards)	S.R.Shell
	(100 to 200 yards)	L.R.Shell
Penetration	(up to 80 yards)	Fliterite Shell

(k) Care should be taken to use the appropriate type of munitions at varying distances.

(l) Before resorting to the use of tear gas on crowds, the normal rule of warning the crowds, etc., before using force, should be followed.

## **420. Strength, location and Periodic training --**

(1) The Government have approved the scheme of training to 8 Head Constables and 48 Constables in the use of tear smoke every year. The training scheme will be as follows:--

[G.O. Ms. No. 747, Home 1st April 1969.]

(a) Head Constables --

Two Head Constables are to be trained for 3 months at a time.

(b) Police Constables –

Twelve Police Constables are to be trained for 3 months at a time.

(2) This scheme will continue to be in force in districts where the entire reserve has not yet been trained in the use of tear smoke.

(3) In districts where the entire reserve has been trained, the following procedure should be adopted:

(a) The strength of the squad consisting of two Head Constables and twelve Constables trained in the use of tear smoke will be drawn equally from each active platoon and attached to the headquarters platoon. The constables will be drawn by rotation in equal numbers from each platoon and the Head Constables one from each platoon by rotation. The men thus drawn and attached to the headquarters platoon should be replaced once in a quarter by fresh batches of men drawn in similar manner. The men replaced will be sent back to their own platoon.

(b) The squad will be under the direct control of the Headquarters Platoon Sub-Inspectors (Armed Reserve) who should himself have undergone the necessary training in the use of tear smoke.

(c) The men attached to the tear smoke squad for a quarter should fire the allotment of practice T.S. ammunition sanctioned for that quarter.

(d) Recruits received from schools should be attached to the tear smoke squad for a month's training and given training in the use of tear smoke before being allotting to regular platoons.

(e) The tear smoke squad thus formed for each quarter and attached to the headquarters wing should under no circumstances be utilized on other Armed Reserve duties.

**421. Records to be maintained in the Armed Reserves —** The following records shall be maintained in the Armed Reserves in the manner indicated below in addition to those specified in the relevant orders :—

(1) Long Leave Register.

Applications for long leave shall be entered in a register (Form No. 138) as they are received. Each Platoon will have its own register and it will be put up before the Superintendent along with the leave rolls as far as possible this should be done at the Orderly Room.

(2) Casual Leave Register.--

This should be maintained platoon-war in the same form. The Inspector (Armed Reserve) entering his orders thereon.

(3) Duty Roster.

This should be maintained by each Platoon Commander in his own handwriting and checked and initialled by the Inspector (Armed Reserve) at least once a month.

(4) Line Hut registers— (Register of Residential Quarters)

Where there are insufficient line huts (quarters) for the men, the Inspector (Armed Reserve) should maintain in a register, form a list of all men occupying the huts (quarters) and also a waiting list of those who require huts (quarters). This waiting list should be compiled chronologically, according to the application of the men who will receive the hut (quarters) in the same order. (Form No. 139).

(5) Transfer waiting list.

This will be maintained in the orderly room for entering the names of those who apply for transfer out of the Armed Reserve, entry therein will be made as the Superintendent of Police deems fit, forms except for special reasons which should be entered in the register, transfers out shall be made strictly in the chronological order of the list.

(6) Promotion list.—

Apart from the lists maintained in the District Police Office, the Superintendent of Police and the Inspector, Armed Reserve, will also keep copies of promotion lists (Form 62) and see that they are kept up-to-date. All entries, removals and alterations must be made under a district order. Where there are other detachments of the Armed Reserve outside the District Headquarters (e.g.) Ramanathapuram the promotion lists should cover them all as one unit and not as individual units. Separate and similar combined promotion list must be maintained for the Motor Transport staff and those specialists for whose promotion special rules have been laid down.

(7) Superintendent of Police should check frequently these records and initial in token thereof. Deputy Inspector-General should, during their inspections, make it a point of seeing that these instructions are properly carried out.

## CHAPTER XXV.

### RAILWAY POLICE.

#### **422. Organizations - Status**

The Deputy Inspector-General of Police, Railways and Armed Police has the same position with regard to the Railway Police as the Deputy Inspector-General of a range bears to the District Police.

#### **423. General.—**

The Government Railway Police, Tamil Nadu is a part of Tamil Nadu Police, entrusted with the responsibility of maintaining law and order, providing security and preventing and detecting offences in the railway jurisdiction against the person and property of Railway passengers, as also investigation of crime against the property of the Railways and is subject to all Police Orders of general application. The organization is headed by an Inspector General of Police who works under the supervision of Additional Director General of Police and Director General of Police. It has got two Railway Police Districts with headquarters at Chennai and Trichy.

#### **424. Officer to take command of Police.-**

When the Railway Police and the District Police are on duty together on a railway, as defined in Section 3 of the Indian Railways Act, 1890 (Act XI of 1890), the senior Police Officer present whether belonging to the Railway Police or to the District Police, will take command of all the Police present. If, however, any doubt arises about the relative seniority of the Railway and the District Police officer, then the officer of the Railway Police as having jurisdiction will take command.

#### **425. Jurisdiction.—**

The jurisdiction of the Railway Police extends over the area included within the boundary of the Railway line and covered by station yards and goods sheds; and this area is called "The Railway Limits". This jurisdiction does not extend to the lands occupied by the dwelling of the Railway staff in or outside the Railway limits.

(G.O. Ms.No. 3272, Home, dated 19<sup>th</sup> September 1945)

#### **(2) Definition of Railway Limits and the Limits of a Station Yard:**

(a) 'Railway limits' may be defined as the area owned or legally occupied by a Railway Administration for purposes of the rail-road and the carriage of goods and passengers, and covers every place or building used for those purpose. A road over or under

a railway is not usually railway property and, unless it is so, the police duties arising on it are generally to be discharged by the District Police.

(b) The expression ‘limits of a station yard’ means all traffic lines and premises included in railway limits within the distant signals.

(c) Should any doubt arise as to the precise limits of a railway or station yard, the question should be settled by the Inspector General/Deputy Inspector General of Police, Railways, the Superintendent of the district concerned and, in Chennai, the Commissioner, under the orders of the Director General of Police.

(d) As a general working rule, it may be taken, unless in the circumstances of any particular case there is something repugnant to it, that in the districts, the Railway Police exercise jurisdiction over all lands and buildings defined in Section 3 (4) (a) of the Indian Railways Act, 1890, unless the latter are so grouped or situated outside the station yard as the expression is generally understood, as to make it advisable, for better supervision, to combine them with the land in the District Police jurisdiction.

#### **426. Organization of the staff —**

The Railway Police is divided into two sections

- (1) The travelling and detective staff.
- (2) The platform staff.

#### **427. Organization of Railway Police District --**

(a) The Railway Police District covering the limits referred to in paragraph 2(a) in Order No.425, is in charge of a Superintendent who has the assistance of one or more Assistant or Deputy Superintendent of Police. The district is divided into Inspector's Circles which are subdivided into station jurisdictions. Railway outposts may also be constituted where necessary for the prevention and reporting of crime and will be in-charge of a Head Constable with a posse of Constables under him.

(b) **Inspectors of Police:** Generally the Inspectors of Police are in charge of Circles and a few Inspectors are kept in charge of the Railway Police Stations also as SHO. These Inspectors will do the duty enumerated for the SHOs.

#### **428. Circle Inspectors --**

(1) The duties of Circle Inspectors in the Railway Police are similar to those of Circle Inspectors in the District Police. In particular, it is their duty to know, and frequently visit, and maintain satisfactory relations with the Railway officials, especially the district officers. They must also take steps to secure co-operation with the District Police, visiting the Collector, Divisional Magistrates and officers of and above the rank of Assistant Superintendent of

Police or Deputy Superintendent of Police, connected with their circles and keeping in close touch with the District Police Inspectors. They shall attend the half-yearly meetings of District Police Inspectors held by the SPs and Range Deputy Inspectors General. The Railway Circle Inspectors should also hold periodical border meetings at least once a quarter with border Railway Circle Inspectors both in the State and in the neighbouring States.

(2) They shall report forthwith to the scene of any serious crime or accident and take the necessary steps.

#### **429. Case Diaries --**

The instructions in Police Standing Order No. 567 apply.

#### **430. Sub-Inspectors –**

(1) Sections are in charge of Station House Officers, who are Sub-Inspectors. The position and duties of the Sub-Inspector correspond to those of Sub-Inspectors of the District Police. He is responsible for the efficient working of the men of his section and is the investigating officer.

(2) He must acquire local knowledge, not only of the employees of the Railway but also of the criminals residing in the vicinity of his section

(3) He shall attend the railway platform, wherever he may be, at the time of the arrival or departure of mail trains or other important trains. This should be done not only at his headquarters but also at the places of his halt.

(4) He shall travel throughout his section in the train conveying the Governor and in special trains conveying persons of high position.

(5) He should meet once a month Sub-Inspectors in-charge of local District Police Stations in whose jurisdiction railway line passes.

(6) He should, when required, also attend meetings held by the Circle Inspector/SDPO as the case may be of the District Police in whose jurisdiction the railway line passes.

(7) Special Sub-Inspectors: They are provided in important Railway Police Stations and will work under the orders of the Sub-Inspector/Police Inspector and supervise the work of Head Constables and Constables, as directed.

#### **431. Platform Staff - Sub-Inspectors ---**

(1) The duty of Sub-Inspectors at railway stations is to supervise the platform staff, assist in preserving order and help in the training of the men.

(2) Sub-Inspectors will receive the orders for routine duty from the Circle Inspector but shall be bound to assist the Station House Officer, when

required. They shall put in a daily report of duty done, to be attached to the General Diary.

#### **432. Head Constables —**

The Platform Head Constable has control of the platform staff. He should not leave the neighbourhood of the railway station without orders. His duty should be arranged so as to enable him to have three nights in the week off duty. In his absence, another Head Constable or a Constable shall invariably be deputed to act. He is responsible for telegraphing any important occurrences to the Sub-Inspector/Inspector during his absence, unless this is done by the Station Writer, He shall be present at the arrival and departure of all important trains, as far as possible.

#### **433. In-charge Constable --**

(1) At railway stations where three or more Constables are employed and to which no Head Constable is allotted, a Constable shall be appointed to be in charge and shall perform the duties of a platform Head Constable.

(2) When two Constables are posted to a Railway Station the senior will be considered to be in charge.

#### **434. Duties of the platform staff --**

(1) The chief duties of the platform staff are:--

(a) the maintenance of order at Railway Station;

(b) watching passenger trains standing at stations; and

(c) watching suspicious characters and safe guarding passenger properties at the platforms and keeping a similar watch on the off-side of the platform when the trains arrive and leave the junction.

(2)(a) Where a sufficient platform staff exists, the platform shall be divided by the Inspector into sections, called posts, which will be numbered. Men will be told off to those posts and their numbers entered against them in the Duty Roster (Form No. 63). Men shall move about within the limits of their posts. A plan shall be hung up in the Police Station showing the limits of each post and on this will be specified which posts should be filled at the arrival of each train. The hours of duty will be fixed by the Inspector with reference to train timings.

(b) At Railway Police outposts, a Duty Roster in Form No, 64 shall be maintained.

Platform Constable of another district serving at a junction station --

### **435. Platform Constables**

At a Junction Railway Station, Platform Constables belonging to a Railway Police district other than that to which the Junction Railway Police station belongs, shall be under the control of the Station House Officer at the Railway Police Station located there.

### **436. Railway stations with two Constables --**

At railway stations where two constables are employed, one shall stand near the entrance gate and observe the passengers going out, while the other shall stand on the platform where the rear brake van will halt and after the arrival of the train, shall move slowly up and down looking into carriages. He shall also have an eye to the offside of the train, crossing the line behind the rear break even and looking along the train, to prevent passengers from alighting that side.

### **437. Beats of the Travelling Staff:--**

(1) A travelling Constable's beat consists of the train by which he travels from his station over a prescribed length of line, and the train by which he returns to his station. The serial numbers of the trains which form a beat shall be entered in the Duty Roster,

(2) Beat Constables shall report themselves at the Railway Police Station and Outposts enroute and at the termination of their beats. In all the Railway Police Stations and Outposts, there will be a point book and the beat constables should sign in this book after their reporting at the station or outpost noting therein the train number, the date and also their numbers. Their numbers shall also be entered in the Duty Roster of that Station. Station House Officers of Sections between which there is a meeting will compare their rosters once a month.

Beat Constables on trains proceeding beyond the State.--

<b>Station furnishing beat</b>	<b>Train proceeding towards</b>	<b>Relieved at</b>	<b>Relieved by</b>
(1)	(2)	(3)	(4)
Jolarpet	Bangalore	Bangarupet	Karnataka Railway Police
Villupuram	Pakala and beyond	Katpadi.	Andhra Pradesh Railway Police
Madras Central	Renigunda.	Ara Konam	Do.

Chennai Royapuram	Gudur, Nellore, etc.,	Gudur.	Do.
Coimbatore	Cochin Harbour Terminus.	Olavakkot.	Kerala Railway Police.
Tirunelveli	Trivendrum (via) Main line.	Shencottah.	Do.
Srivilliputhur	Trivendrum (via)- Virudhunagar to Shencottah chord line.	Do.	Do.

(3) Beat Constables on trains proceeding beyond the State to other States will be relieved at the points noted below by the Deputy Inspector General of Police, Railways, in consultation with his counter-parts of the neighbouring States.:-

[G.O.Ms.No.1566, Home, 29<sup>th</sup> July 1936 and 4110.Home 26<sup>th</sup> August 1938.]

NOTE: The men so relieved will in turn relieve the beats of the bordering Railway Police on the returning trains at the points noted in column (3) of the above table.

### **438. Travelling Staff.-**

(1) The men of the travelling staff shall be selected for suitability. No men shall be appointed to it, except temporarily, without the Superintendent's orders on the Inspector's recommendation and men found unfit shall be removed at once. Police constables should be detailed for travelling duty by rotation and kept on beat duty for a month at a time. The travelling staff must be kept up to strength even at the expenses of the platform staff. Transfers from and posting to the travelling staff will be made by the Superintendent of Police, Railways.

(2) Men of the travelling staff, are as a rule, to be exempted from travelling every third day, when they shall perform platform duty if not otherwise detailed.

### **439. Duties of Beat Constables.--**

Beat Constables shall always wear uniform. At every station they shall see the Station Masters and ask him whether he wishes to make any report or complaint and request him to initial the Beat Book (Form No. 65. 230-3). When time admits, they will walk from end to end of the train making observations. At important specified stations where there are point books, the beat constables should sign in the point books noting therein the train number, the date and also their metal numbers and police station. They should also note in their beat books the page number and line number of the point book

where they have signed. On return from beat, they will deliver the Beat Books and their note-books to the Sub-Inspector or Officer-in-charge of the Station.

#### **440. Additional precaution**

(1) As an additional precaution, the railway Train Guard should be required to inform the Travelling beat constable by writing in his beat book the train number, date and number of each carriage in which accommodation is reserved for women only particularly when women passengers travel alone. The beat constable should obtain the signature or initials of the Train Guard for this entry. The beat Constable will be required to search the off sides and the underneaths of the compartments and to maintain a watch at each stopping place particularly at the time of the departure of the train to ensure that no one is travelling on footboards or couplings. Whether these duties would require an increase in strength will be determined by the circumstances then existing. Both the Train Guard and the Travelling Beat Constables shall be jointly held responsible for carrying out this order.

#### **(2) Organization of Train Beats and Station Patrols --**

(i) There are certain obvious handicaps and difficulties in the detection of railway offences. Offences committed in trains are, as a rule, discovered by victims many miles from the place of their occurrence and the investigator, too, has generally no means of ascertaining the exact scene. Furthermore, Railway Police Officers, whose jurisdictions are confined to railway premises, have often to carry on investigations in places where their local knowledge is limited and their local influence negligible. This explains why practically all offences detected in the Railway Police districts are those in which culprits are caught red-handed.

(ii) It should, therefore, be plain that the only effective way of combating crime on railways is by preventive methods such as efficient beats and patrols, aimed, on the one hand, at deterring criminals from operating in trains and railway station premises and at enhancing, on the other, the probability of their being caught red-handed in the event of their committing crime.

(iii) Train beats and station patrols should be organized with due regard to crime position in each Railway Police Station. It is the responsibility of the Circle Inspector during his monthly visits to stations to see that beats are well organized. The Superintendent of Police, Railways, must pay particular attention to see that train beats are organized in a systematic manner, served regularly and checked frequently. In this connection, the following instructions are given for the benefit of officers.

(iv) The bulk of the crime on railways consists of:-

- (a) theft in running passenger trains;
- (b) theft on platforms, in passengers' waiting rooms and stationary trains;

- (c) theft on running goods trains;
- (d) theft from goods sheds and stationary wagons; and
- (e) theft of railway materials.

(v) Thefts in running passenger trains are generally committed by persons who board the train at one station and escape at another, having committed one or more thefts in between. Such offences are mostly committed at night. If constables on platform and train beat duties are alert, it should not be difficult to prevent and detect such offences, particularly by old offenders known to the police. It is the primary duty of the constables on beat duty to keep a keen look-out for suspicious strangers and known registered criminals visiting railway stations and travelling by trains. It is, of course, important that beat constables should be able to identify by sight all old offenders addicted to railway offences. When they come across old offenders or suspicious strangers in trains or station premises, they should interrogate them as to the purpose of their journey or visits, as the case may be, and if they are not able to give satisfactory account of their movements or articles in their possession, they should be arrested under Section 41 of the Code of Criminal Procedure, and sent up for remand. This will help to combat thefts not only in running trains but also on platform and in passengers' waiting rooms and stationary trains.

(vi) In order to prevent thefts on platforms, in passengers' waiting rooms and stationary trains, there should be beats covering station premises for about half an hour before the arrival and half an hour after the departure of every passenger train. At stations where there are night or early morning trains, there should be patrols throughout the night, as passengers may come to the station in the early hours of the night and sleep there. It is not, however, the intention that there should be a beat in every station. Thefts in passenger sheds, stationary trains and on platforms generally occur only at certain important stations. A study of the past crime will show which are the stations that require platform and passengers' waiting room beats. Platform beats should not be served throughout the day and night as a general rule, as this obviously involves avoidable waste of man-power.

(vii) The only effective method of preventing thefts from running goods trains is by the provision of armed guards to goods trains at night in sectors where such offences are common. But, the provision of armed guards on such trains is the responsibility of the Railway Protection Force, and the Railway Police will undertake this work only under exceptional circumstances.

(viii) Thefts from goods sheds and stationary wagons can be prevented by efficient police patrols. At important stations where there will be wagons stabled in large numbers, there should be such patrols throughout the day and night. But, in other places, constables on platform duty should be able to look after goods sheds and stationary wagons also.

(ix) Police should maintain a general vigilance in regard to railway materials. But, if train, yard and platform beats are efficiently performed, thefts of railway materials can be automatically controlled.

**(3) Watch and Ward --**

The Railway Police are not responsible for watch and ward duties but they should patrol station yards and goods sheds when criminals are suspected to be operating, and there is reason to believe that unreported thefts are being committed.

**441. Mufti men.—**

In addition to beat Constables, men in mufti may be employed to travel by train on detective duty, such as shadowing suspects. They should never speak to the beat Constables nor should the beat Constables recognize them.

**II. Procedure.**

**442. Telegraphic Reports --**

(1) All cognizable cases, serious losses of property, all offences falling under Section 126 of the Indian Railways Act, 1890 (Act IX of 1890) and other important occurrences reported at outside railway station shall be telegraphed at once to the Station House Officer of the Railway Police Station of the Section and also to the nearest District Police Station House Officer and to the Superintendent, Railway Police, by the senior member of the platform staff or the Beat Constables. The descriptive particulars of the property should also be communicated to all railway police stations on the line and connecting lines.

(2) When the Station-House Officer is absent from his headquarters, all reports of the above nature received in the station shall be telegraphed to him.

(3) (a) Station-House Officers shall telegraph serious cases and occurrences to the Inspector/Sub-divisional Police officer and the Superintendent, and the Inspector shall telegraph to the Sub-divisional Police officer and to the Superintendent any information which he considers should be so reported.

(b) All grave crimes and offences under Sections 126, 127, 128 and 129 of the Indian Railways Act, 1890 (Act IX of 1890), and strikes or attempted strikes of railway employees shall also be reported by telegraph or express report to the Collector concerned. As regards offences under Section 128 of the Railways Act, they may be treated as minor acts and no report need be sent. However, offences under Sections 127 and 128 of the Railways Act committed by any political party or in an organized manner with a motive to wreck the train and thus cause damage or hurt to a train or person should be reported to the Director General and ADG (L&O) immediately by wireless, followed by detailed reports, in addition to reports being sent to officers shown in 3 (a) above.

(4) Telegrams concerning railway cases shall be sent 'On Railway Service' and other telegraphs as 'State' messages.

(5) Express Reports to be sent to the Collector, Superintendent of Police of the District concerned, to the Inspector-General, Deputy Inspector-General of Police, Railways and Armed Police, Inspector General, Deputy Inspector-General of Police, C.I.D. (Intelligence) and the Director-General of Police, Chennai.

The Officers of and above the rank of Assistant Superintendent of Police and Deputy Superintendent of Police shall inform the Collector, the Superintendent of Police concerned including the Superintendent of Police, Railway Police, the Inspector General, Deputy Inspector-General of Police, Railways and Armed Police, Inspector General, Deputy Inspector-General of Police, C.I.D. (Intelligence) and the Director-General of Police, Chennai direct by telegram, fax or by wireless of any specially grave occurrence such as a serious breach of the peace or other grave crime as stated in P.S.O. 558, 559, 560 and offences under Sections 126A and 127, 128 and 129 of the Indian Railways Act and on strikes or attempted strike of Railway employees. Subsequently, the Superintendents of Police, Railway Police, Chennai or Tirchirappalli shall send as soon as possible a detailed report in quadruplicate direct to the Director-General of Police, Chennai with copy to the Inspector General, Deputy Inspector-General of Police, Railways and Armed Reserve Police and Inspector General, Deputy Inspector-General of Police, C.I.D. (Intelligence), when the full facts regarding the occurrence are known and will also thereafter keep the Inspector General, Deputy Inspector-General of Police, Railways and Armed Police and Inspector General, Deputy Inspector-General of Police, C.I.D. (Intelligence) and the Director General of Police, Chennai with the course of event by prompt and detailed report.

(6) Any riot involving use of fire arms, the death of any person or an attack on the Police and all cases of communal riot will be regarded as a serious breach of peace.

#### **443. Entering upon investigation --**

The Railway Police are bound to investigate all crimes and occurrences which the Police are required by the Criminal Procedure Code to investigate.

#### **444. Personal investigation by officers —**

(1) An officer of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police should at once proceed to the scene of occurrence and conduct the investigation on receiving the report of any case coming under section 126 of the Indian Railways Act, 1890 (Act IX of 1890), which involves danger to human life.

*[G.O. 519, Judl. 22<sup>nd</sup> March, 1902 and 221 Public (Police) 20<sup>th</sup> April, 1932.]*

(2) He shall also send a copy of the report of his investigation to the Collector concerned.

(3) Such cases must be very thoroughly investigated with the co-operation of the District Police.

**445. Telegraphic complaints by Railway Officials** — In the matter of complaints or information reported by railway officials by telegram, it has been arranged that the telegram shall be confirmed by a further report in writing.

#### **446. Complaints by Railway Officials --**

On receipt of a report from a railway official which appears to show that cognizable offence has been committed, the Station-House Officer will at once send a First Information Report and proceed to make an investigation according to the Criminal Procedure Code.

#### **447. Shortages and Lost Property --**

(1) The Police shall not register information of ' shortages' or of the loss or missing of property as crimes, or proceed to make an investigation according to the Criminal Procedure Code upon such information, unless there is reasonable suspicion that a cognizable offence has been committed in connection with the loss of the articles. They shall, however, register such information in the General Diary and take what steps they can, to trace the missing articles.

(2) In order to ensure that proper steps have been taken to trace missing articles, a register in Form No. 137 will be maintained in railway police stations, entries being made immediately on receipt of the information about the loss or shortage.

(3) Separate entries, either in separate registers or in different parts of the register, will be made for-

- (a) Shortages, goods or parcels,
- (b) Shortage or loss of railway materials.
- (c) Property of passengers.

(4) Entries in classification (a) will clearly distinguish whether the shortage or loss occurred in a stationary wagon, a wagon in transit or from a transhipment shed or platform. When making entries in the register, care should be taken to note in column (10) whether a report against any railway officials was sent to the railway authorities and the action taken by them thereon.

(5) Station-House Officers will be responsible for the disposal of any shortage or loss amounting to a maximum of Rs.50. Circle Inspectors for values between Rs.51 and Rs.200. Divisional Officers for values between Rs.201 and Rs.500 and Superintendent of Police for property valued at over Rs.500.

(*G.O. Ms. 385, Home, 12<sup>th</sup> Feb. 1973.*)

(6) Particular attention will be paid by inspecting officers to the action taken and enquires made by the Station-House Officer in regard to such shortages and losses. The Divisional Officers may exercise the powers of the Superintendent, Railway Police in respect of cases in their Division.

(7) The register will also include reports which the Station House Officer transfers to another jurisdiction. He should state his reason for such action and this must be ratified by his Circle Inspector.

#### **448. Registering cases at junctions --**

All cases occurring within the limits of a junction railway station where the jurisdiction of two Railway Police districts meet, shall be registered at and investigated by the Station House Officer of the Railway Police station located in the junction railway station, if any such police station exists, irrespective of the Railway Police jurisdiction in which they occur.

#### **449. Nuisances —**

All nuisances committed within railway limits must be dealt with by the Railway Police.

#### **450. Petty thefts —**

(1) Care must be exercised in the matter of refusing to investigate petty thefts on the ground of the small value of the articles stolen. The theft of an important piece of mechanism, of small intrinsic value, may amount to a grave offence under the Railway Act.

[*G.O. 1726, Judl. 1<sup>st</sup> Nov. 1904*]

(2) Government have laid down that cases relating to destruction of aloe or other fencing of railways should not be disposed of by village headmen or panchayats.

#### **451. Custody or Prisoners --**

At Railway Police Stations where there is no lock-up, prisoners who are not immediately sent for remand, shall be sent to the nearest District or City Police station for custody. The hour at which a prisoner is thus sent

shall be entered in column 7 of the Search Register. The guards for the Railway Police prisoners in District Police Station lock-up will be provided by the District Police.

#### **452. Copy of inquest report to be sent to Railway Officials --**

In cases of death (whether by railway accident or otherwise) within railway limits, in which an investigation is held under section 174 of the Criminal Procedure Code, an extract of the investigation report in Form No.66 shall be forwarded to the Divisional Engineer in all cases and the Divisional Operating Superintendent also, in cases occurring within the limits of a railway station. In the event of the investigation having been held by the District Police, a copy of the report shall be obtained from them and forwarded to the railway officials concerned.

#### **453. Disposal of bodies --**

The railway police shall take steps to hand over the body of any person who has been killed or died within railway limit to the relatives or failing them to any friend of the deceased or, if for any reason that is not possible, to the member of any society or institution, willing to perform the last rites for such person and if none of these agencies undertake the task, the Railway Police shall be responsible for the burial or cremation in a proper manner and in accordance with the nationality and religion of the deceased. The cost being defrayed by the Superintendent of Police, Railways, from his contingent charges and elsewhere as follows:-

(G.O. 63, Public (Police) 31<sup>st</sup> Jan 1931)

- (1) Those dying within cantonment limits: Cantonment authority.
- (2) Those dying within municipal limits: Municipality
- (3) Those dying in panchayat areas: Executive Magistrate concerned.

#### **454. (a) Appeals --**

Notices of appeal in Railway Police cases will be sent to the Assistant Public Prosecutors concerned.

#### **(b) Prosecution**

Prosecution of railway cases will be conducted by the Assistant Public Prosecutors and Public Prosecutors of the districts except where a Prosecutor is specifically appointed for the Railway Police.

### **(c)Serving of Summons**

Where witnesses in Railway Police cases reside outside the limits of the Railway Police Station, arrangements should be made to have the summons served through the concerned Police Station in whose limits the witnesses reside.

### **455. Station Crime History --**

To facilitate the study of crime and criminals a Station Crime History will be maintained in all stations. It is confidential record and consists of four parts.

### **456. Part I. Crime, Occurrence and Classification Register --**

(1) In Part I (Form No. 115) shall be entered chronologically all true crime and attempts under the following classes, additional classes being included, only with the sanction of the Inspector General, Deputy Inspector General of Police, Railways and Armed Police, Chennai.

*(G.O. Ms. No.2133, Home, 1<sup>st</sup> Sept. 1948)*

#### **CLASSES OF CRIME.**

I. Theft of Passengers' belongings.

A. (i) In running trains:

- (a) Pocket picking.
- (b) Jewel snatching.
- (c) Personal effects in I and II classes.
- (d) Personal effects in other classes.
- (e) Luggage vans.

A. (ii) On platforms, in waiting halls or rooms and stationary trains--

- (a) Pocket picking.
- (b) Jewel snatching.
- (c) Personal effects in I and II classes.
- (d) Personal effects in other classes.
- (e) Luggage vans.

A. (iii) Other thefts.

B. **Thefts of Railway properties including that consigned to Railways as bailees —**

- (i) From running trains.
  - (a) From Goods train.
    - (1) Whole consignments.

- (2) By extraction.
- (3) From sealed wagons.
- (b) From parcel trains or brake vans of passengers trains
- (1) Of whole consignments.
- (2) By extraction.
- (ii) From goods shed --
- (1) Of unshipped consignments.
- (2) During loading.
- (3) By extraction.
- (4) From sealed wagons.
- (iii) From Parcel Offices and platforms --
  - (I) Whole consignments.
  - (2) By extraction.
  - (iv) From yards.
  - (v) Other thefts.

*(G.O.Ms. No. 1075, Home, 10<sup>th</sup> April 1964.)*

## II. Theft of Railway Property.

- 1. (a) From stores and shops including carriers, wagons and loco shops and workshops (where they are within the jurisdiction of the Railway Police.)
- (b) Fitting including electric fittings from carriages.
- (c) Fittings from locomotives (Engines) and thefts from loco sheds.
- (d) Coal thefts.
- (e) Other thefts.
- 2. Burglaries.
- 3. Robberies.--
  - (a) Of passengers' belongings
  - (b) Of Railway Property including goods consigned to them.
- 4. Decoits-
  - (a) Of passengers` belongings
  - (b) Of Railway property including goods consigned to them,
- 5. (a) Cheating of passengers-
  - (i) By sale of tickets.
  - (ii) Confidence tricks.
  - (iii) False personation.
  - (iv) Miscellaneous.

(b) Cheating of Railways.

6. Criminal misappropriation and criminal breach of trust.

(a) Of Railway property including property consigned to Railway as bailees.

(b) Of passengers' belongings.

7. Possession of stolen property--

(a) Railway property including unlawful possession (Unlawful Possession Act, 1955).

(b) Goods consigned to Railways.

(c) Passengers' belongings.

8. Coal thefts,

9. Counterfeiting or uttering of currency (paper and metal).

10. Murders including culpable homicide--

(a) for gain.

(b) others,

11. Administering of stupefying drugs,

12. Assault on public servants.

13. Sabotage.

14. Mischief.

15. Miscellaneous--

(a) Other offences against persons.

(b) Other offences against property.

(2) Entry in column (3) should be brief as is consistent with clarity and include all classifications that are covered by the offence.

(3) In column (5) shall be entered all the useful information and facts discovered during the investigation, including the names of the known or suspected accused, with grounds for suspicion, peculiarities in the commission of the offence and the result of the Investigation. The names of old offenders in railway offences shall be entered in red ink, quoting relevant records.

(4) On the close of each year the Inspector shall enter an analytical review of its crime and formulate a programme for prevention and detection during the ensuing year.

(5) The First Information Reports Index (Form No. 72) will be kept as an appendix to Part-I.

## **457. Part II—General Information —**

(1) Part II corresponds to Part IV (Order No. 759) of a local police station. It will be kept in loose sheet forms, with appropriate headings, as detailed below:

(a) Extent of station jurisdiction, quoting actual mileage and a list of railway stations in the jurisdiction, giving actual mileage and code name of each station.

(b) Plan of the railway line in the station jurisdiction showing railway stations and important bridges with mileages in each case.

(c) Local police station and district, in which each railway station lies,

(d) Sub-Magistrates and Sub-Divisional Magistrates (both the executive and judicial) within the jurisdiction, noting against each, his headquarters and his jurisdiction as far as the Railway Police are concerned.

(e) List of festivals, their probable date and duration and the strength required for each and any special precautions necessary.

(f) List of weekly markets, commodities sold, nearest railway station and the average number of passengers alighting there.

(g) A note on the Railway Protection Force staff.

(h) Notes on important disputes which may cause interference with the running of the railway. These should include all labour disputes and a special note on any friction or dispute among the subordinates of the railway.

(i) A list of ex-convicts containing the names of all railway criminals residing within five miles radius of the Railway Police Station jurisdiction will also be maintained by every Railway Police Station.

(j) A list of dismissed railway employees and members of political parties and criminal gangs likely to indulge in acts of sabotage.

(2) This register should in fact contain a summary of such information as will be useful to a new Sub-Inspector taking over charge of the station.

(3) All entries should be edited, signed and dated by the Inspector. A copy of item number (h) should be taken and maintained by the Inspector for each of his stations.

## **458. Combined Part III and General Conviction Register --**

(1) The Combined Part III and General Conviction Register shall be in Form 116. The names of the following persons shall be entered in the register provided the offence is in connection with the railway and orders for the retention of

finger-prints have been passed by the Superintendent of Police subject to the provision in sub-paragraph (f ).

[G. O. Ms. 2133 Home 1<sup>st</sup> September 1943]

(a) Persons convicted of offences under Chapters XII and XVII of the Indian Penal Code for which a punishment of three years or upwards is prescribed.

(b) Persons convicted of offences under section 489-A to 489-D, Indian Penal Code (forgery of currency notes and bank notes).

(c) Habitual offenders convicted of offences under the section of Chapter XVI, Indian Penal Code, referred to in the Schedule of the Registration of Habitual Offenders Act.

(d) Persons bound over under sections, 109 and 110, Criminal Procedure Code and those convicted under sections 64 and 65 of the Chennai City Police Act.

(e) Persons convicted under sections 126, 127 and 128 of the Indian Railway Act.

(f) Unconvicted persons reasonably suspected to have committed offences with particulars of the offences selected for inclusion with the approval of an officer of and above the rank of Deputy Superintendent of Police. These shall be retained only so long as reasonable suspicion exists against them.

(2) This register will contain convictions in cases registered at the station and of persons living in the station local area convicted of offences on the railway elsewhere. If a conviction is reversed on appeal, the entry should be crossed out unless the person is brought under clause (f) of paragraph (1). In the "Remarks" column of the form shall be entered a broad classification of crime committed by the criminal.

(3) The names of persons registered in the combined Part III and General Conviction Register shall be struck off after a period of ten years from the expiry of their last sentence, provided in the case of persons for whom history sheets have been opened, the history sheets have been discontinued. The removal may be effected by Circle Inspectors. An officer of and above the rank of Deputy Superintendent of Police may, however, sanction the removal of names at any time within the period mentioned above, if the retention of such names is considered unnecessary.

#### **459. Part IV—History Sheets ---**

(1) (a) Part IV shall contain in Form 111 the history sheets of persons resident, whether permanently or temporarily, in the station local area who are known or believed to be addicted to or to aid or abet the commission of crimes on the railway, whether convicted or not or who are believed to be habitual receivers of property stolen in offences committed on the railway.

(b) Only sheet Nos. 1, 3, 7 and 8, are to be maintained in the history sheet form in use in stations. Sheet No, 9 should also be maintained if a photograph of the criminals available.

NOTE.--This sub-paragraph will not affect the history sheets maintained in the District Crime Records Bureau.

(2)At the back of sheet No.1 below item 7, the following descriptive details should be shown:—

Age,

Height,

Complexion and

Particular marks of identification.

(3)(a) (i) The Railway Crime Records Bureau will maintain, history sheets of selected criminals of special importance who operate over an extended area. These persons will be known as railway criminals. The Superintendent, Tamil Nadu Railway Police, will decide what persons should be registered as railway criminals.

(G.O. No. 2898 Home, 26<sup>th</sup> Oct. 1936.)

(ii) The instructions regarding reporting the activities and movements of district criminals apply equally to railway criminals. The Station House Officer is responsible for reporting to the Railway Crime Records Bureau, particulars of arrest, conviction, release from jail, passing out of view, conduct movements etc., or any other information likely to be of use or of general interest, in respect of every railway criminal for whom a history sheet is maintained in his station and in respect of any railway criminal about whom he may obtain information on the points specified.

(b) For a criminal, who has a history sheet in a Railway Police Station, a history sheet will also be maintained in the local police station in the jurisdiction of which he resides. These sheets will be marked with a red 'R' and below it, the name of the Railway Police Station and History Sheet No. e.g.,

R

----- The Railway Police

Thanjavur 11

L

be marked similarly with a letter 'L' e.g. -----

Thanjavur 15

Local and Railway Police Station-House Officers will report of each other, information of arrest, conviction etc., and all matters of interest in respect of such persons.

(c) A check register of all persons having History Sheets in Form No. 111 in the Station will be maintained in Form 57 as under Order No. 371 (3). These persons will be checked whenever practicable by the Railway Police. When this is not practicable the local police should be referred to for particulars of the activities of such persons.

(d) Maintenance of Particulars by the Railway Police Stations of History Sheets Opened in the District Police.

(i) As soon as a history sheet is opened in a police station of a district, the descriptive particulars of such a person will be communicated to the nearest Station House Officer of the Railway Police Station.

(ii) Any important information such as going out of view, death, and change of residence of such history-sheeted person including closure of history sheets should be promptly communicated to the Railway Police Station.

(3) A register will be opened in the Railway Police Station to watch the movements of such history-sheeted persons and communication of any information of interest to the concerned Station House Officer of the local District Police Station.

#### **460. Index —**

(I) The following indices shall be maintained:—

(a) An alphabetical loose-leaf Crime Classification index to Part I and Part III and General Conviction Register as per list specified in Order No. 456 (1) in the form shown below:-

Volume and Page Number of		Name, Father's Name, Village, Police Station of the convict or suspect	Crime Number
Part I	Part III and General Conviction Register		
(1)	(2)	(3)	(4)

(b) An alphabetical index of persons entered in Part III and General Conviction Register.

(2) A, check register of persons entered in Part III and General Conviction Register shall be maintained in Form No. 117. Village-war, village being arranged alphabetically.

#### **461. Co-operation with the District Police --**

1) There should be the closest co-operation between the District and Railway Police.

(2)The Railway Police should be in a position to afford the greatest assistance to the District Police in arresting offenders who are trying to escape and in noting the movement of criminals.

(3)In matters of placing obstructions on the line, tearing up rails, throwing stones at trains and such like the help of the District Police should be promptly sought.

(4)In the event of crime being committed in the limits of the District Police, but in the close neighborhood of the railway, the Railway Police shall take any legal action pending the arrival of the District Police.

(5) (i) Superintendent, Railway Police may require the District Police to take over the entire responsibility for the investigation of a grave crime such as murder or dacoity, the circumstances of which are of a local nature quite unconnected with the railway even though the case occurred within the jurisdiction of the Railway Police. On his requisition the District Police shall at once take over the investigation.

(ii) In order to ensure proper investigation of the cases, the following instructions are given:

a) The investigation of all murder cases occurring on railway tracks and near the tracks may be automatically taken over by the local Police, on receipt of intimation from the SRP concerned.

b) Investigation of murder cases that take place on railway platforms or in trains and cases wherein the dead bodies are transported through trains will be taken up by the Railway Police.

c) Investigation of all Dacoity, Robbery and Murder for gain cases occurring in Railway Police limit will be taken up by RP., unless the case is transferred to local Police by the orders of DGP/ADGP L&O

*-DGP's circular No.208462/Cr.4(2)/2008, dated: 24.10.2008*

(iii) In the event of a strike on the railway, the Railway Police investigating staff will deal with the ordinary offences of normal times while the staff of the local Police, which will be reinforced will investigate all the offences arising out of the strike except those considered by the Additional Director, Inspector General, Deputy Inspector-General of Police, C.I.D. (Crime), sufficiently grave to be taken up by the Crime Branch, Criminal Investigation Department.

(b) Whenever a case is reported to the Railway Police for which other than railway criminals are suspected to be responsible, a copy of the First Information Report dealing with the occurrence will be sent at once to the local Police Station House Officer by the Officer-in-charge of the Railway Police Station.

(6) Whenever a Circle Inspector of the District Police finds himself in the same place as the Superintendent of Tamil Nadu Railway Police, he should visit that officer, and similarly, Inspectors of the Railway Police should frequently visit higher officers of the District Police.

(7) When an offence committed within Railway Police jurisdiction is reported to a District Police Station of the railway line, the latter shall forthwith inform the Railway Police Station by telegram. The telegram to be followed up by a First Information Report transferring the case. If the offence is reported to a District Police Station on the railway line, the First Information Report transferring the case to the Railway Police station with jurisdiction shall be sent forthwith by express and through the Railway Police travelling staff.

In either of the above cases, the Station House Officer to whom the case is first reported will at once take up the investigation and proceed until the jurisdiction Station House Officer arrives on the spot and takes up further investigation.

(8) **Co-ordination between civil police, GRP and RPF** as per the recommendations of the Railway Reforms Committee on Government Railway Police and as per MHA Secret Letter No. NO.24013/27/GPA VI DATED 21-1-87. --

(a) Officer in charge of G.R.P. Police Station shall invariably hold regular monthly meetings with the officer in charge of R.P.F. Posts in his jurisdiction to review crime situation and to exchange information for the better control, prevention and detection of crime and also for maintenance of law and order on railway trains and premises.

(b) Similarly Sub-Divisional Police Officer, Government Railway Police will hold co-ordination meetings with the concerned Asst. Commandant/R.P.F. once in 2 months and submit the minutes to the superior officers of the G.R.P. and R.P.F.

(c) Superintendent of Railway Police shall hold co-ordination meetings with the District Superintendent of Police and the Commandant, R.P.F. once in every quarter of ensuring better co-ordination and co-operation between the G.R.P., Civil Police and the R.P.F. Such meetings will also be a forum for exchange of information and intelligence pertaining to crime and other matters related to the maintenance of law and order on railways including conducting of joint checks and special drives against miscreants and anti-social elements affecting the smooth functioning of railways and security of passengers. The difficulties experienced by their respective staff shall also be discussed and sorted out at those meetings. Minutes of these co-ordinating meetings shall be sent to Deputy Inspector General,

Railways and Deputy Inspector General/Addl.Inspector General, RPF and Range Deputy Inspector General of Police.

(d) Deputy Inspector General, Railway Police will hold co-ordination meeting with the DIG/Addl.I.G., RPF at-least once in 6 months for better co-operation and co-ordination between G.R.P. and R.P.F. They will review the law and order situation of the area and take steps to improve the position. They will also review the proceedings/minutes of the co-ordination meetings of the S.R.P., District Superintendent of Police and the Commandant R.P.F.

(e) Where there is a difference of opinion between the State police including Government Railway Police and R.P.F. the immediate superior officer of the Railway Police will convene a meeting with his counterpart of the RPF without loss of time and sort out the differences.

f) In case of breach of peace or law and order situation taking place on the railway premises and also where smooth movement of railway traffic is seriously affected, the officer in charge of the concerned G.R.P. posts, on receipt of such information from the railway authorities shall immediately take appropriate action to control the situation. On such occasion the official I/c of R.P.F. post shall on requisition by the police officer concerned, render all possible assistance to the police.

**(9) Special Detective Parties --**

(a) In the event of occurrence of serious crime on the Railways, Special Detective Parties of selected Police Officers, both from the Railway Police and local District Police, should be formed jointly by the Superintendent of Police, Railways, and the Superintendent or Superintendents of the concerned District Police.

(b) When a cognizable crime outside his limits is reported to a Station House Officer of a Railway Police Station, should register and transfer it to the local police and also take up its investigation pending the arrival of the local police.

**(10) Procedure in Cases of Thefts of Materials from Railway Track --**

(a) As soon as a theft takes place from the railway track or premises, immediate intimation will be sent by the railway authorities not only to the Railway Police Station having jurisdiction but also to the local District Police. This is necessary because very often such thefts occur at considerable distances from the Railway Police Station and it is necessary that immediate local enquiries should be made in the area, pending the arrival of the Railway Police Sub-Inspector on the scene.

(b) The Railway Police will register and investigate such cases and will be wholly responsible for all further action in the matter.

(c) The local District Police Station House Officer, on receipt of the intimation from the railway authorities, will enter it in his Station House Diary and will cause local enquiries to be made in his jurisdiction regarding the possible culprits and the disposal of the property. He will also render the Railway Police such assistance as may be necessary from time to time in the investigation of the case.

(d) Thefts of materials in railway station yards and goods yards will be reported to the Railway Police Station having jurisdiction. The Railway Police can always call on the local police for such assistance as may be necessary, from time to time, in respect of these cases.

(e) A complaint of theft or loss may be accepted for registration and investigation at the first Railway Police Station at which a theft on a running train or from railway premises is reported and then if the scene of offence is definitely located to be under the jurisdiction of some other Police Station, the case may be transferred promptly to that Police Station. Otherwise, the Police Station at which the case is first registered should pursue the case to its end.

#### **(11) Steps to Minimize Thefts on the Railways --**

(a) The bulk of the crime on railways consists of (a) thefts in running passenger trains, (b) thefts on platforms, in passenger sheds and stationary trains, (c) thefts on running goods trains, (d) thefts from goods sheds and stationary wagons, and (e) thefts of railway materials. In all these classes of crime, the stolen property is in almost all the cases, disposed of outside the railway jurisdiction. Frequent surprise checks of local criminals and receivers of stolen property and constant watch by the Railway Police over the movements of these people, especially in the vicinity of railway premises, will help to a great extent in minimizing these offences. The local police who have a better knowledge of local criminals should give a helping hand to the Railway Police in this matter. As regards thefts on platforms and goods sheds, constant patrolling of important places by the Railways Police staff will minimize these offences, as explained in Order No.440 (2).

(b) According to Order No.459, for a criminal who has a history sheet in the Railway Police Station, a history sheet should also be maintained in the local Police Station, in the jurisdiction of which he resides and he should be watched by the staff of the local Police Station. Whenever the District Police find such a criminal absent from his house during their check, they should immediately intimate the fact of his absence to all the Railway Police Stations in whose limits he has operated in the past. As required in Order No.461, closest co-operation should be maintained between the District Police and the railway police. There should be frequent exchange of information between the Railway Police and the District Police by means of correspondence as well as meetings of all ranks from Sub-Inspectors to the Superintendent. Meetings between the Superintendent and the Superintendent of Police, Railways, should also be attended by the Station House Officers of the Railway Police

Stations having jurisdiction over the district and the Station House Officers of the district through whose jurisdiction the railway line passes, besides the Inspectors and Sub-Divisional Officers of both the Railway Police and the District Police. These meetings should be held once in six months and more often, if necessary. At each of these meetings, they should discuss every offence reported subsequent to their previous meeting and discuss ways and means of improving the prevention and detection of crime, with particular reference to black spots.

(c) In all cases in which the crime is suspected to be the work of habitual criminals, a crime card should be sent to all neighboring Police Stations, the Circle Inspector, the Sub-Divisional Officer, if one exists and the Railway Crime Record Bureau. If the offenders are from outside, prompt information should also be sent by wire or wireless to the neighboring Police Stations and Railway Police Sub-Inspectors. Station House Officers, who receive information whether by crime card or by wire, should immediately institute necessary enquiries and promptly report the result by wire or memorandum. Station House Officers will be responsible for the prompt circulation of lists of property lost and description of absconding offenders to stations where they are likely to be useful.

(d) Offences on railway lines, such as thefts of sleepers, fish plates, and dog spikes, are not infrequent. The Railway Police should not hesitate to seek the co-operation of the local police, who will have better knowledge of the local conditions, in detecting these offences, and regarding offenders and receivers of stolen property. It is common knowledge that most of these materials are useful in preparing agricultural implements and the villagers will in all probability be taking away these materials for preparing those implements. Contact with local blacksmiths and close touch with village officers and their servants and a good set of informants will help to a great extent in detecting these offences. It is also quite probable that some of the cases of this type might be the mischief committed by cattle boys or others, not knowing the seriousness of the offences. In such cases, the police should contact the local people, preferably the elders, explain to them the consequences of such incidents on the railways, and warn the villagers not to meddle with the railway materials. The local police should also take interest in such cases. Railway Police Officers, especially Station House Officers and Inspectors, should interest themselves in the study of the local crime and criminals and keep personal contacts with the local police. Mutual co-operation will be helpful to both.

(e) Thieves on running trains operate in two ways. They either get down with stolen property at a station enroute or drop the stolen property while the train is in motion get down at the next station, walk back and collect the property. In either case the thief may either dispose of the property in the nearest town or go by train or bus to another town where he has a receiver. When a theft is reported from a train, immediate information, giving the details and description of the property lost and the description of the accused if known should be sent to officers-in-charge of both Railway and District Police Stations, so that, they may

keep an immediate look out for the thief and the property at Railway Stations and bus stands. To evade the vigilance of the police the thief often gets down on the off side of the train. The offside should, therefore, receive as much attention as the platform.

(f) Persons stealing railway goods or possessing stolen railway property should be proceeded against under the provisions of the Railway Stores (Unlawful Possession) Act, 1955, the provisions of which must be thoroughly understood and properly implemented by all Investigating Officers.

*Recommendations of the Railway Reforms Committee on Government Railway Police and as per MHA Secret Letter No. NO.24013/27/GPA VI DATED 21-I-87. --*

#### **462. Stopping of trains at non-stopping stations –**

In special and urgent cases a Police Officer of and above the rank of Deputy Superintendent of Police may, by written requisition to the concerned local Railway official, cause a train to be stopped at a station at which it is not booked to stop either to effect an arrest or when the stoppage is otherwise necessary, to safeguard the public peace and safety.

(G.O. Ms. 1948, Rlys. PW. 14 March 1932 and 593 Pub. (Police) 31st Oct 1932.)

### **III. ACCIDENTS ON RAILWAYS.**

#### **463. Notice of accidents to the Police –**

(a) Under section 83 of the Indian Railways Act, 1890 (Act IX of 1890), the station-master nearest to the place at which the accident has occurred, or where there is no Station Master, the railway servant in-charge of the section of the railway on which the accident has occurred, bound to give information, without unnecessary delay, to the Station House Officer in whose limits the accident occurred, and to such other Police Officer as the Safety Controlling Authority may appoint in this behalf, of the following accidents:

(i) any accident attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property;

(ii) any collision between trains of which one is a train carrying passengers;

(iii) the derailment of any train carrying passengers or of any part of such a train;

(iv) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property;

(v) any accident of any other description which the Safety Controlling Authority may notify in this behalf in the Gazette of India.

NOTE. -- The duties of the police in connection with accidents on the railways are laid down in rules 28-33 made by the Government of India under Section 84 of the Indian Railway Act. Rules under the Indian Railways, Act, 1890, are printed in Volume II.

(b) Railway Police Officer investigating into cases of railway accidents shall take into account the findings of the enquiry likely to be intimated by the Inspector of Railways before concluding their investigation especially when sabotage is suspected.

(c) Prosecution should not be launched in cases of accident on the railways, till the receipt of the report of the Government Inspector of Railways.

(d) A copy of the findings of the Government Inspector of Railways, as per his final report, will be sent to the Superintendent of Police, Railways, within seven days of its receipt by the General Manager. The Superintendent of Police, Railways, will consider the report and inform the General Manager within seven days, whether or not a prosecution is to be launched.

#### **464. Accidents on private sidings —**

Section 83 of the Indian Railways Act, 1890 (Act IX of 1890) and the rules framed under section 84 of the said Act apply to accidents on private sidings. Accidents occurring on such sidings should be reported similarly as accidents occurring on main lines of railway.

#### **465. Reports to General Manager by the Railway Police --**

(1) The Police are bound to report at once to the General Manager of the Railways and the Additional Commissioner of Railway Safety, Southern Circle, Bangalore-9, the result of every Police investigation regarding the circumstances of any accidents.

(2) These accidents are:-

(a) all cases of loss of, or injury to, life or limb from causes connected with the working of railways—rule 2(a);

(b) all cases of injury to the permanent way, stock or works (including interruptions to traffic owing to several breaches)--vide rule (8) whether attended or not by injury to life or limb--rule 2 (b).

(c) all cases, without exception of cattle being thrown off the line or run over--rule 2(c).

(d) accidents occurring--

(i) in railway workshops; or

(ii) on new works not opened for traffic; or

(iii) on lines under construction; or

(iv) on lines not used for the public carriage of passengers, animals or goods; or

(v) to steamers or flats working in connection with railways - Rule 15.

#### **466. Railway officials to communicate to District and Railway Police --**

The railway authorities have been requested to communicate information of accidents both to the Railway Police and the District Police. The nearest Police Officer should take any action that may be immediately necessary.

#### **467. Mobilization at accident -----**

On the occurrence of a serious accident the Station House Officer of the Railway Police shall mobilize the men of his section and have them taken to the spot if the men of one section are in sufficient, the Inspector shall mobilize other sections. The Railway Police shall guard property and help injured persons. The District Police will also send police parties to the spot to assist the Railway Police in guarding the property and helping the injured.

#### **468. Reports of accidents, injury and death --**

(1) All cases of accident, injury and death occurring on the railway shall be mentioned in the General Diary and by the Inspector in his diary.

(2) Hints to Investigating Officers in investigating Suspected Cases of Sabotage:

(i) Following points should be borne in mind by Investigating Officers in investigating cases of suspected sabotage:-

(1) Site of Accident and Time of Occurrence --

(a) It should be examined whether the place of accident is a secluded area, at or near a gradient curve, bridge or culvert. Availability of covers for the saboteurs etc., to be examined.

(b) Height of embankment at the sight to be measured.

(c) Time of accident to be ascertained.

(2) Open Fish-plates --

(a) Determine whether it happened before or after the accident and differentiate between bolts opened by hand and machine from those torn off as a result of accident. Threads of bolts and nuts found at the scene will help in arriving at the correct conclusion.

(b) Displaced rails.-(i) Examine screw holes and threads to see whether they are torn or intact.

(ii) Examine whether rail seats are crushed.

(c) Last rail intact at the point of suspected fractures:

(i) Existence of burr is highly significant against sabotage

(ii) Rounding off supports sabotage strongly;

(iii) Position of wheels of derailed wagons is a matter of great importance and should be examined carefully as to whether the position of displaced rails could have been possible after the accident.

(iv) Prepare carefully a map of the sight of accident. If railway plan-drawers are used he should carefully check each item shown on the map.

(v) Determination of speed at the time of accident

(a) In case of through trains, the time of passing of previous station and the exact time of occurrence may give the possible and likely speed of the train at accident.

(b) If the train had stopped at the previous station, the time of departure, the distance at which accident occurred and the time of accident, if known, may lead to very approximate calculations of the speed of the train.

(vi) Braking distance, vacuum brakes, reaction time, visibility, weather condition and the depth of water by the side of embankment should be carefully noted as it will affect decisions.

(vii) The movements of suspicious characters and of known saboteurs should be verified.

(viii) If track patrolling is in vogue in the area, ascertain at what time they passed at the spot of accident.

(ix) Verify whether other trains passed shortly before the accident and if so, their drivers and guards should be questioned. Station records of both stations between which accident occurred should be seen immediately to prevent tampering of records.

(x) Note whether the victim train was carrying any bullions, currency etc.

(xi) Take the photographs of the sight of the accident from various angles and of various materials concerned. Make use of scientific aids for tools marks, fingerprints (latents), particles of exploded material if bomb is used, etc.

### (3) Responsibility for Preventing Railway Accidents --

While the responsibility for preventing accidents at level crossings and elsewhere on the railway rests with the railway servants, Railway Police Officers should, whenever any inquiry discloses the existence of a danger to the public, take steps to bring the fact prominently to the notice of the Station master or higher authority concerned.

#### IV. MISCELLANEOUS INSTRUCTIONS.

##### **469. Unclaimed property --**

Unclaimed property should be made over to the station-master for disposal. If, however, the unclaimed property consists of arms, ammunition, explosives, intoxicating liquor, opium and its preparations or hemp drugs, the sale of which by unlicensed persons is prohibited by law, it should not be made over to the Station Master for disposal, but it is the duty of the Railway Police to take suitable steps for its disposal.

##### **470. Railway Servants as witnesses --**

When Railway subordinates are bound over by the Police to appear as witnesses, the district officer of the department concerned should be informed and he will arrange for their relief.

##### **471. Railway Police not to purchase tickets for passengers --**

The Railway Police are strictly prohibited from having anything to do with the purchase or sale of tickets or collection of excess fares demanded from passengers, otherwise than as provided by the Indian Railways Act, 1890 (IX of 1890).

##### **472. Civil or Criminal proceedings against Railway servants --**

Officers and men of the Railway Police are prohibited from instituting any civil or criminal proceedings in their private capacity against a Railway official or servant without the permission of the Superintendent, Railway Police.

##### **473. Watching district criminals and foreigners --**

When persons, known to be registered criminals of the District Police or suspected to be criminals, are found travelling, they should be carefully watched and information passed on to the local police of the place to which they are travelling by any available means of communication viz., Telephone, Radio or Telegram.

(2) The Railway Police Station House Officer is responsible for sending a report of the arrival of a foreigner to the nearest District Police Station, independently of the report made by the travelling constable watching a foreigner. When a foreigner alights at a railway station, where there is no constable of the District Police nor platform constable, the travelling constable should, in the absence of any better means of communication, give the information to the platform constable of the next station where a platform constable is located and instruct him to inform the local police as expeditiously as possible.

##### **474. Festivals –**

A list of festivals held near the railway line, detailing the Police arrangements to be made should be kept in every Railway Police Station. In the

event of any festival or large gathering not included in the list, being held, the Inspector should give timely information to the Superintendent.

## **475. Journeys of the Governor of Tamil Nadu and other Very Important Personages**

The following security arrangements will be made for the Governor of Tamil Nadu

### (1) Journey by rail.—

(a) When the Governor travels by a special train, saloon or in a reserved compartment attached to a train, an armed guard of 1 Sub Inspector and 4 Police Constables of the Railway Police should accompany the Governor's train. The Sub Inspector will be armed with a revolver and all police constables with muskets/ .303 Rifles. The arms will only be taken out of the train on the orders of the Sub Inspector. This guard will be accommodated in a composite bogey which should be placed next to the Governor's saloon.

(b) The Governor's saloon or compartment will be searched before the commencement of the journey by the armed guard.

(c) The armed guard will remain alert and keep a careful watch on all sides of the Governor's compartment.

(d) At all halts, the Sub Inspector will post a police constable each on the rear and offside of the Governor's saloon. This armed guard will wear rubber-soled shoes between 10 PM and 6 am.

(e) The local police and the railway police will be responsible for the Governor's security at all halting stations.

(f) At stations of arrival and departure, the local police will make bandobust arrangements outside the platform. When the Governor travels by special train, the platform /platforms which the special train touches at all Railway Stations where he does not halt to alight should be kept clear. The Railway Police will see that the platform exits and entrances are kept free from undesirables.

(g) The Superintendent of Police, Railways, will be responsible for seeing that proper police arrangements are made en route. He should be in touch with the district police for augmentation of staff at stations of halts, interchange, arrival and departure.

(h) Ordinarily, there should not be any patrolling of the railway track, but when the Deputy Inspector General, Railways, or the IGP considers it necessary, such sections as require patrolling will be specially patrolled.

(i) Intimation regarding train journeys will be given by the Secretary to the Governor to the Superintendent of Police, Railways, Chennai, Inspector General/Deputy Inspector

General of Police, Railways, Chennai and the Commissioner, Chennai City/Superintendent concerned.

(2) When the Governor travels by ordinary train, by one Head Constable and two Police Constables carrying short lathies will be on duty on the platform opposite the compartment of the Governor to guard against any unauthorized or undesirable person gaining access to the compartment, at the same time, taking particular care to avoid unnecessary interference with the travelling public.

(3) An Inspector of the Railway Police should travel in the same train as the Governor, and a Deputy Superintendent of Police or the Superintendent of Police should receive and see the Governor off at the Stations of alighting and boarding the train.

(4) One Head Constable and one Police Constable in plain clothes (from the Railway Police) will travel in the compartment adjoining (next behind away from the engine) the Governor's compartment. The Head Constable will be armed. At all train halts the Head Constable and the Police Constable will alight, take up position one on each side of the Governor's Compartment and keep a watch for the approach of undesirable persons.

(5) Journey's by road.

A pilot car, with a red flag, in the charge of an Inspector will precede the Governor's car on all journeys by road.

(6) The Pilot Car should be fitted with a siren. It should be capable of travelling as fast as the Governor's car is driven, irrespective of the condition of the road.

(7) The officer acting as Pilot should so regulate his distance from the Governor's car that dust does not affect it, i.e., on open mofussil roads the Pilot Car will keep well ahead of the Governor's car. While in towns and on tarred roads, the Pilot Car will drop back to within 100 metres or so, of the Governor's car.

(8) The Officer in-charge, of the Pilot car should see that the Governor's car is not held back unduly and should be primarily responsible for setting the pace in consultation with the senior Police Officer present and the Private Secretary to the Governor or Aide--de-Camp in waiting accompanying the Governor.

(9)(a) Whenever the Governor has to travel by car during night time in the course of his tours in the districts, an advance pilot flying, a yellow flag in addition to the usual Pilot with the red flag should be provided. The flags should be illuminated.

[F Dis. 2/HB1/72 dated 5th August 1972.]

(b) The Special Branch Officer acting as guard will normally travel in the Pilot car.

(c) The Officer acting as Pilot should not drive the Pilot car himself.

(d) Care should be taken to see that such private individuals, who follow the Governor in their cars on road journeys, keep behind the escort car and are not permitted to overtake the car in which the Governor is travelling.

(e) Escort. ---The Superintendent of Police, or the Divisional Officer, will travel in the escort car immediately behind the Governor's car.

(f) The escort car will fly a white flag.

(g) The car must be capable of keeping up with the Governor's car at all times. The Officer in-charge of the escort car should not drive it himself. He is, however, responsible for the car maintaining the proper distance from the Governor's car according to circumstances.

(h) A staff of one Sub-Inspector (Armed Reserve), one Head Constable and four Constables will also travel in a car, immediately behind the car in which the Superintendent of Police or the Divisional Officer travels.

(i) Ordinarily, there should not be any route lining or any elaborate protective arrangements on roads. However, at cross-roads, as well as crowded and disturbed areas, arrangements are necessary to ensure a safe and orderly passage to the Governor's car.

(10) Journey by air.—

For the Governor's journeys by air, a Police Guard should be posted for guarding the aircraft and Police bandobust should be arranged to keep the landing ground clear. Sufficient uniformed police shall be kept on duty at the airports at the time of departure or arrival with a view to preventing unauthorized persons from crowding too near the person of the Governor. One Sub Inspector and two policemen (in plain clothes) of the jurisdiction civil police will also be present at the airport on these occasions.

(11) Public bandobust

(a) The first duty of the Police is to safe-guard the Governor's person; the second is to afford him and his party free passage along the road but to allow as many persons as they wish to see him passing. Road bandobust should be reduced to the minimum necessary to keep the road clear of dangerous or irritating obstructions. On rural drives or other surprise visits, there is no necessity for any Police arrangements whatever. In towns or at formal or social functions such arrangements should be restricted to the minimum and judicious use should be made of plain clothes men. No attempts whatever should be made to stop traffic or pedestrians on the Governor's route but if the Governor is paying a pre -arranged visit to an institution, drivers of vehicles should be asked not to cause congestion by stopping near the entrance to the institution at the time of the Governor's arrival or departure. It

is, however, emphasized that discretion is left to the Superintendents of Police concerned to increase the normal bandobust should local conditions warrant such a course.

(b) At all public entertainments an Officer of and above the rank of a Deputy Superintendent of Police who is in-charge of the Police arrangements should be in close attendance on the Governor.

(c) On ceremonial occasions, police arrangements will include an outer cordon round the area reserved for the Governor and invitees and the scrutiny of passes.

(d) On less formal occasions, the protection afforded will be such as the Commissioner in the case of Chennai City and the Commissioner of Police / Superintendent in the case of Commissionerates/district considers necessary. No hard and fast rule can be laid down. The police should see that suitable protective measures are taken.

**Note:** - If, on any occasion, it is found that the persons responsible for organizing the functions do not provide proper facilities to enable the police to make security arrangements, or show themselves disinclined to help towards the furtherance of this object, the Commissioner or the Superintendent concerned should inform the Secretary to the Governor accordingly with a view to the function being either postponed or cancelled.

(e) The plain clothes officers employed in such functions should be carefully selected and fully instructed of their duty.

(f) State Intelligence officers in plain clothes may also be detailed for duty if the occasion so demands.

(12) Guards for residence (when on tour).

A guard for the residence of the Governor while on tour will be provided by the Superintendent if considered necessary and if local conditions warrant it.

(13) The following security arrangements will be made for the Chief Minister of Tamil Nadu:—

(a) Journey rail:-

Two plain clothes Head Constables of the Railway Police will travel in the compartments in the front and in the rear of the Chief Minister's compartment. Whenever the train halts for some time, one Head Constable will alight, station himself on the platform side at a reasonable distance from the Chief Minister's compartment and keep watch to prevent the approach of undesirable persons. The other Head Constable will alight on the off-side and watch the Chief Minister's compartment.

(C.O. R. Dis. 16894/HB1/70 dated 26th May 1970.)

(b) Journey by road:

(i) Pilot. One Pilot Officer (Inspector) armed with a revolver one Head Constable and one Police Constable both carrying lathies only.

(ii) Escort. 1 Sub-Inspector, (AR).  
1 Head Constable.  
4 Police Constables.

(c) Guards for residence (i.e.), when halting in traveller's bungalow etc.

(i) On tour. 1 Head Constable.  
(ii) At Head quarters : 1 Sub-Inspector.  
: 1 Head Constable  
: 1 Non-Commissioned Officer and  
: 8 Police Constables (2 at a time)

[G.O.Ms. 3201, Home, dated 6<sup>th</sup> December 1957]

(d) Public functions --

The Superintendent of Police concerned will apart from providing a sufficient member of uniformed men required for maintenance of order in such meetings also post an adequate number of neatly dressed mufti men as may be necessary to afford the maximum protection to the Chief Minister. Public pickets of workable size may be posted at vulnerable place so as to reach sore spots quickly and assist the uniformed personnel in case of emergency.

(e) Functions inside closed halls --

A plan must be drawn up, showing clearly the entrance gate, number of exits, balconies, basements, roof and ventilators, side-rooms if any, to the main hall of the function, electric installations and other vulnerable point and all these places must be guarded by uniformed and plain clothes personnel. There should be an adequate sprinkling of plain clothes personnel among the audience also.

(f) Routine lining.—

No route lining will be done at any time, either in Chennai City or other towns, without the express sanction of the Government.

(14) The following security arrangements will be made for Ministers of the Tamil Nadu State (other than the Chief Minister)—

(a) Journey by rail.--

One plain clothes Head Constable of the Railway Police will be provided for general duty. He will travel in the unreserved II Class compartment closest to the Minister's compartment (either behind or ahead of it). Whenever the train halts for some-time, the Head Constable will alight from the train on the platform side and station himself at a reasonable distance from the Minister's compartment to prevent the approach of undesirable persons. If the train halts only for a few minutes the Head Constable will get down on the platform and look forward at the Minister's compartment.

[G. O. Ms. No. 1521, Home, 3rd June 1957.]

(b) Journeys by Road:

(i) Pilot. Nil

(ii) Escort, Nil. (An escort consisting of 1 Sub-Inspector (Armed Reserve), 1 Head Constable and 2 Police Constables will be provided only if specifically asked for by the Minister concerned).

(c) Guards for residence (i.e. when halting in traveller's bungalows)

On tour. 1 Head Constable, 4 Police Constables.

At headquarters Guards should be provided irrespective of whether specifically asked for by the Minister concerned or not.

(d) Public functions.--

The Superintendent of Police, will, apart from the usual uniformed bandobust make, suitable arrangements to post a large number of neatly dressed mufti men in such a manner as to afford the maximum protection to the Minister.

(e) Route lining-

No route lining will be done at any time either in Chennai City or in other towns, without the express sanction of the Government

Explanation--

For the purposes of this Police Standing Order, the term Minister includes the Speaker of the Legislative Assembly.

(15) The following rules will apply to all special trains of compartments conveying persons of high position, e.g., Ministers of the Central and other State Governments in the Indian Union: -

(a) (i) A Railway Police Guards of two Constables armed with short lathies will travel in the special train in a compartment as near as possible to the compartment in which the high personage travels. This Guard will be relieved at the first halt in each Railway Police Circle.

(ii) Duties of the guard at stopping stations.--

Where the train halts for any length of time one Constable will immediately take up his position on the platform near the Compartment and prevent any unauthorized person from approaching it, and will keep any crowd which may gather at a reasonable distance from it. The second constable will be posted on the off side of the compartment. When the train is about to start the Train Guard will fall back to their compartment.

(iii) If the halt is only for a short time, say, only two or three minutes, or if the train stops outside a Station on account of signals or any other cause, the guard will not be mounted at the compartment itself but one Constable will get out on each side of the compartment and look along the train towards the compartment.

(b) At Railway Stations where the person of high position entrains or detrains the platform and entrance to the station should be kept clear of all persons other than those authorized to be present.

(c) At Railway Junctions or other large Stations where the special train or compartment stops the Railway Police Sub-Inspector having jurisdiction will post Constables on the platform to augment the Train Guard to the extent necessary.

(d) If a long halt is made at any Station and the high personage continues to occupy the train on a siding, the Train Guard will mount guard on the compartment occupied by the high personage and the Railway Police Sub-Inspector having jurisdiction will arrange reliefs.

(e) When the empty special is stabled with luggage in it, one Constable with lathi will be posted as Sentry on each side of the main compartment and relieved every three hours.

(f) If any Station a large crowd is expected to meet the high personage on the platform or present and address, the Railway Police Circle Inspector should obtain the help of the local Police for the necessary bandobust.

(g) All ranks will wear Ceremonial Dress but without swords and spurs. Sub-Inspectors and Sub-Inspectors (Armed Reserve) will carry loaded revolvers. Head Constables and Constables will carry short lathies. The Train Guard will not wear boot between 21.00 hours and 06.00 hours.

(h) The Railway Police Sub-Inspector will travel in his jurisdiction in the same train as the high personage and the Superintendent, Railway Police, will travel in the same train if specially ordered.

(i) When the high personage travels in a compartment attached to a mail or passenger train, the same arrangements should be made as for the special train, but care should be taken to see that the travelling public have free access to the trains, only the portion of the platform opposite to the compartment in which the high personage is travelling is kept clear. The travelling public should be kept to the further side of the platform in the vicinity of the compartment.

(j) If Ministers of other State visiting the State of Tamil Nadu do not bring their own armed orderlies for their protection or if they express their desire to have a Guard from this State Police, a Special Branch Officer or Officers will be sent as body guard, or to carry out other Special Branch work.

(k) If the Superintendent of Police, Special Branch, thinks it necessary, a Special Branch Officer or Officers may be sent as body guards to the high personage or to carry out other Special Branch work.

NOTE.—Police bandobust for Deputy Ministers should be similar to that for Union Ministers but the arrangements need not be so elaborate as in the case of Union Ministers. As regards security arrangements, Deputy Ministers should be treated on par with Union Ministers.

No Police Guards however should ordinarily accompany the Deputy Ministers of the Government of India when they travel by train or road. Should however, local conditions require special precautions to be taken these should be arranged as considered necessary.

(16) Police arrangements at air fields of arrival and departure for the visits of Ministers of the Central and other State Governments in the Indian Union.--

(a) The Ministers of the Government of India, while travelling by air, are afforded protection, in flight and at intermediate airfields by the gun men provided by the Delhi Administration. They however, require police protection at air fields of arrival and departure. On receipt of intimation regarding the arrival at or departure from a particular air-field, the local police concerned will arrange to keep the air-field and the entrance to it clear of all unauthorized persons, care being taken not to cause any inconvenience to bona-fide air Passengers.

(b) Police bandobust to keep the landing ground clear of any object or obstruction likely to hinder landing, must also be made.

(c) The Police Guard should prevent any unauthorized person from having access to the aircraft.

(d) On all occasions the air-craft should be thoroughly searched by the Police in the presence of the pilot of the air-craft just before the Minister emplanes. From the time of the search until the Ministers departure, the Police must ensure that no unauthorized person had access to it. Similar, protection should be afforded to the Ministers of other State Governments in the Indian Union at air-fields of arrival and departure, during their official visits to this State.

## **476. High Personage**

When high personage halt outside railway premises or tour otherwise than by rail, the Commissioner of Police, Chennai, or the Superintendent of Police concerned will provide such Police Guards and protection as the circumstances warrant. The arrangements made shall be as unconstructive as possible the criterion being protection and not formal display.

## **477. Ministers, Ministers of State and Deputy Ministers of the Union Government and Ministers of other States in the Indian Union – Official visits to this State Courtesies:-**

1) When a Minister, Minister of State, or Deputy Minister of the Union Government or a Minister of another State arrives in Chennai, either the Collector of Chennai, or the Commissioner of Police, Chennai, or other officer deputed in this behalf will meet him at the station of arrival. If the Minister, Minister of State or Deputy Minister of the Union Government or the Minister of another State arrives by air, the Collector of Kancheepuram, or the Deputy Commissioner of Police, St.Thomas Mount or other officer deputed in the behalf will meet him at the airport on arrival.

(2) When the Minister of State, or Deputy Minister of the Union Government or a Minister of another State visits the headquarters of a District, or any other place in that District, the Collector, if he is present at the place should meet him on arrival and when the Collector is not present, the senior most Revenue Officer of the District present at the place should meet him.

(3) When a Minister, Minister of State, or Deputy Minister of the Union Government or a Minister of another State visits a place to attend a State function as a representative of the Union Government or the State Government, as the case may be, the Collector of the District should receive him at the station of arrival. If the Minister, Minister of State, or Deputy Minister of the Union Government or the Minister of another State arrives by air, the Collector of the District in which the airport is situated will also meet him at the airport on arrival.

## **478. Visits of top-ranking Very Important Personages in this State--**

(1) When top ranking Very Important Personages of India (hereinafter called Very Important Personages) visits this State, bandobust as detailed in the Blue Books issued by the Government of India should be laid on.

(2) Escorts of High Personages will be relieved by the respective Railway Police Escorts at the centers specified below:--

[G. O. Ms. No. 304 Home, 2<sup>nd</sup> February 1959.]

<b>Line</b>	<b>Centre for relief</b>	<b>Trains</b>	<b>Remarks</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
(a) Chennai – Calcutta.  Chennai – Delhi	Vijayawada	By all trains	In the case of trains going north-wards from Chennai, the Tiruchirappalli Railway Police will proceed up to Vijayawada where the Andhra Pradesh Railway Police will relieve them and in respect of journeys in the opposite direction towards Chennai, the Tiruchirappalli Railway Police will relieve the Andhra Pradesh at Vijayawada and be in charge of the High personage up to Chennai.
(b) Chennai - Raichur.  Katpadi – Gudur.	Renigunta	By all trains from Chennai and Katpadi.	Tirichirappalli Railway Police will proceed up to Renigunta
(c) Raichur - Chennai	Arakonam	By all trains	Andhra Pradesh Railway Police will proceed up to Arakonam for journeys up to Chennai
(d) Gudur – Katpadi	Katpadi	By all trains	For all journeys towards South - Andhra Pradesh Railway Police will proceed up to Katpadi.
(e) Bangalore - Chennai  Bangalore – Salem	Jolarpet	Do	Tirichirappalli Railway Police will relieve Karnataka Railway Police at Jolarpet.  If however the High personage detains at any Stations in Andhra Pradesh limits lying between Karnataka and Tamil Nadu boundaries the Karnataka or Tirichirappalli Railway Police should escort up to the Station of detaining according as he travels from Bangalore or Chennai. The same principle should be adopted if he entrains at any such station.

(f) Virudhu-nagar Quilon (Main line) via, Maniachi and Tirunelveli Junction.	Shencottah	All Trains	Tiruchirappalli Railway Police will take charge from and relieve Kerala State escorts, coming through main line.
(g) Virudhunager Quilon (Chord line via., Tenkasi (Chord line)	Shencottah	All Trains	Tiruchirappalli Railway Police will take charge and relieve Kerala State escorts coming through chord line.
(h) Chennai to Cochin Harbour Terminus and Mangalore.	Olavakot	All Trains	Kerala State Railway Police will relieve Tiruchirappali Railway Police at Olavakot.
(i) To Chennai from Cochin Harbour Terminus and Mangalore.	Podanur.	For all trains	Tiruchirappalli Railway Police will relieve Kerala State Railway Police at Podanur.

(3) Security arrangements for the wife of the Governor of Tamil Nadu: -

(a) Within Madras City limits - At residence – No separate provision is necessary since the Raj Bhavan is already protected.

[G.O. Ms. No. 1275. Home, 2<sup>nd</sup> May 1959 (C. No. 1012/HBI/58.)]

(b) At private and public functions.—

Whenever the wife of the Governor of Tamil Nadu attends any private or public function within Chennai City limits and she is not accompanied by the Governor of Tamil Nadu, the Commissioner of Police, Chennai, should detail one Sub-Inspector in plain clothe (with revolver) to perform security duty on such occasions.

(c) Every official armed with a revolver shall have fired that revolvers on the Range at least once in the last six months so that he is familiar with the usages and his aim is good.

(d) Journey by road.--

During journeys in the City when the wife of the Governor of Tamil Nadu travels unaccompanied by the Governor, the Commissioner of Police, should provide one plain clothe Sub-Inspector (with revolver), to travel in the same car.

(e) Train journey inside Tamil Nadu.--

(i) During train journeys, the Superintendent of Police, Railway Police, Chennai, should detail one Head Constable and one Police Constable in plain clothed from the Railway Police (the Head Constable to be armed with a Revolver and to be drawn from the Railway Police District Special Branch) as escort for the wife of the Governor.

(ii) The Inspector General or Deputy Inspector-General of Police (Intelligence), C.I.D., Chennai should depute one plain clothed Head Constable (with Revolver) for security duty.

(iii) The plain clothed escort deputed by the Superintendent, Railway Police, Chennai should search the Railway compartment before the commencement of the journey and should satisfy themselves that everything is in order. During halt at Station, either side of the compartment should be protected and ingress of unauthorized persons into the compartment prevented.

(iv) Halts at places in the Districts --

The Superintendent of Police of the District concerned, should provide two Head Constables or Police Constables in uniform for Guard duties at the places of halt of the wife of the Governor. The plain clothed Head Constable (with Revolver) deputed by the Inspector General or Deputy Inspector-General of Police (Intelligence), C.I.D., Chennai, should perform security duties at the places of halt.

(f) Air journeys -

No security arrangements need be made on such occasions except intimating the State Criminal Investigation Department and the State Government concerned of her proposed arrival, and requesting adequate security arrangements to be made at the other end.

(g) Journeys outside the State of Tamil Nadu --

Whenever the wife of the Governor proposes to visit or pass through another State, the Comptroller, Governor's Household should send intimation i.e., copies of tour programme along with any other connected details to the State Government concerned well in advance. The Comptroller should also send intimation to the Inspector General or Deputy Inspector-General of Police (Intelligence), C.I.D., Chennai so that he can inform the Criminal

Investigation Department of the State concerned as regards security arrangements.

(4) Security arrangements for the wife of the Governor of another State visiting Tamil Nadu State —

(a) The security arrangements for the wife of the Governor of another State visiting Tamil Nadu State will be the same as for the wife of the Governor of Tamil Nadu.

(b) In case of the wife of the Governor of another State stays in places other than the Raj Bhavan, Guindy, or Uthagamandalam, the Commissioner of Police, Chennai, or the Superintendent of Police concerned should provide two Head Constables or two Police Constables in uniform for Guard duties at the places of halt. The Commissioner of Police, Chennai, or the Inspector General/Deputy Inspector-General of Police (Intelligence), C.I.D, as the case may be, should also depute one plain clothed Head Constable (with a Revolver) for security duty at the places of halt.

(5) (a) In view of the importance attached to the duties connected with the visits of Very Important Personages, such as the President and the Prime Minister of India or any foreign dignitary who is accorded the same scale of security as the President/Prime Minister of India, it is very necessary that a new item of training, for armed and unarmed Police be introduced regularly with the object of teaching Police Officers of all ranks how to carry out correctly the various tasks connected with such visit.

(b) Generally speaking, training may be imparted by way of lectures, by practice on parade grounds, by working out schemes on sand models, by mock exercises in streets, where practicable and by taking advantage of actual occasions on which crowd control is carried out. The provisions of the current Blue Books relating to the President's and the Prime Minister's security should be properly mastered and men under training should be made thoroughly conversant with the Rules. Before each visit, rehearsals may be held and these may be utilized to train the personnel who have not had sufficient knowledge of their duties. The Superintendents of Police may use their initiative in designing the training Course to suit local conditions. The Officers of the Police Force employed on the occasions of the visits of Very Important Personages will be required to perform duties of varied nature. These duties can generally be divided under the following sub-heads.

(i) Duties for ensuring the personal safety of the Very Important Personage when he is stationed, i.e., either at his residence or attending a function other than public meeting.--

(a) The Very Important Personage may be residing temporarily either in the Raj Bhavan, Circuit House or in a private building. The degree of security would vary with the place of his residence. The uniformed police men on duty at the place of residence should be trained in the correct method of giving compliments. They should also be trained not to make unnecessary noise like banging of fire arms on the ground or with their hands. The plain clothed staff should be trained to be as unobtrusive as possible and to efface themselves at all times, yet be on the spot when required. They should be so trained in behaviour that none and least of all the Very Important Personage, spots them at once as Police men.

(b) The training and instruction imparted to the men posted for duty at the place of residence should also be imparted to the men posted at the places of function, other than public meetings.

(ii) Duties connected with the Very Important Personages' personal safety while he is on the move, either by air, by rail or by road.

(1) The main task of the police force employed on duties connected with the Very Important Personage's visit is:

(a) to ensure the personal safety of the Very Important Personage;

(b) to ensure that all functions immediately concerned with the visit of the Very Important Personage and his movements pass off punctually and smoothly;

(c) to ensure that the public assembled on such occasions get full benefit of the Very Important Personage's visit; and

(d) that normal tranquillity and law and order at the place are fully preserved.

(e) to ensure that terrorist/extremist elements do not gain access to the Very Important Personage.

(f) The best arrangements are those where there is the least show of police force and yet full protection to the VIP is ensured, his functions pass off smoothly and punctually and there is no resentment of any kind in the public regarding the arrangements made by the authorities.

(g) The object of any security arrangement is to ensure that no danger or harm, deliberate or accidental, from living beings or from inanimate objects reaches the protected person. All arrangements, therefore, should be in conformity with the above objective. While planning and implementing the security arrangements, efforts should be, to see that no person or object not confirmed to be safe or secure reaches near the protected person.

(h) VIPs are often the target of extremist organizations, militant terrorist groups, disgruntled individuals, mentally disturbed individuals etc. These organizations and individuals are likely to be sources of security threat.

(i) Two main areas from where security threats can emanate are fire arms and various forms of explosive devices including remote control devices. An alert and efficient security system only can prevent the possibility of such danger penetrating security cover. Effective anti-sabotage check and access control are useful factors in this regard.

**(2) ANTI SABOTAGE CHECK --**

(j) Anti-sabotage precautions along with access control constitute the cornerstone of any security arrangement for the protection of VIPs. Anti-sabotage check can be carried out by employing the following three methods:

(i) Physical search (visual/manual)

(ii) Use of Technical gadgets (explosive detectors, Door Frame Metal Detectors, Mine sweeper etc.)

(iii) Use of snufflers dogs.

Modern aids like explosive detectors, metal detectors are useful and must be utilized for anti-sabotage checks. To ensure precautions against damage from explosives a thorough anti-sabotage search and checking of the camp, venue, route and transport should be conducted.

**(3) TYPES OF DUTIES TO BE PERFORMED --**

1. At the camp;
2. Journey by road;
3. Journey by train;
4. Journey by air;
5. Journey by steamer;
6. Public functions;
7. Liaison with the security officers accompanying the VIP.

**(k) AT THE CAMP --**

(i) The VIP may be residing temporarily either in the Raj Bhavan, Guest House, or a private building. The degree of security would vary with the nature of residence.

(ii) The layout of the place should be studied and adequate lighting arranged. A thorough anti sabotage check should be conducted. Catering arrangements should be checked and staff deployed for these arrangements to be security vetted.

(iii) A Camp Commandant (of appropriate rank) corresponding to the status of the very important personage may be designated. It will be the responsibility of the Camp

Commandant to be in overall charge of the place of stay and be in contact with the concerned authorities/SPG/etc., wherever applicable.

(iv) The Police Officers on guard duty should be fully conversant with the correct method of giving compliments and should smartly turn out. The guard should be posted in such a manner that police are not very much in the public gaze but are in a commanding position to observe for themselves everything.

(v) In addition to these, arrangements should be made for regulating and controlling a small crowd which may gather in the neighbourhood of the residence. The constables doing this duty should be tactful, yet firm, so that they can carry out their duty without giving offence and thereby causing any embarrassment to the VIP. When laying out security arrangements at the residence, attention should be paid to overhanging roofs, balconies or trees which could be vantage points under certain circumstances.

(vi) In addition to uniformed Police guards, officers in plain clothes should be detailed for security duty, the number depending upon the importance of the VIP, place of stay and other local conditions. Officers and men should be deployed for duties in outer, inner and isolation cordons wherever necessary.

(vii) Facilities should be arranged at the reception point and entry to the place for subjecting all persons/items to a thorough anti sabotage check. Installation of Door Frame Metal Detectors and use of Hand Held Metal Detectors and other equipment would be necessary.

(viii) Alternative arrangements should be made for supply of power. Fire fighting and medical arrangements should also be made.

(ix) Contingency exit and contingency cascades should be arranged at the place of halt.

(x) Adequate communication facilities including setting up of wireless, hot lines, fax etc., may be arranged.

(I) By Air.--

(i) The Rules for guarding the plane are laid down in the Blue Books. Details of these Rules should be explained to all officers who are likely to perform this task so that they are thoroughly conversant with what they have to do. The same would apply to the Rule regarding search of the small cards with the relevant rules printed therein should be issued.

(ii) Sufficient uniformed police should be kept on duty at the airport at the time of arrival or departure of the VIP with a view to preventing unauthorized persons from crowding too near the person of the VIP. Plain clothes officers should also be present.

(iii) The airfield and its entrance should be kept clear of all the unauthorized persons, care being taken not to cause any inconvenience to bonafide air passengers. Police arrangements to keep the landing ground clear of any object or obstruction likely to hinder safe landing should also be made. The police guard should prevent any unauthorized person from having access to the aeroplane.

(iv) The existing arrangements at the Airport should be studied and parking bay of the VIP aircraft should be checked. If any reception line up has been arranged care should be taken to ensure that no unauthorized persons gain access.

(v) When the VIP travels by Helicopter care should be taken that guidelines laid down for construction for helipads are followed. All precautions prescribed for journey by helicopter should be followed as stipulated.

(m) By rail.

The Train Armed Guards should be trained to make a thorough and systematic search of the train or coach. The Baggage Guard should be properly briefed and trained to see that the baggage is correctly taken charge of and delivered in time.

(c) Rules have been laid down regarding the guarding of bridges, culverts and railway track. Proper training should be given in the positioning of men for such ditties and in the tasks expected of them.

(i) When the VIP travels by a special train or saloon or in a reserved compartment attached to a train, an armed guard of such strength depending on the scale to which the VIP belongs or the DIG/SP Railways decides should accompany the VIP's train. This guard will be accommodated in a composite bogey which should be placed next to the VIP's saloon.

(ii) The Superintendent of Police, Railways, will be responsible, to ensure that the VIP performs a safe journey by train and is protected from the attention of all unauthorized persons. The assistance of the local police should be taken wherever necessary.

(iii) The VIP's saloon or compartment will be searched before the commencement of the journey by the security staff. After the anti sabotage check and until the train leaves, one sentry each on both the sides of the saloon to guard it will be posted.

(iv) The armed guard will remain alert and keep a careful watch on all sides of the VIP's compartment.

(v) At all halts, one armed guard P.C. each on the rear and offside of the VIP's saloon will be posted. Unauthorized persons will be prevented from approaching the saloon or the compartment. The crowd will be kept at a reasonable distance.

(vi) When the VIP travels by special train, the platforms of all railway stations where he does not halt or alight should be kept clear.

(vii) At railway junctions or other large stations where the special train stops, the Railway Police Sub-Inspector//Police Inspector having jurisdiction will post constables on the platform to augment the train guard to the extent necessary.

(viii) If a long halt is made at any station and the VIP continues to occupy the train on a siding, the armed guard escorting the VIP will mount guard on the saloon occupied by the VIP and the Railway Sub-Inspector/Police Inspector having jurisdiction will arrange relief.

(ix) If the halt is only for a short time, say two or three minutes, or if the train stops outside a station on account of signal or any other cause, the guard will not be mounted at the saloon itself, but one constable will take the position on each side of the compartment and look along the train towards the saloon.

(x) When the empty special contains the luggage of the VIP, one constable with lathi will be posted as sentry and relieved every two hours.

(xi) The Superintendent of Police, Railways, will be responsible for seeing that proper police arrangements are made en route. He should be in touch with the district police for augmentation of staff at stations of halts, interchange, arrival and departure.

(xii) Ordinarily, there should not be any patrolling of the railway track, but when the Deputy Inspector General, Railways, or the Superintendent of the district considers it necessary; such sections as require patrolling will be specially patrolled.

(xiii) The Railway Police Sub-Inspector/Inspector will travel in his jurisdiction in the same train as the VIP and the Superintendent of Police, Railways, will travel in the same train, if specially ordered.

(xiv) At stations of arrival and departure the local police will make security arrangements outside the platform. The Railway police will see that the platform exits and entrances are kept free from undesirable persons.

(xv) The local police and the Railway Police will be responsible for the VIP's security at all halting stations.

(xvi) Escorts of High Personages will be relieved by the respective Railway Police escorts when the VIP travels to different states.

(n) By road.

The Pilot Car Personnel should be trained to know the distance at which they are to keep from the Very Important Personage's car under different circumstances. They should also be trained to master the directions given regarding speeds to be observed along the route. The officer in-charge of the Pilot car should be trained to keep in constant touch with the Escort Car.

(o) The Motor Cycle Riders should be so trained that they become most proficient in Motor cycle riding skills. They should know how to keep their exact position vis-à-vis the car of the Very Important Personage,

(p) The men of the Escort Car should have their duties properly explained to them. These duties are laid down in the Blue Book.

(q) The driver of the Car used by the Very Important Personage should be properly trained in good and safe driving. It should be remembered, in this connection, that every driver is not a good driver and that a skilful driver is not necessarily a good driver.

(r) This invariably pertains to journeys by car. Pilots and escort should be provided according to scale. The security box consisting of pilot car, VVIP car of escorts I & II or spare car should preferably be of the same make and colour. Wherever required (as per scale) the main and the spare car should be bullet-proof.

(s) Detailed instructions have been given in various circulars as regards composition of the cascade for the President, Vice-President, Prime Minister and other dignitaries. Arrangements may be made accordingly.

(t) Vehicles to be used should be subjected to thorough mechanical and anti-sabotage check. The antecedents of the drivers should be thoroughly verified and preference should be given to experienced drivers while finalizing the scheme. Care should be taken to ensure that while finalizing cascade arrangements no deviations are allowed.

(u) Seating plans in the cascade should be finalized well in advance and the drivers instructed to be always available near the vehicle. The drivers must also be briefed regarding the speed so that all vehicles of the cascade keep pace with each other.

(v) The flag rod for flying the National flag/party flag (depending on the nature of the visit) should be fixed on the left side and not in the center of the car bonnet.

(x) An assessment of the time to be taken during road journey from place to place should be carefully worked out. If the cascade is likely to pass through areas with high-rise buildings, these buildings should be identified and staff posted. All unmarked and unattended vehicles on the route should be identified and action taken to remove them.

(y) A thorough physical and anti-sabotage check of the route including culverts, bridges, drains, etc., will be necessary all along the route.

(z) Contingency routes and contingency hospitals and safe houses should be identified and the officers in the cascade should be briefed regarding these arrangements.

(aa) Very often the VIP's passage is held up by enthusiastic crowd wanting to offer flowers or to request him to participate in a short function. Such contingencies should be anticipated by collection of intelligence and necessary security arrangements made without display of unnecessary uniformed policemen. When, however, a VIP makes an unscheduled halt, then the senior most police officer present at such places should make such security arrangements as could be commanded in such circumstances.

(bb) The road, if it lies through a very heavily populated area and is of a considerable length, should be divided into small sectors, each placed under the charge of an officer with his staff who are responsible for maintaining order in that sector. The officer should be constantly on the move, along the allotted sector.

(cc) The constable posted for the duty should be given a manageable sector depending upon the anticipated crowd. It is his responsibility to control tactfully and with good humour that portion of the crowd which is in his sector. The co-operation of elders and responsible persons of the locality gathered there should be taken wherever possible to ensure orderly and disciplined behaviour on the part of the crowd.

(dd) When large crowds gather along the route at certain places, strategic reserves should be kept to be used for controlling sudden increase of crowd which cannot be held back by the policemen already in the street.

(ee) Officers are not expected to work with mathematical exactitude; all the same, they should avoid deploying too many policemen where very few are needed, or requisitioning reserves when it is not necessary. It often happens that when the VIP continues his journey through thick crowds, the younger and enthusiastic elements of the crowd begin to run behind the VIP's vehicle either on the road immediately behind the vehicle or on the sides of the road parallel to the vehicle. This is a very undesirable tendency and should be stopped by the policemen and officers standing along the route.

(6) Controlling the crowd lining the streets during the passage of the Very Important Personage.-

Sector officers should be trained to keep their wits about them and to use their initiative in increasing the number of men in their Sector where the crowd pressure is great and in decreasing the number in places where the small strength of the crowd makes the employment of a large number of Police men ridiculous. The officers and men on route lining duty should also be trained at keep their eyes open for any tendency on the part of the crowd to run behind the Very Important Personage's vehicle either on the road immediately behind the vehicle or on the sides of the road parallel to the vehicle. The officers and men could be trained in the various items of training under this head by way of lectures and demonstrations, together with an exercise on a skeleton basis which provides for crowds, cross-roads, vehicles, etc. The training could also be given with the help of sand models.

(7) Control of Traffic --

(i) Traffic Officers should be trained to realize control of traffic should continue as efficiently as possible after the passage of the Very Important Personage's motor car till congestion is minimized and regular flow of traffic is restored. The strict control that was maintained prior to or during the passage of the Very Important Personage's motor car should continue for some time till normalcy is restored.

(ii) The traffic points should be manned by traffic policemen as far as possible and should be reinforced at very heavy cross-roads by drawing men from other stations.

(iii) No traffic should be stopped but should be regulated unless a stoppage becomes inevitable for the security of the VIP and smooth running of his programme. If traffic is to be stopped at the cross-road, the officer on duty there should see that the traffic is stopped just at the very last moment and when the stoppage takes place, it should be at some distance away from the cross-road. Instructions issued by the Ministry of Home Affairs and concerned authorities from time to time should be carefully followed.

(iv) It may be necessary to declare certain streets closed to certain types of traffic. This matter should be considered in advance and decision taken. Also temporarily changing a both-way traffic into one way has to be considered. It generally happens that after the motorcade of the VIP has passed, the traffic arrangements are relaxed or almost given up. This causes great hardship and inconvenience to other vehicular traffic which may be following or which may be held up temporarily. This aspect should be borne in mind and traffic should be controlled till the congestion is minimized and the normal traffic conditions are restored.

**7 (b) TRAFFIC CONTROL IN RURAL AREAS --**

(v) The principles mentioned above apply here also except that there may be a preponderance of slow moving traffic, such as carts with an additional factor that the animals drawing the carts may be panicky. Adequate arrangements such as drawing them on to a side, stopping them altogether or even unyoking the animals from the carts should be made.

(vi) There may be certain roads which are narrow and winding in nature and hence stoppage of traffic particularly coming from the opposite direction may be necessary. The Police Officer on duty should decide how long before the arrival of the VIP's motorcade at the foot of the ghat, the traffic should be stopped on either side so that the oncoming traffic does not clash with the motorcade of the VIP. If there is traffic coming from the opposite direction which could not be stopped, each such vehicle coming from the opposite direction should be warned to keep to the extreme left of the road particularly at blind corners.

(8) Arrangements at Public Meetings.

(a) A Very Important Personage's visit is generally associated with a public meeting. The nature and magnitude of arrangements depend upon the status, prevailing condition and place of such public meeting. These and all aspects connected with a public meeting should be thoroughly examined and appropriate security and bandobust arrangements made. Generally speaking in District towns where such meetings are likely to be held, there are one or two grounds which are used for the purpose. Sand models of the particular ground should be kept. With the help of these sand models which should be of fairly big size (about 180 cms. by 120 cms. at least) it will be easy to demonstrate in a clear manner at the Briefing Session what is anticipated of every man on these occasions.

(b) The Policemen on duty at the meeting place should be trained to be all eyes and ears' for what is going on around them and not to be enthralled by the speech or actions of the Very Important Personages.

(c) The men and officers in uniform within the meeting place should be trained to assert their authority from the very beginning and keep the crowd under control before the meeting starts so that, as soon as the Very Important Personage arrives, these uniformed men will be able to sit down and not obstruct the crowd in any manner. They should also be trained to be extremely vigilant and active when the meeting is over so that the crowds leave the meeting place in the same manner in which they entered and to see that all arrangements are not thrown to the winds once the Very Important Personage and some of the important Persons have left the, meeting place.

(d) It will be a good practice if a rough diagram of the meeting place is drawn up on the parade ground at each District Headquarters and exercises carried out under fairly realistic conditions, giving the officers and men actual training in the matter of directing crowds into the various sectors, preventing people from jumping over sitting in fences, rushing through barricades, etc.

(e) The following general instructions are issued for the guidance of the officers:

(i) The venue, date, time and duration of the meeting should be ascertained well in advance.

(ii) The organizers of the public meeting should be contacted and their full co-operation secured.

(iii) It is always advantageous to visit the place of public meeting a few days in advance of the meeting and discuss all aspects of the function with the organizers so that proper arrangements could be made not only by the police but also by the organizers and other Government departments or public bodies.

(iv) Advance intelligence should be collected so that preventive action could be taken to prevent anti social elements from creating a breach of the peace.

(v) The approach roads to the venue of meeting should be kept clear.

(vi) Loudspeaker arrangements should be tested well in advance so as to ensure that all the assembled members of the public can clearly and distinctly hear the VIP. A spare set of equipment should be kept as standby.

(vii) The arrangements should be such that exit and entrance of the VIP without hindrance is ensured. Where possible, the exit and entrance of the VIP and VIP's party should be separate from those meant for the general public and other invitees.

(viii) Depending upon the crowd and venue of the meeting, sufficient number of exits should be provided so that the public and the invitees may leave the place quickly and in an orderly manner.

(ix) The seating of the VIP should be such that all those invited and others in the assembly can have a clear view of the VIP.

(x) It is always desirable that the VIP's seat is on a raised platform or rostrum and the distance between him and the general crowd is such as to ensure the security and free movement of the VIP.

(xi) If guidelines so stipulate, a sterile area should be kept in front of the rostrum. This rostrum should be under the protection of a guard from the time the programme has been finalized. Rostrum should be subjected to thorough anti-sabotage check of the number of persons who need to be near the rostrum should be determined well in advance.

(xii) Where the entry to a public meeting is not regulated by invitations, the distance from the platform or the rostrum to the crowd should not be less than 10 metres.

(xiii) The number of persons to be seated on the platform or rostrum should be kept to the minimum and should be such as to ensure security of the VIP.

(xiv) Barricades where necessary, should be put up and in doing so, it should be ensured that passages are left for easy ingress and egress and that separate enclosures are reserved for women and children.

(xv) Adequate reserve police where necessary with necessary lathies, arms and tear gas equipment should be kept in the neighbourhood of the venue of the public meeting.

(xvi) The officers and men posted to control the crowd in such meetings should be adequately catechized in their duties. They should be tactful but firm. The tendency to blow whistles and brandishing of lathies should be avoided. The tendency of the police officers to congregate near the VIP should be deprecated and each officer should stick to his sphere and sector of duty.

(xvii) Sufficient and definite space should be allotted for parking cars and other vehicles of not only VIP's and invitees but also of the general public. Separate parking place for the VIP convey should be earmarked which should be guarded properly.

(xviii) Arrangements for parking cars and vehicles should be such that the cars of VIPs and other dignitaries could be summoned at a moment's notice.

(xix) Appropriate bandobust schemes should be drawn up fixing the responsibility of each officer and circulated among all concerned.

(xx) The officers and staff detailed for duty should be at their positions well in advance of the start of the meeting.

(u) It is also desirable to check the bandobust arrangements a few hours before the meeting for ensuring their proper implementation.

(xxi) Arrangements should also be made for a stand-by system of power supply both for the function and public address system.

(xxii) Adequate number of fire extinguishers may be made available at the venue of public meeting.

(xxiii) Access control is very vital in all public functions. Adequate number of DFMDs, HHMDs, etc., may be installed. In addition to this staff may also be deployed for subjecting all persons attending the function for physical check if required.

(xxiv) Contingency planning should be made to meet any emergent measures.

(xxv) An officer should be exclusively assigned for being in over all charge and control of all the arrangements at the place of function.

(xxvi) A close liaison should be kept with the security officers accompanying the VIP.

(xxvii) The extent of security arrangements depends upon the importance of the VIP and the local conditions. Where special instructions are issued by Government of India, State Government, or the Director General, those instructions should also be followed.

(a) **President of India**- Security arrangements will be provided in accordance with the instructions contained in the booklet "Rules and Instructions for the protection of the person of the President when on tour, including short residences in Simla".

(b) **Vice President of India** - Security arrangements will be provided in accordance with the instructions contained in the book "Rules and Instructions for the protection of the Vice President of India when in residence and on tour".

(c) **Prime Minister** - Security arrangements will be provided in accordance with the instructions contained in the blue book "Rules and Instructions for the protection of the person of the Prime Minister of India when on tour and in travel."

(d) **Ministers of the Central Government** - The Commissioner in Chennai City, Rural Commissioners and the Superintendents in the district are responsible for the security arrangements in connection with visits of the Ministers of the Central Government.

(e) Necessary security arrangements will be made for guarding the residence and for protection during journeys by road, rail and air and at public functions as provided in the "Rules and Instructions for the protection of the Ministers of the Central Government when in residence and on tour".

(f) Security arrangements will be provided in accordance with the instructions issued by the Ministry of Home Affairs to individuals who have been categorized depending upon threat perception as per the scale prescribed below:

I. 'X' CATEGORY	Two PSOs round the clock
II. 'Y' CATEGORY	<ul style="list-style-type: none"> <li>(1) Uniformed Armed Guard of 1:6 at residence to cover the house round the clock.</li> <li>(2) Additional Security during sun-set and sun-rise.</li> <li>(3) 2 PSOs at a time round the clock one with Stengun and other than 9 M.M. Pistol.</li> </ul>
III. 'Z' CATEGORY	<ul style="list-style-type: none"> <li>(1) Uniformed Armed Static guard of 2:8 cover both front and rear of the place of stay.</li> <li>(2) Two PSOs at a time one with Stengun and the other with a 9 m.m. Pistol on a round the clock basis.</li> <li>(3) An Armed Escort-(1-3) for all road journeys in two shifts during the day.</li> <li>(4) Screening watchers two at a time during the day and one during the night.</li> <li>(5) Strict access control and anti-sabotage checks are also necessary.</li> <li>(6) A bullet proof vest.</li> </ul>
IV. 'Z' SPECIAL:	In addition to above security arrangements prescribed for 'Z' category the following additions would also be necessary.

(1) Provision of a bullet proof car in case available.

(2) Provision of Escort in three Shifts.

(3) Augmentation of the Static guards depending on the locations of place of stay.

(4) Additional security arrangements as required by the local situation.

(5) Additional security arrangements may also be made if required depending on the local situation.

(g) However where no guidelines are prescribed, security depending upon the local situation may be extended according to local threat perceptions. The recommendations for Fire Precautionary Measures in construction of Temporary Structures and Pandals during VVIP visits communicated in Letter No.SCA.1.No.18526/C/2007 Dated: 14.02.2007 of the Additional Director General of Police, Intelligence, Chennai should be followed scrupulously.

#### **479. Railway strike --**

(l) (a) The Railway Police are primarily responsible for the maintenance of order during a strike, but will have the co-operation of the District Police for that purpose. To this end a strike scheme should be prepared in each district to provide for the reinforcement of the Railway Police, the prevention of crime, the protection of railway servants against interference in the discharge of their duties, the safeguarding of the permanent way and the investigation of such offences as may arise. Such a scheme will provide for---

*[G.O. 189, Pub. Pol. 1<sup>st</sup> March 1951.]*

(i) the establishment along the open line of Police posts to ensure patrolling for intelligence purposes by Police and Village Menials;

(ii) the protection of railway property and the provision of guards at important and strategic centres;

(iii) the posting at strategic centres of mobile forces with light engines;

(iv) the protection of railway servants; and

(v) the reinforcement of the local Police investigation staff so that they may deal with all cases arising out of the strike except those cases considered by the Additional Director General/Deputy Inspector-General of Police (Crime Branch), C.I.D., as sufficiently grave to be taken up by the Crime Branch, Criminal Investigation Department.

(b) When armed force is required in excess of the above arrangements, the senior officer in local charge of the anti-strike operations should send timely reports to the Director-General of Police direct.

(2) (a) When a strike is threatened, the District Magistrate or the Additional District Magistrate, as the case may be, the local Superintendent and the Director-General should be kept informed, and the Superintendents concerned should take preparatory action by reinforcing District Police stations along the railway line to permit the strike scheme being put into force as soon as the strike is declared or appears inevitable.

(b) Railway Police circles should be at the same time be mobilized.

(3) Each man will be sent out with full kit and must be prepared to stay wherever ordered.

(4) The railway authorities should be asked to provide pilot engines, patrol trains (wherever necessary) and patrol trolleys.

(5) It is not the duty of the Police -- (a) to interfere with the strikers unless it appears that they are committing or about to commit an offence.

(b) to deliver orders from Railway Officers to any of the railway staff, whether on strike or not.

(6) Any complaint made to a Railway Police Officer must at once be communicated to the nearest Station House Officer. Station-House Officers must not be led into taking hasty or illegal action on unconfirmed reports of the possibility of the occurrence of an offence.

(7) (a) The matter of "picketing" demands careful attention." Picketing" implies an organized endeavour by men on strike or agitators, to induce workers to " down tools " by means of parties of men posted at important working centres, such as workshops gates.

(b) " Picketing" does not constitute an offence if the persuasion used is of an ordinary and peaceful nature and does not involve coercion, intimidation, restraint, hostile demonstration, obstruction to the public or any offence under the ordinary law or danger to the public peace. If, however, any person wilfully impedes or restricts any railway servant in the discharge of his duty, he commits an offence under section 121 of the Indian Railway Act, 1890, which is cognizable by the Police.

(8) The Police have no power to order a peaceful picketer or any other person to leave railway premises unless he has committed an offence under Section 121 or under some other cognizable section of the Indian Railways Act, 1890.

Any person refusing to leave railway premises after being ordered to do so by a competent Railway Officer commits an offence under Section 121 of the Indian Railways Act, 1890.

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

#### **480. Drill and Instructions.**

(1) Hours for drill and instruction arranged according to trains, should be detailed in a form prepared by the Inspector and hung up in each Police Station.

(2) Platform constables at out-stations should be relieved for three days each month and called into the Railway Police Station for drill and instruction.

(3) Constables employed on platform duty at outstations should be changed periodically at the Superintendent's discretion.

#### **481. Custody of Arms--**

The arms will be kept in the station secured to an arms rack by means of a chain fastened with a lock and be in-charge of the Sub-Inspector or other officer-in-charge of the station in his absence. Station sentries will keep the key and be responsible for the arms in succession. The ammunition will be kept in a locked ammunition box, the key of which will be kept by the station sentry. The Sub-Inspector or the officer in-charge of the Station in his absence, will be responsible for its correctness and this officer will issue the requisite number of rounds whenever necessity arises.

#### **482. Use of arms.--**

Head Constables and Constables will be armed with fire arms on such occasions as may be prescribed by the Superintendent of Police, Railways, but the Station House Officer may direct fire arms to be used in an emergency or for the following purpose:

- (a) patrolling station yards, goods sheds, tranship sheds and yards;
- (b) escorting running goods train; and
- (c) escorting prisoners.

## CHAPTER XXVI.

### CRIMINAL INVESTIGATION DEPARTMENT AND VARIOUS UNITS.

**483. Manner of assisting the District Police in investigation --** (1) The Criminal Investigation Department will assist the District Police either by

(a) taking up the entire investigation or a case, or

(b) placing an officer of the staff at the disposal of the Superintendent of Police.

(2) Sub-Inspectors attached to the Criminal Investigation Department must be deputed by an Inspector or officer of higher-rank to investigate in each particular case on which they are employed, but such authorization is not necessary in the case of officers above the rank of Sub-Inspector.

(*G.O.Ms. No. 1862, Judl. 16 Nov, 1912.*)

#### **484. Application for assistance --**

Application for the assistance of the Criminal Investigation Department should be made by the Superintendents of Police or the Deputy Commissioner of Police (Crime) to the Additional Director General/Inspector General/Deputy Inspector-General of Police (Crime), Criminal Investigation Department through the Range Deputy Inspector General or the Commissioner of Police as the case may be. No enquiries shall be undertaken without the orders of the Additional Director General/Inspector General/Deputy Inspector-General of Police, Criminal Investigation Department. It will, of course, be open to the Range Deputy Inspector-General of Police or the Commissioner of Police to withhold an application and direct the District or the City Police to continue investigation.

#### **485. Responsibility of District Police --**

The Criminal Investigation Department in no way relieves the District Police of their responsibility for the prevention and detection of crime.

Classes of crime to be investigated by the Criminal Investigation Department.

#### **486. The Criminal Investigation Department will ordinarily deal with crimes of the following classes only: ---**

(1) Note-forgery cases.

(2) Cases of counterfeit coining when the counterfeits are struck from dyes.

Note.--(1) Officers of the department who have been trained in the Bombay Mint are available in cases where expert evidence or advice is wanted in respect of counterfeit coins whether struck or moulded.

(ii) Whenever it is intended to launch a prosecution in a case in which apparatus or materials for forging coins or currency notes have been seized, the C.I.D. should be informed and asked to give expert opinion before the case is put up in court.

(3) Cases of professional poisoning.

(4) Theft of Government arms and ammunition and illicit trade in arms.

(5) Important cases in which foreigners are concerned. (Including cases of international criminals, foreigners and traffic in woman by foreigners).

(6) Frauds by means of advertisements, bogus funds and companies; personating public servants, swindling, etc.

(7) Cases of dacoity or house-breaking of a popular nature which indicate the work of an adept gang not previously noticed or accounted for by the local police.

(8) Cases of fraud, theft or cheating of a peculiar nature which affect more than one district.

(9) Cases of such a technical nature as in the opinion of the Director-General or District authorities call for investigation by an officer of the Criminal Investigation Department.

(10) Important thefts of currency notes or important defalcations of public money.

(11) Cases of smuggling of opium, cocaine, etc.,

(12) Cases of bringing fraudulent civil suits,

(13) Gang Cases.

(14) Important conspiracy cases whose ramifications extend to several Districts.

(15) Pornography.

(16) Thefts of idols or curies,

(17) Thefts of Automobiles having inter-district and inter-State ramifications.

(18) Any serious crime which appears to have a political motive including all offences connected with arms and explosives which are suspected to be of a political nature.

(19) Any case which the Additional Director General/Inspector General/Deputy Inspector-General of Police, Criminal Investigation Department, Director-General of Police or Government consider should be investigated by an independent agency consequent on the investigation by the local Police having become suspect of partisanship or corruption.

Note: The Headquarters of the CB CID has been notified as a Police Station with jurisdiction over the entire State of Tamil Nadu and all Police Officers of and above the rank of Inspector of Police/Deputy Superintendent of Police have been notified to have the powers of an officer in-charge of Police Station u/s 2(s) of the Cr.P.C.1973 (Central Act 2 of 1974). Criminal cases involving Prevention of Corruption Act can be registered and investigated by officers of the rank of Deputy Superintendent of Police and above. (G.O.Ms.No.1093, dated:08.07.1991/G.O.Ms.No.226, dated: 18.02.2004) The Special Investigation Units and all detachments of the CB CID have also been notified as Police Stations. All records connected with investigation normally maintained in a Police Station are required to be maintained in the Headquarters and all detachments of the CB CID.

#### **487. Superintendents to send special reports ---**

(1) (a) In all cases falling under items (3) and (16) in cases of special importance and in all other cases included in order No. 486 in which immediate action by the C.I.D., is called for, a telegraphic or Radio report should be sent to the C.I.D. (Crime) followed by a written report which should be sent by express if urgency dictates this procedure. This report should be written in three parts as shown below:-

Part I -- All relevant facts of the occurrence.

Part II— Action already taken and ordered,

Part III— Suggestions for further action as dictated from local knowledge of the District Officers.

(b) A copy of this report should be sent to the Collector and the Range Deputy Inspector-General. Further Progress report in Form No. 12 should be sent in all such cases to the Collector, the Range Deputy Inspector-General and the Additional Director General/Inspector General/ Deputy Inspector-General, Criminal Investigation Department (Crime).

(2) In all other cases, the Superintendent should forward a special report direct to the Criminal Investigation Department. Further progress reports need not be submitted in these cases unless specially called for, but a report must be made of their final disposal. In the event of a conviction, a copy of the judgment must be forwarded with the final report.

#### **488. Classes of crime to be reported to the Central Bureau of Investigation and the Criminal Investigation Department -**

(1) Cases falling under classes 1, 4, 5, 15 and 16 of Order No 486 and all convictions of non-Asiatic, when such convictions are for offences of the type in which finger prints would ordinarily be taken for record in the Finger Print Bureau, should be reported by the Criminal Investigation Department, to the Central Bureau of Investigation (Ministry of Home Affairs, Government of India, New Delhi.).

(2) (a) whenever a non-Asiatic is convicted of an offence of the type in which finger prints would ordinarily be taken for record under the rules, the finger prints and photographs of the convict "as well as the details of the offences described in words and not merely referred to by their Indian Penal Code Section numbers in respect of which they were convicted" should be sent by the Superintendent of Police of the District in which the case was registered to the Criminal Investigation Department (Crime) for transmission to the Director, Central Bureau of Investigation, Government of India, who in turn, will forward them to the head of the Police in the country of which the prisoner is a resident.

(b) Before the release of such a prisoner a report should be sent by the Superintendent of Police of the District in which the case was registered through the same channel to the Director, giving information regarding date, route, ship, etc., on or by which the prisoner will be travelling, in order that such information may be transmitted to the country of the man's origin.

(3) In coining or note-forgery cases in which an Asiatic but not a resident of India, is convicted and in which there is reason to believe that the false coins or notes have been manufactured abroad, a report should be forwarded by the Superintendent of Police of the District in which the case was registered to the Criminal Investigation Department (Crime), for transmission to the Director, Central Bureau of Investigation.

(4) If any foreign criminal, whether Asiatic or non-Asiatic, is convicted in a coining or note-forgery case which may arouse international interest, a similar report should be sent by the Superintendent of Police of the District in which the case was registered to the Criminal Investigation Department, (Crime) for information of the Director, Central Bureau of Investigation.

#### **489. Radio Reports to the Criminal Investigation Department to be sent in certain cases of serious Crime:—**

If, in cases falling under item 18 of Order No. 486 officers concerned in the investigation discover any concrete fact of importance and the officer deputed by the Criminal Investigation Department, (Crime) is not actually present at the time, a radio report of such facts should be sent both to the Criminal Investigation Department (Crime) and to the Superintendent of the District concerned.

#### **490. Deputation of Officers of the Criminal Investigation Department---**

(1) In any case in which the services of an Officer of the Criminal Investigation Department are asked for, or whenever an officer is deputed by the order of the Deputy Inspector-General or of the Director-General to conduct an investigation

or inquiry of any kind the officer, deputed should generally take with him a letter addressed to the Superintendent prescribing the work upon which he is sent.

(2) If the Superintendent is away in camp, the officer deputed should hand over the introductory letter for the Superintendent or report his arrival to the Personal Assistant to the Superintendent of the District and should submit immediately a report in writing as to the course of investigation he is adopting. He should thereafter take the first available opportunity of seeing the Superintendent if the inquiry is likely to be a lengthy one.

(3) In cases where an officer of the Crime Branch, Criminal Investigation Department, is deputed to assist the Superintendent of Police of a District in the investigation of a case, the Crime Branch Officer should work directly under the Superintendent of Police who will then be responsible for the enquiry. In such cases the case diaries should be submitted to the Superintendent of Police, of the District with a copy to the Superintendent of Police, Crime Branch, so that the latter is aware of his officer's doings.

(4) In cases which are completely taken over by the Crime Branch, Criminal Investigation Department, the officer concerned will work directly under the control of the Criminal Investigation Department and submit his case diaries to the Superintendent, Crime Branch. But the officer should keep the Superintendent of the District in which he is working fully informed orally of his doings, consult him, take instructions wherever practicable, on matters affecting the District and finally inform him of the result of the enquiry.

#### **491. Superintendent to assist the Criminal Investigation Department Officers:**

Superintendent should give officers of the Criminal Investigation Department every facility for conducting inquiries in their districts and should make available for their assistance the local knowledge of the District Police. The Officers of the Criminal Investigation Department have the same right of inspecting records as the District Police.

#### **492. Case Diaries and other Criminal Investigation Department records --**

The case diaries of officers of the Criminal Investigation Department are subject to the same rules as those of the District Police. Except that in cases in which investigation is completely taken over by the Crime Branch, Criminal Investigation Department, case diaries will be lodged by the Superintendent of Police, Crime Branch, Criminal Investigation Department in the Crime Branch Office.

### **493. Branches of work in Criminal Investigation Department: --**

(1) The Criminal Investigation Department is divided into five Branches known as Intelligence, Crime Branch CID, Crime, Economic Offences, and Crimes Against Women & Children, each divided into subdivisions as indicated below :—

#### **(a) Intelligence Branch:--**

- (i) Special Branch.
- ii) Organized Crime Intelligence Unit (OCIU)
- (iii) Security Branch
- (iv) Core Cell
- (v) Short Hand Bureau and Photo Section
- (vi) “Q’ Branch.
- vii) Special Division
- (viii) Special Intelligence Unit

#### **(b) Crime Branch:—**

- (i) Crime Branch, CID- Crime and Criminal Intelligence not of a specially confidential nature.
- ii) Cyber Crime Cell
- iii) Counter-feit Currency Wing
- iv) Organized Crime Unit
- v) Anti Trafficking Cell
- vi) Police Research Centre

#### **(C) Crimes:-**

- (i) Narcotic Intelligence Bureau/ Anti-Narcotic Task Force
- (ii) Anti-Decoity Cell
- iii) Intellectual Property Rights Enforcement Cell (IPREC)

#### **(d) Economic Offences Wing:-**

- (i) Economic Offences Wing
- (ii) Economic Offences Wing II (Financial Institutions)
- (iii) Commercial Crime Investigation wing.
- (iv) Idol Wing

**(e) Crimes Against Women & Children Wing (CWC)**

**494. Special Branch Work:--**

**(i) Special Branch –**

(a) Special Branch work is strictly confidential and must be kept entirely separate from any matters, such as information for the Criminal Intelligence Committee unconnected with it.

(b) The State Intelligence is under the control and supervision of an Additional Director General of Police who exercises complete administrative control over all the State Intelligence Staff, assisted by an Inspector General of Police, Deputy Inspectors General of Police, Intelligence I & II and Superintendents of Police.

(c) The Additional Director General of Police, Intelligence, is the officer authorised to keep the Government informed of the important developments and sensitive events. State Intelligence deals also with the matters of interest relating to overall security of the State and the VVIPs. One of its important functions is to give promptly to the Government as well as to the Director General of Police information on all matters of public importance. The State Intelligence communicates to the Intelligence Bureau and the Intelligence Organisations of other States, information which is of interest to them. It communicates to the Range Police Officers and Superintendents of Police in-charge of the districts and other specified Officers important information which is of importance to them. It prepares periodical reports on matters falling within its purview and forward copies to those specified. It makes confidential enquiries into all matters of public importance and those affecting national interest. It also helps in the investigation of those crimes which have a bearing on public issues. It collects advance intelligence regarding the problems affecting the law and order situation in the State and communicates it to the concerned for taking precautionary measures. It liaises with the district special branches through which it collects intelligence and it passes on important advance intelligence to them. Functionally the district special branches are almost part of the State Intelligence as far as the collection of intelligence is concerned, though administratively they are under the charge of the concerned Superintendents of Police of the districts.

(d) The State Intelligence has its own field staff for collecting information and to deal directly with Intelligence matters. The SB detachment is headed by an Inspector in each district / Commissionerate and the branch, at the state level, is in-charge of collection, collation and dissemination of all informations relating to communal tensions, caste related matters apart from law and order issues. They will be responsible for collection and dissemination of information in their respective jurisdictions and they will report to the Additional Director General of Police, Intelligence promptly all matters of importance. Telephonic/wireless/fax messages should be followed by more detailed written reports. There is no hard and fast demarcation of duties between the State Intelligence field Staff and the District Special Branch staff. The responsibility of the former is complete in all spheres.

State Intelligence is particularly responsible for collecting information about secret, underground and subversive activities and about matters of importance from the security point of view. It is also required particularly to keep abreast of important developments and maintain complete harmony and co-operation with the Special Branch staff.

**ii) Organized Crime Intelligence Unit (OCIU)**

**(iii) Security Branch, CID --**

The security of the VVIPs / VIPs including foreign Heads of states is looked after by this branch. The Security Branch CID also handles matters relating to activities of foreigners, vital installations, security schemes, and passports and citizenship applications and issues relating to immigration. Superintendents of Police, Security I and II will be in charge of the work relating to Security Branch. They will be responsible for ensuring that all the Internal Security Schemes are available up to date. They will co-ordinate with the Unit Officers as well as the Commissioners of Police regarding the security of all VVIPs and play its role also in providing security to them.

**iv) Core Cell –**

The Core Cell in the Security Branch of CID consists of the Close Protection Teams (CPT), Bomb Detection and Disposal Squad (BDDS), Motor Transport Wing, Technical Wing, Dog Squad and Women Contingent. They also provide fool proof security cover for the functions, meetings and district tours of Hon'ble CM.

**(v) Short Hand Bureau & Photo Section–**

The Short Hand Bureau has branches in all districts and Commissionerates and works to cover public meetings and monitors inflammatory speeches. It is also entrusted with the translation of documents relating to sensational cases dealt with by Crime Branch CID, 'Q' Branch CID and Special Division and matters relating to Tamil Nadu Legislative Assembly, and Public (SC) Departments.

**(vi) 'Q' Branch –**

The State "Q" Branch CID collects intelligence and information pertaining to extremists, militants and terrorist activities. 'Q' Branch detachments have been declared as Police Stations with powers to investigate cases pertaining to the activities of the above groups. It is headed by an Inspector General of Police assisted by a Superintendent of Police and other ranks.

**vii) Special Division**

Matters relating to religious fundamentalists are handled by this division.

**viii) Special Intelligence Unit**

IGP, Intelligence supervises Special Branch CID, OCIU, Security Branch CID, Core Cell and Short Hand Bureau & Photo Section

IGP, Internal Security supervises Q Branch, Special Division and Special Intelligence Unit.

*[Based on existing working arrangement]*

#### **495. Crime Branch:—**

##### **(1) (i) Crime Branch, CID –**

The Executive Officer of this branch investigates cases falling under Police Standing Order No 486.

The administrative control of Crime Branch CID vests with an officer of the rank of Additional Director General of Police under the overall control of the Director General of Police. The Addl. Director General of Police is assisted by one Inspector General of Police (Crime), who supervises the work of DIsG and SsP of Crime Branch CID. The primary function of the Crime Branch is the investigation of serious crimes. The charter of Crime Branch CID is to tackle crimes having inter-district and inter-state ramifications. Organized crimes including trafficking in persons, Counterfeit Currency cases, Cyber crime and serious white color offences. Crime Branch CID is having jurisdiction over the entire state of Tamil Nadu.

##### **(ii) Cyber Crime Cell:-**

In Tamil Nadu, in the year 2002, two Cyber Crime Cells were created; one is exclusively for Chennai Police and another at CBCID, having jurisdiction throughout the State of Tamil Nadu. The role of this cell is to prevent, detect and investigate Cyber crimes that come under the ambit of Information Technology Act 2000 and assist the other Law Enforcement Wing in the investigation of crimes in which elements of Computer related crime exists. The cases under IT Act 2000 have to be investigated by Officers not below the rank of Deputy Superintendent of Police. State level Cyber Crime cell, CBCID was formed vide G.O.Ms.No.940, Home (Pol.XII) Department, dated: 03.10.2002

(iii) Counterfeit Currency Wing: Functioning in the following zones: 1) Chennai 2) Coimbatore 3) Trichy and 4) Madurai, under the head of the Superintendent of Police (Special Units), CB CID, Chennai

##### **(iv) Organized Crime Unit:**

Organized Crime means any continuing unlawful activity by an individual, singly or jointly, either as a member of an Organized Crime Syndicate, by use of violence or threat of violence or intimidation or other unlawful means, with the objective of gaining pecuniary benefit or gaining undue economic or other advantage for himself or any other person or promoting insurgency.

Organized Crime poses a serious threat to society by neutralizing the normal legal process through subversion of the enforcement machinery and causing violence against those who are inclined to depose against such crime syndicate. It is fuelled by illegal wealth and black money generated by contract killing, extortion, smuggling in contraband, illegal trade in narcotics, kidnapping for ransom, money laundering etc.

As per GO.Ms.No.940, Home (Pol.12) Department, dated: 03.10.2002, seven Organized Crime Units were created in Tamil Nadu at Trichy, Madurai, Salem, Coimbatore, Chennai-I and Chennai-II and functioning under the head of the Inspector General of Police (Crime) and overall supervision by the Addl. Director General of Police, Crime Branch CID, Chennai.

**(v) Anti-Trafficking Cell:-**

In order to curb the menace of trafficking women and children in an organized manner within the State (Tamil Nadu) inter-state and to booking cases against the organizers who are responsible for trafficking in women and children, selling or buying girls and providing call services etc., the Government of Tamil Nadu have formed a state-level Anti-trafficking Cell in CB CID on 30.04.2002 as per G.O.Ms.No.367, Dated: 30.04.2002 (The name Anti-Vice Squad changed to Anti-Trafficking Cell as per G.O.Ms.No.1256, dated:21.11.2003

Cases are being registered against traffickers, procurers, lodge owners, organizers, pimps, brokers seducing or buying girls and providing call services for the purpose of prostitution. The affected women and minor girls (sex workers who are indulging prostitution) are rescued from the brothel den and treated as victims. They are produced before the court or Child Welfare Committee and kept at Government Vigilance Home or Government Children's Home, Kellys for safe custody. The victims are sent to medical examination with women Police escort. After a thorough enquiry made by a Probation Officer or Non-Government Organization, the court or Child Welfare Committee, orders to handover the victims to their parents or relatives. As per the order, the victims are handed over to their parents or guardians.

The neglected children, women and other minor delinquents, who migrate to the town/cities from various places, fall an easy prey to Anti-Social elements, who use them for immoral trafficking. It is therefore most essential to identify the major organizers of such anti-social activities and prosecute them with proper follow up action by having an effective and proactive mechanism.

*G.O.Ms.No.367, Dated: 30.04.2002 (The name Anti-Vice Squad changed to Anti-Trafficking Cell as per G.O.Ms.No.1256, dated:21.11.2003*

As per the guidelines of the Ministry of Home Affairs, all the Commissioners of Police in cities and Superintendents of Police in Districts were requested to transfer untraced child missing cases beyond four months to Anti-Human Trafficking Unit of CBCID for speedy investigation. But due to insufficient strength in CB CID and considering the volume of

untraced cases, it is not feasible to conduct in-depth investigation of missing cases reported throughout the State. Hence it is instructed that further investigation of cases untraced child missing beyond four months may be transferred to the existing Anti Human Trafficking Units functioning in cities and districts. Investigation of these transferred cases may be conducted by an Inspector of Police, who is in-charge of the Anti Human Trafficking Unit and progress of the above said cases may be supervised by Addl. Superintendent of Police Headquarters of the concerned Districts/Cities. The Commissioners of Police/Superintendents of Police supervising the concerned units may strengthen the Anti Human Trafficking Units depending on the number of cases under investigation

The Anti-Trafficking Cell of CB CID may monitor this kind of investigation and guide AHTUs functioning in various cities and districts as far as cases of untraced missing children are concerned.

*-DGP's Memorandum No.061421/Crime 4(3)/2016, Dated:11.07.2016.*

(vi) Police Research Centre – Functions of the PRC are envisaged in PSO 496

(2) CRIME:

**(i) Narcotic Intelligence Bureau -- Anti-Narcotic Task Force --**

It collects intelligence about drug-peddling and enforces the Narcotic Drugs and Psychotropic Substances (NDPS) Act in the state. It is headed by a Deputy Inspector General of Police and under the overall supervision of the Inspector General of Police, (Special Investigation Team). They are assisted by two Superintendents of Police.

Inspector General of Police, Crime (Special Investigation Team) will be head of the Anti-Narcotic Task Force of Tamil Nadu. The force will attend to the work in connection with supply reduction, demand reduction and preventive measures through enforcement of the Narcotic Drugs and Psychotropic Substances Act, 1985. It shall convene co-ordination meetings at least once a quarter with other enforcement agencies such as the Chief Commissioner of Customs (Preventive), Chennai, the Additional Director, Revenue Intelligence, Chennai, the Director of Drugs Control, the Principal Chief Conservator of Forests, the Coast Guard, the Zonal Director, Narcotic Control Bureau and Authorities of the Air Ports and Sea Ports. It shall organize joint operations with the Director of Drugs Control and arrange to conduct checks at suspected Pharmacies by surprise. It shall co-ordinate with officials of the Forest Department and launch action to eradicate ganja cultivation to ensure reduction in supply of ganja. The Deputy Superintendents of Police/Inspectors of Police of this force shall meet the officials of the Health and Family Welfare Department and make them collect intelligence from d-addiction Centres functioning under the control of the Directorate of Health and Family Welfare. The Force shall ensure prompt dispatch of Monthly Master Reports and Form-F in respect of certain specified seizure of contrabands. The force shall also co-ordinate with the Commissioner of Prohibition and Excise and

arrange, at periodical intervals, to destroy contraband involved in cases disposed by courts. It shall also cause to initiate measures for creating awareness against drug abuse particularly amongst the student community by co-ordinating with the Directors of Medical Education, Technical Education, Collegiate Education, Higher Secondary Education and School Education. Besides, the force shall review disposal of cases in courts and make efforts to pave the way for speedy disposal of cases.

(G.O.Ms.No.36 Home, Prohibition and Excise (XVI) Department Dated: 17.06.2008)

Local Police Officers, who register cases under the NDPS Act, should furnish details of the cases to the NIB CID and cases involving commercial quantity of Narcotic Drugs and Psychotropic Substances should be transferred to the NIB CID for further investigation and follow up action. Seizure of 5 Kgs or more of Ganja or any other substances comes under commercial quantity as per Annexure I of the NDPS Act.

-DGP's Circular Memorandum No.187539/Crime 4 (3)/2015, Dated: 02.11.2015

**(ii) Anti Dacoity Cell --**

(The strength of Anti-Dacoity Cell re-distributed among Crime and Crime Branch CID, vide G.O.Ms.No.250, Home (Pol.VIII) Department, dt: 21.03.2017)

**(iii) Intellectual Property Rights Enforcement Cell (IPREC) --**

(a) It is headed by a Superintendent of Police. It has 12 units in the state. The unit investigates and prosecutes all violations under the Copy Right Act and Tamil Nadu Exhibition of Films on TV Screen through VCRs & Cable TV Network Regulation Act 1984.

**b) Stage Carriages Not to play pirated video films – Instructions:-**

Strict instructions have been given to the State owned Transport Corporations not to exhibit any pirated video films in buses. It shall be ensured that Government owned Transport Corporation buses do not exhibit such pirated video films. In addition, private bus operators have also been given strict instructions that they are not to exhibit such pirated video films in buses. Any such exhibition is an offence under the Tamil Nadu Exhibition of films on Television Network (Regulation) Act, 1984 (Tamil Nadu Act 7 of 1984). Action shall be taken under this Act to book bus operators who violate the provisions of this Act.

-DGP's circular No.212205/Cr.I (1)/2004, dated: 12.10.2004

c) It shall be ensured that the Police Control Room which can be accessed by dialling number 100, will alert Intellectual Property Rights Enforcement Cell (IPREC) on receipt of a complaint.

-DGP's circular No.214195/Cr.I (1)/2004, dated: 12.10.2004

3.E.O.W:

**(i) Economic Offences Wing --**

It is functioning under the overall control of Additional Director General of Police (Economic Offences) and assisted by Inspectors General of Police, EOW I and II. This unit is functioning to protect the interest of the depositors. It will take up the following cases:-

- i) All cases relating to Financial Institutions including Non-Banking Financial Companies whether registered or not.
- ii) Large scale frauds including corporate frauds and chit fund frauds, Multi-Level Marketing frauds, Stock-Market frauds etc.
- iii) Organized job racketeering
- iv) Money Laundering cases
- v) Credit card frauds
- vi) Other cases with economic or commercial angles.

**(ii) EOW II (Financial Institutions) --**

This unit deals with the cases relating to non-banking financial companies and unincorporated financial institutions and headed by an Inspector General of Police at State level and under the overall control of Additional Director General of Police (Economic Offences). In district level, Economic Offences Wing (Financial Institutions) will function under the control of the Superintendent of Police of the district concerned, assisted by certain number of supporting staff. This wing will obtain the technical advice and consultancy required in connection with the audit and accounts, computer, banking and stock and share markets etc. from the Reserve Bank of India and other specialized agencies on Consultancy or contract basis as and when required.

*(G.O.Ms.No.1697 Home (Courts IIA) Department Dated: 24.12.1999)*

**(iii) Commercial Crime Investigation Wing --**

This wing looks after the cases of offences relating to defalcation of funds. Offences relating to co-operative societies involving misappropriation of funds exceeding Rs.1 lakh are investigated by C.C.I.W. Cases involving less than Rs.1 lakh but above Rs.50,000/- are investigated by concerned District Crime Branch and cases involving less than Rs.50,000/- are investigated by the Local Police.

**(iv) Idol Wing --**

- a) Apart from coordinating and monitoring the investigation of important idol theft cases all over the state, this wing also investigates cases of thefts of idol of antique value exceeding Rs.5 lakhs referred to it by the Director General of Police.
- b) Only cases falling within any of the following categories are to be transferred to Idol Wing:-

- i) Cases in which idols stolen have been declared as antiques and notified accordingly in the official gazette of Government of India, under the auspices of the Archeological Survey of India, or by the State Government/HR & CE Department.
- ii) Cases in which idols stolen from temples have historical significance in the sense that idols or other related items (mostly jewellery) stolen from temples which are more than 100 years old or as defined by the State Government (HR&CE) Department for special reasons.
- iii) Cases which have inter district or state-wide/inter-state ramifications in respect of the potential for being smuggled out or the dealers are having state-wide or inter-state ramifications.
- iv) Only idols whose value is certified by the HR&CE Department as Rs.5 lakhs and more.
- v) Cases of theft of idols, which are of the sensitive nature and which are ordered to be taken up by the State Government for investigation.

All SPs/COPs shall follow the guidelines given above scrupulously while recommending idol theft cases to be transferred to Idol Wing.

*-DGP's standing instruction No.76/2014, dated: 06.05.2014*

(4) The organizational set up, duties & responsibilities of Crimes Against Women & Children are furnished in PSO 131 (12)

(5) Other Units --

**(i) Special Task Force --**

An officer at the level of an Inspector General of Police heads the Special Task Force. The personnel of this force, are trained in the prevention of hijacking, tackling armed militancy, insurgency, terrorist activities, kidnapping of VIPs for ransom etc. The force is also trained to assist the local police during major calamities and is currently being used for anti-naxalite operations all over the state.

**(ii) Operations –**

The Tamil Nadu Commando Force (TNCF) and Tamil Nadu Commando School (TNCS) form part of this wing. These units were formed in 1997, following the reorganization of the erstwhile Special Security Group.

**(iii) Tamil Nadu Commando Force (TNCF) --**

In order to provide escort duties in sensitive cases under TADA, POTA and including LTTE cadres, security to VVIPs and other bandobust duties on important occasions, TNCF was setup. The other duties entrusted to TNCF are law and order, rescue work, bomb disposal, election duty etc.

**(iv) Tamil Nadu Commando School (TNCS) --**

All necessary training for handling sophisticated weapons, bomb detection and disposal techniques, etc. are imparted by the school. The training conducted by this school is

meant to give specialized skills in areas such as sniper shooting, jungle survival, weapons and tactics, anti-sabotage, etc., to enable a person to qualify to be a commando.

**(v) Bomb Detection and Disposal Squad --**

The Bomb Detection and Disposal Squad (BDDS) has professionally skilled bomb detection and disposal experts working in it. Their expertise lies to prompt and quick detection / disposal of bombs and explosives.

**(vi) Social Justice and Human Rights --**

The enforcement of the “Protection of Civil Rights Act 1955 and the scheduled caste and the scheduled tribe (Prevention of Atrocities) Act 1989” are both enforced by this wing headed by an Inspector General of Police. Apart from taking steps to prevent atrocities against members of the Scheduled Castes and Scheduled Tribes, the wing also works for the relief and rehabilitation of the victims of such atrocities. The wing also plays a major role in resolving disputes affecting the members of Scheduled Castes and Scheduled Tribes. The Social Justice and Human Rights Wing will supervise and co-ordinate the work of all agencies entrusted with the task of taking action on complaints of harassment, ill-treatment, social boycott and atrocities, on the members of the Scheduled Castes/Scheduled Tribes and enforcement of the Protection of the Civil Rights Act. This Unit will keep a watch over the cases under P.C.R. Act and SCs and STs (Prevention of Atrocities) Act registered and investigated in the districts and give necessary instructions in this connection. Further, the reports/Radio messages/Fax messages/Grave Crime Reports and progress Reports will be sent by the Unit officers to this Unit. However, a copy of such reports and messages should be sent to the Chief Office also. The Unit will compile statistics relating to the cases registered under the P.C.R. Act and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Further, the Unit Officers will send the monthly statements to the Unit and will send such other particulars or reports as may be called for by the Inspector General of Police, Social Justice and Human Rights. The Unit will compile monthly review relating to the cases referred to above and put up the same for information to the Director General of Police and the Government and communicate their remarks or instructions to the Unit Officers. The Unit will keep a watch on officers and others who do not respect and execute the laws and rules and who abet the offenders against the Scheduled Castes and the Scheduled Tribes. The Superintendent of Police of the Districts and the officers of the Unit will co-ordinate their efforts in such a manner as to avoid any friction or difficulty in their smooth functioning. The creation of the Unit in no way absolves the local police of their responsibility regarding the enforcement of the PCR Act or taking action on the complaints of harassment or atrocities against the Scheduled Castes and the Scheduled Tribes, and the local Police will continue to attend to this work with all alertness, promptness and diligence.

(vii) In addition to the above, there is also a separate wing known as "Civil Supplies C.I.D." This unit is entrusted with the responsibility of collecting intelligence regarding crimes relating to food and other essential commodities and also for tackling of hoarding and profiteering in food-grains. Civil Supplies CID is in-charge of the enforcement of the Essential Commodities Act and the various control orders issued by the Government of India and Government of Tamil Nadu.

*[based on existing organizational set up]*

**(viii) Criminal Intelligence ---**

(1) As regards Criminal Intelligence, information will be collected and disseminated with regard to the following matters:--

- (a) Serious crimes.
- (b) Property lost or stolen and suspicious property recovered,
- (c) Counterfeit coins and currency notes,
- (d) Arms and ammunition.
- (e) Persons wanted or arrested by the Police, missing persons and suspicious individuals.
- (f) Military deserters.
- (g) Foreigners and foreign nomads.
- (h) Notifications under the Foreigners' Act
- (i) Scientific Aids to detection.
- (j) Interesting cases.
- (k) Interesting extracts.
- (l) Notes for the guidance of investigating officers.

**(2) Criminal Intelligence Gazette --**

Such information will ordinarily be published weekly in the Criminal Intelligence Gazette. Matters intended for publication should be sent in, as far as possible, ready for the press, carefully drafted and written on one side of the paper only. Attention must be paid to the authorized spelling of all names.

**(3) Extracts from the Criminal Intelligence Gazette in the Regional languages -**

As the Criminal Intelligence Gazette is of All-India importance, it will be issued in English only. When a Superintendent considers that any information published in it should be circulated in Tamil he can do so by means of the District Crime and Occurrence

Sheet. However, information of a confidential character must not be so promulgated but must be communicated by cyclostyled circulars.

(4) Criminal Intelligence Gazette—Supply to Certain Officers --

The Criminal Intelligence Gazette will be supplied to such officers outside the control of the Tamil Nadu Government as the Director-General of Police, with approval of the Government may direct.

*[G.O.No.1566 Home 29<sup>th</sup> July 1936.]*

**(5) Modus Operandi Bureau ---**

The Modus Operandi Bureau will function \*under the administrative control of the Additional Director General of Police, State Crime Record Bureau. The Bureau is under the control of an Inspector General of Police. Its primary duty is to collect, record and disseminate information regarding offences and criminals. The types of offences to which the Bureau bestows particular attention are those which are to be normally investigated by the C.I.D., under Police Standing Order 507 and criminals whose operations are either extensive in the State or inter-state in nature. The Bureau will not undertake the investigation of cases, the responsibility for which rests with the Executive Officer or the Crime Branch, C.I.D. The Investigating Officer may, however, make full use of the information available in the Bureau to make their work more easy. The Bureau consolidates the crime figures monthly, puts up the monthly crime review, prepares the quarterly statistics of crime and collects particulars for the Annual Administration Report. It also publishes the Criminal Intelligence Gazette. The Modus Operandi Bureau was functioning as the Criminal Investigation Bureau prior to 6<sup>th</sup> May, 1960 when the Police Research Centre was formed.

(\*G.O.Ms.No.449 Home (Police. VIII) Department Dated: 17.04.2008, G.O (D) No.1227, Home (Pol.1) Department, dated: 04.12.2009)

(6) The records to be maintained in the Modus Operandi Bureau are (1) List of Missing Persons (2) List of wanted Persons (3) General Subject File (4) Indices and such other items as may be prescribed by special orders from time to time.

(7) (a) Modus Operandi Bureau Sheets, Indices and Signals: Modus Operandi Bureau sheets will invariably be opened for criminals who have operated in more than one State generally. In cases of criminals who have obtained notoriety in the cases investigated by the C.I.D., sheets may be ordered to be opened by the Inspector General of Police, State Crime Records Bureau. In fact, sheets will be maintained normally for all the accused concerned in cases listed under Police Standing Order 486, except for special reasons. A number will be assigned to each sheet and the fact of opening a sheet shall be communicated to the Superintendent of Police of the district in which the criminal normally resides or where his operation has extended. The

Superintendents of Police will send a monthly return of current doings of the criminal to the Modus Operandi Bureau. The Modus Operandi Bureau will also maintain sheets for Modus Operandi Bureau criminals of other states residing in this State. The fact of having opened a Modus Operandi Bureau sheet for a criminal of any other state should be promptly communicated to the concerned State, and the cross reference obtained and noted in the Modus Operandi Bureau sheet maintained.

(b) Whenever Modus Operandi Bureau sheets are maintained for any criminal, History Sheet shall be opened by the local Police where the criminal resides, or where he has operated. The sheets shall be periodically reviewed on the strength of the reports received from the Superintendent of Police and for such of those who have become (a) too old to commit crime (b) unable from any physical infirmities to commit crime and (c) so completely reformed as is established by continued good record for over a period of 15 years, the sheets shall be closed.

(8) Indices.

The following are the indices to be maintained for Modus Operandi Bureau Criminals in the Modus Operandi Bureau. They will be on the card system. They will be type written and kept in cabinet of an approved type: -

- (a) Name index.
- (b) Serial index.
- (c) Alphabetical index.
- (d) Descriptive, deformative and physical peculiarities index.
- (e) M.O. Index.
- (f) Alias card.
- (g) Style Index.
- (h) Trade mark Index.
- (i) Transport Index.
- (j) Property lost.
- (k) Property recovered.
- (l) General subjects file index.

(9) (a) Name index --

The cards for the name index will be maintained alphabetically in four colours. Red cards for inter-State, White for local criminal, blue for inter-Police Station and pink for inter-District criminals. The card should contain residential particulars, age, height, reference to M.O. etc. This will be flagged by

signals/vide 'Signals' infra. The cards have line  $\frac{1}{4}$  inch above the bottom edge. Below this line, the name or alias of the criminal followed by his father's name indicated by the prefix 'S/O' should be typed.

(b) Serial index --

Indices to all Modus Operandi Bureau sheets should be maintained, serially, showing address particulars, Modus Operandi Bureau number and serial number of history sheet or personal file maintained in the District.

(c) Alphabetical index ---

An alphabetical index showing the date of opening of Modus Operandi Bureau Sheet, classification of history sheet, details of address etc.

(d) Descriptive deformative and physical peculiarities --

Index cards will be maintained having special features of deformatives in respect of all criminals whose appearances, identification marks, habits or other characteristics can readily and usefully be classified. Apart from furnishing details in this form, the classes of physical and criminal characteristics will be typed below the bottom line of the card also. The sphere of operation will be entered on the reverse of the card.

(e) M.O. Index --

The cards for this index will be arranged in the alphabetic order of the different modus operandi and other characteristics in drawers assigned to the main heads of crime. The index heads will be plain language catch words corresponding to those in Crime classification list prescribed for indexing Part I Station Crime history. The M.O.B. Criminal number, the Station and sphere of operation will be entered against the name of each individual. The type of crime will be entered below the bottom line of the card also. Slips and signals will be used on the sides of the card according to instructions below: -

(f) Alias card ---

A card for each criminal will be opened containing his aliases, H.S. classifications, M.O. classifications. This will be maintained alphabetically.

(g) Style index —

Index cards of the same type as descriptive, deformative and physical peculiarities shall be noted in respect of criminals who indicate alleged trade, profession at the time of or immediately prior to commission of offence which can readily and usefully be classified. They shall be grouped style war.

(h) Trademark index —

Similar index cards like style index will be maintained for all criminals who indicate any extraordinary act e.g. poisoning dogs, changing clothes, food, committing nuisances etc., not associated with crime and grouped trade-war.

(i) Transport index --

An index of all types of transport used at the time of commission of the offence, classified according to vehicle used shall be maintained individually for each criminal and grouped vehicle-war.

(j) Properties lost/stolen. --

Cards will be opened in respect of identifiable properties lost or stolen in respect of all grave and important cases, the reports being compiled from the C & O sheets, the reports from D.I.B./DCRB and other information received in C.I.G sheets of other States.

(k) Property recovered --

Cards will also be opened in respect of all identifiable properties recovered, the reports being compiled from C&O sheets, reports from D.I.B./DCRB and other information received in C.I.G. sheets of other States.

(l) General subject file index --

A card index to the general subject file will be maintained. A list of subjects for which general files have been opened will be kept in alphabetical order. The first page of each General File will contain a list of its main contents.

(m) Signals --

Slip on signals indicating the particulars noted below will be attached to the bottom of name index cards and to the sides of modus operandi and deformative, descriptive and physical peculiarities index cards --

Blue	..	In jail.
Red	..	Out of view.
Two Reds	..	Out of view and wanted.
Yellow	..	Inactive.
Green	..	Operating outside the State.
Orange	..	Active.

(10) General subject file --

Information of permanent value about important classes of crime and criminals will be maintained in general subject files of folios. Materials for these files will be got from

District Intelligence Bureau/DCRB, results of investigations of cases in the C.I.D., special reports and from any other information obtained or records available. The subjects for which such files should normally be opened are criminal organizations, original areas, counterfeit coins and currency notes, bombs, smuggling of arms, poisoning, special classes of crime, all the heads of crime for which such files are maintained in the Modus Operandi Bureau and such other special types of crime peculiar to the State etc. The files should cover all subjects of importance including criminal history of the State and should be carefully maintained and kept up to date.

(11) Photographs --

Photographs for all Modus Operandi Bureau Criminals will be maintained in albums. They will be maintained M.O. war, in respect of this state criminals as well as other State criminals. The photographs will be in the same three poses as is being maintained in the District Intelligence Bureau/DCRB. The District Intelligence Bureau/DCRB will supply the photographs to the State Modus Operandi Bureau as soon as any criminal of the District is registered as a Modus Operandi Bureau criminal.

(12) History of Crime --

The District Intelligence Bureau/DCRB will communicate to the State Modus Operandi Bureau, cases of interest and cases coming under Police Standing Order 486 in Form No. 97. The Modus Operandi Bureau will embody this information in the General Subject File. In cases where a report of Form No. 92 has been sent to the Modus Operandi Bureau, the officer in charge of the District Intelligence Bureau/DCRB should send final report either when the case has ended in conviction or when the case has been treated as undetected in Form Part II.

**(13) Missing and wanted persons Bureau --**

The State Modus Operandi Bureau will maintain a list of missing persons and wanted persons. The list of missing persons will be compiled alphabetically from the First Information Report of missing persons received from Police Stations and a special report will be sent in a proforma. All cases of Missing Children, Kidnapped women and children and activities of professional traffickers of women and children and activities of Professional Traffickers of Women and Children will be reported directly by Station House Officers to Modus Operandi Bureau. An 'A' Card will be opened for all missing persons and a card showing details of cases in case of kidnappers. Similarly an index will be opened for all wanted persons in the descriptive roll form flagged by appropriate signals as in the case of M.O. index cards. An edited paragraph will be published in respect of all missing persons and wanted persons in the Criminal Intelligence Gazette, provided the descriptive and other

particulars are found to be useful or photographs are available. The Criminal Intelligence Gazette sheet number wherever possible should be entered at the bottom of each card opened. Periodical enquiries will be made by correspondence about the missing and wanted persons and if they are traced the cards will be eliminated. Cards will also be opened for missing persons of other States who are likely to visit this State. Their photos and particulars will also be similarly published in the Criminal Intelligence Gazette of this State. The District C&O Sheets and other State Criminal Intelligence Gazette sheets will be scrutinized by the Modus Operandi Bureau with regard to persons for whom cards have been opened and any information received will be communicated to all concerned.

(b) Additional Director General of Police/Inspector General of Police, State Crime Records Bureau will monitor the progress of the cases and provide prompt inputs to the concerned officers in this regard.

(c) Additional Director General of Police/Inspector General of Police, State Crime Records Bureau shall put up daily status report on cases of missing persons to the Director General of Police.

*(Circular Memorandum Rc.No.84/MOB/SCRB/2003 Dated: 19.01.2005 of the Director General of Police, Tamil Nadu)*

(14) Forms of gangs --

A register of the activities of all gangs that have come to notice in the State during the investigation of cases will be maintained. The register will be in the same form as the one maintained in the D.I.B./DCRB and will be maintained M.O. war. Apart from listed M.O.s, any particular or special M.O. that comes to notice should be separately listed.

(15) Register of smugglers –

A list of smugglers will be maintained showing the type of articles involved, places from and to which they are smuggled, transport used, contacts with the public and officials etc. Result of each case should be entered after disposal.

#### **496. Police Research Centre.**

1. The Police Research Centre covers the State Modus Operandi Bureau, Man Missing Bureau and C.I.D. Library.

2. The Police Research Centre of which the State Modus Operandi Bureau is an integral part undertakes studies of crimes relating to definite group or classes of people in select areas in order to find out how far heredity, environment, lack of educational facilities, economic backwardness or other factors play a part in advancing the criminal tendencies and their bearing or the

incidence of crime. The Centre incidentally examines the possibility of arresting crimes by eliminating the factors which are known to be contributory causes. The relationship between industrialization resulting in the coming up of slums and the incidence or pattern of crime also receive attention at the Research Centre. This Centre besides studying the crimes factually as they occur, studies special circumstances and factors which go to increase or decrease crime and publishes the results thereof. The methods of raising the Police morale and improving Police-Public Relations also come within the purview of the studies in the Research Centre.

- (a) The following subjects will be covered for study by the Police Research Centre:-
  - i) Crime Statistics
  - ii) Cause of increase and decrease of crime as a whole and of particular types
  - iii) Measures taken to control crime-effectiveness and shortcomings-suggestions for better measures
  - iv) Social factors and crime
  - v) Industrialization and crime
  - vi) Juvenile delinquency-causes, measures to deal with the problem
  - vii) Preventive measures
  - viii) Crime on the Railways- special features
  - ix) Criminal gangs operating in more than one district, wandering gangs, ex-criminal tribes and habitual offenders.
  - x) Special characteristics of important crimes in different parts of the State from which the criminal gangs could be located.
  - xi) Trends of criminality. Ways and habits of criminals from which also the identity of criminals could be located.
  - xii) Relationship between Police preventive measures and crime from which it can be found out whether criminals from one area, where the police measures were strong, were actually working in other areas where Police surveillance was weak
  - xiii) Improvement in methods of investigation, with particular reference to modern crimes like bombing, hijacking etc.
  - xiv) Police equipment for investigation
  - xv) Police records and updating and revision of Police Manual
  - xvi) Inadequacy of laws-comparison with other countries
  - xvii) Modern methods of investigation, how they are being utilized and with results, and comparison with other states

- xviii) Improvement of criminal intelligence, methods of collecting intelligence about crime and criminals
  - xix) Project Reports –on occurrence of serious crimes like, series of dacoities kidnapping of children for ransom etc.
  - xx) Co-ordinating the various measures which are being taken and assessment of the benefits derived from them and examination of the various theories which have been evolved and their suitability in practice
  - xxi) Man management and leadership
  - xxii) Police morale
  - xxiii) Police Public Relations
  - xxiv) Exchange of information between various States-periodical publications and
  - xxv) Human rights sensitization
- (b) The Police Research Centre functions under the direction and supervision of Addl. Director General of Police, Crime Branch CID.
- (c) The Centre will receive for research and analysis, problems of both administration and investigation. The Research Centre will also make analysis and study of all standardized crimes. It will endeavour to stimulate ideas, indicate new projects, study new factors which have a bearing on policing and will act as a clearing house of information based on the results of research undertaken.
- (d) To this end, it will examine problems coming to the Centre, analyze them in the light of experience available at the Research Centre. It will also examine the results of the researches conducted by other Research Centres or Agencies, such as Police Research Centres of other States, Universities, Institutions of Social Studies etc. and assess and recommend their applicability to Police problems.
- (e) The Centre will also collect information of interest to Police, analyze it, and disseminate conclusions with the approval of the Director General. The research study should be introspection and suggest ways and means to improve methods of investigation and help improvement of the department in all the spheres.

#### **497. Tamil Nadu Forensic Science Department --**

- (a) (i) The Forensic Sciences Department examines / analyses / compares the material objects / clue materials related to crime / civil cases referred by Courts / Police Officers / Medical Officers and conducts scientific examination required by Government cases referred by its Departments and by Civil Courts & other agencies.

(ii) The main duty of this Department is to analyze / examine / compare various material objects by employing classical and modern scientific technologies including the latest state of the art instruments / equipments.

(iii) The scientists of this Department also render assistance at the scene of crime where evidence has to be collected and its relationship to the criminal established.

(iv) The Tamil Nadu Forensic Science Department, Chennai is organized into several divisions including Anthropology, Ballistics, Biology, Chemistry, Documents, Excise, Explosives, Narcotics, Photo, Physics, Prohibition, Research & Development, Serology, Toxicology and MFSL. It also undertakes research work. Laboratory receives for examination, articles connected with crime from Presiding Officers of Criminal Courts, Police Officers and Medical Officers. Articles received from Medical Officers should be accompanied by a requisition from a Magistrate or a Police Officer not below the rank of Deputy Superintendent of Police. The Laboratory deals with a wide spectrum of forensic work and is equipped with several modern instruments for rapid and precise analysis.

(v) Activities of various Divisions --

<b>DIVISIONS</b>	<b>EXAMINATIONS</b>
Anthropology	Identification of skull, skeletal remains, estimation of age, sex and super-imposition etc.
Ballistics	Fire arm examination-cartridge bullet, ammunition, target material with gunshot wounds, establishment of link between firearm and projectile and target etc. contact traces matching of bullet and cartridge cases etc.
Biology	Identification of blood, semen, saliva, urine etc. hair identification and comparison, textile fibre identification and comparison, detection of diatom etc.
Chemistry	Detection of adulteration of petroleum products, soil comparison, detection of spurious chemicals etc.
Documents	Opinion offered on fraudulent signature, simulated handwriting, typed matter, erasure etc.
Excise	Verification of the standard specification of alcoholic beverages, molasses, products covered under Excise Act /Rules etc.

Explosives	Establishing the nature of explosive material etc.
Narcotics	Detection of narcotic substance eg. ganja, opium etc.
Photo	Photography of exhibits, analytical findings, crime scenes etc.
Physics	Detection and identification of glass, paint, electrical energy meter tampering, comparison of tool marks etching, footwear comparison, erased identification number on vehicles, fire arms, camera etc. counterfeit notes, coins, tyres etc. spurious gold ornaments
Prohibition	Analysis of illicit liquor, toddy, spent wash
Research & Development	DNA typing in disputed paternity, maternity cases, identification of skeletal remains, tissue, burnt bones, any biological material with nucleated cells.
Serology	Establishing the origin (species identification) and grouping of blood, semen and saliva, paternity dispute cases, animal experiments
Toxicology	Detection of poisons in viscera, estimation of alcohol in viscera, clinical toxicology
MFSL	Field criminalistics preliminary spot tests – recognizing, lifting, packing of clues – advising the Investigation Officers

(vi) The services provided by this department are:

- (a) Clinical Toxicology – Identifying poison in the blood / vomit / urine /persons struggling for life in poisoning cases referred by medical officers of Government hospitals
- (b) VVIP food analysis – To screen the food samples provided to VVIPs visiting Tamil Nadu for ascertaining whether the food samples are poison free, thus assisting security aspects.
- (c) Paternity testing – to confirm the disputed parenthood of children by employing latest DNA techniques for the protection of destitutes and to assist Civil, Criminal cases in determining real parents.
- (d) Services provided by Regional Forensic Science Laboratories – The nine Regional Forensic Science Laboratories situated at Thanjavur, Tirunelveli, Coimbatore, Madurai, Salem, Vellore, Villuppuram, Trichy and Ramanathapuram provides assistance to the Police

Districts attached to the region. Scientific analysis services are rendered on samples related to Prohibition, Narcotic, Biological and Toxicological examinations.

(e) Services provided by Mobile Forensic Science Laboratories – The MFSLs attached to each Police Districts including Commissionerates under the administrative control of the Unit Police Officers and manned by Scientific Officer, render forensic scientific assistance in the field level to locate, collect, preserve scientific clues from crime scenes and assist investigating officers in using scientific techniques at field level for reconstruction of crimes.

(vii) Procedure followed in decision making process -

The “decision making” as far as this Department is concerned, is related to finalizing and reporting the cases after examination / analysis / comparison. The procedures for examination of various samples are followed in accordance to the procedures laid down in the respective procedure manuals. The reception Unit of this Department receives the cases and forwards the case sheets along with the case items to the Division concerned. The Assistant Director of the concerned Division allots the case to the experts. The experts carry out the examination of the case items as per the procedure provided in the procedure manuals according to the sample / nature of examination. The Assistant Director supervises the analysis / examination and guides the scientists whenever required. Based on the results of analysis / examination, the Assistant Director and the experts finalize the reports. The criteria defining certain specialized category of “experts” such as Document Expert, Footprint Expert, Anthropology Expert has been made in accordance with the rules / principles as laid on the Proceedings of the Director, Forensic Sciences Department, Chennai. The decision taken namely the “report” will be communicated to the sender (i.e. concerned courts / investigating agency etc.).(Proc.No.A4 / 16333 / 99 dt.20.11.1999).

(vii) Main and Regional Forensic Science Laboratories –

<b>Main Laboratory</b>	<b>Main / Regional Forensic Science Laboratories</b>	<b>Mobile Forensic Science Laboratories</b>
Anthropology		Chennai
Ballistics	Chennai (Main Lab.)	Kancheepuram
Biology		Thiruvallur
Chemistry		
Excise		
Explosives		
Instruments	Coimbatore (Regional Lab.)	Coimbatore City
Narcotics		Coimbatore Dist.
Physics		Nilgiris
Photo		Erode
Prohibition		
Research and Development	Madurai (Regional Lab.)	Madurai City
Serology		Madurai Dist.
Toxicology		Theni
Supporting Units		Dindigul
Stores		Ramnad
Reception	Ramanathapuram (Regional Lab.)	Sivagangai
Library		Virudhunagar
Administration		
		Salem
		Namakkal
		Dharmapuri
		Krishnagiri
	Salem (Regional Lab.)	

	Thanjavur (Regional Lab.)	Thanjavur Nagapattinam Thiruvarur
	Tirunelveli (Regional Lab.)	Tirunelveli City Tirunelveli Dist. Kanyakumari Thoothukudi Trichy Perambalur Pudukkottai Karur
	Vellore (Regional Lab.)	Vellore Thiruvannamalai
	Villuppuram (Regional Lab.)	Villupuram Cuddalore

(ix) Types of analysis conducted in Regional Forensic Science Laboratories and Mobile Forensic Science Laboratories attached to them –

S.No.	Address of the RFSL	Type of analysis conducted	MFSL attached to RFSL (District wise)
1	Regional Forensic Science Lab., 219, Race Course Road, Coimbatore - 641 018.	Biology Excise Narcotics Prohibition Toxicology	Coimbatore City Coimbatore Dist. Nilgiris Erode

2	Regional Forensic Science Lab., Madurai Medical College Campus, Collector's Office Road, Madurai – 625020.	Biology Serology Narcotics Prohibition Toxicology	Madurai City Madurai Dist. Theni Dindigul
3	Regional Forensic Science Lab., 5- A Palace Road, Ramanathapuram - 623 501	Biology Prohibition Toxicology	Ramnad Sivagangai Virudhunagar
4	Regional Forensic Science Lab., 7 A, Sivasamipuram Extension, Peramanur Main Road, Salem- 636 007	Biology Narcotics Prohibition	Salem Dist. Namakkal Dharmapuri Krishnagiri
5	Regional Forensic Science Lab., Thanjavur Medical College Campus, Thanjavur -613 004	Biology Narcotics Prohibition Toxicology	Thanjavur Nagapattinam Thiruvarur
6	Regional Forensic Science Lab., 165/90 Thiru.Vi.Ka. Nagar (Behind Government Hospital), Puttur, Trichy – 620 017	Biology Prohibition Toxicology	Trichy Dist. Perambalur Pudukkottai Karur
7	Regional Forensic Science Lab., Tirunelveli Medical College Campus, Tirunelveli -627 011	Biology Prohibition Toxicology	Tirunelveli City Tirunelveli Dist. Kanyakumari Thoothukudi
8	Regional Forensic Science Lab., Phase-3, Sathuvachary [Adjacent to TNHB Government Servant Rental Quarters], Vellore - 632 009.	Prohibition Toxicology	Vellore Thiruvannamalai
9	Regional Forensic Science Lab., 21/4, Trichy Trunk Road, Villupuram - 605 602	Biology Prohibition Toxicology	Villupuram Cuddalore

(b) The method of collection and transmission of suspected substances, material objects etc. to the Tamil Nadu Forensic Science Laboratory, Chennai are detailed in Order No.594 of PSO Volume – I.

(c) Collection of specimen for DNA typing –

The following DO's and DON'Ts should be followed while forwarding specimens for DNA typing. The samples shall be properly identified, collected, packed, numbered and sealed properly to avoid any controversy.

<b>DO's</b>	<b>DON'Ts</b>
Tissue or Bone with tissue should be frozen	DO NOT preserve in formalin.
In case of skeletal remains, long bone, preferably FEMUR should be sent.	Decomposed tissues are not suitable for examination.
Dry bone should be wrapped in brown paper.	Charred bone pieces are not suitable for examination.
In cases where victims are pregnant and uterus has been evacuated, foetus/foetal must be separated and frozen.	

(Circular Memorandum Rc.No.C4/442/16539/05 CB CID Dated: 24.08.2005 of the Director General of Police, Tamil Nadu)

#### **Guidelines to be followed in collection of samples for DNA analysis**

<b>SI. NO.</b>	<b>Type</b>	<b>Sample or Material to be sent for analysis</b>	<b>Precautions</b>	<b>Purpose of DNA analysis</b>
1	Unidentified body- Fresh-Not Decomposed	Blood	To be collected in sterile gauze cloth and air dried. Liquid blood should NOT be sent.	
		Tissues	Preserved in saline	

			<b>Dry bone:</b> Wrapped in paper.	
2	Unidentified body  Fresh-Not Decomposed	Femur Bone or any long bone (of legs or arms )	<b>Bone With adhering tissue:</b> Preserved in common salt.  Whole limb should not be sent	To identify the body-by Comparison With DNA Profile of Parents or Spouse and child
		In the absence of femur or long bone:  Any bone	-do-	
3	Skeletal remains	Femur bone or any  Long bone	-do-	
		In the absence of femur or bone, any other bone.	-do-	
		Molar teeth	Packed in a vial	
4	Unidentified body-Burnt	Partially burnt  Bones	<b>Dry bone:</b> Wrapped in paper.  <b>Bone with Adhering tissue:</b> Preserved in common salt	
5	Unidentified body- completely burnt bones, charred, remains	Nil	Unsuitable for DNA analysis	

6	Unidentified body- where none of the materials mentioned above are available	Hair with root	Packed in a vial	To identify the body-by comparison with DNA profile of parents or spouse and child
7	Sexual assault-victim	1) Clothing /articles stained with blood or other body fluids. 2) Vaginal smear/swab – to be collected by medical officer.	Wrapped in paper after drying.  Smear – collected on glass slide, dried and kept in a paper cover.  Swab: Kept in a sterile test tube after air drying.	To fix the culprit by comparing with the DNA profile of suspect
8	Murder victim	Clothing/articles stained with blood or other body fluids.	Wrapped in paper after drying.	
9	Scene of crime	1. Blood stained articles. 2. Articles with semen stained items (cigarette, beedi butt etc.) 3. Salivary stained items (cigarette.) 4. Hair with root.	Wrapped in paper after air drying.  Packed in a vial	To identify the culprit – By comparing with DNA profile of any suspect
10	Suspect in rape or murder cases	Clothing's stained with blood or other body fluids	Wrapped in paper after air drying.	To compare with DNA profile of victim/ suspect
11	Suspect – to compare with body fluids or tissue etc found at SOC or on victims	Blood	To be collected on FTA card provided by Forensic Sciences Department through Courts.	To fix the culprit by comparing with the DNA of body fluids or tissue etc found at SOC or victims  To fix the identity of an unidentified body –By comparing with
12	Parents or spouse and child	Blood		

				DNA material Collected from body.
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### **POINTS TO REMEMBER:**

- (1) As the DNA analysis is time-consuming and involves expensive reagents, DNA test should not be sought as a matter of routine. It should be got done only when it will provide a crucial link which cannot be established otherwise.
- (2) For sexual assault and murder cases, articles stained with blood, semen or saliva will be taken up for DNA analysis only when results are positive in the Biology division that the material is blood/semen/saliva.
- (3) Decomposed tissue is unsuitable for DNA analysis and should not be selected.
- (4) If foetus is to be sent, it should be kept in saline in a container and packed in thermocol box, placed between layers of ice and salt.
- (5) Formalin should NOT be used as preservative.
- (6) For sending blood collected from individuals: Duly authenticated FTA (Flinders' Technology of Australia) should be collected from DNA Division of TNFSL, Chennai and blood sample be sent only in those FTA cards.
- (7) All samples collected by a Medical Officer or from SOC etc., should be sent thro' Courts. Court seals should be affixed on the packages and specimen seal should be affixed on the Government letter for comparison. Medical Officer's seal should also be available.
- (8) The nearest MFSL may be contacted for aiding in collection/preservation/forwarding of items.
- (9) In case of doubts, DNA Division of TNFSL, Chennai may be contacted at 044-28447771-4
- 10) When giving requisition to Medical Officer, it must be ensured that the guideline mentioned above are kept in mind and reflected in the requisition.

*-DGP's Circular memorandum No.Crime I/181716/2011, dated: 09.08.2011.*

### **498. Finger Print Bureau ---**

Instructions regarding Finger Print Work are given in Chapter XLVI.

## **499. Instructions for reporting information --**

I. Instructions for reporting information to the Modus Operandi Bureau and for publication in the Criminal Intelligence Gazette are given below;--

### **(1) Serious crime -**

This will include cases in which special reports have been prescribed in Police Standing Order No. 487 and any other cases possessing interesting or novel features which should be made known generally to all Police Officers. The report should be sent in crime Report Form No. 83.

### **(2) Property lost, stolen or recovered ---**

Lists of property lost, stolen or recovered should be confined to articles capable of identification or to rare and highly valuable articles and shall be in the Form No. 164 statement of identifiable (i) stolen/ lost (ii) recovered articles.

### **(3) Persons wanted --**

Rolls for persons wanted should only be sent for publication when there are good reasons to believe that the individual will travel beyond the districts to which the district Police Sheet is circulated. Such report shall be sent in the descriptive roll form. Photographs if available should invariably be forwarded.

### **(4) Persons missing --**

All Station House Officers will send a copy of the first information report along with a special report to the Modus Operandi Bureau in all cases of missing of children, adults, kidnapping etc with copies of the photographs of the kidnapped wherever possible. The M.O.B. will after opening an 'A' card for the missing persons and a card for the kidnapper as the case may be, send an edited paragraph for publication in the Criminal Intelligence Gazette wherever found necessary and useful. The Station House Officer will follow his reports with a report when the missing person is traced or when the case is disposed of furnishing salient details.

II. (1) All the cases of missing persons shall be investigated by an officer not below the rank of an Inspector.

(2) A comprehensive, standardized Proforma (Part I, II & III) prescribed in Memorandum Rc.No.2110/128992/Crime II (1)/2003 Dated: 27.06.2003 by the Director General of Police, Tamil Nadu shall compulsorily form a part of a case diary in missing persons cases.

(3) The following officers are designated as nodal officers to closely supervise the investigation of cases of missing persons –

Chennai City	--	Additional Deputy COP, Central Crime Branch.
Other Commissionerates	--	Deputy Commissioner of Police, (Crime & Traffic).
Districts	--	Addl.Suptd. of Police, (Crime).

The nodal officers will ensure that the guidelines laid down in the prescribed proformae are scrupulously followed. They will guide the investigation closely and issue detailed instructions.

(4) The Superintendents of Police, Deputy Inspectors General of Police, Zonal Inspectors General of Police and the Commissioners of Police shall hold monthly Review Meetings and ensure that the investigations are done promptly and on the right lines. They will also ensure that a proper liaison is maintained with the media and particulars of missing persons are promptly published.

*(Circular Memorandum Rc.No.84/MOB/SCRB/2003 Dated: 19.01.2005 of the Director General of Police, Tamil Nadu)*

## **500. Release Notice of Dangerous Criminals ---**

(1) In order that the Police may be warned that a dangerous criminal is about to be released from jail, the Criminal Investigation Department will publish in the Criminal Intelligence Gazette. a Release Notice of such an individual shortly before his release from jail.

(2) The Release Notice will take the form of a description and concise history of the criminal.

(3) Release Notice will be published for any particular criminal who is likely to commit crime over a large area, such as a domestic servant, forger, coiner, swindler, etc.

(4) (a) Release Notice will be printed on separate sheets and forwarded with the Criminal Intelligence Gazette.

(b) All Police Officers, who receive the Criminal Intelligence Gazette, should place in a separate file for reference, the Release Notice of criminals who are likely to operate within their jurisdiction.

## **501. Superintendents to send a report of conviction of Criminal whose Release Notice is to be published –**

The Superintendent should report to the Criminal Investigation Department direct, the conviction of any criminal included in the preceding order, or of any other criminal whose Release Notice he considers should be published. The report will give the following particulars:

(1) Full personal description.

(2) A brief history of the individual detailing his criminal career and criminal propensities.

(3) The probable date of release and the jail in which confined.

## **502. Importance of Criminal Investigation Department watching notorious criminals —**

One of the most important duties of the Criminal Investigation Department is to keep a watch over the movements of and furnish Superintendents with information concerning the most notorious and dangerous criminals and this will be of great advantage to District. The foregoing instructions must, therefore, receive close attention.

## **503. Photography --**

The following photographic work is undertaken in the Criminal Investigation Department Office:

- (1) Photographing any documents or other objects sent in by officers and making enlargement when necessary;
- (2) Maintaining a record of, and preserving all photographs or negatives.

## **504. Criminal Investigation Department -- Officers' Report --**

Officers of and above the rank of Deputy Superintendent of Police of the Criminal Investigation Department should send all reports of investigation and communications direct to the Criminal Investigation Department and not through Superintendent of the District concerned. They may however communicate to Collectors and Superintendents of the District concerned information of any important matter of Criminal interest which comes to their notice.

## **505. Criminal Investigation Department officers not to wear uniform --**

Except on ceremonial occasions, officers of the Criminal Investigation Department should not wear uniform and have instructions not to receive their superior officers with a military salute.

## **506. Superintendent, Special Branch and Superintendent, Crime Branch**

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For the purpose of administration, the Superintendents of Police, Special and Crime Branches are responsible for the maintenance of discipline in the Special and Crime Branches respectively so far as the routine work is concerned. These Superintendents of Police are invested with financial and disciplinary powers as vested in the Superintendents of Police of Districts.

## **507. Deleted**

### **CHAPTER XXVII**

#### **THE TAMIL NADU POLICE TELECOMMUNICATION BRANCH.**

##### **508. Organization --**

The Tamil Nadu Police Telecommunication Branch was officially started in October 1948. The Tamil Nadu Police has an up-to date Telecommunication Network. Other States in India have also their own. It is under the administrative control of the Inspector General of Police, Technical Services, assisted by a Deputy Inspector General of Police. Investigating Officers can broadcast information to any Police Officer, in any of the important Cities or District Headquarters in any part of India at the quickest possible time, about crimes and criminals. All messages relating to law and order may also be passed over the Police Telecommunication.

(G.O. No. 2236, Home 12th June 1948).

(b) The object of this branch is to maintain uninterrupted communication for effective functioning of Police Department and installing communication and security equipment during VVIP/VIP, special bandobust, election etc and performing round the clock duties in addition to other duties.

##### **509. This organization will be called the "Tamil Nadu Police Telecommunication Branch"**

(a) This organization will be called the "Tamil Nadu Police Telecommunication Branch" and will consist of the following subject to such additions as may be prescribed from time to time.

(i) State High Frequency Telecommunication Network. (HF Communication is a long distance communication existing between the State Capital and all the District Headquarters. The main mode of the Communication in this system is Radio Telephony and Morse. This system is being utilized as a standby communication arrangement.)

(ii) State V.H.F., Telecommunication Network. (VHF Communication system is a line of sight Communication provided within the district. The District Headquarters is linked with all the Police Stations of the District. The VHF Mobile Communication is also extended to the Police Officers of and above the rank of Inspectors. As on date all the Police Stations as well as Police Outposts have been provided with VHF Communication.)

(iii) State Microwave Telecommunication Network.

(iv) The Chennai City Police Telecommunication Network.

(v) District Police Network.

(vi) The Police Telecommunication Signal School.

(vii) The General Maintenance workshops.

(viii) District Maintenance Workshops.

(b) The Tamil Nadu Special Police Battalion Networks will be distinct from the Tamil Nadu Police Telecommunication Network comprising of items (i), (ii), (iii), (iv) and (v).

(c) The Inter-State Police Telecommunication Network, a separate organization run by the Government of India, has its own station at Chennai. Messages to Police Officers in other States in India and vice versa have to pass through this Station. This service will be utilized by all Police Officers, District Magistrates and Secretaries to Government for the transmission of messages pertaining to law and order and semi-law and order to New Delhi and other State Capitals. Through the State Capitals, Messages could be passed to all places provided with Police Wireless stations in the various States.

## **510. (a) The present schemes of the State Police Telecommunication Network consist of the following:-**

(i) State H.F. Stations;

(ii) Static V.H.F. Stations;

(iii) Mobile V.H.F. Stations;

(iv) Microwave Repeater Stations.

(b) Multi-channel Microwave system connects all the district headquarters with Chennai and provides dedicated channels for telephone, teleprinter and facsimile circuits.

(c) Tamil Nadu Special Police Battalion Radio Networks has its fixed stations at Avadi, Tiruchirappalli, Manimuthar and Kovaipudur and Transportable Stations connecting the headquarters of the Companies during their various movements.

(d) City and District headquarters control room.

The following Control Rooms are kept at the following important towns.

<b>Sl.No.</b>	<b>Place</b>
Headquarters at Chennai	
1	Master Control Room “A” Section
2	Master Control Room “B” Section
3	Master Control Room “C” Section
4	Control
5	Log Checking
6	Crypto Centre
7	General Administration
8	Signal Training School
9	Secretariat
10	Motor Transport Unit
11	Internal Monitoring Cell
Commissionerates Control Room	
12	Chennai City Control Room
13	Chennai Sub-Urban Control Room
14	Coimbatore City Control Room
15	Salem City Control Room
16	Trichy City Control Room
17	Madurai City Control Room
18	Tirunelveli City Control Room
Out Station	
19	Kancheepuram
20	Thiruvallur
21	Vellore
22	Villupuram
23	Cuddalore
24	Thiruvannamalai
25	Salem
26	Namakkal

27	Dharmapuri
28	Erode
29	Coimbatore
30	Nilgiris
31	Trichy
32	Tanjavur
33	Pudukottai
34	Nagapattinam
35	Thiruvarur
36	Perambalur
37	Karur
38	Dindigul
39	Theni
40	Madurai
41	Sivagangai
42	Ramnad
43	Virudhunagar
44	Tirunelveli
45	Thoothukudi
46	Nagercoil
47	Kumbakonam
48	Karaikudi
49	Krishnagiri

These are intended to maintain communication during times of emergency, disturbances to the public tranquillity, regulation of traffic and during the visits of important personages. These stations operate within the area of the respective -towns.

(f) List of VHF Microwave Repeaters functioning in the State:

Sl.No.	District/Commissionerate	VHF/Microwave Repeater Location		Manned/ Unmanned
1	Chennai City	1	Sembium	Manned
		2	MMC – Moore Market Complex	Unmanned
2	Kancheepuram	3	Vandalur	Manned
		4	Kancheepuram DPO	Manned
		5	Malaivayavur	Unmanned
3	Chennai Sub-Urban	6	Pallavaram	Manned
4	Thiruvallur	7	Kavarapettai	Unmanned
		8	Thirutani Hills	Unmanned
5	Cuddalore	9	Cuddalore DPO	Manned
		10	Chidambaram	Unmanned
		11	Kadampuliyur	Unmanned
6	Thiruvannamalai	12	Melpet	Manned
		13	Pavalakundru	Unmanned
		14	Pappanthangal	Manned
7	Villupuram	15	Villupuram	Manned
		16	Mailam	Unmanned
		17	Kottakuppam	Unmanned
		18	Innadu	Manned
8	Vellore	19	Gudiyattam	Manned
9	Krishnagiri	20	Hosur	Unmanned
10	Salem City	21	Uthamalai	Unmanned
11	Salem	22	Shervary	Manned
		23	Sankagiri P.S.	Unmanned
12	Erode	24	Erode DPO	Manned
		25	Thattakkari	Unmanned
		26	Chennimalai	Manned

13	Namakkal	27	Thiruchengode	Unmanned
		28	Kolli Hills	Manned
14	Coimbatore City	29	Coimbatore PRS	Unmanned
15	Coimbatore	30	Perur	Unmanned
16	Ooty	31	Dodabetta	Unmanned
		32	Nellakottai	Unmanned
		33	Kodanadu	Unmanned
		34	Drumula Repeater	Manned
17	Trichy City	35	Gandhi Market	Unmanned
18	Trichy	36	Pachamalai	Manned
		37	Uppliyapuram	Unmanned
		38	Pullampadi	Manned
		39	Thuvarankurichi	Unmanned
19	Thanjavur	40	Kumbakonam	Unmanned
		41	Thanjavur DPO	Manned
		42	Pattukottai	Manned
20	Thiruvarur	43	Thiruvarur	Unmanned
		44	Mannargudi	Manned
21	Pudukottai	45	Mimal	Unmanned
		46	Machuvadi	Unmanned
22	Nagapattinam	47	Nagapattinam	Manned
		48	Vedaraniyam	Unmanned
		49	Mayiladuthurai	Unmanned
23	Madurai City	50	Madurai AR	Manned
		51	Madurai COP	Manned
24	Madurai	52	Thirupparam kundram	Unmanned
		53	Usilampatti	Unmanned
		54	Melur	Unmanned
25	Dindigul	55	Kodaikanal	Manned
		56	Arankanal	Manned

		57	Dindigul	Unmanned
26	Ramnad	58	Ramnad DPO	Manned
		59	Rameswaram	Unmanned
		60	Paramakudi	Unmanned
		61	Sivagangai DPO	Manned
27	Sivagangai	62	Thirupathur	Unmanned
		63	Karaikudi	Unmanned
		64	Devakottai PS	Unmanned
		65	Theni Hillock	Unmanned
28	Theni	66	Mayiladumparai PS	Unmanned
		67	Virudhunagar DPO	Manned
29	Virudhunagar	68	Sivakasi AR	Unmanned
		69	Srivilliputhur	Manned
30	Tirunelveli City	70	Tirunelveli DPO	Manned
31	Tirunelveli	71	Manjolai	Manned
		72	Therkkukalli kulam	Manned
		73	Elathoor	Unmanned
32	Thoothukudi	74	Thoothukudi	Manned
		75	Kulasekarapattinam	Unmanned
		76	Kovipatti	Manned
33	Kanniyakumari	77	Vallimalai	Manned
		78	Nagercoil DPO	Unmanned
		79	Kanniyakumari PS	Unmanned
		80	Maliyadi	Unmanned

(f) Commissioners of Police/Superintendents of Police and Range Deputy Inspectors General of Police shall visit at least once in every three months, the Repeater Stations located in their jurisdiction to check the alertness of the Technical staff posted there besides having a personal knowledge of communication infrastructure available at that place. They shall send the visiting notes to the Director General of Police with a copy marked to the Deputy Inspector General of Police, Technical Services, Chennai for action.

(Memorandum Rc.No.023078/S.G. II (2)/2005 Dated: 02.02.2005 of the Director General of Police, Tamil Nadu)

(g) Internal Monitoring Cell –

In the interest of proper functioning of the Wireless Stations in the districts and to detect effectively and check the transmission of unauthorized and non-official messages over the Wireless, Internal Monitoring Cell is located at Police Telecommunication Branch, Chennai. The Internal Monitoring Cell will monitor the messages passing through the Wireless channels at odd hours and bring to the notice of the Superintendent of Police, Telecommunications, the irregularities detected, such as absence of the duty operator from the Wireless sets in the district stations, indulgence of the operators in key conversation, transmission of the unauthorized and non-official messages and non-observance of the prescribed procedures for the channel working.

(h) Technical Cells –

Technical Cells are formed in all the districts and Commissionerates by posting one Inspector (Technical) and Sub-Inspector (Technical) to maintain Security and Surveillance equipment. These cells also performing round the clock duties in –

- (i) Distribution, maintenance and servicing of H.H.M.D., D.F.M.D., Multi Zone DFMD and N.L.J.D. etc.
- (ii) Installation, maintenance and servicing of computer, Fax, copier machine and other accessories at Police Stations and other Police Offices.
- (iii) Distribution, maintenance and servicing of Explosive Vapour Detector, Speed Dome Camera, Handy-Cam, DLP/LCD Projectors and other costly security gadgets.
- (iv) Servicing and maintenance of Video Conference System.
- (v) Technical support and guidance on all technical aspects.

### **511. Deputy Inspector General of Police, Technical Services:**

(a) This branch will be under the direct charge of the Deputy Inspector General of Police, Technical Services, Chennai will be under the general control of the Director General of Police, Chennai who will be assisted by the Addl. Director General of Police (Technical Services) and Inspector General of Police, Technical Services, Chennai. The Deputy Inspector General of Police, Technical Services, Chennai will exercise the same powers over the Police Telecommunication Branch as those exercised by the Range Deputy Inspector General of Police over the District Police.

(b) The Deputy Inspector General of Police, Technical Services, Chennai will exercise general technical supervision over the State Police Telecommunication Network and the Tamil Nadu Special Police Telecommunication Network.

(c) The Commandants of the Tamil Nadu Special Police Battalions will generally act in the consultation with the Deputy Inspector General of Police, Technical Services, Chennai in all important matters relating to the technical staff under their administrative control, as also in technical matters concerning their networks. The

Commissioner of Police, Chennai and the Superintendents of Police will similarly consult the Deputy Inspector General of Police, Technical Services, Chennai in all technical matters relating to Chennai City and District Police Telecommunication Networks.

### **512. Use of transportable stations and their control -**

(a) The Telecommunication sets supplied for transportable stations may be taken by the Superintendent of Police to Camp in a station Wagon which has been provided for the purpose, so that he can keep in touch with his headquarters. It may also be sent to such places where he anticipates trouble or where Armed Reserve bandobust party is sent so that he can be kept informed of latest developments.

(b) Transport for Transportable Stations -

When Police Officers move their transportable stations on camp they should provide proper transport. The Police Motor Vehicles attached to the Armed Reserve and particularly the Station Wagon allotted to each District, may be used for the purpose.

### **513. Office:**

(a) The Police Telecommunication Office will function as a separate unit. The Administrative Officer will be the Chief Ministerial Officer responsible for the day to day routine work of the Office. They will have overall control of office administration and one of the Administrative Officer will be the drawing officer.

(b) The work in the office will be regulated by the orders of the Government and the Director General of Police as issued from time to time and according to the rules and regulations laid down in the various Codes and Manuals issued by the Government and generally applicable to all Government Offices and Government servants in the State of Tamil Nadu.

### **514. Personnel.**

(a) The Police Telecommunication Branch will comprise of the following personnel:

1. Inspector General of Police, Technical Services.
2. Deputy Inspector General of Police, Technical Services.
3. Superintendent of Police (Technical), Technical Services.
4. Deputy Superintendent of Police, Communication (Category-I)
5. Deputy Superintendent of Police, Cryptography (Category II).

(i) Executive

- (a) Inspectors.
- (b) Sub-Inspectors.
- (c) Head Constable Operators.
- (d) Grade I Police Constable Operators.
- (e) Grade II Police Constable Operators.
- (f) Messengers/Orderlies.
- (g) Drivers.

(ii) Ministerial

Office staff of the Deputy Inspector General of Police, Technical Services.

(iii) Technical: --

- (a) Addl. Superintendent of Police (Technical)
- (b) Deputy Superintendent of Police (Technical).
- (c) Inspector (Technical).
- (d) Sub-Inspector (Technical).

(b) The qualifications for appointment, the conditions of service of the personnel and such other matters will be governed by the Service Rules and Adhoc Rules, applicable for these posts.

#### **STATE SERVICE OFFICERS(GAZETTED STAFF).**

#### **515. Duties of Deputy Inspector General of Police, Technical Services --**

(1) The Deputy Inspector General of Police, Technical Services, Chennai will be in-charge of the Tamil Nadu Police Telecommunication Network including the school and the workshop and will exercise the administrative and financial powers of a Range Deputy Inspector General of Police. He will exercise administrative powers over the entire technical staff of the State Police Telecommunication Network besides technical supervision. He will also exercise technical supervision over the Chennai City Police and the Tamil Nadu Special Police Battalion Telecommunication Net-works. He will be responsible for the efficient maintenance and operation of all the equipment in Tamil Nadu Police Telecommunication Branch and the Chennai City Police and Tamil Nadu Special Police Battalion Telecommunication Net-works.

(2) He will inspect all District Headquarters installations, Chennai City Police Control Room, Tamil Nadu Special Police installations and V.H.F. link and Repeater Stations at least once in “Two years” and submit the reports to the

Director-General of Police through the Inspector General of Police, Technical Services/Additional Director General of Police (Technical Services). During his visits to District Headquarters he should ensure that all communication channels are personally checked for their reliability besides all other routine matters regarding maintenance, technical stores, General Stores, traffic handling, etc. During his visits to District Headquarters, he should also visit at least two of the Police Station level installation in the District and ascertain their maintenance, utilization, communication and discipline among the staff.

(3) He will work in close liaison with the Directorate of Co-ordination (Police Wireless) Ministry of Home Affairs, New Delhi and the Police Telecommunication Officers of other states.

*[G.O. Ms. No. 2870 Home, 27 July 1948.]*

(4) He will act in liaison with the Telecommunication services of the Defence Services, Department of Telecommunications and Railways and will co-ordinate with these agencies during times of emergency.

(5) He will represent the State Police Telecommunication on the Regional Wireless Advisory Committee, Chennai.

(6) He will hold all examinations for promotion.

(7) He will submit fortnightly reports to the Director-General of Police through the Inspector-General of Police, Technical Services, Chennai and Additional Director General of Police (Technical Services), as laid down in Police Standing Order 145.

## **516. Maintenance of Personal Files --**

The orders in Chapter XII will apply to the Telecommunication Branch also.

## **517. Duties of Superintendent of Police (Technical) —**

(1) (a) He will be in charge of the Tamil Nadu Police Radio Network including Police Computer Communication Centre. He shall exercise the administrative and financial powers of Superintendent of Police. He shall exercise administrative powers only over Technical Staff of Police Telecommunication Branch.

(b) He shall exercise technical supervision over the complete Police Communication Network. He shall be responsible for the efficient maintenance and operation of all Technical equipment in Tamil Nadu Police Telecommunication Branch and Tamil Nadu Special Police Battalion Radio Networks.

(c) He shall inspect all Police Communication installations in Districts and Commissionerates, Tamil Nadu Special Police Installations and VHF/UHF/Microwave Installations at least once in "Two years" and submit reports to the Director General of Police through the Deputy Inspector General of Police and Inspector General of Police, Technical Services. During his visits to District Headquarters he shall ensure that all communication channels are personally checked for their reliability beside all other routine matters regarding maintenance of technical store, General Stores, traffic handling etc. During his visit to District Headquarters, he shall ascertain the maintenance, utilization of all communication and other technical equipments and discipline among the staff.

(d) He shall work in close liaison with the Directorate of Co-ordination (Police Wireless) Ministry of Home Affairs, New Delhi and the Police Radio Officers of other States.

(e) He shall act in liaison with the Radio Services of the Defence Services, Department of Telecommunications and Railways and will co-ordinate and co-operate with these agencies during times of emergency.

(f) He shall represent the State Police Radio on the Regional Wireless Advisory Committee, Chennai.

(g) He shall submit weekly reports to the Inspector General of Police, Technical Services through the Deputy Inspector General of Police, Technical Services.

*[G.O. (Ms) No.988 Home (Police.I) Department Dated: 17.10.2006]*

(h) He will be in charge of Technical Stores in Headquarters and inventory control. He will be responsible for the general upkeep of Stores in order to ensure smooth flow of stores to various district workshops in the State.

(i) He will inspect the Technical Stores once in 4 months and the Tamil Nadu Police Battalion Networks (Tamil Nadu Special Police II and V) once in a year and submit a report to the Deputy Inspector General of Police, Technical Services, Chennai.

(j) He will supervise all correspondence work pertaining to Technical Subjects and render assistance to the Deputy Inspector General of Police, Technical Services, Chennai.

(k) He will also render assistance on technical matters on vital subjects and apprise the Deputy Inspector General of Police, Technical Services, Chennai.

(l) He will have the control of the Technical Staff of Chennai Workshop and also installations in Headquarters complex. He will guide the Deputy Superintendent of Police (Technical), Inspectors (Technical) and Sub-Inspectors (Technical).

(m) He will be in charge of the H.F. net-work in Headquarters i.e., transmitting and receiving stations.

(n) He will prepare periodical Technical Reports of the Police Telecommunication Branch.

(o) He will be in charge of Research and Development Wing, General Maintenance Workshop and Aerial Section.

(p) He will be in charge of Micro-wave Terminal, Teleprinter Terminal and all the circuit, its terminating in Chennai. He will guide the staff for the maintenance and upkeep of the Trunk lines to various districts in co-ordination with other Technical Assistants to Police Telecommunication Officers in Ranges.

(q) He will be looking after the purchase of Technical Stores pertaining to the Police Telecommunication Branch. He will make a consolidated report once in a quarter and effect purchases after following the procedures prescribed.

(r) He will make training programme of Technical Personnel on the latest developments in Technical side. He will assist the Deputy Inspector General of Police, Technical Services, Chennai in conducting the courses.

## **518. Duties of Deputy Superintendent of Police, Communication (Cat-I):**

(1) He will be under the immediate control of Deputy Inspector General of Police, Technical Services, Chennai and hold charge of communication. He will hold direct charge of the Master Control Room at Chennai, closely watch the day to day functions of the Police Telecommunication Net-work and will exercise disciplinary and executive control over the staff under him.

(2) He will inspect all District Headquarters Stations, Sub-Divisional Headquarters stations and Transportable stations in the State Police Telecommunication Net-work at least once a year and submit his reports to the Inspector General of Police, Technical Services through Deputy Inspector General of Police, Technical Services, Chennai. He will co-ordinate his inspection with the Deputy Superintendent of Police (Technical) in such a manner that at least one half of the total number of Telecommunication stations is visited by him every year. These reports will be confined to general problems of communication, maintenance and upkeep of Telecommunication Stations etc., buildings or portion of their buildings where the Telecommunication Stations are accommodated.

(3) He will also be in liaison with signal units of the Defence Services, Department of Telecommunications and Railways during times of emergency.

(4) He will be in charge of Signal Training School and will be responsible for general proficiency of the trained personnel and conduct all gradation tests at Signal Training School, Chennai.

(5) He will be responsible for the upkeep of the Personal Files of the Inspectors, Sub-Inspectors and Head Constables.

(6) He will assist the Deputy Inspector General of Police, Technical Services, Chennai in all confidential matters connected with communications, security and will undertake to arrange for specialized security work in performing confidential duties as and when required by the Deputy Inspector General of Police, Technical Services, Chennai.

(7) He will submit his weekly reports to the Deputy Inspector General of Police, Technical Services, Chennai.

(8) He will sanction causal leave to the operating staff.

(9) When in Headquarters he will attend office daily from 10.00 a.m. to 5.45p.m. with a break from 1.30 p.m. to 2.p.m.

### **519. Duties of Deputy Superintendent of Police (Cryptography): -**

The Deputy Superintendent of Police (Cryptography) will inspect District Headquarters Cipher Cells once in a year with a tour programme duly approved by Deputy Inspector General of Police, Technical Services, Chennai by 5th of every month. During his visit, he will check the security arrangements, documents, as well, the discipline of the Crypto personnel. He will report on strict adherence to the instructions on all matters relating to Crypto materials and traffic handled. He will be in charge of the Motor Transport of the Telecommunication Branch and exercise supervision over the work of the Motor Transport staff. He will also inspect Diesel Engines in various Telecommunication Stations and fuels supply to vehicles and engines.

### **520. Duties of Inspectors (Executive Staff'): -**

(1) Inspector in charge of Master Control, Chennai and Telecommunication Inspectors at District headquarters of the Police Telecommunication Net work will be responsible for the discipline and efficiency of the operating staff and efficient working of Telecommunication communication service.

(2) The **Telecommunication Inspector (General Administration)** will be responsible for carrying out the general instructions and orders given to the communication set up by the Head of Office from time to time, implement such orders in the Master Control. He will also inspect the Telecommunication Stations under his charge at least twice in a year and submit his reports to the Deputy Inspector General of Police, Technical Services, Chennai through the Deputy Superintendent of Police (Communications). These reports will be confined mainly to Administration and operations of the networks. He will also be responsible for the maintenance and upkeep of the Police Telecommunication Office building and the Police Quarters attached to the Telecommunication Branch at Chennai.

(3) He will also be in liaison with the signal units of the Defence Services, Railways, Department of Telecommunications and other technical institutions in the city.

(4) **Inspector (Training)** will be in charge of the Signal Training School at Chennai. He will be immediately responsible to the Deputy Inspector General of Police, Technical Services, Chennai for efficient training of the men, and will exercise disciplinary and executive control over the trainees and men under him. He will hold weekly tests and will submit results to the Deputy Inspector General of Police, Technical Services, Chennai. He will be in charge of the boarding, lodging and sanitary arrangements for trainees. He should take our men in the vehicles and give proper instructions in the practical installation and working of transportable, mobile and fixed stations. He should maintain personal sheets for each trainee and should enter the weekly results in the sheets.

(5) He should be available to undertake special monitoring or specialized security work out of school hours and assist the Deputy Inspector General of Police, Technical Services, Chennai.

(6) He will be responsible for all the Government properties and various Telecommunication equipment of the Signal Training School.

(7) He will undertake refresher courses for Telecommunication Operators to improve their efficiency and conduct tests and examinations whenever required.

(8) He will sanction casual leave to the Trainees.

(9) He will assist the Deputy Superintendent of Police (Cryptography) in the maintenance of and use of vehicles in the Police Telecommunication Branch.

(10) When in headquarters he will attend Office daily from 8 a.m. to 5 p.m. with a break for lunch from 1 p.m. to 2 p.m.

(11) Telecommunication Inspectors in Districts will inspect the Telecommunication stations under their control at least twice in a year and submit their reports to the Deputy Inspector General of Police, Technical Services, Chennai. The Telecommunication Inspectors will be responsible for the maintenance of communication without any break. They will also exercise overall control over the operational staff under them including those who are sent to Repeater Stations in their jurisdictions.

## **521. Duties of Sub-Inspectors --**

(1) The Sub-Inspector will be in direct charge of the Master Control Station during his shift duty or the station of his district as the case may be and emergency Telecommunication networks whenever required. He will work in close co-operation with the officer in charge of the urban Telecommunication networks.

(2) He will be directly responsible for the control of the staff under him in the Master Control or Districts or District concerned and will also be responsible for the general control of the men in various stations in his District.

(3) He will maintain close liaison with Defence Services, Signal organizations, if any, and the Telecommunication Stations of Department of Telecommunications and Railways located in his jurisdiction.

(4) He will also undertake operating work during emergencies and whenever necessary.

(5) He will visit and check the fixed and transferable stations under his control as often as possible.

(6) He will scrutinize the daily logs of all his Telecommunication stations and take prompt action if any slackness is noticed on the part of operators resulting the delays of messages etc.

(7) He will also attend to the proper maintenance of Telecommunication equipment and adjustment and minor repairs when technical staff is not readily available.

(8) During emergencies he will be immediately on the spot and take immediate action in the set up for Telecommunication net works.

(9) He will keep his stations and the Inspector informed of his movements.

(10) He will inspect the stations once a quarter and submit report to the Deputy Inspector General of Police, Technical Services, Chennai.

(11) He and the technical staff in his District or station will work at close co-operation.

(12) He will pay special attention to the operating efficiency of the men under him and arrange for refresher courses from time to time.

(13) He will maintain a note-book and be responsible for all cash transaction of the District of which he is holding charge.

(14) He will be in charge of all Government Properties in his District or Chennai Headquarters as the case may be and will be responsible for their maintenance, upkeep and safe custody.

(15) He will be in charge of the cash received for disbursement to the Staff and he will maintain a cash Book. If on any occasion the cash on hand is Rs. 1,000/- or more, the cash box shall be deposited in the district Armed Reserve Armoury Guard.

(G.O.Ms.No. 443 Home (Pol.IV), dated 17 March 1989.)

(16) He will sanction casual leave to the men under him up to a limit of seven days.

## **522. Duties of Operators and General —**

The working hours in a Static Telecommunication Station will be divided into two shifts, the first from 08.00 to 13.00 hours and second from 14.00 to 17.00 hours with an interval from 13.00 to 14.00 Hours. One Head Constable and one constable will work together in the first shift and one Head Constable and one Constable will work together in the second shift, by turns. Though not actually on work, the men should be near at hand, if required during hours of heavy traffic. The Head Constable when not on work, will do supervisory duties of the station. The men can have off duties by turns, once a week.

## **523. Duties of Head Constable Operators —**

(1) The Head Constables Operators will be in charge of fixed stations and all the transportable stations attached to them if any.

(2) They will do operating work, as stated in order 522 by turns in the station and they will be responsible to see that one operator is always present at the station to attend to emergency telephone calls and be ready to switch on the Telecommunication station on a warning from the Master Control station or any out-station.

(3) They will be responsible for the control of the staff under him subject to the general control exercised by the Sub-Inspector.

(4) They will be responsible for the technical efficiency and discipline of the staff in the station.

(5) They will scrutinize daily logs and submit them to the District Sub-Inspectors.

(6) During disturbances and other emergencies such as cyclones, floods, etc., the Head constable operator should be able to see that Telecommunication communication is not interrupted due to breakdown of mains, want of batteries, damage to serial installation or any such cause. They should take all the precautions and steps necessary during emergencies to keep up and maintain uninterrupted communications.

(7) They will be responsible for the routine maintenance and safe custody of the Telecommunication equipment and allied accessories and other Government properties in the station.

(8) They will sanction casual leave up to three days to the men under him in urgent cases when it is not possible to contact the Sub-Inspector personally or by R.T. Ordinarily the casual leave applications should be forwarded to the District Sub-Inspector for orders. The casual leave register and the Medical History sheet should be maintained by him.

(9) They should maintain a high standard of security and guard against leakage of secret messages and Sabotage by subversive and hostile elements.

(10) They will maintain the visiting book, inspection book and other records relating to their station.

(11) They should undertake monitoring or any other specialized work, whenever required.

#### **524. Duties of Grade I and Grade II Constable Operators —**

(1) The operator will operate on continuous waves and Radio Telephony and maintain log books and should be available for duty always. Two operators shall always be on duty in each station.

(2) They should manipulate and work all types of equipment available at the station and will work the auxiliary equipments for generating power and maintain them properly attending to their spot routine maintenance.

(3) They should install fixed and transportable stations, erect aerials and establish communications when and wherever required.

(4) They will attend refresher courses from time to time to improve their efficiency.

(5) One operator will always be on duty at the Telecommunication station to attend to emergency calls and be ready to switch on the Telecommunication station on a warning from the Master Control station or any outstation.

(6) They will do monitoring work and other specialized work whenever required.

(7) All operators in the station have a joint responsibility for the safe custody of the Telecommunication equipment from a security point of view and maintain 100 per cent secrecy over the intelligence passing through the Telecommunication net-work.

## **525. Duties of Deputy Superintendents of Police (Technical) at Range Headquarters and Chennai City —**

(a) He will have jurisdiction over the various units and their staff in his respective ranges.

(b) He will inspect all District Workshops and Repeater stations once in 6 months in his region and submit notes to Deputy Inspector General of Police, Technical Services, Chennai through Superintendent of Police, Technical Services. He will also inspect the workshop of Tamil Nadu Special Police Battalions in his jurisdiction once in a year.

(c) He will be responsible for the maintenance and supervision of Telecommunication net-works of the districts in his region.

(d) He will be in liaison with the Deputy Inspectors-General of Police and Superintendents of Police. He will also be in close coordination with the officers of Public Works Department, Electricity Department, Forest Department, Highways in connection with project work of Police Telecommunication Branch.

(e) All correspondence pertaining to the staff under his jurisdiction should be routed through him.

(f) He will be personally responsible for the maintenance and upkeep of personal files of Sub-Inspectors (Technical) working under him.

(g) In case of emergencies such as strike, cyclone and other natural calamities, Elections, Fairs and Festivals, visits of V.I.Ps., he will maintain close supervision over the Telecommunication net-work in his jurisdiction and provide uninterrupted communication.

(h) He will deal with the staff' working under him in regard to leave, welfare and discipline, etc.

(i) He will submit proposals for purchase of spares etc., required for use in their range.

(j) The Deputy Superintendent of Police (Technical), Chennai City will have jurisdiction over (i) Chennai City Police Telecommunication Network and Repeater Station at Sembium, (ii) Maintenance Workshop of St.Thomas Mount.

(k) He will be responsible for the maintenance and supervision over the various units of Chennai City Police Telecommunication Network besides the Public Address systems, C.C.T.V. and other Electronic aid to crime investigation in Chennai City.

(l) **He should** call on Superintendents of Police of the Districts regularly and apprise them about the communication set up and get his/her instructions for further execution.

(m) He will visit the units under his jurisdiction once in six months.

(n) He will submit weekly report to the Deputy Inspector General, Technical Services through the Superintendent of Police (Technical)

- *G.O.Ms.No.369, Home (Pol.I) Department, dated: 19.04.2017*

## **526. Technical staff—Duties of Inspector (Technical)—**

(1) They will attend to all first line maintenance and servicing of all Telecommunication equipment under their charge. They should not undertake any major repairs and should keep the Superintendent of Police, Technical Services informed of any breakdown and take instruction.

(2) They should from time to time visit the Telecommunication stations under their charge and check up the equipment.

(3) Any damage to equipment caused by careless handling will entail the recovery being made from them of the cost of damage done.

(4) Whenever any emergency is proclaimed they should be on the spot and co-operate with the Sub-Inspector or the operator in charge in the maintenance of communication without interruption.

(5) They should fully co-operate with the Police Telecommunication - Executive staff and keep the Sub-Inspector and the Telecommunication stations under their charge, informed of their movements.

(6) They should maintain weekly diaries showing the work done by them date-war. These should be submitted to the Superintendent of Police, Technical Services through the Deputy Superintendent of Police (Technical).

(7) They will be responsible for the upkeep of all the Telecommunication equipment under their charge.

(8) They will maintain History sheets for the Telecommunication equipments under their charge.

(9) They will distribute work to the Technicians under them and control their movements.

(10) They should be available for duty, outside normal working hours also, if called upon to do so.

(11) They are liable for transfer to any place in the State.

### **527. Duties of Sub-Inspectors (Technical) --**

(1) They will be under the immediate control of the Inspector (Technical) and carry out all their instructions.

(2) They will attend to all minor repairs and servicing and maintenance of equipment.

(3) Any damage to equipment done by them due to careless handling will entail the recovery being made from them, of the cost of damage done.

(4) They should co-operate fully with the executive staff.

(5) During emergencies they should be on the spot and attend to the various technical work connected with the operation of the Telecommunication stations and help the executive staff to maintain uninterrupted communication.

(6) They should be available for duty outside normal working hours also, if called upon to do so.

(7) They are liable for transfer to any place in the state.

### **528. Motor Transport ---**

Duties and responsibilities of personnel attached to Motor Transport Branch of various units in Police Department including Police Telecommunication Branch are given in Chapter XXIV. The powers and duties of the Inspector (Armed Reserve) will be exercised by the Headquarters Telecommunication Inspector and Telecommunication Sub-Inspector respectively.

### **529. Duties of Messenger --**

(l) He will be a qualified motorcycle despatch rider at Chennai, but not so in the mofussil. His main duty will be the conveyance of message and their delivery to the respective addresses. He should have sufficient working knowledge of English to enable him to read and understand addresses and effect efficient delivery. He will also attend to routine miscellaneous duties in the Telecommunication stations.

His hours of working will ordinarily be 8 a.m. to 1 p.m. and 2 p.m. to 5 p.m. He will, however, be on duty at other time as the exigencies of service may, demand.

### **(2) Duties of Orderly --**

He will attend to all routine miscellaneous duties. His hours of working will ordinarily be 8 a.m. to 1 p.m. and 2.00 p.m. to 5.00 p.m. every day. He will however, be on duty as the exigencies of service may demand. He will also accompany officers on tour.

### **530. Punishments --**

The Executive, Technical and Ministerial staff will, in matters of discipline and appeal, be governed by the rules governing the services to which they belong.

### **531. Rewards —**

Money rewards may be granted to Constables, Head Constables, and Sub-Inspectors, Inspectors (Technical) and Sub-Inspectors (Technical) for exceptional and outstanding good work. The work should not be routine in nature or one of routine overtime.

### **532. Schedule of working hours —**

This service will normally be available for 08.00 to 17.00 hours except with a break for lunch from 13.00 to 14.00 hours. subject to such modification, as may be ordered in times of emergency. During public holidays and on Sundays they will function from 15.00 to 17.00 hours. But during emergencies this will be waived. Regarding the time schedule of Inter-State Police Network Station, Chennai, this station works during all days including holidays from 08.00 to 13.00 hours, 15.00 to 17.00 hours and from 18.00 to 22.00 hours.

### **533. Officers competent to use the Service —**

All Police Officers can use the Police Telecommunication Service for all Crime and Law and Order purposes. District Collectors can use the Police Telecommunication Service only for purposes of law and order. Messages of a private nature are strictly prohibited. In cases of emergency, Director General of Police may authorize officers of other departments to use the Wireless to clear messages subject to the license regulations.

### **534. Liaison between Defence Services, Signal Organization and Posts and Telegraphs and Railways —**

Close liaison will be maintained between the Tamil Nadu Police Telecommunication Branch and Telecommunication Organizations of the Defence Services, the Department of Telecommunications and the Railways, especially during emergencies. Standing reciprocal arrangements for the transmission of messages of destinations covered by any one of the organizations will be made from time to time by the representatives of these organizations meeting in Conference. For a similar purpose, a message control organization has been set up at various State Capitals by the Ministry of Communications, Government of India.

### **535. Records to be maintained in Telecommunication Stations –**

The following important registers will be maintained in the wireless stations. In addition, files will be maintained by them separately for circulars on each subject, i.e., for instructions on the maintenance and operation of sets, wireless procedure, tour programmes, and other such matters.

- (1)(a) Logs to be maintained in duplicate.
  - (b) In and out register for registering IN and OUT messages
  - (c) Cash book.
  - (d) Superior Officers' visiting Book.
  - (e) Inspection Notes Registers.
  - (f) Casual leave register.
  - (g) Bus and Railway Warrants Register.
  - (h) Attendance Register,
  - (i) Tappal Book.
  - (j) Police Telecommunication Office Standing Order file.
  - (k) Sub-Inspector's memo file.
  - (l) History sheets for various Telecommunication equipment and accessories (to be maintained by technical staff).
  - (m) Duty roster.
  - (n) Government property register.
- (2) Range Headquarters - -Records to be maintained:---
- (a) Cash book.

- (b) Logs for all the fixed and transportable stations in the Range to be retained for one year and then to be destroyed under the orders of the Police Telecommunication Officer.
- (c) Superior Officer's visiting book.
- (d) Inspection Notes register.
- (e) Casual leave register.
- (f) Bus and Railway warrant and books,
- (g) Small service books and Defaulter sheets of operators in the Range including constable operators.
- (h) Tappal book.
- (i) Police Telecommunication Office Standing Order file.
- (j) Sub-Inspector's memo book.
- (k) Log check register.
- (l) Government Property Register.
- (m) Stock register.
- (n) Police Gazette file.

### **536. Musketry Practice ----**

The Superintendents of Police concerned will arrange for musketry practice for Head Constables and Constables, according to Taluk Police scale. Inspectors and Sub-Inspectors will be given revolver practice according to the prescribed scale. The Commissioner of Police, Chennai, will arrange for musketry and revolver practice for the personnel employed in Chennai City.

### **537. Protection clause --**

All the intelligence passing through the various Telecommunication Networks will be considered as secret and will be protected under Sections 123, 124 and 162 of Indian Evidence Act, 1874.

### **538. Source of Power ---**

(1) For securing economy, all fixed stations at District Headquarters will be worked off local commercial supply of A.C. power. As an uninterrupted communication service will depend upon uninterrupted supply of this power, mainly the Superintendents of Police will be in touch with the local Electrical Engineer in charge and make arrangements to get advance information for the Telecommunication stations about temporary shut downs or breakdowns of this supply

and they should be vigilant especially during emergencies. Arrangements should be made for UPS wherever feasible.

(2) The fixed stations should not be moved by any officer except under orders of the Director-General of Police. The transportable stations attached to the Director-General of Police, the Deputy Inspectors-General of Police, Superintendents of Police, and other officers can be moved by them only within their jurisdictions but the Director-General of Police can order the transfers of these stations for emergency employment anywhere in the State. All requirements for Telecommunication service should be addressed to the Director-General of Police, Chennai.

### **539. Security watch over Telecommunication staff --**

As this is mostly a security service and considerable damage could be caused by an unscrupulous operating staff employed in the Branch, an unobtrusive security watch should be maintained over them by the Superintendents of Police concerned.

### **540. Protective measures for Telecommunication installations --**

These installations should be treated as vital and protected areas and the security of such installations is the responsibility of the concerned Superintendents of Police in Districts and of the Commissioner of Police in the City of Chennai.

(ii) All the static wireless stations are located in the district police offices, armed reserve headquarters or police stations. The mobile radio stations when taken by officers on tour should also be located where there is police guard as far as possible. At places where no guard is available, the officer using shall be responsible for the security of the mobile station.

### **541. Inter--State Police Network --**

This service will be utilized for purposes of law and order by Police officers, Collectors and Secretaries to Government. This group, links all the States and Cities in the Indian Union and thus messages could be passed to any of the District Headquarters in any State.

### **542. Uniform --**

The officers and men will wear such uniform as may be prescribed.

**543. Message instruction —** (1) All Telecommunication messages should be sent as written in the prescribed Telecommunication message forms for transmission and signed by the originator with his designation affixing proper priority. Messages must be written legibly, preferably typewritten in the standard Form. If standard message forms are

not used, sufficient space as given in standard form may be left in the paper for use by Police Wireless staff.

(2) As far as possible it is safer to send messages in writing to Telecommunication stations than by phone in order to avoid phonetic errors which will lead to the mutilation of messages.

(3) Oral instructions to an operator for transmitting messages to be framed by him should be avoided.

(4) All code or cipher messages should be necessarily sent as written to avoid phonetic errors and consequent mutilation of messages.

(5) As far as possible messages should be in telegraphic language, clear, concise and easily understood.

(6) Ordinarily a message should not exceed 30 words.

(7) Originators of Telecommunication Messages will avoid sending lengthy messages for transmission over V.H.F.

(8) Normally, only one copy of the message is to be sent for transmission and the same will be retained in the wireless station. In the case of messages addressed to more than one authority, the number of copies required will be equal to the number of wireless channels. This will avoid delay in as much as no time would be wasted in the wireless station in making out copies of the message for transmission by different nets. All copies must be legible to prevent errors in transmission.

(9) Use of Police Wireless in emergency –

The Police Wireless should be normally employed only for the transmission of messages pertaining to law and order and semi-law and order. In times of anticipated emergencies, the prior approval of the Ministry of Communications, Government of India, should be obtained through the Directorate of Co-ordination, Police Wireless, New Delhi, for the use of the Police Wireless for purposes other than those for which the Police Wireless stations are licensed. But in times of sudden emergency like floods, cyclones and such other natural calamities, the Chief Secretary to the State Government can authorize the use of the Police Wireless for passing messages pertaining to those events in anticipation of the sanction of the Government of India. The Ex-Post-facto sanction of the Ministry of Communications, Government of India, should, however, be obtained as quickly as possible, preferably within 24 hours. Such sanction may even be obtained over the Police Wireless, in case the Posts and Telegraphs channels go out of commission due to disturbances.

**544. Conditions of service**, qualifications, method of appointment and promotion to various categories in the subordinate service of the Police Telecommunication Branch are laid down in the respective Service Rules and Adhoc Rules issued.

## **CHAPTER XXVIII.**

### **VILLAGE POLICE**

**545. The duties of village officers in their relations with the Police** for the prevention, detection and prosecution of crime, etc., are given in Section 1 to 8 and 10 of Chapter III of the Village Officers and Ryots' Manual (1931 edition) reproduced below :—

#### **SECTION-1. RELATIONS WITH THE POLICE.**

The Village Administrative Officer under Regulation XI of 1816 has important Police powers in his village and the ordinary police when on duty in a village should treat the Village Administrative Officer with deference and courtesy. His advice and assistance should be sought, and constables should be instructed to heed the heads of villages frequently, consult with, and take advice from them. The Police, while engaged in preventing and detecting crime in a village are entitled to the fullest aid and cooperation of the Village Administrative Officer, who, with his menials, must afford them all the assistance in his power.

The Village Administrative Officer, or as he is commonly known, the Village Magistrate, is responsible for the performance of village police duties. For this purpose, he has under his orders, the Village Menial, who is provided by the Police Department with a badge bearing the inscription "Village Police" and a lathi.

Menials are required to act under orders of the Village Administrative Officer and to patrol the village and high roads and thoroughfares within its limits, to report the movements of criminals entered in the Village Administrative Officer's register and the presence of suspicious strangers and, generally, to assist the Police in the execution of their duties. They shall, on the orders of the District Collector, patrol such portions of the open railway line as may be allotted to them, irrespective of the villages to which they belong.

2. When a police constable visits a village for any purpose the Village Administrative Officer or, in his absence, his Assistant, or some other respectable person of the village, must sign the constable's beat book entering therein the hour of arrival and may also enter the purport of any information communicated to him. If the information is bulky, it should be written on a separate piece of paper and given to the constable.

3. The Village Administrative Officer and the Village Police are bound to give every assistance that may be required of them by the constabulary in executing warrants of arrest, search warrants and warrants for the distress and sale of movable property for the recovery of fines, or in arresting persons for the commission of

offences for which the Police are authorized to arrest without warrant. The Village Administrative Officer should also assist the police in the prevention of disorder and crime during railway strikes and in all railway strike operations.

4. The Village Administrative Officer should see that the constabularies do not use the menials for the carriage of kit, etc.

5. Village Administrative Officer and menials are under the control of the District Collector and Revenue Divisional Officer.

## **SECTION - 2. PREVENTION OF CRIME.**

1. The Village Administrative Officer should understand that it is his duty to strive by all means to prevent the commission of offences within the limits of his village.

2. It is his duty to communicate to the Police any information which he may receive of gangs of robbers, or regarding suspicious persons who have entered his own or any other village and to co-operate in all things of the general security of the country.

3. It is his duty to report to the local Sub-Magistrate and the Police, the arrival, in his village, of strangers of suspicious appearance and all information which he may be able to collect regarding such persons. For this purpose he should maintain a register in the form prescribed in Appendix XVII\* and it will be open to the inspection of Police and Magisterial Officers.

\* *(of the Village Officer's and Ryot's Manual.)*

4. When there is likelihood or any breach of the peace taking place should give immediate intimation to the nearest police as well as to the Magistrate in view to steps being taken to prevent its occurrence.

5. The Village Administrative Officer should maintain a register in the form prescribed in Appendix XVIII\*--of known depredation, members of a permanent criminal gang or persons who have been ordered under Section 356 Criminal Procedure Code, to report themselves to the Police, residing within his village limits and of such notorious suspects as he may be required by the Police to watch. Entries in the first five columns of the register will be made by the Station-house officer or by some officer to whom he is subordinate. If any person entered in this register absent himself from village, it is the duty of the Village Administrative Officer to report the absence forthwith to the Station House Officer by means of a memorandum form vide Section 3 infra, when the individual returns, a similar report regarding the return should be forwarded. This and all other Police registers maintained by Village Administrative Officers will be open to the inspection of the Police.

*\* (of the Village Officer's and Ryot's Manual.)*

6. Under Section 45 of the Criminal Procedure Code, it is the duty of every Village Administrative Officer and Village Police, owner or occupier of land, and the agent of any such owner or occupier in charge of the management of that land and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, to communicate forthwith to the nearest Magistrate, to the officer in charge of the nearest Police Station, whichever is the nearer, any information which he may possess respecting:--

(i) (a) the permanent or temporary residence of any notorious receiver or vendor of a stolen property in any village of which he is Village Administrative Officer or Police Officer, or in which he owns or occupies land, or is an agent, or collects revenue or rent ;

(b) the resort to any place within, or the passage through such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;

(c) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under section :

143. Being member of an unlawful assembly.

144. Joining an unlawful assembly armed with any deadly weapons.

145. Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.

147. Rioting, and

148. (Rioting, armed with a deadly weapon) of the Indian Penal Code.

Note.—Cases of petty theft which the head of a village has taken up for trial himself under section 6 of Regulation IV of 1821 need not be reported to the Sub-magistrate and Police until after disposal - Vide paragraph 5 under Section 6.

(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances or the discovery in or near such village or any corpse or part of a corpse in circumstances which lead to reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;

(e) the commission of, or intention to commit, at any place out of India near such village any act which, if committed in India would be an offence punishable under any of the following sections of the Indian Penal Code, namely :

-

- 231 -- Counterfeiting coin.
- 232 -- Counterfeiting Indian coin.
- 233 -- Making or selling instruments for the purpose of counterfeiting coin.
- 234 -- Making or selling instruments for counterfeiting Indian coin,
- 235 -- Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 236 -- Abetting in India, the counterfeiting out of India, of coin.
- 237 -- Import or export of counterfeit of coins.
- 238 -- Import or export of counterfeits of Indian coin.
- 302 -- Murder.
- 304 -- Culpable homicide not amounting to murder.
- 382 -- Theft after preparation, made for causing death, hurt or restrain, in order to the committing of theft.
- 392 -- Robbery.
- 393 -- Attempt to commit robbery
- 394 -- Voluntarily causing hurt in committing robbery.
- 395 -- Decoity.
- 396 -- Decoity with murder.
- 397 -- Robbery or decoity with attempt to cause death or grievous hurt.
- 398 -- Attempt to commit robbery or decoity when armed with deadly weapon.
- 399 -- Making preparation to commit decoity.
- 402 -- Assembling for the purpose of committing decoity.
- 435 -- Mischief by fire or explosive substance with intent to cause damage to properties or agricultural produce.
- 436 -- Mischief by fire or explosive substance with intent to destroy house, etc.
- 449 -- House-trespass in order to commit offence punishable with death.
- 450 -- House-trespass in order to commit offence punishable with transportation for life.
- 457 -- Lurking house-trespass or house-breaking by night in order to commit an offence punishable with imprisonment.
- 458 -- Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.
- 459 -- Grievous hurt caused while committing lurking house-trespass or house-breaking.
- 460 -- Death or grievous hurt caused by one or several persons jointly in house-breaking by night, etc.
- 489 A. -- Counterfeiting currency notes or bank notes

489 B. -- Using as genuine forged or counterfeit currency notes or bank notes.

489 C. -- Possession of forged or counterfeit currency notes or bank notes.

489 D. -- Making or possessing instruments or materials for forging or counterfeiting currency notes or bank notes.

(f) Any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Collector by general or special order made with the previous sanction of the State Government, has directed him to communicate information.

(2) In this paragraph: -

(i) "Village" includes village lands ; and

(ii) the expression "Proclaimed Offender" includes any person proclaimed as an offender by any Court of authority established or continued by the Government of India in any part of India in respect of any act which, if committed in India, would be punishable under any of the following sections of the Indian Penal Code, namely 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

7. If a Village Administrative Officer and Village Police or other person mentioned at the beginning of the preceding paragraph intentionally omits to communicate forthwith to the nearest magistrate or to the officer in charge of the nearest police station, whichever is the nearer, any information which he may possess respecting the matters specified in the preceding paragraph, he is liable, on conviction under section 176, Indian Penal Code, to be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to Rs.500 or with both or, if the information respects the commission of an offence or is required for preventing the commission of an offence or in order to the apprehension of offenders, with simple imprisonment which may extend to six months or with fine which may extend to Rs.1,000 or with both if he knows or has reason to believe that an offence mentioned in clause (c) of the preceding paragraph has been committed or an act has been committed at any place out of India near the Village which if committed in India would be an offence punishable under any of the following sections of the Indian Penal Code, namely 302, 304, 382, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, and if he intentionally omits to give the information as required under paragraph 6 above, he will be liable on conviction under section 202, Indian Penal Code, to imprisonment of either description for a term which may extend to six months or with fine or with both.

8. It is also the duty of every Village Administrative Officer to report to the nearest Magistrate or to the officer in charge of the nearest police station all cognizable offences committed, within the limit of his village other than petty thefts referred to in paragraph 5 under section 6. Failure to report will render him liable to departmental punishment.

It is the responsibility of the Village Administrative Officer to preserve intact scenes of offences in cases of murder, house-breaking, robbery, decoity, rioting, accidental death and suicide. Particular care should be taken about finger and footprints. The responsibility of the Village Administrative Officer will cease when the Police arrive on the scene for investigation.

*[G.O. Me. No.1612 Revenue, June 1950 and B.P. press. No 23, 26 April 1950.]*

9. Village Police ordinarily communicate any information of the nature referred to in paragraph 7 or relating to other cognizable offences to the Village Administrative Officer of the Village in the first place.

They are required to act under orders of the heads of their villages and to patrol the village and high roads and thoroughfares within its limits, to report the movements of criminals entered in the village headman's register and the presence of suspicious strangers and generally to assist the Police in the execution of their duties.

10. Should robbers attack any person or property, it is the duty of the Village Administrative Officer and the Village Police to induce the villagers, by personal effort and example, to unite and by force resist the party, instead of running away or yielding to them. The villagers should be made to understand that nothing is an offence which is done in the exercise of the right of private defence, and that it is open to them to use all possible means of resistance and to employ firearms or any other weapons of self-defence but that their first endeavor should be to secure the persons of the offenders.

### **SECTION - 3. VILLAGE ADMINISTRATIVE OFFICER'S REPORTS.**

When a Village Administrative Officer receives any information of the nature referred to in paragraphs 6 and 8, under section 2, he shall at once record a statement from the complainant or informant, which should be read over to the complainant or informant as the case may be, and his signature or thumb-impression obtained thereto. He shall immediately prepare a report in triplicate in the form prescribed in Appendix XIX, one copy of which should be despatched forthwith along with the original statement of the complainant or informant to the Police, and another, along with a true copy of the statement simultaneously to the Sub-Magistrate. Third copy of the crime report should be retained as an office copy. The Village Administrative Officer should not record statements from witnesses but his

report should contain all information immediately available and the names of witnesses so far as ascertained by him. Care should be taken to note therein the time of the offence and the names and descriptions of such of the offenders as have been identified.

[*G.O. No. 1155, Home 29th June 1936. B.P. press No. 86, 13th July 1936.*

*G.O No. 1745, Revenue, 11th August 1936.]*

NOTE. — The crime report of a Village Administrative Officer who has no village servants should ordinarily be despatched to the Police Station and Sub-Magistrate, through the village servants of an adjacent village. But whenever, this is not possible the Village Administrative Officer concerned may employ a messenger on a wage and then recover it from the Sub-Magistrate concerned.

2. The Village Administrative Officer's Memorandum Book-Appendix XIX--should be used for reporting all matters of a magisterial or Police nature to superior magistrates and to Police Stations such as --

- (a) Crimes.
- (b) Accidental deaths.
- (c) Suicides.
- (d) Fires.
- (e) Movements of persons entered in the register of K. Ds.
- (f) Arrival and departure of suspicious strangers.
- (g) Loss of tobacco by fire.

NOTE.--In cases of destruction of tobacco by fire accidents, village officers should send reports of the cases to the local Central Excise Officer (Sub-Inspector) in addition to sending report to the Police and the Revenue Officers. The reports to the local Central Excise Officer may be made on separate sheets of paper.

[*B.P. Press No.3, dated 18th February 1949.]*

#### **SECTION - 4. DETECTION AND PROSECUTION OF CRIME**

1. It is the duty of the Village Administrative Officer to co-operate in all things for the apprehension of offenders.

2. Where the Village Administrative Officer receives credible information of stolen property being concealed, and there is reason to apprehend that it will be made away with, unless prompt measures are taken to secure it he shall cause a search to be made, and shall secure and forward the property, if found, with the offenders to the police station. If the place of concealment is a dwelling-house, the search shall be made only between sunrise and sunset.

A search list shall be prepared and the following instructions shall be followed. The search shall be made in accordance with the provisions of the Criminal Procedure Code and should be reported within 24 hours to the magistrate having jurisdiction :---

(i) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(ii) Before making a search, the Village Administrative Officer shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situated, to attend and witness the search and may issue an order in writing to them or any of them so to do. Any person who, without reasonable cause refuses or neglects to attend and witness a search when called upon to do so by an order in writing delivered or tendered to him shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

(iii) The search shall be made in the presence of two or more respectable witness as required above and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared and signed by such witnesses, but no person witnessing a search shall be required to attend the Court as a witness of the search, unless specifically summoned by it.

(iv) The occupant of the place searched or some person on his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared and signed by the said witnesses shall be delivered to such occupant or person at his request.

(v) As a precaution against the introduction into a house of stolen articles by the searching officers, the latter should wear nothing but a plain cloth when entering the house.

(vi) Village Administrative Officers are enjoined to observe very strictly the rules of procedure relating to the conduct of searches. As a precaution by the searching officer, the person of the latter should be examined in the presence of search witness before he enters the house. The officer or person conducting the search should also be accompanied during the examination of the premises by one or two respectable witnesses. The practice too frequently adopted, by which the village officers and search witnesses remain outside, while a single individual enters and carries out the actual search, should never be resorted to. Village Administrative Officers must carefully note in reporting searches the exact place in which stolen articles are found as also the existence of any window, skylight or other aperture by which the stolen articles might have been introduced from without. Search list must be drawn up and signed without delay immediately after the search

is over. Village Administrative Officers should on no account, allow the framing of this important record to be postponed.

3. The Village Administrative Officer should be present at all searches made by the Police.

4. When cattle are stolen, the Village Administrative Officer should not merely content himself, with sending a report to the Police and the Magistrate, but should, with his Assistant, promptly follow up the track of the stolen cattle. If this duty is properly attended to, stolen cattle will nearly always be recovered.

5. The Village Administrative Officer is forbidden to connive at any ill-treatment or torture which the Police may resort to for extorting a confession or information. When the Police have recourse to such objectionable practice it is the duty of the Village Administrative Officer to report the matter to the nearest Sub-Magistrate.

6. The Village Administrative Officer is absolutely prohibited, from reducing to writing any confession or statement whatever made by an accused person after the Police investigation has begun.

#### **SECTION - 5. REPORT OF SUDDEN AND UNNATURAL-DEATHS.**

1. It is the duty of every Village Administrative Officer and watchman to report to the nearest magistrate or to the officer in charge of the nearest Police Station, whichever is the nearer, any information obtained by him regarding the occurrence, within the limits of the village, of any sudden or unnatural death, or of any person having died under suspicious circumstances.

2. Under section 13 of Regulation XI of 1816 and sub-section (4) of section 174 of the Code of Criminal Procedure, Police Officers and in their absence Village Administrative Officers, are required to make an investigation as to the apparent cause of death in cases where they receive information that a person --

(a) has committed suicide, or

(b) has been killed by another, or by an animal or by machinery, or by an accident, or

(c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence.

3. As soon as the Village Administrative Officer receives intimation of a death by suicide or accident or a death caused by a person or animal or machinery or death under circumstances raising a reasonable suspicion that some other person has committed an offence he should --

(a) immediately report to the nearest magistrate empowered to hold inquests and to officer in charge of the nearest Police Station, the information which has been given to him, and

(b) proceed to inspect the body and there await the arrival of a Police Officer or a Magistrate.

If neither a Police Officer nor a Magistrate arrives on the scene within reasonable time after the discovery of the body, the Village Administrative Officer should except when the body is unidentified, send the body to the nearest hospital for post-mortem examination if there is any doubt regarding the cause of death or for any other reason he considers it expedient to do so.

With the body is to be sent, a report for a post-mortem examination in the form prescribed in Appendix-XX.

As soon as this has been done, the Village Administrative Officer should in the presence of the Village Assistant and two or more respectable inhabitants of the neighbourhood hold an investigation and draw up a report in the form prescribed in Appendix-XXI.

If the corpse is unidentified, the Village Administrative Officer should, if neither a Police Officer nor a Magistrate arrives soon after the discovery of the body, proceed to hold an investigation and draw up the report already referred to, before sending the body for a post-mortem examination.

4. When the investigation is conducted by the Village Administrative Officer before the arrival of a Police Officer or a Magistrate he shall, if there is ground for suspecting any person or persons within his jurisdiction of having committed murder, immediately apprehend such person or persons and send him or them to the Station-House Officer or Magistrate.

5. It is the duty of the Village Administrative Officer to provide the means of conveyance for the corpses to the hospital as laid down in paragraph 3 above. He should also arrange for the burial of unclaimed bodies not required to be so sent. Any expense incurred in these cases can be recovered by the submission of a bill to the Magistrate.

6. In the absence of a Magistrate or Police Officer, the Village Administrative Officer should question any person who has received serious injuries whether by violence or by accident, and who is likely to die to the cause of those injuries and should record the injured person's statement word for word, obtaining his or her signature if possible. Immediately after recording this statement, the Village Administrative Officer should, send the injured person for treatment to the nearest hospital. Immediate attention to the injuries is the first essential in such cases and time should not be lost in obtaining treatment by sending the injured person to the Police Station.

## **SECTION – 5A. AIRCRAFT ACCIDENTS.**

On the occurrence of an aircraft accident, the Village Administrative Officer of the village in which the aircraft lands should at once report the matter to the nearest (i) Police Station or Outpost and (ii) to the Magistrate and also to the nearest Medical Officer, if any person is injured as a result of the accident. Till the Police arrive on the scene of accident and take charge of the situations, the Village Administrative Officer should immediately take steps:—

- (a) to extricate persons from the aircraft.
- (b) to arrange for immediate first aid and medical attention to survivors.
- (c) to guard and protect the wreckage or aircraft and if necessary to arrange for removal of aircraft contents thereof to such extent as may be necessary for bringing it or them to a place of safety. It should be noted that no article should be removed from the wreckage unless such removal is necessary for their preservation. Mails, if any removed from the wreckage should be placed in safe custody till they are handed over to the representative of the Post Office.
- (d) to prevent any interference with the aircraft or wreckage by the public.
- (e) to ensure that marks on the ground in the vicinity of the accident are not obliterated by footprints; and
- (f) to ascertain the name and addresses of all eye-witnesses.

*(G.O.Ms. No.3263, Home dated 15<sup>th</sup> October 1960.)*

2. An accident may be investigated by an Inspector appointed by the Director of Civil Aviation in India by a general or special order.

For the purpose of such investigation the Inspector has power:-

- (a) by summons under his hand to require the attendance of any person whom he thinks fit to call before him and examine for such purpose and to require answers or returns to any inquiries he thinks fit to make;
- (b) to require any such persons to make and sign a declaration for the number of the statements made by him in his examinations;
- (c) to require and enforce the production of all books, papers, documents and material objects which he considers important for such purposes and
- (d) to have access to and examine any aircraft concerned in the accident, the place where the accident occurred, or any other place the entry upon and examination of which appears to the Inspectors requisite for the purpose of the investigation.

3. The Government of India may, when it considers such a course expedient, by order, direct a formal investigation to be made by a court and may appoint one or more persons to act as assessors.

4. No person should obstruct or impede the Court or an Inspector of Accidents or an assessor from discharging any other duties. A person should not without reasonable excuse (the burden of proving which shall lie on him) fail to comply with any summons or requisition of a Court or an Inspector of Accidents holding an investigation. Any person contravening these provisions is punishable with imprisonment for a term not exceeding three months or a fine not exceeding Rs.1000 or both.

Note – The Village Administrative Officer should adhere to the above instructions at the time of train accidents and road accidents.

#### **SECTION - 6. FESTIVALS.**

The Village Administrative Officer should send a written report to the Station-House Officer whenever there be a proposal to celebrate in his village a festival in which a pandal within enclosures is likely to be erected. The report should give the date of the festival and should wherever possible, be sent at least fifteen days prior to the date of the festival.

Serious notice will be taken of any delay or failure on the part of the Village Administrative Officer in making the report.

#### **546. Reporting Village Administrative Officers for punishment --**

Village Administrative Officers and servants, who fail in their duties, should be reported for punishment to the Tahsildar or Revenue Divisional Officer according to the nature of their default.

#### **547. Treatment of Village Administrative Officers --**

It is enjoined upon Police Officers of all ranks that, they should treat the Village Administrative Officer and other village officers with special consideration and do their utmost to maintain the dignity of the Village Administrative Officer's position.

#### **548. Inspection of Village Administrative Officer's Police Register ---**

It is the duty of all Police Officers of and above the rank of Station House Officer to inspect the Police Registers kept by Village Administrative Officer and see that they are properly maintained, but they have no concern with the magisterial diaries maintained by the Village Administrative Officer.

(G.O. No. 1591, Judicial, 12th October 1911.)

## **549. Unlicensed Arms—Duties and Responsibilities of Village Administrative Officer —**

Village Administrative Officer will be held responsible for reporting cases of unlicensed possession of arms within their jurisdiction.

(*GO. No. 305, Public (Police), 27th June 1914*)

## **550.(A) Duties of Village Administrative Officer under the Tamil Nadu Restriction of Habitual Offenders Act, 1948 --**

(1) The rules framed by the State Government under the Tamil Nadu Restriction of Habitual Offenders Act, 1948 laying down of duties of Village Administrative Officer under the Act are reproduced below ;—

(2) Each Village Administrative Officer shall maintain a list of notified offenders residing within his limits. The list shall be open to inspection, check and correction by a police officer not below the rank of Sub-Inspector when he visits the village. It shall be the duty of the Station House Officer to see that the list is maintained correctly and up to date.

(*G.O. 2662, Home, 29th June 1949.*)

12. (1) Any notified offender who intends to leave, permanently or temporarily, the village in which he is residing shall, before his departure, intimate to the Village Administrative Officer of such village;--

(a) the date on which he intends to start;

(b) the village and the house into which he is changing his residence or to which he is going;

(c) the route by which he intends to proceed;

(d) the time he will take in going to his destination; and

(e) in case he is leaving temporarily the village, in which he is residing, the probable period of his absence therefrom, and the route and the time he will take for the return journey; and shall obtain from the Village Administrative Officer, a certificate in Form XIII.

(2) A notified offender who has obtained a certificate under sub-rule (1) shall not without good and sufficient cause;

(a) deviate from the route or exceed the time specified in such certificate, whether in going to his destination or in returning therefrom; or

(b) be absent for a longer period than that specified in such certificate.

(3) In every village in which the notified offender spend, during the journey either in going to his destination or in returning therefrom any night or part of a night, he shall report in person to the Village Administrative Officer of such village his

arrival at, and departure from the village and shall obtain the signature of the Village Administrative Officer in the certificate in Form XIII.

(4) Immediately on arrival at the village of destination the notified offender shall report himself in person to the Village Administrative Officer thereof and shall --

(a) In case he is to stay there temporarily, show the Village Administrative Officer, the certificate in Form XIII and obtain his signature thereon; and

(b) In case he is to stay there permanently give up the certificate to the Village Administrative Officer.

In cases falling under clause (a) of this sub-rule, the notified offender, shall, before leaving the village where he is temporarily residing, inform the Village Administrative Officer of the date on which he proposes to leave the village on his return journey.

(5) If the notified offender has temporarily left the village in which he is residing, he shall immediately on his return to such village after completing his journey, report himself in person to the Village Administrative Officer and give up to him the certificate in Form XIII.

12A. Any notified offender who intends to leave the house in which he is residing during the night between 10 p.m. and 5 a.m. on any day to go to any other place within the same village, shall, before his departure, intimate to the Village Administrative Officer of the village;

(a) the date and the time at which he intends to leave the house and return thereto; and

(b) the place or premises to which he is going.

14. If any notified offender required to give notice under rule 12 is prevented by illness or other sufficient cause from doing so in person, he shall inform the Village Administrative Officer of the Village in whose limits he happens to be, of the fact by a written or verbal message containing the particulars he is required by the rules to furnish.

15A. A Village Administrative Officer or Station-House Officer shall grant a certificate in Form XIII to a notified offender who asks for it.

16. (1) When a Village Administrative Officer receives information that a notified offender intends to leave village temporarily or permanently, he shall forthwith give information of the fact in Form XIII to the officer in charge of the Police Station within the limits of which the village is situated giving the date on which the notified offender intends to depart.

(2) When a Village Administrative Officer receives information that a notified offender of another village has spent a night or part of a night in his village without a certificate in Form XIII, he shall promptly inform the Station-House Officer having jurisdiction over his village, setting out in brief the source and substance of such information.

20. Any police officer or Village Administrative Officer shall be competent to pay domiciliary visits within its jurisdiction to any notified offender with a view to verify the presence of such notified offender and it shall be the duty of such notified offender to appear before such officer.

31. (1) No notified offender shall absent himself from the settlement unless he has been granted a pass under this rule and he shall obey the conditions specified in the pass. Any pass granted under this rule may at any time be withdrawn by the authority granting it.

\* \* \* \* \*

(7) The route to be taken by the person granted leave on the journeys to and from his destination shall be specified in the pass and he shall travel by no other route.

In case he halts in a village overnight, he shall report himself at the Police Station if there is one, and if there is no Police Station, to the Village Administrative Officer of the village; and the Police Officer or Village Administrative Officer, as the case may be, shall affix his signature on the reverse of the pass, noting therein the approximate hours of arrival and departure.

On arrival at this destination, he shall report himself at once to the Village Administrative Officer, who shall forthwith report the arrival to the officer in charge of the Police Station within the limits of which the village lies and he shall note this fact on the reverse of the pass.

On return to the settlement, the notified offender shall report himself immediately to the Settlement Manager and shall hand over the pass to him.

### **550 (B)- Formation of Village Vigilance Committee in each Police Station-Instructions for the Constitution and working up:-**

1) Formation of Village Vigilance Committees is an initiative aimed at involving the community in maintenance of law and order and in prevention of crime. The following guidelines will be adopted regarding the Constitution and functioning of Village Vigilance Committees:-

i) The Village Vigilance Committee is essentially a voluntary and non-official body though officials may be members of it.

ii) One Village Vigilance Committee should be formed in each mother village and its out laying hamlets.

iii) The Committee should consist of a President, i.e., Station House Officer, Revenue Inspector and Village Administrative Officer as Official members and not more than 12 members of mother village as members. Persons selected should be residents of the mother village itself or its outlying hamlets and should be a political, influential and of good position and character and genuinely interested in carrying out the work expected of the Committee.

iv) Members of the Committee should be nominated by the SHO and approved by the Sub-Divisional Officer.

v) Functions of the Committee will be,

a) to aid Station House Officer in carrying out duties in regard to crime and criminals.

b) to help the Police in the investigation, prevention and detection of crime generally and in tracing and apprehending persons wanted.

c) to take such immediate steps in regard to crime and criminals as the law empowers them.

d) to keep a look out for suspicious strangers, night prowlers, gangs and members of criminal tribes and to report any information regarding such persons.

e) to report any movements or suspicious activities of known bad characters and any information regarding stolen property.

f) to report to the Station House Officer in respect of cognizable offences.

g) to report about communal or caste related tension or any other form of factionalism.

h) to report any form of extremist propaganda or activity.

i) to see that the village or parts of it are patrolled by night when circumstances require it.

j) to take such steps as are feasible to prevent rowdyism, gambling and street offences.

2) The SHO will conduct a Village Vigilance Committee meeting adopting the following guidelines:-

i) A meeting should be held every month

ii) The Village Vigilance Committees of more than one village may gather at one meeting. This may be arranged in such a manner that the Village Vigilance Committee for each village meets at least once in four months.

iii) Whenever possible, the meeting may be held in a village. Otherwise, the meeting may be convened in the Station.

iv) The minutes of the meeting should be recorded in a register called Village Vigilance Committee Meeting Register- recording the following:-

Date:

Venue:

Village(s) Covered:

Participants:

Information or complaints received:

Information/advise/suggestions passed on to the Village Vigilance Committee members.

- v) All participants should sign in the Register
- vi) This Register should be checked by Superior Officers during visits or inspections.

3) The first few pages of the Register should be allotted to the following:

Index	Name of Village	Dates of Meeting
-------	-----------------	------------------

Membership	Name of Village	Name, Address & Telephone Nos. of each Member
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4) One SDO should attend at least 2 Village Vigilance Committee Meetings in a year. These meetings should be in different Police Stations. If there is a Circle Inspector, he should attend at least 4 Village Vigilance Committee Meetings in a year.

5) A monthly report should be sent from each Police Station to the Superintendent of Police in the following format:

Date of Meeting	No. of villages covered
-----------------	-------------------------

6) Superintendents of Police should send an annual report by 31<sup>st</sup> January every year to Chief Office about the functioning of the Village Vigilance Committees

- *DGP's circular No.257579/Cr.4(2)/2011, dated: 01.12.2011*

## CHAPTER XXIX

### FIRST INFORMATION TO THE POLICE.

#### **551. Registry in First Information Report Book/Electronic Format --**

- (1) Offences against law are classified broadly into two heads:
  - (a) Cognizable; and
  - (b) Non-cognizable.

Offences under the Indian Penal Code or special and other local laws in which Police Officers may arrest without warrant, are cognizable. Other offences are non-cognizable.

(2) Information coming under any of the following heads received at a Police Station, shall be registered in the First Information Report Book (Form No. 73) which is the book prescribed by Section 154, Criminal Procedure Code or entered in the computer application First Information Report Book (Form No.81) generated in electronic form :-

(i) Cognizable cases including those referred to the Police for investigation or inquiry by Magistrates under Sections 156 (3) and 202 Criminal Procedure Code;

(ii) Complaints falling under Regulation IV of 1821;

(iii) All occurrences which need investigation, such as suicides and accidental death, accidental fires, straying of cattle, etc., only where there is a reason to suspect the commission of cognizable offences.

(iv) Non-cognizable cases endorsed to the Police by Magistrates for investigation or inquiry under Sections 155 (2) and 202 Criminal Procedure Code;

(v) Cases under sections 41, 102, 107 to 110 of the Criminal Procedure Code after it has been determined to put them before a Magistrate. One First Information Report being issued if more than one person is involved in a case;

(vi) Offences to be reported to the Central Excise Salt and Customs departments.

(vii) Reports made to Magistrate with a view to action being taken under sections 144 and 145 of the Criminal Procedure Code.

(viii) Cases under Section 182 or 211 I.P.C. when it is proposed to prosecute the complainant for false complaint, although not investigated under Section 155 (2) of the Code of Criminal Procedure.

#### **(3) Registration of thefts of Motor Cycles/Scooters etc:-**

a) Whenever a complaint of theft of Motor Cycle is preferred, it is the duty of the SHO to register the case first and then call for documents of the vehicle during the course of investigation.

b) It is also necessary to issue alert messages to neighbouring districts and organize vehicular checks by alerting border-check-posts, High-way Patrols and Control Room without any loss of time, so that vehicle can be traced and avoid any delay and the chances of detection.

*DGP's circular 187613/Cr.I(1)/2003, dated: 03.09.2003*

**(4) Regulation of receipt of complaints at the Police Station:**

a) On many occasions responsible Officers are not available in the Police Station to process complaints. The complainants are made to run from pillar to post for getting a copy of FIR. Two hours in the forenoon and two hours in the afternoon from 9 AM to 11 AM and 5 PM to 7 PM shall be earmarked, when either Inspector/Sub-Inspector/Head Constable will be available to receive complaints and to process the same.

b) This is not applicable to complaints involving cognizable cases, occurrences of serious and emergent nature, which shall be attended to at any time and without any loss of time and immediately on receipt of information/complaint.

*-DGP's circular 157569/Cr.I (1)/2004, dated: 05.08.2004*

**(5) Registration of kidnapping of minor:-**

Whenever a complaint of kidnapping of a minor is received, a FIR should be registered immediately. Such complaints should not be treated as CSR. Every effort must be taken to trace the missing girl and the kidnapper. Even if there is suspicion that the girl might have eloped, it is necessary to take legal action as "taking or enticing any minor out of the keeping of the lawful guardian without the consent of such guardian" amounts to kidnap u/s 361 IPC. It is punishable u/s 363 IPC with imprisonment which may extend to seven years.

*-DGP's standing order No.55/2013, dated: 04.11.2013*

**(6) Conduct of Preliminary Enquiry before registration of a complaint and scope of such PE:-**

i) Registration of FIR is mandatory u/s 154 of Cr.P.C, if the information discloses commission of a cognizable offence. No preliminary inquiry is permissible in such a situation.

ii) If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted. This will be only to ascertain whether cognizable offence is involved or not.

iii) If the inquiry discloses the commission of a cognizable offence, an FIR must be registered. In case where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

iv) The Police Officer cannot avoid his duty of registering the offence, if a cognizable offence is disclosed. Action must be taken against any erring officer, who does not register FIR, if information received by him disclose a cognizable offence.

v) The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

vi) As to what type and in which case preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

a) Matrimonial disputes/family disputes

b) Commercial offences

c) Medical negligence cases

d) Corruption cases

e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

vii) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact that such delay and the causes of it must be reflected in the General Diary entry.

viii) Since the General Diary/Station Diary/Daily Diary is the record of all information received in a Police Station, all information relating to cognizable offences, whether resulting in registration of FIR or leading to any inquiry, must be mandatory and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.

*-DGP's standing order No.58/2013, dated: 27.11.2013*

Note.— (1) Complaints made by telegram or telephone should not be recorded in the First Information Report until the information has been verified and either a statement has been recorded from the sender in writing or a confirmatory written and signed complaint has been received from him. This does not mean that the Officer-

in-charge of a Police Station need take no action on a telegraphic or telephonic complaint received by him. On receipt of a report by telegram or telephone regarding the commission of serious cognizable crime, he should make a note of it in the Station House Diary and hasten to the spot to verify the information and, if it is found to be true, he should obtain a complaint in writing or record the statement of the informer and send it to the Police Station for registration and immediately embark upon its investigation. On his return to the Station House, he should also record the result of his enquiries in the Station House Diary. Cases received on transfer from other Police Stations should be re-registered at the receiving Station.

(2) In cognizable cases, the Police will normally deal with the Judicial Magistrate. The First Information Report should be sent to him as also the list of properties seized or recovered if there be such. The final report whether it is a referred case or a charge-sheet will also be sent to him for orders or trial as the case may be,

(7) First Information Report generated through computer application shall be printed in A4 size paper with security features embedded and supplied by the Government Press, Tamil Nadu. In the event of failure to generate First Information Reports through computer system due to system failure or any other reason, First Information Reports shall be prepared manually. The stationery shall;

- a) be A4 size paper embedded with pre-defined security features.
- b) have the State emblem at the top of the page and the captions 1) First Information Report 2) Under section 154 Cr.PC shall be printed below the State Emblem both in English and Tamil juxtaposed.
- c) be forms with security features supplied by the Government Press to be used in the event of failure of system for whatsoever reason.
- d) Once the system is restored, the date from the manually prepared FIR shall be entered in to the computer and then the next FIR shall be prepared using the computer system in order to maintain the consecutive crime number.

*-Amendment proposal sent to Govt. in C.O.Lr.No.147565/A&R1/2013, dated: 10.01.2014.  
Subsequently covered by over-all approval.*

#### **(8) UPLOADING OF FIRs IN POLICE WEBSITE-Instructions –**

The Hon'ble Supreme Court of India in WP (Crl) No.68 of 2016, dt:07.09.2016 directed that

Copies of FIRs, unless the offence is sensitive in nature, should be uploaded on the Police Website within 24 hours of the registration of FIR.

In case of connectivity problem, due to geographical location, upload has to be done within 48 hours or maximum 72 hours.

In pursuance of the said direction of the Supreme Court of India, the following instructions are issued:

- i) The decision not to upload copy of FIR shall be taken by the DSPs/ACPs in all Districts/Cities, except Chennai and Special Units. In Chennai City, the DCS will be the deciding authority. The concerned Judicial Magistrate shall be informed of such decisions.
- ii) The following cases may be **exempted from being uploaded**:
  - a) Offences of Sexual Nature and under POCSO Act.
  - b) Cases relating to terrorists and cases in which the contents of FIR may deal with the issues of National Security.
  - c) Cases registered under the Officials Secrets Act where disclosure of information would be prejudicial to the interest of the State.
  - d) Cases involving a juvenile in conflict with law or a child in need of care and protection.
  - e) Cases of kidnapping for ransom as its disclosure may be dangerous to the life of the kidnapped victim.
  - f) cases in which dangerous criminals/gangsters are involved or where there is a danger to witnesses or the complaint being intimidated.
  - g) Other serious cases, in which one accused has been arrested while others may be at large. Since the FIR may contain the names of complainant, eye-witnesses etc., there may be chances of undue advantage being taken either by the accused still at large, to continue to evade arrest or he/them becoming a threat to the complainant or eye-witnesses etc.
  - h) In any other case where publication of FIR may prejudice investigation and circumvent criminal justice system.
- iii) As per the Supreme Court order, there has to be a Grievance Committee with 3 members to deal with petitions from aggrieved persons. In Districts, the Grievance Committee shall be headed by ADSP, Headquarters and comprise of DSP/ DCRB and DSP/DCB (in the case of a dispute pertaining to a DCB case, any other DSP may be temporarily nominated to deal with the grievance petition). In the cases of Cities and Special Units, Grievance Committees may be constituted by the concerned Commissioners of Police and the Heads of the Special Units respectively.

-DGP's Circular Memorandum No.139869/Crime 4 (3)/2016, Dated: 26.09.2016

### **552. First Information Report - To whom sent --**

(1) Ordinarily one copy of the First Information Report will be retained in the Station and another will be forwarded without delay in the usual course to the Magistrate having jurisdiction and a third with the Station House General Diary to the Superintendent or Sub-divisional Police Officer through the Circle Inspector. In the case of the Police Inspector working as SHO he will directly submit it to the Sub-Divisional Officer. The Sub-Divisional Officer will retain one copy and the Station House Diary and send the other copy of the First Information Report to the Superintendent of Police. When the Circle Inspector or his superior registers and or takes up investigation, an additional copy should be made for his case diary file. When the Magistrate having jurisdiction is not the local Sub-Magistrate a fourth copy will be sent to the latter also. To the copy sent to the Magistrate, the original report of the source with its enclosures, if any, in original, or the original written complaint made by the complainant will be attached. Copies of these records will be made out and attached to the other copies. The copies will be made by the carbon process.

(2) In cases coming under Clause (b) of the proviso to Section 157 of the Code of Criminal Procedure, the copy of the First Information Report should be sent to the Magistrate, through the Circle Inspector. In case of Police Inspector as SHO, he will himself send the report.

(3) In cases referred under Sections 155 (2), 156 (3) and 202, Criminal Procedure Code, a copy of the First Information Report need not be sent to the Magistrate as the referred complaint itself constitutes First Information. Similarly in cases registered under Section 182 or 211, Indian Penal Code, with the orders of the Magistrate, a copy of the First Information Report need not be sent to the Magistrate.

### **553. Central Exercise and Salt Act cases ---**

In cases under the Central Excise and Salt Act, 1944, and under the Central Excise Rules, 1944, a copy of the First Information Report with enclosures such as the Panchayatnama, list of contraband articles seized, etc., should be sent without delay to the Assistant Collector of Central Excise.

Under section 15 of the Central Excise and Salt Act, 1944, all Officers of the Police are empowered and required to assist the Central Excise Officers in the execution of this Act.

### **554. FIR-To be written before proceeding to investigate --**

(1) The First Information Report shall invariably be written before the investigating Officer proceeds to make an investigation. But, if a report of a serious crime is received by the Officer-in-charge of a Police Station, he must leave post-haste to the scene of offence directing the officer whom he places in-charge of the station or the station writer, as

the case may be, to register the case. For example, if a Station House Officer is informed that a serious breach of the peace is occurring in his jurisdiction or that a drunkard is running amuck with a weapon after inflicting serious injuries on persons, it is the duty of the Station House Officer to proceed to the scene at once and prevent the commission of further offences. He should not delay proceeding to the scene for the sake of issuing a First Information Report, which could be left to one of his subordinates.

(2) The registration of a cognizable offence shall be made by the Police Inspector/Sub-Inspector, if he is present at the Police Station when a report is made. Once the report has been entered in the First Information Report, the investigation of the offence will be commenced at the scene of occurrence with the least possible delay, and the PI/Sub-Inspector will himself proceed to the spot. If there are reasons that render this impossible or unnecessary, he will depute a PSI/Head Constable to take up the investigation, and he will note in the First Information Report why he did not himself take up the investigation. In the absence of the PI/Sub-Inspector, the senior most officer present will record the first information and take up the investigation till relieved by the PI/Sub-Inspector or any other officer.

(3) If the first informant appears at an outpost with or without a report, a First Information Report should not be issued by the Head Constable or Constable in-charge as he is not a Station House Officer as defined in Section 2 (o) of the Code of Criminal Procedure. He will enter the substance of the report in the Outpost Diary, send the first informant with a note in which he should record the date and the time at which the first informant appeared at the Outpost and the date and time at which he left for the Station, where the First Information Report will be issued. He will then proceed to the scene of occurrence and will take steps to arrest the accused and recover stolen property, if any, pending the arrival of the Station House Officer to conduct the investigation.

## **555. Express Reports --**

(1) In all cases of (i) murder (ii) culpable homicide not amounting to murder, (iii) Suspected dowry death and all cases of death mentioned in sub-section (3) of Section 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), (iv) decoity, (v) robbery, (vi) rape, (vii) \*house-breaking and theft (Burglary) of Rs.2,00,000 and above, (viii) \*theft of 3,00,000 and above, (ix) serious disturbance and riot or affray of a specially grave nature (x) Kidnapping of children for the purpose of begging (xi) Violence resulting in any Grievous hurt to Adi-Diravidars, (xii) Rape in which Adi-Dravidars are victims, (xiii) serious mischief or arson involving properties of Adi-Dravidars, (xiv) Offences under Sections 3 and 4 of the Protection of Civil Rights Act, 1955, (xv) Serious offences involving Adi-Dravidars where caste considerations are suspected, (xvi) Arson causing death, injury, damage to

dwelling houses & loss of property over Rs.5000/-, (xvii) Case of counterfeit coins and currency notes, (xviii) Case of possession or manufacture or use of bombs or explosives whether political or not (xix) Assault on Police Officers (xx) Offence under Sections 400 and 401 of the Indian Penal Code (xxi) Conspiracy case (xxii) Serious road accident (xxiii) Professional poisoning (xxiv) Kidnapping for ransom - 364-A IPC (xxv) Offence under 304 (b) IPC (xxvi) and (xxvii) Any case of specially grave nature. Copy of the First Information Report shall be sent direct to the office of the Range Deputy Inspector General, Superintendent or Sub Divisional Officer, to the Circle Inspector, to the local Sub-Magistrate and in respect of Sessions and First-Class Magistrate cases included in the above lists of crimes, to the Revenue Divisional Officer and Ex-Officio First Class Magistrates also. In cases coming within the above categories and reported in sub-divisions, which are particularly serious or include especially important circumstances, but are not reported by radio under Order No. 559 (2), a copy of the First Information Report shall also be sent to the Superintendent. In specially grave occurrences, a copy of the First Information Report shall be sent to the Collector and Additional District Magistrate. \*\*The grave crime reports of the Sub-Divisional officers on all such Express FIRs should reach the senior officers including the District Collectors within seven days. It is emphasized that whenever/wherever evidence collected regarding crime cases, may be perused by the Sub-Divisional Officer/Additional Superintendent of Police/District Superintendent of Police who would collectively decide upon filing of charge sheet based on available evidences. This procedure would not only keep a check on any arbitrariness on the part of the I.O., but would also help in improving the quality of investigation.

(G.O.Ms. No. 723, Home (Po1.XIV) Dept. Dated 2nd February 1980.)

\*[G.O.Ms.No.1531 Home (Police XII) Department Dated: 10.10.1996] G.O.Ms.No. 86, Home (Pol.XII), dated: 03.02.2014 read with G.O.Rt.No.255, Home (Pol.XII) dated: 10.04.2018.

\*\* [Circular Memorandum Rc.No.87469/Crime I (1)/2008 Dated: 23.09.2008 of the Director General of Police, Tamil Nadu]

(2) These reports are termed Express Reports and should be sent in the quickest way possible, either by post or hand.

Note: - All cases of thefts of idols and antiques irrespective of the value of loss involved shall be regard as cases of "Specially grave nature".

## **556. Telegraphic Radio reports –**

(1) Telegraphic Radio reports, giving concise details shall be sent to the Superintendent or Sub-divisional Officer, as the case may be, and to the Circle Inspector, on the receipt of information of (i) a murder, (ii) a decoit, (iii) a highway robbery (iv) Violence resulting in any Grievous hurt to Adi-Dravidas (v) Rape in which Adi-Dravidas are victims (vi) Serious mischief or arson involving properties of Adi-Dravidas, (vii) offences under section 3 of Protection of Civil Rights Act, 1955 relating to religious disabilities and Section 4 of the Protection of Civil Rights Act, 1955 relating to social disabilities and (viii) any serious offence.

(2) Telegraphic/Radio information shall also be sent to the Superintendent in respect of cases of highway dacoity and high way robbery and any very serious offences and violence resulting in any grievous hurt to Adi-Dravidas and offences under Section 3 of the Protection of Civil Rights Act, 1955 relating to religious disabilities and section 4 of the Protection of Civil Rights Act, 1955, relating to social disabilities reported in the sub-division.

Note: All robberies of railway passengers should be regarded as highway robberies.

(3) Telegraphic/ Radio information of any important, or specially grave cases inclusive of violence resulting in any grievous hurt to Adi-dravidas, Rape in which Adi-Dravidas are victims and serious mischief or arson involving properties of Adi-Dravidas and also offences under Section 3 of the Protection of Civil Rights Act 1955 relating to Religious disabilities and section 4 of the Protection of Civil Rights Act, 1955 relating to the social disabilities, shall be sent to the Collector and Additional District Magistrate and the Revenue Divisional Officer and Ex-Officio First Class Magistrate.

(4) Telegraphic/Radio reports or express reports when no telegraphic communication exists shall invariably be sent by the local Police to the Collector and Additional District Magistrate in respect of riots or disturbances which involve a serious breach of the public peace.

(5) As regards reports of accidents in connection with explosives or inflammable oils, the procedure laid down in Order No. 310, should be followed.

*(G.O. 1308, Home, 11<sup>th</sup> March 1981.)*

## **557. Telegraphic Radio reports to the Deputy Inspector-General and the Director –General —**

(1) Officers of and above the rank of Deputy Superintendents of Police shall inform the Deputy Inspector-General and the Director General direct by telegram,

or radio of any specially grave occurrence such as a serious breach of the peace or other grave offence. Subsequently, the Superintendent of Police shall send as soon as possible a detailed report in quadruplicate direct to the Director-General (a copy being sent to the Deputy Inspector-General) when the full facts regarding the occurrence are known and will also thereafter keep the Deputy Inspector-General and the Director-General acquainted with the course of event by prompt and detailed reports.

(2) Any riot involving the use of fire arms, the death of any person or an attack on the Police and all cases of communal riot will be regarded as a serious breach of peace and the facts should be reported at once briefly by telegram or wireless and fully by letter, to the Director-General and the Deputy Inspector-General.

(G.O. Ms. No. 2828, Home, 9th July 1949.)

Note: -- (1) Cases of the possession, or manufacture or use of bombs or explosives even though non-political, are *prima facie* cases of a specially grave nature within the meaning of Order Nos. 558 and 560.

(2) Robbery or attempted robbery by the administration of Datura or other drug or poison should be considered to be a specially grave offence coming within the purview of Order No. 560.

(3) Copies of reports sent to the Director-General of Police relating to cases mentioned in notes (1) and (2) above will also be sent to the Additional Director General/Deputy Inspector-General of Police, Criminal Investigation Department (Crime), Chennai,

(4) In simple cases of assault on a Police Officer, where no grievous hurt is caused nor is there any unlawful assembly, no report need be sent to the Director General of Police. Reports will be sent by post to the Deputy Inspector -General of Police and the result of the case also will be reported to him.

(5) Cases of kidnapping of women and children on a systematized manner should be considered to be cases of a specially grave nature, coming within the purview of Order No. 560.

**(3) Personal communication to the ADGP L&O:-**

a) All District SPs and COPs of cities shall speak to ADGP L&O on phone without fail, immediately after their visit to scene in the following cases:-

- i) Communal/Caste incidents, involving death of a person or more or involving injury to a number of persons.
- ii) Use of force by Police to disperse crowd, especially the use of firm arm and also while tackling criminals.
- iii) Death, molestation, rape etc; in Police custody, leading to PSO enquiry
- iv) Escape from Police custody.
- v) Property offences involving:
  - a) Murder for gain
  - b) Dacoity
  - c) robbery with the use of fire arms and\or involving property worth Rs.50,000/-
  - d) house breaking and theft involving property worth more than a lakh and
  - e) ordinary theft involving property more than one lakh
- vi) any occurrence involving death of more than three persons like in accidents, natural calamity, suicide etc.
- vii) any sensitive occurrence where important functionaries (Political and Government Officials) are either complainants or accused
- viii) Any other sensitive information which requires to be passed on the senior officers.
- b) The Deputy Inspectors General of Police and Inspectors General of Police may contact ADGP L&O in important instances regarding instructions given by them and follow up action taken by unit Officers.

*-DGP's circular 081000/Cr.I(1)/2003, dated: 08.04.2003*

**558. (1) The Director -General of Police shall send reports to the Chief Secretary to the Government, Public Department with a copy to Secretary to the Government, Home Department, on the following subjects as soon as the incidents occur:—**

- (1) Communal rioting;
- (2) Disturbances involving the breach of the peace or death of any person;
- (3) Disturbances involving the use of fire arms;
- (4) Assault on Police in which death or serious injury to police is reported;
- (5) Cases of possession or manufacture or use of bombs or explosives of specially grave nature or involving of political motive.
- (6) Serious fire accidents involving heavy loss of public life and property;
- (7) Strikes of all kinds;

(8) Rioting and disturbances in which Police open fire;

(9) All cases of alleged torture by the Police or death or grievous injury caused while in Police custody; and

(10) All other important and grave occurrence (only such cases of grave nature not covered by items (1) to (9) which may be of interest to the Government).

**(2) Copies of reports shall be sent to the Chief Minister of Tamil Nadu and the Secretary to the Governor of Tamil Nadu.** Copies of reports on item (7) above will also be sent to the Minister for Labour and the Secretary to the Government in the Labour and Employment Department in the case of labour strikes and to the Minister for Education and the Secretary to the Government in the Education Department in the case of strikes by student and teachers in educational institutions.

(3) All Commissioners of Police and all District Superintendents of Police shall send reports to the Director General of Police on the subjects mentioned in order (i) above. A copy of the report should be marked to Inspector General of Police, Intelligence/Superintendent of Police, SBCID. Such reports must specifically mention that these reports are sent under PSO 558

-DGP's circular 169197/Cr.I(1)/2012, dated: 18.09.2012

#### **559. Registry of cases when Station limits of occurrence are doubtful:--**

(1) When, a crime has been committed close to a boundary between Stations, and it is at first doubtful in which Station limits it occurred, the Police to whom it is first reported shall register the case and take up the investigation. The Station which should retain it being subsequently settled. It is of little importance whether a crime committed close to a boundary line is registered in this or that station. What is necessary is that the police who first hear of it should take up the case and endeavor to detect it.

(2) When an offence committed within Railway Police jurisdiction is reported to District Police Station on the Railway line or vice-versa, the, Station which receives the report shall forthwith inform the Police Station having jurisdiction by telephone, wireless or telegram. The telegram should be followed up by a First information Report transferring the case. If the offence is reported to a District Police Station on the railway line, the First information Report transferring case to the Railway Police station with jurisdiction shall be sent forthwith by express and through the Railway Police travelling staff. The police receiving the information first should take up the investigation and continue it till the arrival of the police having jurisdiction.

(3) If a crime committed in the jurisdiction of another Police Station within the State is reported to the Station House Officer of a Police Station, a First Information Report should be issued and its substance entered in the Station House Diary.

(4) If the place of occurrence is near and is easily accessible from the Station House, the Station House Officer will at once proceed to the spot, take up investigation and continue it till relieved by the police having jurisdiction. Simultaneously, action will be taken to send immediate intimation to the police having jurisdiction over the place. When the investigation is taken over by the latter, the First Information Report should be transferred.

(5) If the place of occurrence is far off, immediate intimation should be sent to the police having jurisdiction over the place by the quickest possible means and the First Information Report transferred to them simultaneously. If any of the persons, who are reasonably believed to have taken part in the offence, are found in the limits of the station where the offence is reported and if the offence alleged against them is of a serious nature and there is reasonable apprehension that they will abscond unless immediately taken into custody, they should be arrested and produced before the court having jurisdiction, intimation of their arrest being promptly sent to the Police Station within the jurisdiction of which the offence occurred.

(6) If a report relates to a cognizable offence that was committed outside the State, it will be entered in the Station House Diary and a certified copy of the entry will be given to the person who made the report and he will be referred to the Station House Officer within whose jurisdiction the offence took place. If any of the persons who are reasonably believed to have taken part in the commission of the offence are found in our State territory, and if the offence alleged against them is of a serious nature and there is reasonable apprehension that they will abscond unless immediately taken into custody, they will be arrested and produced before the court having jurisdiction, intimation of their arrest being promptly sent to the Police Station within the jurisdiction of which the offence occurred.

## **560 . Instruction regarding First Information Reports:---**

(1) Cases entered in the First Information Report Book will be given a consecutive number and this number will constitute the crime number for the purpose of the subsequent records.

(2) Sometimes in rural parts and more often in towns, complaints of cognizable offences are made directly at the Police Stations. In such a case, the Officer-in-charge of the Station should reduce the complaint to writing, read it over to the complainant or informant and obtain his signature, or his thumb impression. The thumb-impression of the informant will usually be taken only in the case of illiterate persons. This should be done on the First Information Report form itself.

(3) In the case of complaints a copy of the First Information Report should be furnished free of charge to the complainant or informant under proper acknowledgement immediately after the complaint is registered.

[G.O.Ms.No.865 Home (Polic.1) Department Dated: 09.06.2007]

(4) Information of the commission of a cognizable crime that shall first reach the police, whether oral or written, shall be treated as the First Information. It may be given by a person acquainted with the facts directly or on hearsay, but in either case it constitutes the First Information required by law, upon which the investigation under Section 157, Criminal Procedure Code, shall be taken up. When hearsay information of a crime is given the Station House Officer shall not wait to record as the first information the statement of the actual complainant or an eye-witness.

(5) A vague rumour should be distinguished from an oral report and should not be reduced to writing or signed by the informant but merely entered in the Station House Diary and should it, on subsequent information, prove well founded, such subsequent information shall constitute the First Information. If the rumour is in regard to the occurrence of a serious crime, the Station House Officer must embark upon an immediate enquiry to verify its authenticity and, if found true, obtain a complaint and register and investigate it.

(6) Police Officers shall not defer drawing up the First Information Report until they have tested the truth of the complaint. They shall not await the result of medical examination before recording the First Information when a complaint is made of grievous hurt or other cognizable crime.

(7) While recording the complaint, the Station House Officer has to carefully question the complainant and record a detailed and full account of the incident, lest the want of essential particulars in the complaint should affect the case adversely at a later stage. It is of utmost importance to secure all particulars regarding the occurrence in the first instance and to record them in detail. Care should also be taken to see if the complainant is trying to exaggerate an actual occurrence or trying to give the colour of a cognizable case to an incident of a non-cognizable nature.

(8) Any person who refuses without reasonable cause to sign the copies of the first information is liable to punishment under Section 180 of the Indian Penal Code.

(9) The provisions of sections 182, 183 and 184 Cr.P.C. as regards the jurisdiction of the courts to inquire into criminal offences should be borne in mind while registering cases on the basis of the First Information received by the Police Officers.

(10) Every report of a cognizable offence should be registered in the First Information Report book, even if it appears to be untrue, exaggerated or of civil nature.

(11) If the Officer-in-charge of a Police Station receives an oral report of a cognizable offence during his tour, he should take down the report in writing and have it signed or marked by the person who made it. He should then send it, with an endorsement duly signed by him, to the Police Station, where it will be treated as a written report and registered in the First Information Report book. In the meantime, he will himself commence the investigation.

(12) Every effort must be made to secure the most precise description of the stolen property from the complainant at the time when the first information is recorded. If the complainant is unable to furnish a list of property when he gives the first information, he shall be required to supply the list in writing as soon as possible after the arrival of the investigating officer at the spot.

(13) A First Information Report once recorded, shall in no circumstances be withheld or cancelled by the Station House Officer.

(14) As soon as the report has been entered in the First Information Report book, the substance of the report must be briefly recorded in the Station House Diary.

(15) The First Information Report is a very important document. It is the earliest record made of an alleged offence before there is time for its particulars to be forgotten or embellished. It can be used to corroborate or impeach the testimony of the person lodging it under Sections 145, 157 and 158 of the Indian Evidence Act. It can also be used under Clause (1) of Section 32 and illustrations (j) and (k) under Section 8 of the Indian Evidence Act. The necessity of drawing up this document with the utmost care and accuracy and with all available details cannot, therefore, be overemphasized.

(16) **A copy of FIR should be furnished to the complainant immediately.**

-DGP's circular No.58651/Cr.II(1)/1995, dated: 12.07.1995

## **561. Non-cognizable cases:-**

(1) Information received in a Police Station of facts, which constitute a non-cognizable case, or any steps taken by the Police of their own motion in a non-cognizable case, will be entered in the Station General Diary. In such cases and in cases with facts not covered under Police Standing Order 660, an acknowledgement in Form No. 90 should be furnished to the party concerned.

(2) When a Police Officer finds it necessary to lay information before a Magistrate in a non-cognizable case, he may, under Section 190(1) (b) of the Criminal Procedure Code, make a report to the Magistrate, in writing of the facts which constitute such offence.

(3) If there are persistent complaints against a particular individual, which legally fall under the category of a non-cognizable offence, the following action may be taken:-

(a) Obtain orders or the competent court to register the non-cognizable case and investigate and/or

(b) Initiate action u/s 110 Cr.P.C. if there is persistent commission of non-cognizable offence by a given individual resulting in breach of peace.

**(4) Crimes committed against alternatively talented persons, especially deaf and/or dumb persons – Procedure for registration and investigation of cases:-**

The following guidelines are given for strict compliance with regard to procedure to register the FIR, conduct investigation and trial and pay compensation in Crimes committed against alternatively talented persons, especially deaf and/or dumb persons :

i) All Police Stations in the State including All Women Police Stations and Railway Police Stations shall receive complaints preferred by alternatively talented victims.

ii) In case the victim is a deaf and dumb person who cannot write, a requisition will be sent to the Headmaster, Government or Government aided School for deaf and dumb to direct a teacher to give necessary assistance. Necessary directions have already been given to the Headmasters by the State Commissioner for disabled vide their Circular R.O.C Lr. No.457/RD II-4/2010, Office of the State Commissioner for disabled, Chennai-67, dated: 26.02.2010

iii) The panel of willing Advocates, prepared by the Social Welfare Department, in consultation with the Free Legal Aids Service, to aid disabled victims should be kept in each Police Station since the victim needs to be provided with legal representation at the Police Station itself. The SHO shall be under a duty to inform the victim of his/her right to representation before any questions are asked and the case diary should state that the victim was so informed. The victims will be instructed to go through the panel and select their Advocate(s).

iv) The complaint of the victim will be recorded with the assistance of the teacher from the deaf and dumb school. If the victim is accompanied by his/her parents, guardian, any other relative or any other person who is conversant with the victim's sign language, their assistance can also be taken for drafting the complaint with the concurrence of the victim. In col.4 of the FIR, it shall be recorded as "Sign language interpreted by.... the name of the teacher/relative", who helped in interpreting the same.

v) During the course of investigation, the statement of the victim u/s 161(3) or 164 of Cr.P.C shall be recorded with the assistance of the teacher from the deaf and dumb school. The statement of the person so assisting shall also be recorded u/s 161(3) Cr.P.C and they shall be cited as prosecution witnesses.

vi) The affected victim shall be given medical assistance and if it is a case of rape or sexual assault, the procedure already laid down should be followed in letter and spirit. The shock and agony shall be redressed by counselling through experienced counsellors who are attached to the All Women Police Stations.

vii) At the time of trial, the prosecutor shall ensure the deposition of the deaf and dumb witnesses in the court using sign language and gesture, which would be translated by the same teacher or other persons, who had assisted at the time of recording of the complaint. The teacher/person will also have to depose in the court of law.

viii) The Investigating Officer shall send proposal for the award of compensation to the disabled victims from the Victims Assistance Fund created as per G.O.No.1258, Home (Pol.XII) Department, dated: 21.08.1995 and modified by G.O.Ms.No.89, Home (Pol.XII) Department, dated: 24.01.1997 and subsequently modified by G.O.Ms.No.491, Home (Pol.XII) Department, dated: 18.05.2010 read with C.O. Memo No.21422/Crime I(2)/2010, dated: 26.07.2010 and ensure that the victims are benefited.

- *DGP's circular No.016924/Cr.4(1)/2010, dated: 23.03.2010.*

**(5) Formation of Monitoring Committee – Action against erring personnel who fail to register FIR:**

The Hon'ble Madurai Bench of Madras High Court, in Crl.OP No. (MD) 4326/15, dated: 16.03.2015, had directed that a Police Officer cannot avoid his duty of registering offence, if cognizable offence is disclosed. Action must be taken against erring officials who do not register the FIR, if information received by him discloses a cognizable offence and also recommended to form monitoring committee and action against erring personnel.

It is decided to constitute a Monitoring Committee in Cities and Districts headed by the Additional Deputy Commissioner (Headquarters) in Cities and Additional Superintendents of Police (HQ) in Districts to be assisted by the Assistant Commissioners of Police (CCRB) in Cities and the Deputy Superintendents of Police (DCRB) in Districts.

**The Monitoring Committee** shall review all the cases once in two months whether the Station House Officers in their jurisdiction have followed the guidelines/directions issued by Hon'ble Supreme Court in Lalitha Kumari Case (in WP (Crl) No.68 of 2009 dated 12.01.2013) in respect of registering FIR and submit report to the Unit Officer concerned for taking necessary action.

Based on the report of the Monitoring Committee, the Unit Officers concerned shall take necessary disciplinary action against the erring Police personnel for their failure.

***-DGP's Circular Memorandum No.226313/Cr.4 (3)/2013, dt:07.07.2016***

## CHAPTER XXX.

### INVESTIGATION.

#### **562. Refusal of investigation –**

(1) The following principles are laid down to guide the exercise of their discretion by Station house officers in the matter of refusing investigation under section 157 (1) (b) of the Criminal Procedure Code.

*(G.Os. No. 332, Judl. 28th Feb. 1906 and 485 Judl. 14th March 1911)*

(2) Grounds for refusal —

Investigation may be properly refused in the following cases --

(a) Triviality -

Trivial offences, such as are contemplated in section 95 of the Indian Penal Code.

(b) Civil nature -

Cases clearly of a civil nature, or in which the complainant is obviously endeavouring to set the criminal law in motion to support a civil right.

(c) Petty thefts -

Cases of petty theft of property trivial in value, provided that the accused person is neither an old offender, nor a professional criminal.

(d) Injured person does not wish inquiry -

Unimportant cases in which the person injured does not wish inquiry, unless (i) the crime is suspected to be the work of a professional or Habitual offender or (ii) investigation appears desirable in the interests of the public.

(e) Undetectable simple cases -

Simple cases of house breaking or house trespass and petty thefts of unidentifiable property, in none of which cases is there any clue to work upon or any practical chance of detection, provided that there is nothing to indicate that the offence has been committed by a professional criminal.

(f) Exaggerated assaults -

Assault in cases which have been obviously exaggerated by the addition of other charges such as theft.

(2) Officers-in-charge of Police Station should clearly understand that nothing in the above order justifies or permits shelving, or refusal to accept complaints of cognizable nature. All such complaints must be received, registered in the manner laid down in Section 154 of the Code of Criminal Procedure, and disposed of according to law. Where the Officer-in-charge of a Police Station sees no sufficient ground for entering upon an investigation, he should not hesitate to exercise the discretion vested in him by law to refuse investigation, but he should record his full reasons for doing so as required by Sub-Section (1) of Section 157 of the code as well as in the Station House Dairy. The complainant will also be informed in

Form No. 159 that no investigation will be made. Sub-Divisional Officers and Circle Inspectors, when they receive First Information Reports should satisfy themselves that Officers-in-charge of Police Stations have exercised their discretion in this regard properly. They should, while encouraging the proper exercise of discretion under proviso (b) to Sub-Section (1) of Section 157 of the Code of Criminal Procedure, check any tendency to negligence and laziness on the part of Station House Officers, resulting in failure to investigate cases on improper or inadequate grounds or in the burking of complaints.

### **563. Report to be used -**

When an investigation is refused at once, a First Information Report only need be submitted. But where further investigation is refused after a preliminary local investigation, a case diary shall be written and a final report sent.

### **564. Refusal after local investigation --**

Further investigation may be refused after a preliminary local inquiry, in which event a case diary shall be written and a final report sent.

### **565. Refusal of local investigation —**

(1) The power to abstain from local investigation under section 157 (1) (a) of the Criminal Procedure Code is primarily intended to be exercised in cases which are complete on the information, brought to the Station and require no further inquiry.

*(G.O. No. 332, Judl. 20 February 1906).*

(2) (a) Except when the information is given against a person by name and the case is not of a serious nature, the Station House Officer must, as required under Sub-Section (1) of Section 157 of the Code of Criminal Procedure, always proceed to the scene and make investigation on the spot.

*As per relevant provisions of Cr.P.C.*

(3) **CRIME SCENE OFFICER:** All unit officers will nominate a HC /SSI in each station as Crime Scene Officers. He will be in-charge of guarding the crime scene intact. He will ensure that all the clues related to crime are taken note of for proper investigation of the crime occurred. He will also ensure that the finger prints and foot prints of the criminals involved in the crime are lifted properly and photography / Videography of the crime scene taken meticulously. He will co-ordinate and co-operate with other Officers /Finger Print experts in lifting /identifying and tracing and apprehending the culprits involved in the crime

(ii) The unit officer will ensure adequate training to the crime scene Officers in collection and prevention of evidence including in photography, Videography and identification and development of fingerprints

*-DGP's circular Rc NO. 156998/Cr 4(2)/2008-3 dt 21.03.2009*

(4) In towns in unimportant cases the examination of witnesses other than women and children may be conducted at the Police Station. An investigation made on the spot enables the investigating officer to discover important clues, to find out persons who are likely to throw light on the facts and circumstances of the case and generally to gain knowledge about the ways and habits of the people concerned, which is highly useful in an investigation.

(5) Supervising Officers should during perusal of case diaries and inspection of Police Stations, see whether the preceding Order is being strictly complied with. The date of receiving the complaint and the date of investigation on the spot should also be noted.

(6) An Officer-in-charge of a Police Station should invariably proceed to the spot for investigation under Section 157 of the Code, but if, in any case, for any compelling reasons, it is quite impracticable for him to do so, he should always depute an officer not below the rank of a Head Constable for investigating the facts and circumstances of the case and for other purposes described in the said section. Whenever any officer is deputed for investigation, the officer deputing should give a written order to that effect, to the officer deputed. Superintendents, Sub-Divisional Officers and Inspectors when they receive F.I.R. and Case Diaries should satisfy themselves that Officer-in-charge of Police Stations have exercised their discretion in this regard properly and discourage any tendency to negligence and laziness.

#### **7) Bringing of women to Police Stations for enquiry:**

The following instructions are issued for strict compliance:

(i) The submission to custody by woman should be presumed. There should be no occasion to touch a woman where arrest of a woman is unavoidable. No woman should be arrested between sunset and sunrise excepting under very extraordinary circumstances. Information in such cases should be promptly communicated to superior officer immediately. Such arrest of woman should be effected only by an officer of and above the rank of a Sub - Inspector of Police.

(ii) Release on bail in bailable offences is mandatory and should be complied with expeditiously. Production for remand in non-bailable offences should also be done with utmost expedition.

(iii) A woman accused should be searched only by another woman. The assistance of woman police should be invariably enlisted wherever available.

(iv) The arrested woman should be kept in a separate female lock- up. A male or female relative of the arrested woman should be allowed to stay in the police station premises and also allowed to accompany the woman police escort. Wherever Woman Police Station is available, she should be kept in the woman police Station only.

(v) The men should be severely warned that deviant behaviour towards woman would invite stern departmental action and also prosecution.

(vi) The guidelines could be incorporated in a small booklet with a set of Do's and Don'ts.

(vii) They may also reproduced in ‘Bold Letters’ and hung in a placard to serve as daily reminder.

(viii) Do not take any male person below 15 years or a female of any age from his or her residence either for enquiry or for investigation (sec.160(1) Cr.P.C)

(ix) Do not enter any premise occupied by a female without permission.

(x) Do not search any female except by another female and with strict regard to decency (Sec.51(2) Cr.P.C )

(xi) Do not cause medical examination of female accused except by or under the supervision of a woman medical officer (Sec. 53(2) Cr.P.C)

(xii) Do not order a female prisoner to walk more than a mile during escort; do not refuse a conveyance for shorter distance too if reasons of health or custom or other valid reasons warrant the provision of a conveyance (P.S.Os 348(10) and 350(6) Vol.I)

(xiii) Do not provide an exclusive male police escort to a female prisoner, a female warder /woman police, shall accompany a woman prisoner (P.S.O 348 (12) Vol. I)

(xiv) Do not keep a female in look up except under a female guard (P.S.O. 637(4) Vol.I)

(xv) Do not delay production of a female in custody before the Magistrate.

- *DGP's circular Rc No.084863/Cr.I(1)/2002, Dt 13.04.2002.*

#### **(8) Assistance to alternatively talented persons:**

Whenever any deaf and dumb victim approaches a police station, the station House officers of any other officers available in the police station shall seek the assistance of any knowledgeable person or relative, who is conversant with the sign language for the purpose of getting the complaint drafted. Besides, the victim shall also be informed of her right to engage legal assistance from the panel of advocates maintained in the Social Welfare Department.

-*DGP's Circular C .No 44250/Cr.4(1)/2006, dt 07.11.2006.*

#### **(9) Women & Children help desk at every Police Station:**

There shall be Crime against Woman /Children desk in each police station, consisting one WSI, and two WPCs, apart from All Woman Police Station. All Commissioners of Police and Superintendents of Police shall ensure that there is one WSI and 2 WPCs are available in every Police Station, within their Jurisdiction.

- *DGP's Circular Rc No.187711/Cr 4(1)/2010, Dt 15.09.2010.*

### **566. Investigation to be impartial –**

(1) Investigating officers are warned against prematurely committing themselves to any view of the facts for, or against a person. The aim of an investigating officer should be to find out the truth, and, to achieve this purpose, it is necessary to preserve an open mind throughout the Inquiry.

(2) Charge-sheets in cases and counter cases.—In a complaint and counter complaint obviously arising out of the same transaction, the investigating officer should enquire into both of them and adopt one or the other of the two courses viz., (1) to charge the case where the accused were the aggressors or (2) to refer both the cases if he should find them untrue. He should place before the court a definite case which he asks it to accept. The investigating officer in such cases should not accept into one complaint and examine only witnesses who support it and give no explanation at all for the injuries caused to the other side. It is his duty to exhibit the counter-complaint in the court and also to prove medical certificates of persons wounded on the opposite side. The truth in these cases is invariably not in strict conformity with either complaint and it is quite necessary that all the facts are placed before the court to enable it to arrive at the truth and a just decision.

(3) If the Investigating Officer finds that the choice of either course is difficult, viz., to charge one of the two cases or to throw out both, he should seek the opinion of the Public Prosecutor of the district and act accordingly. A final report should be sent in respect of the case referred as mistake of law and the complainant or the counter-complainant, as the case may be, should be advised about the disposal by a notice in Form No. 90 and to seek remedy before the specified Magistrate, if he is aggrieved by the disposal of the case by the Police.

(*G. O. Ms. No. 182, Home, dated 23rd January 1958.*)

**(4) General instructions to Investigation –**

(a) Section 173 of the Code of Criminals Procedure lays down that every investigation, under Chapter XII of the Code, shall be completed without unnecessary delay. The provisions of the section are mandatory and any avoidable delay in the submission of charge-sheets, therefore, militates against these basic principles of law. In cases where the accused are caught red-handed with property, there should be no delay at all in the submission of charge-sheets. As a rule in such cases, the accused should be forwarded in custody to the Magistrate having jurisdiction, along with the charge-sheet, except in cases where the accused is a stranger and his antecedents have to be verified. In offences against person, including cases of murder, there should normally be no difficulty in completing the investigation and filing the charge-sheet before the expiry of the initial remand period of 15 days granted under section 167 of the Code of Criminal Procedure. Though the Magistrate has powers to authorize detention of the accused person in custody under this section for a period of 90 days where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for term not less than 10 years and for a period of 60 days in any other offence, the investigating officers should not delay the filing of the charge

sheet. It should be noted that on expiry of sixty days the accused person shall have to be released on bail if he furnished bail.

(b) According to section 167 (5) of the Code of Criminal Procedure, if in any case triable by a Magistrate as a summons case, the investigation is not concluded within a period of six months from the date on which the accused was arrested, the Magistrate shall have to make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interests of justice continuation of the investigation beyond the period of six months is necessary. Therefore, the supervisory officers should ensure that the investigation of cases is completed within a period of six months and a report to the jurisdictional court is sent as required under section 173 of the Code of Criminal Procedure. Even after submission of this report, the investigation officer may continue further investigation and if he obtains further evidence, oral or documentary, during such investigation, he should forward to the Magistrate a further report or reports regarding such evidence in the prescribed form.

(c) The investigating officers should also bear in mind the bar imposed by section 468 of the Code of Criminal Procedure for taking cognizance after lapse of the period of limitation.

(d) It is the duty of the Superintendents, Sub-Divisional Police officers and Inspectors to see that investigations are promptly and vigorously carried out and that the provisions of Section 173, 167 and 468 of the Code of Criminal Procedure are strictly adhered to.

(e) The investigation in ordinary cases should normally be completed within one month and in heinous crimes within two months. Where the investigation is required to be carried on beyond these periods, the investigation officer should obtain extension of time by adducing reasons.

(f) In ordinary cases, extension up to three months may be granted month by month by the Sub-Divisional Police officer and beyond three months by the Superintendent of Police. In heinous cases, extension up to four months may be granted by the Superintendent of Police and if the period exceeds four months, by the Range Deputy Inspector General of Police.

*As per relevant sections of Cr.P.C.*

## **567. Case diary --**

(1) The record of an investigation will be made in the case diary (Form No. 74) which is the diary prescribed in section 172 of the Criminal Procedure Code. It will bear the number of the First Information Report.

(2) To be sent daily --

An Investigating Officer absent from his station should send in his case diary daily.

**568. Details to be furnished in the Case Diary --** (1) The record of investigation in a case diary should contain only daily details of the time at which the information reached the investigation Officer, the time at which he began and closed his investigation, the place or places visited by him and a statement of the circumstance ascertained through his investigation.

(2) An investigation should be recorded in the case diary when the Investigation Officer has that record with him, otherwise the case diary will be compiled from the note-book. The Police will truly and in detail record the statement of persons examined by them in the course of an investigation. These statement recorded shall, whenever possible, be in the first person, and in the language of the witnesses themselves. Case Diaries should be prepared in two distinct parts viz. (1) Investigation Part and (2) Statement of witnesses recorded under section 162, Criminal Procedure Code Part. The second part alone should be handed over to the Magistrate's clerk for making out copies to be furnished to the accused.

*[G.O. Ms. No. 2353, Home, dated 19th August 1958]*

(3) When a Police Officer reduces to writing any statement made to him under section 161, Criminal Procedure Code, he should make a separate record of the statement of each of such persons whose statements he records. Not recording the statements of each witness separately is a violation of the mandatory provisions of section 161 (3) Criminal Procedure Code.

(4) (a) In investigations under section 174 Criminal Procedure Code, the statements of any relatives of the deceased person or other persons who may speak to facts touching the cause of death should be recorded in the case diary in detail and wherever possible in the first person and in the language the persons examined.

(b) In cases of accidental deaths, case diaries shall not be written in addition to inquest reports; but a precis of the case in a few sentences shall be given at the end of the inquest report itself subject to the following exceptions:-

(i) A Case diary should be written to embody the result of the post-mortem examination, if one is conducted.

(ii) Statements of important witnesses who are not examined at the inquest owing to their not being available should be recorded in a case diary.

(5) In order to show the progress of trials in Courts, Case Diaries should also be written reporting all hearings and adjournments of cases.

(G. O. Ms. No. 2550, Home, dated 28th September 1957.)

**(6) Guidelines while recording statement of victim/witness:-U/s164  
Cr.pc.**

1. A statement of witness or victim be recorded only at the instance of the Investigation Officer of the case under section 164 of the Cr.P.C. It is not necessary for the investigation Officer to approach the CMM/CJM with an application for nomination to record the statement of the witness/victim under Cr.P.C.
2. On the request of the investigation officer of the case, the presiding officer of the case, the Presiding Officer of the Special Court which has been empowered to take cognizance of an offence without there being a need for committal may also record the statement of the witness.
3. After the statement has been recorded under section 164 of Cr.P.C, the Judge or the Magistrate shall arrange to take photocopies of such statement, shall be kept in a sealed cover in the safe custody of the Judge/Magistrate.
4. In case if the Magistrate who recorded the statement under section 164 of Cr.P.C. is not the Magistrate of the jurisdiction to which the case belong, he is obligated to send original statement to the Magistrate, to whom the case belongs, either through a special messenger or by registered post with acknowledgment receipt.
5. The Judge/ Magistrate, who had recorded the statement in Section 164 Cr.P.C., should keep the original record with himself.

**Guideline while recording confessing statement of the accused**

1. The investigation officer is required to make an application before the CMM/CJM for nominating a Magistrate, other than the jurisdiction Magistrate, to record confession statement of an accused.
2. After recording the confession statement of the accused, the recording Magistrate shall arrange to take two photocopies of the same under his direct supervision and certify the same as true copies.
3. Further, one certified copy of the confession statement shall be immediately furnished to the investigating officer, free of cost with a specific direction to him to use it only for the purpose of investigation and not to make its contents public, until the investigation is completed and the final report is prepared.
4. The other certified copy of the confession statement shall be in a sealed cover in the safe custody of the recording Magistrate.

**Guideline while recording dying declaration:-**

1. The Magistrate shall record the dying declaration. The Magistrate shall arrange to take two photocopies of the same under his direct supervision and certify the same as true copies.

2. The dying declaration in original shall be sent in a sealed cover to the jurisdictional Magistrate or court, as the case may be, through a special messenger or by registered post with acknowledgement due.
3. The other certified photocopy of the dying declaration shall be kept in the safe custody of the Magistrate.

**Guidelines for test identification parade reports:-**

1. An application for conducting test identification parade shall be made under Section 54-A of the code by investigation officer to the court having jurisdiction.
  2. After presenting such application, the court may direct the person so arrested to subject himself to the identification.
- The court is obligated to make a request to CMM/CJM to immediately pass orders nominating a Magistrate.
3. The Magistrate so nominated shall conduct test identification parade and after preparing the report, he shall take two photocopies and certify the same as true copies.
  4. He shall send the test identification report to the investigation officer free of cost until the investigation is completed and final report is prepared.
  5. The other copy of the report should be sealed and should be kept in the safe custody of the Magistrate.

*-Judgment of High Court of Madras dt 15.09.2017 in Crl.OP. No 12148/2017*

*-DGP's circular No 159270/Cr 4(3)/2017 Dt 06.10.2017.*

**(7) Inclusion of names of co-accused based on the confession of the accused or statement of witnesses:**

If names are mentioned in confession statements (or in statement of witnesses) such persons should not be straight away shown as accused in the C.D, without verification or confirmation of their identity and a verification of their involvement and a role.

It must also be noted that confession statements of the accused recorded by the police are by themselves not adequate evidence either against those making the confessions or against co-accused implicated by them. There needs to be other evidence, such as judicial confession, extra-judicial confession, discovery u/s. 27 Evidence Act, identification through T.I parade, recovery of incriminating material. and eye-witness accounts.

*-DGP's Standing Instruction 21/2013 Dt 09.05.2013.*

**(8) Guideline for dealing with disputes relating to land and money matters:-**

1. In disputes relating to land and money matters, where prima-facie a cognizable offence is made out on the basis of evidence/documents accompanying a complaint, the police should register a case by drawing a FIR and proceed with the investigation.

**2.** Where on the face of the complaint it is not clear to the police officer whether the wrong committed is civil or criminal, he should make a preliminary enquiry, which includes referring the matter to his superiors or law officers and seek guidance. The complainant should be informed about this and an endorsement for enquiry given to him. Such an enquiry should be completed within fifteen days and if it discloses a cognizable offence, action should be taken as mentioned in Para 1.

**3.** While conducting such an enquiry, it should be borne in mind that the Cr.PC does not provide the Police to summon a person to the Police Station till a criminal case has been registered.

**4.** It is also incumbent upon the Police to ensure that the delay in lodging the FIR does not damage the case of the complainant in any manner.

**5.** Law gives the power of arrest of any suspect/accused to the police officer during the investigation of such a case. However, the arrest of the accused should not be resorted to unless it is either required for furthering the cause of investigation or preventing a continuance of the offence. Even then such arrest should ordinarily be cleared in writing by officer not below the rank of SDPO in districts and DC in Commissionerates.

**6.** The Commissioner /Superintendent of police should closely monitor and ensure that the power of arrest is not misused.

**7.** Where an offence of criminal trespass is made out, it is incumbent upon the police not only to prosecute the offender but to ensure that the offence of criminal trespass is not continued. The trespasser should be asked to move out of the concerned property and if he refuses, police may arrest and remove him physically.

**8.** The Police should not assist or abet any person in causing changes in the property such as demolition of boundary walls, breaking of doors and locks etc.

**9.** If at any time during the investigation the complainant and accused want to compromise it should be done in accordance with section 320 Cr.P.C.

**10.** At times, reference is made to police in disputes, which are already under the scrutiny of a civil court. The court may have granted interim injunction against any party or person involved in the dispute. This should not prevent the police from taking action as a transaction may involve both a civil wrong and a criminal offence. However, police action should be restricted to the criminal part only.

**11.** When police protection is sought for the implementation of a civil court order, it should be given readily. Police should not insist on a specific court direction to give police protection.

**12.** Where the dispute prima-facie appears to be of a civil nature, the police officer should not enter into any enquiry or cause settlements.

**13.** Where there are special agencies to look after certain economic offences such as EOW & CCIW, the station house officer should not entertain or enquire into such complaints but direct the complainant to these agencies.

**14. Disposal of disputes relating to money and land matter should be reviewed by the Commissioner/Superintendent of Police during the monthly crime meeting and it should find a place in the meeting's report.**

**-DGP's circular 126303/Cr.I (I)/2008, dated:04.12.2008**

#### **569. Mahazars—Recovery of Stolen property otherwise than on house search—Record of material facts —**

(1) When any property is recovered by a Police Officer otherwise than on formal search of premises, a contemporaneous record of the facts relating to such recovery may be prepared by him in Form No. 86 prescribed by Order No. 679 and may be attested by witnesses present at the time of such recovery. The record so made is admissible in evidence to corroborate the testimony of the Police Officer who prepared it or may be used to refresh his memory. The signatures of the attesting witnesses may be used in evidence only to corroborate the statement of the Police Officer that they were present at the time of the recovery of the property and attested the record prepared by him. Statements which read as statement of person other than the Police Officer who prepares the record should not be entered therein. The record should reach the Magistrate with the least possible delay.

(2) When material facts which may be of value as evidence are observed by an Investigating Officer at the scene of the offence or at any other place, he shall draw up in the presence of witnesses (who, wherever possible, should be respectable inhabitants of the locality) present at the time when such facts are observed, a record of the facts, illustrated if necessary by a rough plan. The witnesses may sign the record after its contents have been read over and carefully explained to them. They may afterwards be cited in Court to prove the facts observed by them.

(3) Whenever Mahazars are prepared by the Investigating Officers for the recovery of blood-stained clothes from accused persons an attempt should be made invariably to give an account of the dimensions of the stains to enable the court to have an idea whether the blood-stains were due to any other cause or due to the wearer having taken part in the assault involving the shedding of blood. It will be sufficient if an approximate estimate of the dimensions of blood-stains are mentioned in the Mahazars, if exact measurements cannot be given.

#### **570. Forwarding case diaries and remarks upon them –**

Case diaries will be duplicated by the carbon process, one copy being filed in the station and the other sent to the Circle Inspector, who will forward it to the Superintendent or Sub-Divisional Officer, after making any necessary remarks. The remarks made in the case diaries will be communicated to the Inspector or the

Station House Officers as the case may be, by Crime memoranda instead of returning the remarked case diaries in original.

(*Police Gazette, dated 14th May 1959.*)

Note.—(1) In respect of prohibitions cases, the case diaries will be filed by the Circle Inspectors.

(2) Case diaries of cases under sections 64 and 65 of the Chennai City Police Act need not be forwarded to the Sub-Divisional Officers. They may be filed by the Inspectors themselves after scrutiny.

### **571. Further uses of the case diary —**

(1) Remarks should be applied for on case diary form. Section 167 (1) of the Criminal Procedure Code requires a copy of the case diary to be sent when remand is sought. The Investigating Officer should therefore, prepare an additional carbon copy of the case diary when he is aware that he will have to send a prisoner for remand.

(2) Case diary forms should be used for applying to Magistrates for warrants of arrest or search, proclamations and other orders concerned with investigation and for forwarding search list, provided that these communications refer to registered cases. Otherwise the memorandum form (Form No. 61) will be used.

### **572. Case Diaries —**

English translation to be sent to Government as soon as a sentence of death is passed or confirmed by the High Court --- The Government of India, Ministry of Home Affairs, have directed, that when a petition for mercy from a convict under sentence of death is forwarded to them, it should invariably be accompanied by an English translation of the Police Diary along with other records of the case.

Superintendents shall, therefore, send direct to the Government in the Home Department two certified copies of the English translation of the Police Diary in all cases to which the accused are sentence to death. The record should be sent to Government with the least possible delay as soon as a sentence of death is confirmed by the High Court or is inflicted by that Court in enhancement of the sentence passed by the Sessions Court.

(*G.O.Ms. No. 4290, Home, dated 8th November, 1951.*)

### **573. Charge sheet to be accompanied by memorandum giving names and addresses of witnesses —**

(1) When a charge sheet in Form No. 78 is sent to Court, a separate memorandum giving the names and addresses of the witnesses cited and specifying clearly the points each witness is called to prove should be sent to the Magistrate.

(2) This Memorandum of information is intended only for the use of the Court and copies thereof shall not be furnished to the accused or any other person.

[*G.O. No. 2487, Law (General) 16th October 1928 and 1488, Law (General) 29th April 1933.*]

**574. When a juvenile accused is arrested or prosecuted**, information about the age of such person should invariably be furnished to the court by the Police Officer taking action in the case, to enable the court to determine the age of the accused with reference to Section 37 of the Tamil Nadu Children Act, 1920.

**575. Reference under section 202, Criminal Procedure Code ---**

A Police Officer, to whom a case is referred for investigation under Section 202 of the Criminal Procedure Code, is bound to investigate it himself.

**576. Report to Director-General in cases of suicide in Police Custody --**

In all cases of suicide in police custody, including subsidiary jails guarded by the Police, the Superintendent shall submit without delay a full report to the Director-General.

**577. Investigation into gang and conspiracy cases --**

(1) Direct Superintendence of the investigation into gang and conspiracy cases should invariably be by an officer not below the rank of a Superintendent, and the principal Investigating Officer should be put into the witness box at an early stage of the case to describe how the evidence has been got together and shifted.

(*G.O. No. 917, Judicial, 7th June 1912*)

(2) All gang cases and all important conspiracy cases whose ramifications extend to several districts should be investigated by the Criminal Investigation Department. Whenever the Police propose to institute any charge of abetment by conspiracy, they should obtain the prior sanction of the Collector who will decide whether it is of sufficient importance to demand investigation by the Criminal Investigation Department.

**578. Forged Currency Notes —**

(1) Under the Currency Department Code, forged currency notes received into treasuries and banks are sent to the Police Station in the Jurisdiction of which the treasury or bank is situated for enquiry. On receipt of the report from the treasury or bank, the Station-House Officer, will straight away proceed to register a case in the first instance irrespective of its denomination and investigate.

(2) It is not desirable to waste time over investigations which are not likely to produce results and it is better to concentrate on cases which give hope of success. If an investigation does not offer any prospect of any clue, it may be closed in the first week or two instead of being continued indefinitely,

(3) The same principle should be followed in cases in which the appearance of forged notes is reported direct to the Police Station by a member of the public.

(4) In every instance Superintendents of Police, Superintendent, Railway Police and the Commissioner of Police, Chennai City should in addition to sending a special report to the Criminal Investigation Department as required in Order No. 501, send a report direct to the Currency Officer, Reserve Bank of India, Chennai, immediately on the appearance of the forged note, whether the forgery be new or old, in the form now sent to the Criminal Investigation Department. The report should contain full particulars regarding the series and general number denomination of the notes, date of appearance, place of detection with the crime number, Police Station and District, particulars of tenderer and whether the note has been forwarded to the Master, India Security Press, Nasik, for opinion and remarks, if any. The note seized should be sent to the Currency Officer, Reserve Bank of India, Chennai along with a report except when the note is required for investigation in which case the note should be forwarded to the Currency Officer, after the investigation is over, quoting the number and date of the original report sent to him. Great care must be paid to the preservation of the forged note and if any loss is reported, the face value of the forged note will be recovered from the concerned by the Reserve Bank of India.

(5) Officers of and above the rank of Deputy Superintendents of Police must exercise a close supervision over the investigation of these cases.

(6) With regard to the investigation of cases of forged hundred rupee notes reported, the following instructions should be followed:—

(a) Whenever a forged hundred-rupee note is received at any office of the Reserve Bank or at an office or branch of the State Bank of India or any of the Nationalized Banks or at any treasury or sub treasury, it shall immediately be forwarded to the nearest Police Station having jurisdiction for investigation along with the report detailing the circumstances under which the note was received. A copy of the report shall be endorsed to the Central Bureau of Investigation and if the note was received at any office or branch of the State Bank of India or Nationalized Banks or at a treasury or sub-treasury, also to the Circle Currency Officer concerned.

(b) The Police shall, on receipt of a forged hundred-rupee note forwarded to them by the bank or any other agency, or recovered, direct by them, register a case under the appropriate section of law. One or more notes recovered in one and the same transaction should ordinarily be one case.

(c) The seized notes or note shall as early as possible be referred for examination to the Master, India Security Press, Nasik as a part of the investigation of the case.

(d) The Master, India Security Press, would have the front and the back of the suspected forged note carefully examined so as to ascertain besides the usual broad features of forgery, the characteristic minute defects in the printing of the forged note, which shall be incorporated on a separate confidential report, a copy of which shall be forwarded to the Central Bureau of Investigation. He will also send a copy of his usual report to the police, the Currency Officer of the Reserve Bank of India concerned and the Central Bureau of Investigation. He will elucidate if any notes referred to him earlier had the same characteristics of forgery as the note or notes under examination.

(e) The Master will return the note to the Police Officer from whom it was received unless instructions have in the meantime been sent to the Press, suggesting that it should be sent to some other Officer in which case it may be sent to that officer.

(f) As required under the relevant Police Regulations, the Superintendent of Police shall, as soon as possible after he received information of the appearance of the forged hundred rupee notes, submit special reports in prescribed form to:-

- (i) The Collector of the District, as the case may be.
- (ii) The Deputy Inspector General of the range.
- (iii) The Deputy Inspector General, C.I.D. (Crime) Chennai.
- (iv) Any neighboring Superintendent of Police, whom he considers should be informed.
- (v) The currency Officer concerned and
- (vi) The Central Bureau of Investigation, New Delhi.

Such reports should give the denomination of the forged note, the circle, the dated, the serial letters, the consecutives number and any characteristic features of its continuation report shall be submitted to the C.I.D. giving particulars of the notes concerned and the modus operandi of the

forgers or utterers, final reports concern containing the result of investigation shall be submitted to all the officers enumerated earlier in this order.

Note:--For Chennai City report at (i) and (ii), will not arise.

(g) The following are some of the points that would be kept in view during the investigation of such cases: –

(i) All fresh notes should be examined to see if similar notes have come to notice before.

(ii) Very careful enquiries should be made to trace the origin of such counterfeit notes. All suspects connected with the circulation of notes should be put through sustained interrogation as a part of more determined effort to get to the bottom of the racket.

(iii) As the type of crime is such that it is necessary to arrange inter-district co-ordination of enquires, the investigation of all such cases shall be done by the C.I.D.

(iv) In order to keep the Central Bureau of Investigation in touch with the up-to-date position regarding the circulation of forged notes on All-India basis, the C.I.D, shall report to the Central Bureau of Investigation every case of detection of forged notes in the State as and when they are reported to them with the following particulars:

1. Serial and general number of the note.
2. Date of appearance.
3. Place of detection with Police Station.
4. Police Station Crime Number.
5. Particulars of the tenderer.
6. Letter number and date with which the forged notes was forwarded by the police to the Security Press for examination,
7. Remarks, if any.

Full particulars of important cases which are likely to be helpful in tracing the source of the note will also be mentioned.

(h) On completion of the investigation or the trial, as the case may be, the forged note explaining the facts of the case shall be sent to the Circle Currency Officer for eventual destruction of the note under the rules of the Reserve Bank. A report explaining the facts should also be sent to the Master, India Security Press, Nasik, through C.I.D.

(G.O. Ms. No. 3908, Home, dated 16th December 1963.)

### **579. Investigation into cases concerning other departments --**

The result of police investigation into cases connected with other Government departments should be communicated at once by the Investigating Officer to the local head of the department.

### **580. Cases under the Indian Cinematograph Act and the Indian Electricity Act --**

(1) In the case of offences under the Indian Cinematograph Act arising out of non-compliance will the orders of the electrical Inspectors to Government, the Electrical Inspector with first report such cases to the licensing authority under the Acts, the Commissioner of Police in the City of Chennai and the District Collector in the mofussil and obtain his sanction for the prosecution of the person concerned. When such sanction is received, the Electrical Inspector may lodge a complaint with Magistrate having jurisdiction. On such a complaint, the Magistrate may issue an order for investigation by the Police under Section 155 (2), Criminal Procedure Code.

[G.O.Ms. No. 4154, Law (General) 12<sup>th</sup> November, 1931 and No. 2742 Law (General) 22<sup>nd</sup> July 1932.]

(2) (a) In the case of non-cognizable offence under the Indian Electricity Act in Chennai City requiring investigation by the police, the Electrical Inspector or any person aggrieved may apply to the Commissioner of Police, Chennai, for orders for investigation by the Police.

(G.O.Ms. No. 349, Home, 13th February 1943)

(b) In the case of non-cognizable offences under the Indian Electricity Act in the mofussil, the Electrical Inspector or any person aggrieved may make a complaint to the Magistrate having jurisdiction. On receipt of such complaint, the Magistrate may issue an order for an investigation by the Police under the section 155(2) Criminal Procedure Code.

(3) In the case of cognizable offences under the Indian Electricity Act, whether in Chennai City or in the mofussil, the Electrical Inspector or any person aggrieved may make a report to the Police Station with jurisdiction for investigation.

(4) All cases whether under the Indian Cinematograph Act or the Indian Electricity Act should be conducted in Chennai City and in the mofussil by the prosecuting staff.

(5) In all cases of prosecutions for tampering with electric metres whether in Chennai City or in the mofussil, the ordinary rule should be for the police to offer the evidence of the licensees, engineers, the services of the Electrical Inspector to Government being called in only in important cases, or cases of difficulty or doubt. In the latter case, the Police Department should, in the event of a conviction, draw the attention of the Magistrate to the need for passing an order under section 357 (1) (a) of the Code of Criminal Procedure, 1975 directing payment out of the fine where possible of the whole or part of the fees ordinarily leviable for the Electrical Inspector's service.

(G.O.Ms. No. 2687, Home dated 7th December 1933)

## **581. Aircraft accidents—Procedure in --**

The instructions in the pamphlet on "Organization and Procedure for Search and Rescue of Aircraft in distress" published by the Civil Aviation Directorate, Government of India, should be followed in all cases of search and rescue of Aircraft in distress. A copy of this pamphlet has been printed as a supplement to the Police Gazette, Part I, dated 3rd January 1959 and supplied to all Police Stations and Circles".

(G. O. Ms. No. 3253, Home, dated 15th October 1960).

## **582. Road accidents causing death or bodily injury ---**

(1) Whenever a road accident causing death or bodily injury occurs, or a road accident involving damage (excluding trivialities) is either reported or otherwise brought to the notice of the Police, the Station-House Officer concerned shall after prompt enquiry, prepare a report in Form No. 67 in respect of accidents in which motor vehicle is involved and in Form No. 70 in respect of accidents in which non-motor vehicles are involved, in duplicate and forward the original without delay to the Superintendent through the usual channel, the duplicate being retained in the station.

(2) As soon as reports in Form No. 67 and Form No. 70 are received in the District Police Office, the details will be recorded in two separate ledgers in Form O.M. No. 50-A.

(3) From these ledgers quarterly returns shall be prepared by each Superintendent in Form No. 68 in respect of motor vehicles accidents and in Form No. 71 in respect of non-motor vehicle accidents and sent to the Collector a copy being sent to the

Director -General, through the Deputy Inspector-General concerned. The Commissioner of Police and all District Collectors should send quarterly returns to the Transport Commissioner, Chennai in the revised Form A-2 so as to reach the Board not later than 15th of April, 15th of July, 15th of October and 15th of January in respect of the four quarters each year, in accordance with G.O. Ms. No. 204, Home, dated 17th January 1948. The Commissioner of Police, Chennai and each Superintendent should include in his Administration Report analysis of the causes of road accidents in his jurisdiction in the year.

(4) Consolidated annual return of accidents regarding non-motor vehicles should be prepared in Form No. 69 appended to G.O. Ms. 4134, Home, dated 21st September 1954, and submitted by all Collectors and the Commissioner of Police to the Transport Commissioner, Chennai, before the 1st February of every year. The Transport Commissioner, Chennai should consolidate the returns and send a report to Government with a copy to the Director-General of Police.

(5) The following instructions should be carefully observed when filling up the forms:--

(a) Each accident causing death or personal injury is counted as one accident only, irrespective of the number of persons killed or injured thereby. An accident in which more than one vehicle is involved is also counted as one accident only. Cases in which only the driver or the rider is killed or injured are excluded.

(b) Accidents which occurred during the quarter and terminated fatally after the end of the quarter are included amongst the figures of fatal accidents and persons killed, if reported as fatal before the presentation of the return. The vehicle to which the accident was attributed means -

(i) where only one vehicle was concerned, that vehicle and

(ii) where more than one vehicle was concerned, vehicle to which the accident appeared to be primarily attributable.

(6) (a) Whenever a road accident occurs the duty of the Police Officer at the scene or nearer to the scene is to arrange to remove the injured, if any, to the nearest hospital. If the accident is fatal the body should be immediately sent to the nearest mortuary through casualty.

(b) The vehicle or the vehicles concerned should not impede the flow of traffic. The relative positions of the vehicles and the injured should be marked and the vehicles must be removed to a convenient position by the side of the road and free flow of traffic allowed.

(c) Witnesses to the occurrence should be retained till traffic investigation staff arrive and if it is not possible, the names and addresses are to be noted down by the officer present at the scene.

(d) Investigation in road accident cases will comprise of examination:

- (i) At the scene of accident;
- (ii) Of injured person or dead body;
- (iii) Of the suspected vehicle;
- (iv) Of the driver of the vehicle.

(i) Examination of the scene of accident:

The place should be isolated till the examination is complete. Note the exact position of bodies of victims and the vehicle. Take photographs where necessary from different angles of the scene before removal of bodies and the vehicle.

Search for;

(a) Skid marks - Note their length, prepare a sketch giving details of various measurements.

(b) Tyre impressions - For determining their make, condition, size and the direction of movement.

(c) Dirt and debris from impact - For comparison with the dirt from the under-surface of the suspected vehicle.

(d) Chipped flakes of paint and enamels - For comparison with samples from the suspected vehicle.

(e) Fragments of glass - Pieces of glass from damaged headlights, mirrors, windows or window screen must be collected to determine the type of vehicle involved in the accident and also connecting a suspected vehicle found with broken wind screens or headlights, etc.

(f) Broken equipments - Such as pieces of metals from broken bumpers-door-handle - radiator - emblem, which may have been detached.

(g) Fabric - Small fragments of cloth or fibers of garments torn away should be collected.

(h) Blood, hair tissues - These will indicate as to what else to look for in a suspected vehicle.

(ii) A sketch of the Scene should invariably be prepared showing -

- (a) point of impact
- (b) track marks of vehicles concerned in the accident.
- (c) position of the vehicles of the accident
- (d) width of the road and nature of road surface (whether metalled or tarred or otherwise)

(e) visibility - whether the road at the accident spot is a straight road or with bends, presence of fog if any and such other details to be noted.

(f) gradient of the road at the scene of accident.

(g) skid marks and brake impressions.

(h) position on the road of glass or other debris.

(i) width and nature of the katcha position of the road and roadside land,

(j) dimensions of vehicles involved.

(k) if visibility is observed by hedges, fences, poles etc. and if so, measurements thereof.

(l) any fixed objects (e.g. telegraph, telephone or electric poles) which might have a bearing on the accident or which might help to fix the exact position on the road of vehicles and injured.

(m) road directions, traffic, signs and their location

(n) compass points, if any,

(o) position and direction of the dead body or injured.

(p) position of blood stains,

(q) lighting facility with the location of street lights.

(ii) Examination of injured person or dead body:

An attempt should be made to find out –

(a) Whether the injury was caused by a direct or glancing impact.

(b) Whether the injuries were due to crushing effect of weight of the vehicle.

(c) Whether the body was dragged along.

(d) Whether the person was lying on the road when hit.

(e) When the person fell down from a vehicle.

(f) Whether the injury was by parts projecting under the vehicles, such as axle, etc.

(g) The speed of the vehicle at the time of the impact.

(h) Any physical disabilities of the injured or deceased, cataract, deafness, epileptic, fits etc.

(i) Preserve any foreign matter present in the wound; note carefully marks, such as tyre marks, grill marks, if on the person or his clothing.

(j) Take samples of blood and urine of the deceased, if any.

(k) Take sample of hair from the head of the deceased, if any,

(l) Take out any foreign matter found on clothing and note loss of buttons and signs of tears, etc.

(m) Preserve clothing of the deceased or injured.

(n) Clothing should be searched for flakes of glass, traces of paints, traces of metal, blood or any other stains, dirt and debris which should be carefully preserved. Such clothing should be dried naturally and not by using heat, before packing.

(iii) Examination of suspected vehicle:

(a) The suspected vehicle should be protected from other interference and should not be cleaned.

(b) Search for finger prints should be made first.

(c) If glass ware is broken it should be taken possession of and sent to the expert for examination.

(d) Specimen sample of paint and enamel should be taken and sent to an expert for examination along with any paint found at the scene of occurrence.

(e) Foreign objects including paints and debris found on the suspected vehicle should be carefully collected.

(f) The inside of the vehicle should also be searched for presence of material from the other vehicles involved having been thrown inside through the window, etc. at the time of impact.

(g) Broken portion of the vehicle found at the scene or on the route should be preserved for comparison. These should also be photographed, if possible.

(k) Stains of blood, etc. should be scraped and collected. Hairs and fibres sticking to the vehicle should also be collected.

(l) Sometimes pattern marks of clothing of the victim are produced on the area of impact. These should be photographed.

(m) Dents and scratches can provide valuable clues to find out the nature of impact and should be closely examined.

(n) The presence on the vehicle of vegetation and soil typical of the scene will fix its identity.

(o) The under structures should be examined for evidence of contact with the victim.

(p) Mechanical examination by the Motor Vehicle Inspector should be done to find out defects.

(iv) Examination of driver:

The Driver of the vehicle should be examined for drunkenness, disease or any bodily infirmity which affects his driving.

**583. Unnatural and sudden deaths**— (1) (a) Under Section 174 of the Code of Criminal Procedure, Officers in charge of Police Stations or any other Police officer specially empowered by the State Government may in that behalf and in their absence, village headman are required to make an investigation as to the apparent cause of death in cases whenever they receive information that a person --

(i) has committed suicide, or

(ii) has been killed by another, or by an animal or machinery or by an accident, or

(iii) has died under circumstances raising a reasonable suspicion that some other person has committed an offence.

(*G. O. Ms. No. 176, Judicial 13th May 1927*).

(b) These officers are not required to hold an inquest as this can be done by the Magistrate specified in Section 174 (5) of the Code of Criminal Procedure.

(c) As soon as an intimation of a death under suspicious circumstances is received in a Police Station, the Police Officer empowered to make an investigation should proceed to inspect the body and must first note such wounds, fractures, bruises and other marks of injury as may be found on the body, as also the manner in which or the weapon or instrument (if any) with which such marks appear to have been inflicted.

(d) (i) If there is any doubt regarding the cause of death, or if for any other reason the Police Officer making the investigation considers it expedient as to do, he should send the body immediately for post mortem examination to the nearest civil surgeon or other qualified man appointed by the State Government in this behalf, unless it is necessary that the body should be kept for identification, in which case it should be kept only as long as is necessary for that purpose. Bodies sent for post-mortem examination should be accompanied with a memorandum in Form No. 80.

(ii) It is specially important that no time should be lost in the despatch of the dead body to the Medical Officer as every hour's delay means further decomposition and therefore additional difficulty in detecting the cause of death.

(iii) The investigation which a Police Officer is required to make under Section 174 (1) of the Code of the Criminal Procedure and the framing of a report in Form No. 79 may be done after the completion of the preliminary investigation as to the apparent cause of death and after it has been decided whether a post-mortem examination should be held or not.

(iv) After the inquest is over and the dead body is disposed of, the Officer, who held the inquest, shall, within 12 hours after the disposal of the body, intimate to the executive authority of the Municipality or Panchayat Board within the jurisdiction of the Police Station, the particulars of the deceased, the cause and nature of death, etc., in Form No. 79 as per Rule 6 of the Registration of Births and Deaths framed under Section 286 of the Tamil Nadu District Municipalities Act, 1920, in the case of districts and under Section 327 and 347 (1) of the Chennai City Municipal Act, 1919, in the case of Chennai City.

(v) In cases of suspicious and unnatural deaths, apart from the available officer (a Head Constable) going to the spot a copy of the First Information Report should be sent to the Sub-Inspector of Police by express wherever he may be, so that it would be possible for him to join that Head Constable during the inquest or at

least immediately thereafter. The superior Police Officials must make it a point to test a few cases of unnatural deaths while on tour in the interior. The Inspector of Police should supervise investigation of the cases which extend beyond a day.

(e) A report of the preliminary investigation thus made by the Police should be sent without delay to the nearest Magistrate authorized to hold inquests and the circle Inspector who will forward it to the Superintendent of Police or Sub-divisional Officer, after making any necessary remarks under Section 174 (4) of the Code of Criminal Procedure or by the Police, the Police should make enquiries at once, if there is reason to think that a cognizable crime has been committed and should proceed to investigate the matter further as in other cases, but the completion of the preliminary investigation under Section 174 of the Code of Criminal' Procedure as to the apparent cause of death should not be delayed on this account.

(f) A Police Officer holding investigation under Section 174 Criminal Procedure Code, should report in the case of the evidence of any relatives of the deceased person and of other persons who may give evidence touching the cause of death, briefly and not in the form of verbatim statements.

*[G. O. No. 644 Home (Police), 16th December 1929 and No, 123, Pub. (Police) 21st February 1930].*

## **(2) Death in jails.**

On the occurrence of a sudden or violent death, or whenever there is any doubt or complaint or question concerning the cause of death of any prisoner in a jail, the inquest which the Magistrate has to hold under rule 567 of the Jail Manual should be preceded by an investigation by the Police under Section 174 of the Code of Criminal Procedure in the manner indicated in paragraph (1) above. No jail official or servant should be chosen a member of the Panchayat. The presence of the village headman should, if possible, be secured.

*(G.O No.1073, Judicial, 17<sup>th</sup> Aug, 1909)*

(3) In case of trial for culpable homicide, the report of preliminary investigation under section 174, Criminal Procedure Code, shall invariably be exhibited by the prosecution in trial. If there are any discrepancies or apparent discrepancies between the facts noted in the inquest report and the evidence elicited in the course of the trial, such discrepancies should be brought prominently to the notice of the Court and if they are susceptible of explanation, they should be explained to the Court.

*(G. O. No. 566, Pub. (Police) 17th October 1932).*

**584. Copies of postmortem certificate and inquest report to the Life Insurance Corporation of India-**

(1) The Commissioner of Police, Chennai in Chennai City, and the Superintendents of Police in the mofussil may issue on requisition, copies of post-mortem certificate and inquest report to the Life Insurance Corporation of India on Payment of a fee of Rs. 10/- for each such copy so as to enable the Life Insurance Corporation to find out the exact cause of death of the insured and to settle the claim of the insured amount.

*(G. O. Ms. No. 300M, Home, dated 30th August 1962).*

The fees so levied and collected should be credited to Government under the relevant head of account.

(2) In case of motor vehicle accidents resulting in death or injury to persons in respect of which prosecutions are launched, an intimation or notice that a prosecution has been launched may be sent to the insurance companies concerned by the Police. No details of the case need be given.

*(G. O. Ms. No. 2446, Home, 26th May 1950).*

(3) A report on the result of the prosecution may be sent by the Police to the insurance company on requisition. A fee of Rs. 10 shall be levied in respect of each such report and shall be paid in advance along with the requisition.

(4) Copies of inquest reports and Post-mortem certificates, required by the Department of the State and Central Governments for assessing the amount of compensation payable to the families of the deceased persons may be issued free of cost.

*(G.O. Ms, No. 1779, Home, 24th, June 1955.)*

(5) Copies of Police Investigation reports pertaining to accidents cases not resulting in the death of insured persons may also be supplied free of cost to Government Departments whenever required by them, if the object for which they require these reports is the same as that of the Insurance Companies.

*(Govt. Memo No. 113057 Pol. V 57-4 Home, dated 5th December 1958)*

(6) The Commissioner of Police in Chennai City or the Superintendent of Police in the District may issue copies of extracts of columns (2), (15), (17) of the inquest report and result of enquires in important cases like fires and house collapses to private parties and Insurance companies after satisfying himself about the bonafides of the applicants after collecting fees as indicated below:—

Name of documents	Scale of fees	
(1)	(2)	Rs. P.
1. Extracts of Columns 2, 15 and 17 of the Inquest report.	Application fee Court-fee stamp per page.	2 00 0 50
2. Result of Police enquiries in important cases like fire and house collapses.	Copy stamp-fee per page Search fee if the documents relates to past years.	0 50 2 00

The fees realized should be credited to Government under the relevant head of account.

(G.O.Ms. No. 1370, Home, dated 2nd May 1964)

(7) (a) The Commissioner of Police, Chennai in Chennai City and Superintendents of Police in Districts may under Section 109 of the Motor Vehicles Act, 1939, issue copies of the following records connected with an accident to the victims or complainants on payment of a fee of Rs. 1 (Rupee one only) so as to enable the victims or complainants to claim compensation before the Claims Tribunal:--

- (1) Complaint.
- (2) Sketch of the scene of accident.
- (3) Motor Vehicle Inspector's Report on the inspection of the vehicle involved in the accident.
- (4) Names and address of the witnesses.
- (5) Copy of post-mortem certificate.

(b) In addition to the fee prescribed in sub-clause (a) above, the following fees shall also be collected in each case: -

Scale of fees---	Rs. P.
Court -fee Stamp ..	0 50 per page.
Copy stamp-fee ..	0 50 per page.
Search fee, if the document relates to past years.	2 00 per page.

(c) The fees levied and collected with reference to sub-clauses (a) and (b) above should be credited to Government under the relevant head of account.

(G.O. Ms.No. 107, Home, dated 12th January 1965.)

## **585. Investigation by out-post Head Constables –**

Head Constables in charge of out-posts have been empowered to hold investigations under Section 174 (1), Criminal Procedure Code. It is not, however, the intention of this order to absolve the Station-House Officer from any responsibility. When, however the Sub-Inspector cannot arrive in time, the investigation should be conducted by the Village Headman who will, however, whenever possible, await the arrival of a subordinate Police officer before commencing it. When in exceptional case, it is impossible to secure the attendance of the Village Headman, the investigations may be conducted by the Head Constable in charge of the outpost and in such cases the investigations will be checked by the Sub Inspectors, wherever practicable.

(G.O. Ms. No.997, Judl, 21 June 1912.)

## **586. Points for the enquiry in death cases –**

The following rules should be observed by Police Officers inquiring into cases of unnatural or sudden death:-

### **(1) In case of suspected poisoning:—**

(a) Bring away under seal, any food, sweet meat, drink, medicines, etc, which may be found in the house or near the body of the victim. While doing so take care to have the finger prints checked before packing and sealing the original containers.

(b) If vomiting has occurred swab up with a clean rag any vomited matter which may be on the person or bed and seal up the rag in a packet,

(c) Bring away under seal any clothing, wood or mud flooring into which the vomited matter has soaked.

(d) Carefully bottle and seal the contents of any vessels containing vomited matter.

(e) Ascertain the exact time between the intake of food, drink or medicine, the appearance of symptoms and occurrence of death.

### **(2) In case of hanging or strangulation:-**

(a) In order to decide whether a particular case is a suicidal hanging or whether the body is suspended after death due to some other causes to simulate suicide, it is advisable whenever feasible to requisition the services of Medical Officer to visit the scene of occurrence before the body is disturbed,

(b) To preserve evidence of Finger Prints, marks of struggle, a Police Constable should be posted immediately.

(c) The surrounding and the position of the body should be carefully inspected and if the body is suspended in a room, the Investigating

Officer should find out whether the doors and windows are bolted from inside or outside,

(d) The Investigating Officer should take a photograph of the body to indicate the body is suspended,

(e) The ligature should be removed by cutting away from the knot. The neck should be photographed after the ligature is removed from the neck to show clearly the ligature mark. The ligature should be preserved for comparison and identification later with the materials found in possession with the accused in cases of strangulation. The ligature should be examined for any blood - stains or any foreign materials or hair sticking.

(f) The Investigating Officer should carefully note the following.

(i) Ligature mark:—

The number, depth, pattern, position, breadth, direction and colour should be carefully noted.

(ii) Discharge from the body: Discharge from mouth, nose and ear should be noted for evidence of blood-stain etc. Marks of saliva on the chin and chest should be noted.

(iii) External appearances of decomposition such as protrusion of eye - balls, protrusion of the tongue, discharge of blood stained frothy fluid from nose and mouth, bloods on the body and palling of the skin of body should be carefully noted.

(iv) The body should be carefully examined for external injuries caused  
(a) crescent finger nail marks and swelling (bruises) in the region of the neck in cases of throttling (b) Injuries caused by the victim in attempting to cause suicide by other means via cuts in the neck, wrists etc., (c) injuries by coming into contract with furniture, wall etc. during convulsive movements of the body, (d) injuries caused by persons to bring back life during artificial respiration and, (e) injuries caused by bites.

(v) The clothes should be examined for tear and for any signs of struggle. The clothes should also be examined for the following stains:—

- (i) Blood-stain
- (ii) Seminal-stain
- (iii) Stains of vomit
- (iv) Fiscal matter
- (v) Urine

(iv) A note of any particular smell emanating from the body should be made.

(g) Any material found nearby, such as bottles, vessels, clothings and letters should be preserved.

(h) There should be no delay in holding inquest and a requisition should be sent to the Medical Officer as early as possible. In every case of hanging, post-mortem examinations should be done. The history relating to the incident should be furnished to the Medical Officer along with the requisition to conduct the post -mortem examination.

(G.O.Ms. No. 1509, Home, dated 156 April 1963.)

(3) On finding a body in a tank or well ---

(a) Note any marks of blood around the month or on the sides of the well or tank.

(b) On removing the body, carefully examine for and note any external marks of injury especially about the head and neck

(c) Note the state of the skin, whether smooth or rough.

(d) Examine the hands and carefully remove anything they may hold.

(4) In case of a body found murdered in an open road:--

(a) Note the number, character and appearance of any injuries.

(b) Should a weapon be found, cover with paper and seal any marks of blood and especially note and preserve any adherent hair.

(c) In the case of an exposed infant, note the state of the cord, especially, if tied, and any marks of violence.

(5) In case of a presumed murder and burial of the remains:—

(a) Examine for and note any marks of violence, about the skull especially.

(b) Note carefully any indications of sex; especially bring away a jaw and the bone of the pelvis.

(c) If any suspicion of poisoning, bring away sealed, the earth from where the stomach would have been.

(d) If a body presumed to have been murdered has been burnt, collect and bring any fragments of bones which may be found among the ashes.

(6) When reporting accidental deaths by drowning in wells the police should always mention the state of the parapet walls, steps etc.

## **587. Post-mortem examination and wound certificates ---**

(1) (a) Medical practitioners appointed by Panchayat Boards and Municipalities to hold charge of Panchayat Board and Municipal medical institutions are authorized to conduct post-mortem examinations and grant wound certificates. Their services may be requisitioned when occasion arises. Under the rules in the Tamil Nadu Medical Code such medical practitioners can claim a fee of Rs. 10 for each case.

(G.O.54. Pub. 2, Feb. 1926.)

(b) Medical Officers lent by Government to local bodies and private medical practitioners employed in the medical institution maintained by local bodies which receive contribution from Government will be required to perform these examinations as a part of their regular duties without further remuneration.

(2) (a) The Government have delegated to Superintendent of Police the power to sanction the payment of fees for wound and post-mortem certificates issued by Honorary Medical Officers appointed to hospitals and medical practitioners appointed by panchayat Board and Municipalities to hold charge of Panchayat Board and Municipal Medical Institutions, subject to the maximum of Rs. 10 (Rupees ten only) for each certificate. If it is proposed to reduce considerably the fee in respect of any certificate which a court or the police find fault with on account of the obscure use of medical terms or other suspected defects in the certificates, as to which only a medical authority can give authoritative judgment, the Superintendent of Police concerned should refer the matter to the Director-General of Police who will issue orders in consultation with the Director of Health Services.

(G.O.No. 3108, Home, 9th November 1936).

(b) Police Officers should as far as possible refrain from sending any requisitions to rural medical practitioners for medicolegal work. When once a requisition is sent and the rural medical practitioner grants a certificate, he should be paid a standard fee of Rs. 10 (Rupees ten) for each wound certificate. The standard fee referred to should not be subject to any conditions but if in any case rural medical practitioner is adversely criticized by a Magistrate, suitable action should be taken against that practitioner.

(G.O.No. 6167, Home, 19th December 1941.)

(3) Honorary Medical Officers appointed to hospitals in which there is only one Government Medical Officer, are authorized to conduct post-mortem and other medico-legal work during the unavoidable absence of

Government Medical Officers but not in other circumstances. Honorary Medical Officers appointed to Panchayat Board and Municipal Medical institutions with the approval of the Director of Health Services are also authorized to conduct post-mortem and other Medico-legal work during the temporary unavoidable absence of the medical Officer in-charge of the institution, whether such officer is a Government Medical Officer or not.

(G.O.Ms. 2130, P.H. 2nd Sep. 1930 & 3294, Law (Genl.) Oct. 1933.)

(4) Government have permitted the subsidised rural medical practitioners who are registered under the Tamil Nadu Medical Registration Act, 1914 and practitioners in Indian Medicine who are in-charge of subsidized rural dispensaries and who are registered in Class A [viz., practitioners whose qualifications denote at least a minimum standard of professional training for undertaking medical surgical, (including obstetrical) and medico-legal work], to render 'First-aid', grant wound certificates when asked for by patients and give evidence if they are summoned by courts.

(G.O. 1211, P.H. 4th May 1934 & 1874, Home, 7<sup>th</sup> April 1938).

(5) Government have directed that wound certificates given by Ayurvedic Licentiates in Indian Medicine should not be accepted as valid. Their services should not, therefore, be requisitioned.

(6) The services of practitioners in the homeopathic system of medicine should not be requisitioned for medico-legal work or for the grant of wound or drunkenness certificates.

(G.O. 2730, P.H. 21st October 1935.)

### **588. Instructions in death cases - Preservation of corpses —**

In order that body may be kept in as good a state of preservation as possible, it should be placed upon a layer of powdered charcoal from which it is separated by a cloth. It should then be covered by a cloth upon which another layer of charcoal is laid, the whole being covered by another cloth and a mat. The Magistrate will pay for the articles used.

(G.O.No. 3109, Judl. 19th February 1904.)

### **589. Police Officers accompanying a corpse --**

The Police Officer in-charge of a corpse sent for post-mortem examination should be able to test if that the body examined by the medical Officer was the one escorted by him. The Police shall arrange for the disposal of a body taken for post-mortem, handing it over to friends or relations of the deceased, if desired.

(G.O. 1657, Judl. 20th January 1885.)

### **590. Medical Certificates ---**

Medical certificates will invariably be granted when required by the Police.

(G.O. 755, Pub. 12th September 1908.)

### **591. Post-Mortem and wound Certificates: -**

(1) The original post-mortem certificates have to be sent by the Medical Officer direct to the Magistrate concerned in a sealed cover. The Police being given a copy of it immediately the examination is over. In order to facilitate this procedure, the Police should specify in their requisition for post-mortem examination, the Magistrate to whom the Post-mortem certificate should be sent.

[G.O. 2870 Law (Genl.) 25th August 1928.]

(2) Wound certificates will be delivered to the Police.

### **592. Medical Officers to give verbal information --**

(1) Medical Officers who are public servants have been directed by Government to give Police, verbally any information required. They have to supply a copy of the post-mortem notes on application from an Officer not below the rank of Station House Officer.

(2) In addition to granting post-mortem and wound certificates, Medical Officers, should furnish the Police with all possible information calculated to assist the elucidation of the case either orally or in writing.

(3) Further, written opinion contemplated in the preceding clause should be given by Medical Officers if an application therefor is made by the Police in writing setting forth the circumstances of the case with reference to which the opinion is required. In furnishing the written opinion, the Medical Officers should invariably state in their communication to the Police that the opinion is based on the facts and circumstances of the case already available and; or presented to the Medical Officers by the Police Officers in their requisition for the grant of written opinion.

(4) Answers to requisition so made should be answers to specific questions made by the Police.

(5) Each question should be on a particular point and not involved.

### **593. Chemico-Legal Examination ----**

Instructions for sending articles for chemical examination as contained in the Tamil Nadu Medical Code are reproduced below:

**(1) Transmission of suspected substances to the Tamil Nadu Forensic Science Department, Chennai ---**

Objects in sending suspected matter for analysis— In the transmission of suspected matters to the Tamil Nadu Forensic Science Laboratory for analysis, three objects are to be mainly kept in view, viz., the proof of identity, the impossibility of any interference during transit and preservation of the articles from decomposition. Accordingly, the following rules have been laid down by Government and strict attention to them is required. The Tamil Nadu Forensic Science Laboratory, Chennai will bring to the notice of Government every case in which these rules are neglected.

**RULES FOR THE TRANSMISSION OF ARTICLES TO THE TAMIL NADU FORENISIC SCIENCE DEPARTMENT, CHENNAI.**

**Chemico- legal examination --**

All officers forwarding articles for analysis to the Tamil Nadu Forensic Science Laboratory, Chennai are responsible for seeing that the under mentioned information is sent with the letter advising the despatch of the articles-

(a) Full details of the purpose for which the analysis is required.

(b) Full particulars of the case, whatever its nature may be.

*(G.O. 738, P.H. 28th June 1931)*

The following instructions are divided into two parts, viz: -

Part I—Containing rules for the guidance of Magisterial and Police Officers, and

Part II.--Containing rules for the guidance of Medical Officers.

Note: Neither section is complete by itself, the two sections being complementary to one another. The term 'Medical Officer' for the purpose of these rules includes Veterinary Officer when the post-mortem or other examination is conducted by such an Officer.

(2) To effectively monitor the dispatch of specimen/case articles from scene of crime, to the court and then to the labs and back, Station House Officers/Investigating Officers shall maintain a register in the format given below:

S.No.	Cr.No.	Section of Law	Date of occurrence	Date of Registration/ Autopsy	Date of handing over to the Lab	Name of the Lab
1	2	3	4	5	6	7

Lab ref. No.	Nature of examination	Through whom sent (Court/ Executive Magistrate	Handed over by (rank, name of the police person	Date of Lab report	Date of receipt of Lab report	Remarks
8	9	10	11	12	13	14

Superintendents of Police/Commissioners of Police should ensure that the above registers in the Police Stations are checked by the Scientific Officer of the Mobile Forensic Laboratory of the District/City.

*-DGP's circular No.187890/Cr.4(2)/2008, dated:*

## **PART I**

### **INSTRUCTIONS FOR THE GUIDANCE OF MAGISTERIAL AND POLICE OFFICERS.**

The following instructions are issued for the guidance of Magistrates, Superintendents, Assistant Superintendents and Deputy Superintendents of Police with regard to the transmission of substances to the Tamil Nadu Forensic Science Department, Chennai for examination in case of suspected poisoning or other cases in which the aid of the Tamil Nadu Forensic Science Department, Chennai may be required.

(i) Substances will not ordinarily be forwarded by the Medical Officer to the Tamil Nadu Forensic Science Department, Chennai except upon receipt of an order to that effect from a Magistrate, Superintendent, Assistant Superintendent and Deputy Superintendent of Police. It will therefore be necessary that orders for the transmission of substances to the Tamil Nadu Forensic Science Department, Chennai for analysis should be issued with promptitude. An order should invariably be granted if the Medical Officer considers it advisable to obtain the opinion of the Tamil Nadu Forensic Science Department, Chennai whilst on the other hand Magistrates, Superintendents, Assistant Superintendents and Deputy Superintendents of Police should issue an order for examination if they consider it desirable to consult the Tamil Nadu Forensic Science Department, Chennai although the opinion of the Medical Officer be adverse to such a proceeding. When the substance in regard to which the Medical Officer considers it advisable to obtain the opinion of the Tamil Nadu Forensic Science Department, Chennai is one liable to rapid decomposition he should forward the substance to the Tamil Nadu Forensic Science Department, Chennai in anticipation of the orders of the Magistrate or the Police Officers. Viscera and other highly decomposable articles should not be detained by the Medical Officer longer than 24 hours. In such cases, the Medical Officer should at once communicate the fact of despatch to the officer authorized under this paragraph to order an examination and that officer should thereupon send by the next post the required order, along with the information proscribed in instructions (2) and (3) below.

(2) Magistrates, Superintendents, Assistant Superintendents and Deputy Superintendents of Police on instructing Medical Officers to forward articles for analysis to the Tamil Nadu Forensic Science Department, Chennai should at the same time address the latter officer quoting the number and date of their order to the Medical Officer and should furnish the Tamil Forensic Science Department, Chennai with a brief summary of the history of the case.

(3) The principal points on which the Magistrate, Superintendent, Assistant Superintendent and Deputy Superintendent of Police in cases of suspected poisoning should furnish information to the Tamil Nadu Forensic Science Department, Chennai are as follows: -

(a) What interval was there between the last eating or drinking and the first appearance of symptoms of poisoning?

(b) What interval was there between the last eating or drinking and death, if this occurred?

(c) What were the first symptoms?

(d) Were any of the following symptoms present? If so, state which-

(i) vomiting and purging,

(ii) deep sleep,

(iii) tingling of the skin and throat,

(iv) convulsions or twitching of the muscles and,

(v) delirium and clutching at imaginary objects,

(e) Were any other symptoms noticed?

(f) Did any other persons partake of the suspected food or drink and did they also suffer from similar or other symptoms of poisoning?

(4) Any other information available, likely to prove serviceable as a guide to the class of poison administered, should at the same time be furnished.

(5) Certificate of chemical analysis are not to be accepted from Medical Officers as these officers are not in a position to conduct analysis as they should be carried out for judicial purposes.

(6) In every case of suspected human poisoning, it is desirable that all the substances requiring analysis should be packed and forwarded to the Tamil Nadu Forensic Science Department, Chennai by the nearest Medical Officer. If special circumstances render it desirable to forward any articles directly to the Tamil Nadu Forensic Science Department, Chennai, instruction (3) to (10) given in Part II must be carefully attended to.

(7) Suspected blood-stains -

Articles requiring examination for the presence of blood-stains may be forwarded direct to the Tamil Nadu Forensic Science Department, Chennai, the following rules being strictly attended to:-

(i) When clothes are sent up, they should be sent as a whole and the stains need not be indicated by pencil marks, pins etc. Stains on walls, floors, ground or articles of furniture etc., should not be scraped off, but the stained area should be carefully cut out; and when the material is brittle as in the case of earth or chunam, it

should be carefully wrapped in cotton wool and packed in a box so that the surface may be preserved from injury. Articles of clothing etc., if wet or moist should be carefully dried in shade before packing, otherwise the stains rapidly decompose and their nature cannot be determined.

(ii) Each article requiring separate examination should be packed separately and labelled. The labels should be numbered consecutively and should bear the signature of the forwarding officer, and the number and date of his letter of advice to the Tamil Nadu Forensic Science Department, Chennai. All the packets belonging to one case should then be enclosed in one box or outer covering unless disparity in the size of the various articles makes this inconvenient, but articles belonging to different cases should never be forwarded under the same cover. Articles sent for examination must never be used as wrappers. Labels should not be pasted over instruments suspected to contain any stains. All parcels should be carefully sealed by the despatching officer and packed in such a manner that they cannot be opened without destroying the seals. The seal used should be the same throughout either a private seal or an official seal which is kept in safe custody, impressions of keys, weights, etc., must not be used. A letter of advises should be separately forwarded to the Tamil Nadu Forensic Science Department, Chennai. This letter should contain: -

(a) An impression of the seal used in closing the packets and description thereof.

(b) A list of the articles forwarded and a statement as to how the articles have been forwarded. The numbers given to the articles on the list must correspond with the numbers on the labels.

(c) Information as to whether any of the weapons, cloths, etc, are to be returned after examination.

(d) Information as to how many persons or animals were affected, how many died and section of the Indian Penal Code under which any charge is being brought.

## **SCIENTIFIC AIDS TO DETECTION.**

### **(v) The blood group test in stain cases.**

When the blood cells of one human individual are brought into contact with the blood serum of another human individual of differing group clotting or adhering together of the red blood cells is frequently caused. This phenomenon is known as agglutination. This agglutination is brought about by agglutinable substances or agglutinogen present in the red blood cells and agglutinating agents or agglutinins present in the serum. By testing the red blood cells and the serum of the bloods of many individuals against one another, it has been established that there are only two agglutinogens. A and B only two agglutinins (a) and (b) in human bloods. The blood groups, which are four in number are governed by the disposition of these agglutinogens and agglutinins present in the red blood cells and serum respectively. These four groups are O, A, B and AB named after the agglutinogens present in the red blood cells, O being zero.

*(G. O. No. 1836, P.H. 3rd August 1943).*

The blood groups are as follows –

#### **Group O --**

The red blood cells of this group contain no agglutinogen but the serum contains agglutinins (a) and (b). The serum of this group agglutinates the red blood cells of groups A, B and AB. The red blood cells are inagglutinable.

#### **Group A ---**

The red blood cells contain agglutinogen A and the serum contains agglutinin B. The serum of this group agglutinates the red blood cells of groups B and AB. The red blood cells of this group are agglutinated by the serum of groups O and B.

#### **Group B ---**

The red blood cells contain agglutinogen B and the serum contains agglutinin A. The serum of this group agglutinates the red blood cells of groups A and AB. The red blood cells of this group are agglutinated by the serum of groups O and A.

#### **Group AB --**

The red blood cells contain agglutinogens A and B but the serum contains no agglutinin. The serum of this group has no agglutinating effect on the red blood cells of any group. The red blood cells of this group are agglutinated by the serum of groups O, A and B.

The agglutinogens and the agglutinins present in the blood of human being persist throughout life without changing the group and this basic fact constitutes the value of this test, about 42 per cent of human being belonging to group O, about 41 per cent to Group A, about 12 per cent of group B and about 5 per cent to group AB.

The determination of blood groups of an unknown specimen of blood or blood-stain is made by testing it against sera of blood of known groups stocked in the laboratory.

### **To medico-legal significance of the blood group test in stain cases ----**

Since about 83 per cent of human beings belong to groups O and A, the value of the test frequently lies in suggesting the innocence rather than the guilt of an accused. The blood group test is valuable for the purpose of exclusion and is not of definite affirmative value. If the group of a blood-stain is not the same as that of the blood of an individual it can be stated with certainty that the stain was not produced from that individual's blood. For example, if the blood-stains on a suspected person's clothing belongs to the same group as the blood of the victim but to a different group from that of the suspect, the suspect cannot claim that the stains on the clothing have been caused by his own blood. If the groups of a blood-stain is the same as that of the blood of an individual, the utmost that could be stated is that the blood-stain could have been derived from that individual. The grouping reaction narrows down the individuals from whom a given sample of blood may have been derived. The similarity of blood group between a blood-stain and the blood of an individual should not be taken to mean that the blood-stain is derived from that particular individual but that it could have been derived from the individual as well as from any other person of that group.

### **Requirements for the blood group test —**

In addition to the bloodstained articles in stain cases, specimens of blood from the victim and from the accused are necessary.

The following conditions are required for a satisfactory determination of the blood group;—

(1) Stain on clothing

(a) A cloth free from stain should always be available, as control.

(b) There should be available about one grain of well stained material stiff with blood or about half a grain of dried blood. Exhibits not yielding these quantities need not be sent for blood group test.

(2) Blood from living persons (victim or accused) ----

The following specimens should be sent with the help of a Medical Officer:

(a) About 0.25 cubic centimeter of blood dried on a chemically pure filter paper. The blood is to be dried quickly but not in the sun. An unstained part of the filter paper should also be sent.

(b) About 0.25 cubic centimeter of clear serum. This is taken from a test tube in which blood (about 3 cubic centimeters) has been allowed to clot under sterile conditions without disturbing the content much.

(c) About 0.5 cubic centimeters of serums turbid with red blood cells. This is taken after shaking the contents of the tube, the clear seal in having been removed.

If for any reason the whole of the above procedure is not practicable, a thick drop of blood taken on a chemically pure filter paper as in (a) and dried in the shade would be sufficient, an unstained piece of the filter paper also being sent as Control.

(3) Blood from dead bodies --

It should be a general rule that at the time of post-mortem examination of all bodies, in cases of violent crime, the Medical Officers should preserve specimens of blood from the bodies for the determination of the blood group, if later found necessary. The procedure described above under (2) should be followed.

In all cases where the blood group test is required, the articles should be sent through a Government Medical Officer who will satisfy himself that the above conditions are satisfied.

This test should be asked for only in special cases and not as a matter of routine.

N.B.—: It should be noted that the taking of the blood from a living person can be made only with the consent of the person concerned. If made without his or her consent it is technically an assault. It is beyond the powers of a Police Officer, Coroner, Lawyer, Magistrate, Judge or Bench of Judges to issue such an order. Consent must not be obtained by fraud or any undue normal pressure or duress. It must be given freely after full explanation of the reasons for which the examination is required and of the consequences that may result. Silence or complacence should not be taken as consent. In all cases of doubt, consent should be taken in writing, in the presence of disinterested witnesses. If the person does not consent then the examination must not be made.

(8) Suspected seminal stains —

Clothes requiring examination or seminal stain should be sent as whole, care being taken to cover the suspected stains with cotton wool to prevent the stains from being damaged during transit. For information regarding packing and despatch of letter of advice, see instruction (7) above.

## **(9) Explosives --**

The detailed instructions regarding the packing of exhibits or objects suspected to be of an explosive nature in medico-legal cases, for transmission to the Tamil Nadu Forensic Science Department, Chennai and the mode of transmission, whether by post or by messenger, etc., and the precautions either immediate with reference to the place where found or in the methods of packing, etc., to be taken in all cases, are found in the 'Instructions for dealing with substances or objects suspected to be of being explosives' issued by the Government of India contained in G.O. Ms. No. 730 (Public) (General Confidential), dated 6th July 1931, G.O. No. 5934, Home, dated 6th March 1943 and G.O. Ms. No. 598, Home (Confidential), dated 24th February 1944, as amended from time to time. The following instructions should however be observed.

All exhibits and substances suspected to be explosive or connected with an explosive should be sent by the local authorities to the Tamil Nadu Forensic Science Department, Chennai in the first instance, with copies of such reports endorsed to the Inspector of Explosives, South Circle, Chennai, in each case. An exception to the above procedure is to be accepted in the case of:--

### **(a) Military Grenades, Mortar bombs, Artillery shells, Land Mines, Cartridges, etc -**

It is dangerous to handle or remove any military shell grenades, mortar bomb, etc., which is suspected to have not gone off or exploded; it is immaterial whether the grenade, etc., is suspected to be faulty or in good order. If any such object is reported or discovered at any spot it should not be removed but a guard should be placed over it and information should be sent to the nearest military post who should be asked to remove or destroy it. The discovery should also be reported to the superior officer.

In cases involving prosecution of persons for illegal possession of unexploded military grenade, mortar bomb, etc., the Inspector of Explosives, South Circle, Chennai should be informed by wire, and his arrival awaited. If the bomb, etc., has exploded and it is desired to prosecute a surviving person, the Inspector of Explosives, South Circle, Chennai and the Chief Inspector of Explosives in India should be informed by wire in accordance with the instructions contained in Police Standing Order No. 336. In other cases, the remnants of the exploded bombs, etc. should be sent to the Inspector of Explosives, South Circle, Chennai.

(b) Unexploded country bombs made up in soda bottles, jam tins, earthen cistern floats, chatties, coconut shells, bundles of Jute, hemp or cloth, bamboo tubes, etc, and book bombs and letter bombs.

These bombs may be designed to explode

- (a) when moved in any way,
- (b) when turned over.
- (c) when placed in water.
- (d) when thrown down.
- (e) by lighting a fuse.
- (f) by clock work; and
- (g) by chemical reaction.

Before touching the bomb, examine it where it lies and see if you can detect the arrangements for firing. See if there is any trigger and if so, if it is set or not. Do not move the bomb unless you are satisfied that it is safe to do so.

If you are satisfied then send the bomb to the Inspector of Explosives by hand in the first instance, packed according to the instructions contained in paragraph 14 of G.O. No. 30, Public (General), dated 6th July 1944; if you are not satisfied then place a guard over the bomb and report to your senior officer and send telegrams immediately to the Chief Inspector of Explosives in India, New Delhi (Explosives, New Delhi) as well as to the Inspector of Explosives, South Circle, Chennai (Inspector, South Chennai) asking for the assistance in rendering it safe.

**(c) Remnants of exploded bombs--**

If the exploded bomb is suspected to be of the usual type of country made bomb or the type met frequently in the Districts, remnants will have to be forwarded to the Tamil Nadu Forensic Science Department, Chennai. If it is of unusual type, the remnants should be forwarded to the Inspector of Explosives, South Circle, Chennai. In either case, a copy of the case should also be forwarded to the Inspector of Explosives, South Circle, Chennai.

If the exploded bomb is suspected to be of military origin, viz, military grenade mortar, bomb or shell, the remnants may be forwarded to the Inspector of Explosives, South Circle, Chennai, for his opinion, together with a report of the circumstances.

**(d) Incendiary devices not coupled with a bomb or explosive device --**

The initiating agents in these devices should be carefully examined and removed before they are sent by messenger to the Tamil Nadu Forensic Science Department, Chennai and whenever any doubt is felt, the fact of the case should be reported to the Senior Officer, and the assistance of the Inspector of Explosives, South Circle, Chennai, sought for by telegram, if necessary. If the device has taken fire, the remains without removing the ash or soot will have to be sent to the Tamil Nadu Forensic Science Department, Chennai.

**(e) Incendiary device coupled with an explosive device --**

These devices have a fairly elaborate mechanical arrangement and may look like bombs. The Inspector of Explosives, South Circle, Chennai, will have to be informed by telegram and his arrival awaited. If any piece of yellow phosphorous is found, it should be removed immediately. If the arrangement has already fired or exploded, the remains together with the ash or soot, will have to be sent to the Inspector of Explosives South Circle, Chennai, for his opinion, along with the report of the circumstances.

In forwarding articles suspected to be of an explosive nature, special precautions should be taken to avoid the risk of their exploding in transit while being unpacked. The usual type of bomb used in Chennai is quite safe to handle, if thoroughly wetted, but very dangerous if dry. Anything of the nature of a live bomb should therefore be thoroughly wetted with water, packed in such a way that it will not dry in transit and be sent through a messenger and not by railway or post, to the Inspector of Explosives, South Circle, Chennai.

**(10) Fire arms --**

The examination of markings on bullets and cartridge cases with a view to establish the identity of the weapon from which they were fired, is sometimes necessary and the opinion of an expert is a vital factor in such cases. The Tamil Nadu Forensic Science Department, Chennai is in a position to give such expert opinion.

*(G. O. No. 3257, Home, 14th June, 1939).*

**(11) Miscellaneous examinations --**

In forwarding coins to the Tamil Nadu Forensic Science Department, Chennai, Magistrates and Police Officers should follow the directions laid down in clause (ii) of Instruction (7) of this Part and in Part II instruction (1) so far as the case may be applicable and should be careful to include in their letter of advice to the Tamil Nadu Forensic Science Department, Chennai information as to the nature and object of the examination required, and to furnish any other information likely to assist the Tamil Nadu Forensic Science Department, Chennai in making the required examination.

**(12) Return of Articles --**

When articles are wanted back after examination, a note to this effect should be included in the letter of advice and unless they are entirely used up in the examination, they will be returned. In the absence of

such a note, the Tamil Nadu Forensic Science Department will assume that the return of the articles is not required and they will be destroyed.

(G. O. No. 2143, Public Health, dated 13th October 1932.)

## P A R T - I I

### **Instructions for the guidance of Medical Officers**

(1) Medical Officers in charge of hospitals and dispensaries are required to maintain a supply of methylated spirit supplies by the Government Medical Stores and suitable bottles, etc, in readiness for the transmission of viscera and other matters to the Tamil Nadu Forensic Science Department, Chennai when occasion may arise. In cases of suspected poisoning, it is exceedingly important that viscera and other suspected matters liable to rapid decomposition should be placed in spirit as soon as practicable, and every care should be taken lest doubt may be raised in court as to the identification of the articles likely to require examination or as to possibility of their having been accidentally contaminated or improperly interfered with.

#### **HUMAN CASES.**

(2) On making a post mortem examination, whenever there is any suspicion of poisoning, the stomach should be tied at both ends (a double ligature being applied at the pyloric extremity, so that the contents of the intestines may not escape) and removed from the body in such a manner that its contents may be retained; after removal, it should be opened and the contents received into a perfectly clean bottle and the mucous surface of the stomach carefully examined, its appearance noted, and any suspicious particles found adhering thereto, should be picked off with a pair of forceps and placed in a separate small phial for transmission. And the mucous membrane of the mouth, pharynx and oesophagus should be examined and any unusual appearance or marks of corrosion thereon carefully noted.

(3) The nature of Viscera or Clinical material to be sent for analysis and their preservation is dependent on the history of the case. In all cases of death from presumed poisoning, the following articles should be forwarded for analysis, each in a separate bottle, unless otherwise indicated. Otherwise, viscera or tissue should not be forwarded unless, in the opinion of the Medical Officer, the special circumstances of the case, which should be clearly stated in the letter of advice, tender such a proceeding advisable:

(a) Stomach.

(b) Contents of the stomach, which may, if it be convenient, be put in the same bottle with the stomach.

(c) Suspicious particles (if any have been found) removed from the mucous membrane of the stomach.

(d) A portion of the liver, not less than 500 grams in weight, or the whole liver, if it weighs less than 500 grams and one kidney.

(e) The vomited matter, if any. The earlier and the later vomits should when practicable, be sent up in different bottles, and the labels should state at what period the matters were vomited. Special directions are given in instruction (5) for the disposal of vomited matters mixed with earth, etc.

(f) A specimen of the spirit used. Four ounces are sufficient.

(g) The contents of the small intestines.

(h) Any urine which may have been separately collected after the commencement of symptoms, or found in the bladder after death.

(i) Human cases --

In cases of poisoning by gases like carbon monoxide, hydrogen sulphide, etc., the lungs and blood should be sent in addition to the above. In cases of poisoning by the barbiturate group of drugs, the brain also should be sent.

The ordinary preservative that should be used for preserving viscera, etc., is rectified spirit (90 per cent alcohol) supplied by the Medical Stores Department. But in cases of suspected poisoning by volatile poisons like alcohol, kerosene, etc., the preservative should be saturated sodium chloride and not rectified or other spirit. Formaldehyde is not a preservative for medico-legal purposes and should not be used. A concentration of one percent weight volume of Sodium fluoride for blood and Phenyl mercuric nitrate for preserving urine samples suspected of containing alcohol. In cases involving drug & analysis the use of .01 per cent sodium acid is recommended.

(4) Strong methylated spirit supplied by the Government Medical Stores should in all cases be added as laid down in the rules for the transmission of articles for analysis detailed in instruction (10) to the contents of bottles (a), (d), (g), (h) and also the contents of bottles (b) and (e) unless it is suspected that alcoholic poisoning has been the cause of death. No spirit need be added to the contents of bottle (c). Contents of bottle (i) should be overlaid with a layer of liquid paraffin. Care should be taken that no vessel containing fluid matters is quite filled, and that bottles containing viscera with methylated spirit should not be more than three quarters filled so that the viscera may be well shaken with the spirit on the journey. No methylated spirit other than that supplied by the Government Medical Stores should be used, and methylated spirit must never be obtained for this purpose from the bazaar.

(5) Vomited and purged matters are frequently received by Medical officer mixed with the earth, etc. If the admixture of earth is sufficient to render the evacuated matters dry and inoffensive, they may be packed without spirit in a convenient manner, otherwise they must be packed with spirit. Vomited and purged matters if they have, most frequently happens, been allowed to fall on the ground, should be carefully scraped not taking more earth than is necessary. The superficial scraping should be packed separately. It is rarely necessary to remove the dearth of a depth greater than half inch, even in cases of suspected metallic poisonings, unless the soil be of a much loosened character. Except when a metallic poison is suspected, it is very rarely necessary to forward purged matters.

(6) If articles of food, medicine, etc. suspected to have been the vehicle by which poison has been administered, require examination, they should each be packed up separately and spirit invariably added, as in the case of viscera, as such articles are liable to decomposition. Fruits such as the plantain and custard apple, if suspected to contain poison, should be carefully inspected, and if it should appear that some foreign substance has been inserted, this should be picked out and sent up for examination. If no suspicious substance can be discovered, the fruit should be forwarded.

(7) After having made a post mortem examination in a case of suspected poisoning, and having preserved in spirit all articles liable to rapid decomposition which are likely to require examination, the Medical Officer should report the result of his examination to the Police and on receipt of an order from the Police or the Magistrate, should forward the viscera of the deceased and such other articles as may require analysis to the Tamil Nadu Forensic science Department, Chennai for examination. In cases where no death has occurred, but where it is suspected that poison has been administered, the Medical Officer, having preserved in spirit all articles liable to rapid decomposition, which are likely to require examination, should similarly report the case to the Police and on receipt of an order from the Police or the Magistrate should forward the vomited matters or contents of the stomach, of the affected individual, or other matters requiring analysis by the Tamil Nadu Forensic science Department, Chennai.

Though Magistrates, Superintendents, Assistant Superintendents and Deputy Superintendents of Police required to grant an order for analysis, should the Medical Officer consider such an analysis necessary they can, if they consider it advisable, order viscera, etc., to be sent to the Tamil Nadu Forensic Science Department, Chennai even when, in the opinion of the Medical Officer, such a proceeding may be quite unnecessary.

Medical Officers are authorized to forward suspected articles liable to rapid decomposition to the Tamil Nadu Forensic Science Department, Chennai, in anticipation of the orders of Magistrate or Police Officer. In such cases the Medical Officer should at once communicate the fact of despatch to the Magistrate, Superintendent, Assistant Superintendent or Deputy Superintendent of Police and that Officer should thereupon send by the next post the required order along with the information prescribed in instructions (3) and (4) Part I.

(8) When on receipt of the necessary order, a Medical Officer forwards article to the Tamil Nadu Forensic Science Department, Chennai for examination, he should address at the same time, a letter to the Tamil Nadu Forensic Science Department, Chennai advising him of their despatch. This letter should contain -

(a) an impression of the seal used in closing the bottles and a description thereof.

(b) list of the articles forwarded and a statement as to how the articles have been forwarded.

(c) the name of the officer from which the order has been received to forward the article and the number and date of such order.

(d) a detailed account of the post-mortem appearances observed in Medical Form I 42; and

(e) An account of the symptoms observed by himself or others and a statement of the treatment, if any, adopted.

(9) All bottles and packets should be carefully sealed by the Medical Officer and closed in such a manner that they cannot be opened without destroying the seals. The seal used should be the same throughout, either private seal or an official seal, which is always in safe keeping and impressions of keys, weights, etc., must never be used. Each bottle or packet should be labelled and each label should bear the number and date of the letter of advice to the Tamil Nadu Forensic Science Department, Chennai relating to the case, as well as short description of the contents, and should be signed by the Medical Officer.

#### **(9A) Special suggestion to Medical Officers --**

(i) Always try to obtain some information about the case. "Poisons are many and the material available for examination is limited." Some idea of the symptom and relevant history is, therefore, of enormous value to the analyst.

(ii) Do not forget to mention if any treatment has been adopted. Washing the stomach with potassium permanganate, for instance, destroys the distinctive tests for opium, and hence negative reports may be received in well-defined cases of opium poisoning. Vomit is always more valuable for analysis than any stomach wash.

(iii) Don't neglect to preserve the urine both ante and post mortem. Many alkaloids are recoverable from urine which may easily be destroyed in a viscera extraction. In barbiturate poisoning about 75 per cent of the drug is excreted in the urine and this is before death.

(iv) It is suggested that, when taking a four ounce sample of the preservation, it is advisable to rinse the inside of the glass vessels to be used for the viscera with this fluid and then bottle and seal the sample.

(v) Don't forget that symptoms of acute poisoning may arise from food contamination (bacterial poisons) and if this is suspected the Medical Officer of Health should be informed.

(vi) Often, pieces of plant tissue are sent in for identification, this is generally impossible unless the leaves or flowering tops are received.

(vii) During post-mortem and preservation of viscera, special care should be taken to read possibility of contamination of dishes, gloves, etc., which might be carried over to the next case.

(viii) Use molten paraffin to seal the stoppers of the glass vessels and prevent leaks. Sealing wax or plaster of Paris is not advisable.

(ix) Don't forget the reference number on the outside of the exhibit box; remember we deal with hundreds of parcels.

(x) In some cases, especially food poisoning, cholera, etc, bacteriological examinations may be required, whereas in some other cases, tissues may have to be subjected to histological examinations.

#### (10) Rules for the transmission of substances for analysis -

Suspected substance may be forwarded by post, by passenger train, or in charge of a constable. The latter method is recommended in all cases. Officers forwarding viscera, etc., by post, by rail, or steamer or by constable to the Tamil Nadu Forensic Science Department will be held personally responsible that the following instructions are carefully followed :—

##### **A. Transmission by post:**

When viscera, etc., are forwarded through the post, the following rules are to be observed: -

(1) The suspected viscera or other material to be sent for examination should be enclosed in a glass bottle or jar fitted with a stopper or sound cork.

(2) If the material sent is liable to decomposition, it should invariably be preserved by one of the following methods:—

(i) In cases of suspected poisoning, other than alcoholic poisoning, by other volatile poisons, such as kerosene, oil, turpentine, eucalyptus oil, chloroform, etc., the materials sent should be immersed in rectified spirit or methylated spirit supplied by the Government Medical Store Dept. The spirit should be sufficient in quantity to cover the material immersed in whatever position the vessel containing it may be held and should not bear a less proportion to the bulk of such material than one-third. Care should be taken that common bazaar spirit is not used. The amount of spirit added to each vessel should be measured and the amounts so added written on the label affixed to the vessel.

(ii) In cases of suspected alcoholic poisoning (including methyl alcohol) the viscera should be placed in a bottle with a sufficient quantity of clean table salt to saturate the solution, leaving a little salt undissolved to ensure saturation. A sample of the water and of the table salt used should also be invariably forwarded for examination.

(iii) While forwarding blood samples for examination of alcohol content, a minimum of 10 ml. of blood preserved in 100 m.gms. of sodium fluoride should be sent.

(3) Great care should be taken that the stopper or cork of the bottle fits tightly. This precaution is especially necessary when alcohol is used as a preservative, in such cases a ring of molten wax should be poured round the lip of the bottle so as to cover the shoulder of the stopper. The stopper should be carefully tied down with polythene paper and carefully sealed.

(4) The glass bottle or jar should then be placed in a strong wooden or tin box, which should be large enough to allow of a layer of raw cotton, at least three-fourth of an inch thick, being put between the vessel and the box.

(5) The box itself should be encased in common gada cloth, which should be securely closed and sealed. The seals should be at interval not exceeding three inches along each line or sewing. All the seals must be of the same kind of wax, and must bear distinct impressions of the same device. The device should ordinarily be the office seal of the officer despatching the parcel. The device must in no case be that of a current coin or merely a series of straight curved or cross lines, or impressions of keys or weights.

(6) Despatching Officers will be held personally responsible that these instructions are carefully followed. Whenever practicable, such parcels should be packed under the immediate supervision of the Civil Surgeon.

(7) At all stations where there is a Civil Surgeon, the parcels should invariably be sent to the post office by that officer and not by a subordinate officer; but where there is no Civil Surgeon, that may be packed and forwarded direct to the Tamil Nadu Forensic Science Department, Chennai by the subordinate officer in charge of the hospital or dispensary.

(8) A declaration of the contents to the officials of the Postal Department is unnecessary and should not be made.

B. Transmission by rail –

When viscera, etc., are forwarded by rail, it is unnecessary to encase the box in cloth, but with this exception the rules for forwarding articles through the post must be observed in forwarding articles by rail.

C. Transmission by Constable –

When viscera, etc., are forwarded in charge of a constable, it will not be necessary to pack the bottles, etc., in a strong box in order to protect them from rough handling during transit. But it is desirable that glass bottles containing viscera, etc., should be wrapped in cloth or paper so that co-passengers do not complain of bad odour.

In every other respect, the same rule should be observed as in the transmission of viscera, etc., by rail.

(11) Tissues surrounding gun-shot injuries—Instructions for despatch of -

Tissues, in cases of death from shooting, require to be examined for the presence of traces of lead, should be sent in lead free containers. Country-made earthen-ware jars have been frequently found to contain lead in their inner wall and should not be used as containers for packing such tissues. A specimen of unaffected tissues from the same body should also be sent in such cases whenever possible.

(*Surgeon Generals P. No. 79-M 27, April 1938 & P No. 32-M, dated 20<sup>th</sup> February 1930.*)

(12) Difference of opinion between the Tamil Nadu Forensic Science Department, Chennai and the post-mortem findings of Medical Officers –

In all cases where the opinion of Medical officers based on post-mortem findings differs from that of the Tamil Nadu Forensic Science Department, Chennai, the Medical Officers concerned should get into touch with the Tamil Nadu Forensic Science Department, Chennai and ascertain reasons for arriving at different findings.

(*Surgeon Generals P. No. 51-M, 16th February 1939.*)

#### **594. Post-mortem on animals —**

(1) Where a veterinary dispensary exists, the body of any animal which has died under suspicious circumstances in respect of which an offence is reasonably believed to have been committed, as well as any living animal regarding which a cognizable offence resulting in serious injury to such animal is reasonably believed to have been committed, should be sent to such dispensary for Post-mortem or other examination and not to any other institution, and no fees will be charged by Veterinary Assistants in charge of veterinary dispensaries maintained by Government or by a municipality or by Veterinary Assistants belonging to the Veterinary Department and holding charge of a private dispensaries for a post-mortem or other examination performed under lawful requisition from a Police Officer. In places where there are no veterinary dispensaries, such examinations will be conducted without fees by veterinary Assistants or Inspectors of the Veterinary Department.

(2) District Collectors have been empowered to sanction a fee not exceeding Rs. 10 each case for post-mortem or other examinations conducted by Veterinary Assistants attached to private Veterinary Institutions where such Assistants are not Government servants borne on the cadre of the Tamil Nadu Veterinary Department.

*(G.Os. 1314, Judicial, 30th September 1909, 827, Judicial, 1st June 1910 and 208, Judicial 18th February 1912.)*

#### **595. Admission of Police Officers into Jails --**

The following rules have been laid down in the Jail Manual for regulation the admission of Police Officers in to Jails.

*(G.O.Ms. No.1358, Home 23rd May 1942.) (Rule 30, Jail Manual)*

(1) Any Police Officer of not lower in rank than that of a Deputy Superintendent and any Police Officer authorized to investigate a cognizable offence committed in the jail, shall for any purposes connected with the discharge of his duty, such Police Officer, be permitted to enter the jail at any time, between unlocking in the morning and lock up in the evening.

He shall not, however, be permitted to interview any prisoner without an order in writing from the District Collector or a Deputy Inspector-General of Police or the Commissioner of Police, addressed to the Superintendent of the Jail. Such officer may, however, take Inspectors or Sub-Inspectors with him for assistance, with the proviso that the interview must take place in the presence of the superior Officer.

(2) Police Officers of lower in rank than Deputy Superintendent who are in uniform shall be permitted to enter the jail for the purpose of recognizing old offenders or for conducting operations for the identification of prisoners during working hours on any week day.

The officer should produce a written authority either from the Superintendent of Police or the Commissioner of Police.

(3) No Police Officer shall be permitted to interview any prisoner except as provided for in Clause (1).

(4) Any interview permitted under an order from the District Collector, a Deputy Inspector-General of Police or the Commissioner of Police shall take place in the presence of the Jailor, or other proper officer of the Jail who shall, if required to do so, keep at such a distance that he may not hear the conversation that takes place.

(5) The Superintendent of the Jail shall, for the purpose of this rule, produce any prisoner in his charge, whom the Police are authorized to interview, and shall afford every reasonable facility for this purpose.

## **596. Military Lines – Search --- Procedure**

When any investigation, search or arrest is contemplated within military lines, the Police Officers concerned should be in Uniform and so far as circumstances permit, previous notice should be given by them confidentially to the Officer Commanding, Adjutant or Orderly Officer, concerned.

*(G.O. No. 382, Pub. (Pol.) 10th August 1934).*

### **Inducements to confess:**

## **597. Questioning of accused persons ---**

It is but right that the Police when they are endeavouring to discover the author of a crime, should make enquiries of, or put questions to any person, including the accused from whom they think they can obtain useful information. But, when an accused person is arrested, he should first be informed of the charge against him. It is then open to the Investigating Officer to put him such question as he considers necessary for the purpose of enabling him to explain or elucidate any circumstances that may have been ascertained in the course of the investigation. If the accused proceeds to make a defence with the object of explaining his position, further questions may be put to him to elucidate that explanation. But the questioning should not be persistent or take the form of a cross-examination nor should the accused be pressed to answer question or make any statement if he is unwilling to do so. The practice of resorting to persuasion, trickery

or oppression to induce an accused person to confess or make any statement is prohibited.

(G.O. No. 3460, Home, 4th November 1945)

### **598. Recording confession**

An accused person desiring to make a confession shall ordinarily be produced by the Police before a Stipendiary Magistrate of the first or second class. Failure to comply with this order will be held to detract from the value of the confession.

(G.O. No. 842, Home (Judl.), dated 24th April 1917.)

### **599. How to record confession-**

(i) If it appears to the Investigating Officer that any statement made by an accused person while in custody will lead to the discovery of any fact which can be proved under section 27 of the Indian Evidence Act, he should record the statement clearly and carefully in the presence of two or more respectable persons of the locality. The statement should be recorded in the first person, that is to say, as far as possible in the actual words of the accused. It must not be paraphrased.

(G.O. Ms. No. 4274, Home, dated 28th November 1945.)

(ii) It is not necessary that the information should lead to the discovery of only material objects that can be exhibited. It might lead to the discovery of concrete relevant facts connected in some manner with the concerned crime.

### **600. Identification**

(i) When witnesses allege that they can identify persons who took part in an occurrence, the Investigating Officers shall record their description of them in detail.

(2) When persons are to be shown to witnesses for identification they shall be carefully kept out of view of the witnesses and mingled with a considerable number of other persons of a like class. The witnesses shall than be asked, one by one and independently, to point out any person whom they recognize.

(3) It should then be seen whether the description of the person tallies with that given in the first instance.

(4) Identification parade shall be conducted by a Magistrate or where the presence of the Magistrate cannot be secured without considerable amount of delay, by panchayat witnesses and the Police shall, after arranging the preliminaries for the parade, withdraw allowing the Magistrate or the panchayat witnesses as the case may be, to conduct the parade under his/their exclusive direction and supervision. Whenever panchayat witnesses are requested to conduct the parade,

the Investigation Officer shall record in writing the reasons for not being able to secure the presence of a Magistrate to conduct the parade.

(5) Guidelines of the High Court of Madras in Crl.OP No.24768/2014, dt: 12.12.2014 quoting orders of the Supreme Court of India in Manu Sharma Vs State (NCT Delhi) (2010) 6 SCC 1 and Ankul Chandra Pradhan VS Union of India and others (1996) 6 SCC 354:

.... making photographs of the accused public either by showing the same to the witness or by publicizing the same in newspapers or through any other media would create a doubt in the case of the prosecution. Therefore, it has been consistently held that in order to ensure that there is no occasion for witness to see the accused before going for test identification parade, the accused should not be shown to the witness either in person or through any other mode like photograph, video-graph or through press or electronic media.

The Police Officers of higher rank should be aware that there should not be any kind of statement made by them in public which will cause harm to the investigation or which will give a room for the culprits to escape from the clutches of law.

The investigation is a secret affair and at times such secrecy alone leads to success in the investigation.

They should not unnecessarily expose the identity of the accused and the details of the investigation and the material objects collected during the course of investigation so as to make them public.

-DGP's Circular Memorandum No.208788/Crime 4 (3)/2014, Dated: 16.03.2016

## **601. Examination of Questioned documents**

(1) Instructions for sending documents for examination in the Documents Division of the Tamil Nadu Forensic Science Department, Chennai and requiring the attendance of the Experts in the Law Courts are given in the Appendix vide Volume II.

(2) The services of the Department in the examination of documents should be requisitioned "in all important cases". References to the Document Expert may be for adducing expert testimony in Court regarding proof of authorship of documents etc. or in any case, as a step in the investigation wherein expert advice will determine the course and direction of the investigation (e.g.) a note is found on a dead person and it is necessary to know whether it is the dead person's own hand writing or it could have been written by a third party and planted on the dead person.

(3) While in all cases, references to the expert should be made as early as possible, in the latter case, it should be made as soon as the impugned or relevant document comes to the notice of the Investigating Officer.

(4) During inspections and periodical visits, Senior Police Officers should scrutinize records of investigation and ensure that this order is complied with in its true spirit.

## **602. Bullet and Cartridge Cases -- Comparison with weapons or other bullets of cartridge cases.**

The examination of markings on bullets and cartridges cases with a view to establish the identity of the weapons from which they were fired is sometimes necessary and the opinion of an expert is a vital factor in such cases. The Forensic Science Department, Chennai should be addressed for such expert opinion in appropriate cases. Application for the services of the Ballistic Expert should be made as laid down in clause 15(a) of Police Standing Order 606 Volume I and the procedure prescribed in Police Standing Order 613 followed.

## **603. Injuries from Fire-arms — Instructions for Investigating Officers.**

(1) In cases in which fire arm injuries have been caused, whether fatal or otherwise, a number of important points of a medico-legal and technical nature in connection with the injuries found and the weapon and ammunition used may be anticipated.

(2) A case will often turn on one or other of the points that arise and may easily fail before a clever defence, even though other evidence is available, if a point is left in doubt or unexplained.

(3) The various points are often matters of inference and can only be established if the data on which they are based are complete and reliable. This will depend mainly on the work of the Investigating Officer at the outset of the case. He must concentrate on making a complete and correct record of all the facts available at and rear the scene at the earliest opportunity. The value of his work will be judged by the success of the case, which will depend on this care, thoroughness and accuracy of the first investigation.

(4) Fire-arms, ammunition etc.--

Expert examination will normally be needed for determining whether there are blood marks or finger prints on a weapon, whether a weapon shows signs of recent use, and if so, the nature of the powder used, whether there is blood or powder on clothing, what the weight and measurement of a projectile is and whether a projectile or cartridge case could have been or actually was fired from a particular weapon.

(5) A thorough search must be made at and within range of the scene for any spent projectile wad empty cartridge case or live cartridge and for any weapon or weapons that may have caused the injuries.

(6) The exact spots where any articles were found and their condition should be carefully noted and their exact position fixed by measurements, weapon should be specially examined for traces of finger-print and blood stains and it should be noted whether the barrels are clean or fouled. If an expended cartridge case is in the chamber breach, it should be left as found. All markings on weapons cartridge cases, etc., should be carefully noted and recorded.

(7) In searching the house of an accused or suspected person any ammunition or materials used for making ammunition, which might have caused the injury, or have been used in a weapon, that has been recovered should be specially looked for.

(8) When the weapon used is unknown or in doubt, every licenced weapon in the locality should be checked and the possibility of its having been used in connection with the occurrence examined. Government weapons should not be left out of account.

(9) All fire arms and ammunition should be handled and packed with special care to prevent surface marks being disturbed or obliterated. The mouths of fire-arm barrels should be corked up.

(10) The clothing of an injured person should be carefully examined for the presence of powder or blood marks and signs of burning, where a projectile has passed through any clothing, the appearance of the part through which it passed should be carefully examined and described. Clothing must be handled with particular care to prevent any flakes of smokeless powder that adheres being shaken off. Clothing should be carefully preserved and sent for expert examination.

(11) Injuries –

A firearm injury provides indications of the nature of the weapon and projectile used and the distance from which a shot was fired, and the main question that will arise is whether an injury could have been caused by a particular weapon in a particular manner. A detailed and accurate observation and record of every injury is essential if the subsequent inferences are to be of value. For the necessary observation and record, the Police will be dependent on the medical officer and the Investigating Officer must co-operate closely throughout with the Medical Officer if the desired result is to be obtained.

(12) (a) The chief features of firearm injury are the entrance and exit wounds and the track.

(b) (i) Entrance wound--

The entrance wound is of special importance. It must be described accurately and in detail, particular attention being paid to the following points ---

(a) Whether the wound is in the form of a cross shaped tear, a clean punched hole, or an irregular hole.

(b) Whether there is bruising of the margins, denudation of the outer layer of the skin immediately surrounding and turning in and compression of the tissues.

(c) Whether there is singeing of hair and scorching or blackening of the skin surrounding the wound and the characteristic tattooing, due to grains of unburnt powder embedded in the skin.

(d) Whether there is a fine ring of blackening around the wound due to grease and metallic following from the bullet and to the bruising of the tissues and distinct from the appearance noted in the previous item.

(e) Whether there is ploughing up and blackening of the tissues beneath; and

(f) Whether any particulars of unburnt powder or flasks of smokeless powder are embodied in or beneath the tissues.

(ii) Exact and accurate measurements should be taken, if possible with caliper, of the hole proper and of the area of erosion and the areas of discolouration surrounding it.

(iii) A wound should be examined under a lens and in case of murder or suspicious death, the tissue should be preserved and microscopic and chemical examination should be made.

(c) (i) Exit wound— The wound should be accurately measured as in the case of the entrance wound and its appearance noted and recorded. It should be specially noted whether it is torn and puckered with the edges turned outwards.

(ii) If no exit wound is found, the projectile should be searched for in the body by X-Ray examination or by dissection as the case may be.

(d) (i) Track ---It should be noted whether the track of the Projectile is in direct line between the entrance and exit wounds or whether it has taken an irregular course as a result of deflection. The angle of the track should be noted.

(ii) The track should be examined for particles of clothing, tissue, and powder which may have been driven into it.

(iii) Photographs of entrance and exit wound should invariably be taken.

(iv) Blood splashes on the body or clothing should be exactly described, the area, shape, the exact location of each splash being noted.

(13) (a) Injuries in bone -

Where the skull or a bone, has been penetrated during the entry passage or exit of a projectile, the exact position and nature of the hole and the portions surrounding it should be noted and accurate measurements taken. The characteristic bevelling, or cone shaped widening of the hole in the bone in the direction in which the bullet travelled should be looked for.

(b) In cases of murder or suspicious death, portions of fractured or penetrated bone should be preserved.

(14) Typical cases:-

Injuries caused by fire arms sometimes appear to have been due to other causes and injuries apparently due to other causes may actually have been caused by fire arms. Occasionally a projectile strikes the skull causing a complete and typical entrance hole but does not actually enter.

(15) General --

(a) Photographs should be taken of the body, in cases of death; at the scene of occurrence, showing near and distant views.

(b) A detailed and accurate plan of the scene of occurrence should be prepared by a professional draughtsman showing the distance between the body and the place of discharge of any weapon and the places where any projectile, wad, cartridge case or live ammunition was found.

(c) The exact position of the body should be fixed by accurate measurement from at least two fixed points.

(d) The ground in the vicinity of the spot where an injury occurred should be examined with great care to some distance on all sides for signs of spattering of blood and other matter.

(e) All articles which have to be sent for expert examinations should be sent in the first instance to the Director, Tamil Nadu Forensic Science Department, Chennai, and, if questions of finger-prints or the identification of fire-arms arise, a copy of the covering letter to be sent to the Superintendent of Police, Tamil Nadu Finger Print Bureau, Chennai-4. An account of the case with a copy of the post-mortem or wound certificate should accompany articles sent to the Director, Tamil Nadu Forensic Science Laboratory, Chennai. Articles sent for examination should be wrapped up separately and labels and seals affixed to the covering material and not direct to the articles themselves.

(f) The question whether an injury could have been caused by particular weapon in a particular manner and at a particular range should not be the subject-matter of reference by the investigating Police to the local Medical Officer who conducts

post-mortem. It should be referred by investigating Officer to the Superintendent of Police who will obtain the opinion of the Professor of Forensic Medicine of the concerned area.

(g) Instructions regarding careful handling and preservation of evidence material firearms and connected articles --

(i) **Fire arms.**

(a) Do not disturb until checked for finger prints and seal photographs of the scene of crime are taken up.

(b) Preserve foreign material like fibre, hair, blood, coins etc., adhering to the butt or barrel of the weapon.

(c) Do not clean the barrel.

(d) Do not operate the mechanism except to unload the weapon if there is a magazine, remove it as such, in case of a revolver, before removing the cartridges draw a diagram of the rear face of the cylinder.

(e) Label with tie-on label.

(f) Pack it in a plastic bag or some rigid container.

(ii) **Fired bullets, empty cartridge cases and unfired cartridges**

(a) Prevent a brazing or mutilation of the surface in any manner

(b) Do not wash or clean;

(c) Pack each bullet or cartridge case separately in a small plastic bag or fold each item in a clean piece of paper. Place each of the plastic bags or paper packets in separate sealed envelopes with proper labels.

(iii) **Wads and pellets.**

(a) Do not wash or clean.

(b) Pellets or wads from the same location may be placed in the same container. The container should be labelled properly.

(iv) **Clothing with gun-powder residue or pellet pattern.**

(a) Flatten and dry all bloody or wet objects.

(b) Locate the powder residues and protect it by covering with paper. Do not fold where power residues are located.

(c) Label each article and pack it separately to guard against contamination. Labels should be used only on wrapping materials.

(d) Do not shake out the clothing.

(e) Powder pattern/pellet pattern on the body should be photographed against a scale. Photo data may also be furnished.

(f) In an anatomical chart, the positions of the bullet or pellet entry wounds and exit wound should be indicated as revealed in the post mortem or wound certificate.

**604. Police Inspection of Post Office records** - When an Investigation Officer during the investigation under the Criminal Procedure Code requires to inspect any post office records, he shall make a written application to the Postman who will produce the records and give the information required, provided that only these entries in the record will be disclosed which relate to the person or persons accused of the offence under investigation or which relate to that offence. In any other case the Postmaster will refer to the Post Master General who will decide whether or not the information should be withheld under section 124 of the Indian Evidence Act, 1872 (Act I94 1872).

(*G.O. Ms. No. 1112, Judicial. 10th June 1891.*)

**605. Copies of judgments, etc, how obtained.**

Copies of judgments and depositions may be obtained when necessary by officers of and above the rank of Deputy Superintendents of Police and prosecuting staff.

(*G. O. 1839 Judicial Dated 9th September, 1893 and 907, Judicial, dated, 23<sup>rd</sup> May 1894.*)

**606. Inspection of Records of Criminal Courts by the Police.**

(1) The High Court has made the following rules for the inspection of records of Criminal Courts by Police Officers:

**331. Inspection by Police or Public Prosecutor.**

Whenever it shall appear to any officer of Police not below the rank of Sub-Inspector of Police, that an inspection of the records of any Criminal trial or appeal will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police Officers connected with the case, and whenever the inspection of such records may be desired by a Public Prosecutor, in the exercise of his duty as Public Prosecutor, such officer or Public Prosecutor, as the case may be, may apply to the Sessions Judge or Presiding Magistrate of the court in which the records are lodged, for permission to inspect the same.

(*Paragraph 331 to 333 Criminal Rule of Practices.*)

**332. Procedure on application.**

The application referred to in the preceding rules shall be made in writing and shall contain a description of the records and shall state the purpose for which the inspection is sought, and the Sessions Judge or Magistrate may grant or refuse the application as he may see fit. If the application is refused, the Sessions Judge or Magistrate shall record the reasons for refusal and shall communicate a copy thereof to the officer of Police concerned or to the Public Prosecutor, as the case may be. If the application is granted, the Sessions Judge or Magistrate shall make

arrangements for permitting the inspection to be conducted in accordance with the next following rule.

### **333. Conduct of Inspection.**

Every inspection of records under these rules shall be conducted by an officer of Police not below the rank of Sub-Inspector of Police or if the inspection is granted on the application of a Public Prosecutor then by the Public Prosecutor, himself, it shall take place within the precincts of the Court in which the records are lodged and in the presence of an officer of the Court who shall be deputed by the Sessions Judge or Magistrate, for the purpose, and no record or part of record shall be removed by the inspecting officer from the precincts of the Court.

### **Public Servants -- Evidence before Courts -- Procedure to be followed when summoned to produce official documents.**

(2) (a) The Central Government have issued the following revised instructions regarding the procedure to be adopted when a Government servant is summoned by a Court to produce official documents for the purpose of giving evidence: -

(b) The law relating to the production of unpublished official records as evidence in Courts is contained in sections 123, 124 and 162 of the Indian Evidence Act, 1872 (Act I of 1872) which are reproduced below:—

**123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the Department concerned, who shall give or withhold such permission as he thinks fit.**

**124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.**

**162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the court.**

The Court, if it sees fit, may inspect the document unless it refers to matters of State or take other evidences to enable it to determine on its admissibility.

(1) If for such a purpose it is necessary to cause any document to be translated, the court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence and, if the interpreter disobeys such direction, he shall be held to have committed an offence under section 166 of the Indian Penal Code.

(G.O. Ms. No. 2670, Home dated, 6th September 1954.)

(2) For the purpose of section 123 above, the expression "officer at the head of the department concerned" may be held to mean, the officer who is in control of the department, in whose charge records of the department remain, ordinarily. Such an officer would be the Secretary to the State Government in the case of State Governments and the Secretary, Additional Secretary or Joint Secretary in-charge of the Ministry in the case of Government of India. But in case of attached officers like Directorates, the Director-General may be regarded as the head of the department for the purposes of this section. Only such officer should be treated as the authority to withhold or give the necessary permission for the production of official documents in evidence. In case of Part C States, the Chief Commissioner or the Lieutenant Governor as the case may be, regarded as the head of the Department and not his Secretaries.

(3) In respect of documents (a) emanating from a higher authority, i.e. the Government of India, or the State Government or which have formed the subject of correspondence with such higher authority, or (b) emanating from other Government whether foreign or members of the Commonwealth, the heads of departments should obtain the consent of the Government of India or of the State Government, as the case may be, through the usual official channels before giving permission to produce the documents in Court, or giving evidence based on them unless the papers are intended for publication or are of a purely formal or routine nature, when a reference to higher authority may be dispensed with.

(4) In the case of documents other than those specified in paragraph 3 above, production of documents should be withheld only when the public interest would by their disclosure be injured as where disclosure would be injurious to national defence, or to good diplomatic relations or, where the practice of keeping a class of documents secret is necessary for the proper functioning of the public service. Some High Courts have pointed out the circumstances under which no such privilege should be claimed, e.g. privilege is not to be claimed on the mere ground that the documents are State documents or are official or are marked confidential or if produced, would result in parliamentary discussion or Public criticism or would expose want of efficiency in the administration or tend to lay a particular department of Government open to a claim for compensation. The mere fact that, the head of the department does not wish the documents to be produced is not an adequate justification for objection to their production. The High Courts have also observed that refusal to produce document relating to affairs of State implies that their production will be prejudicial to public interest. Consequently the reasons therefor should be given in an affidavit in Form No. 1 at the appropriate place.

(5) In a case of doubt the head of the department should invariably refer to higher authority for orders.

(6) These instructions apply equally to cases in which Government is a party to the suit. In such cases much will depend on the legal advice as to the value of the documents but before they are produced in a Court, the considerations stated above must be borne in mind and reference to higher authority made, when necessary.

(7) The Government servant, who is to attend a Court as a witness with official documents, should, where permission under section 124 has been withheld, be given an affidavit in Form No. I duly signed by the head of the department in the accompanying form. He should produce it when he is called upon to give his evidence and should explain that he is not at liberty to produce the documents before the court, or to give any evidence derived from them. He should, however, take with him the papers which he has been summoned to produce.

(8) The Government servant who is summoned to produce official documents in respect of which privilege under section 124 has to be claimed, will make an affidavit in the accompanying Form No.II. When he is not attending the court himself to give evidence, he shall have it sent to the court along with the documents. The person through whom the documents are sent to the courts should submit the affidavit to the court when called upon to produce the documents. He should take with him the documents which he has been called upon to produce but should not hand them over to the court unless the court directs him to do so. They should not be shown to the opposite party.

(9) The head of the department should abstain from entering into correspondence with the presiding officer of the court concerned in regard to the grounds on which the documents have been called for. He should obey the court's orders and should appear personally or arrange for the appearance of another officer in the court concerned, with the documents and act as indicated in paragraph 7 above and produce the necessary affidavit, if he claims privilege.

## **FORM OF AFFIDAVIT NO. I**

**IN THE COURT OF**

Suit No.      Of      200

I, Secretary/Additional Secretary/Joint Secretary to the Government of India in the Ministry of New Delhi, do hereby solemnly affirm and state as follows:—

A summon bearing No. Dated  
issued by the court of in Suit No. of 200  
has been received in the Ministry of on 200 requiring  
production in the said Court on 200  
of documents stated below. I as the Head of the Department or  
Ministry of as in control of and in-charge of its  
records. I have carefully considered the relevant documents and have come to the  
conclusion that they are unpublished official record relating to affairs of state and their  
disclosure will be prejudicial to public interest for the following reasons:

## **LIST OF DOCUMENTS SUMMONED**

I do not, therefore, give permission to anyone under section 123 of the Indian Evidence Act, 1872, to produce the said documents or to give any evidence derived therefrom.

Solemnly affirmed at New Delhi, etc., this    day of 200  
Secretary/Additional Secretary/Joint Secretary in the Ministry of                         sworn before  
me.

## **FORM OF AFFIDAVIT No.II.**

**IN THE COURT OF**

Suit No. 1 of 200

I, ..... do hereby solemnly affirm and state as follows:

Summons bearing No. dated issued by the court of in  
Suit No. of 200 ( v ) has been served on me on  
..... 200 requiring production in the said court on 200 of the documents  
stated below. I have carefully considered them and have come to the conclusion that  
they contain communications made on official confidence and I consider that the public  
interest would suffer by their disclosure for the following reasons: --

## **LIST OF DOCUMENTS SUMMONED.**

I, therefore claim privilege under section 124 of the Indian Evidence Act, 1872.

Solemnly affirmed at New Delhi, etc., this day ....of ....200

Secretary/Additional Secretary/ Joint Secretary  
in the Ministry of \_\_\_\_\_ or in the department sworn before me.-

Here insert the name, the designation and address of the person making affidavit.

## CHAPTER XXXI

### CRIME RECORDS BUREAU.

#### **607. Crime Records Bureau Organization:**

(1) At the headquarters of each District and in Chennai City, a Crime Record Bureau is located, with a staff consisting of normally one Deputy Superintendent of Police one or two Sub-Inspectors and four to seven Head Constables depending of the size of district volume of the crime etc., two Grade-I Police Constables as collators for computer work, one Junior Assistant and one Typist. The Bureau is under the district control of the Superintendent of Police/Deputy Commissioner of Police (Crime) in Chennai City and its primary duty is to collect, record and disseminate information regarding important property crime and criminals, that is, criminal (and the crime they commit) whose operations extend beyond the limits of a Police Station to which they belong. It is intended to be a "Central Criminal Information Bureau" for the district; Chennai City. The Bureau will not undertake the investigation of cases, the responsibility for which rests with local officers, but investigating Officers make free use of it for getting information in a readily accessible and easily assimilable form. The Bureau will be of assistance to officers of and above the rank of Deputy Superintendent of Police controlling investigation and crime generally in the district/Chennai City. In important case of organized crime an officer of the Bureau may be placed at the disposal of the Local Police in order to collect any particular information or make any special enquiry, but such officer will on no account take the investigation out of the hands of the Local Investigation Officer.

(2) A separate book should be maintained in the Crime Records Bureau in the district headquarter; Chennai City for recording information received from the aggrieved party by refusal on the part of an officer in charge of a Police Station to record information in respect of a cognizable offence and for conducting investigation into it. This book should be put up to the perusal of the Superintendent of Police in district and to the Deputy Commissioner of Police (Crime) in Chennai City once a month".

*(G.O. Ms. No. 505, Home dated 10th March 1983.)*

(3) In addition to giving advice and suggestions to Investigating Officers, it should also supply classified information to superior officers for the purpose of directing investigation and controlling crime.

(4) In order that the Bureau may serve its purpose fully and well, it is important that officers who obtain information which may be useful to others must promptly communicate it to the Bureau.

(5) The District Crime Record Bureau should send information asked for in the prescribed form to the State Crime Record Bureau headquartered at Chennai. In the case of computerised information, the floppies containing the information should be sent to the State Crime Record Bureau.

(6) Every DCRB/CCRB is provided with a well equipped photography section with a purpose to take photograph of important scene of crime, accident spots and criminals. The photos can be of great assistance to the Investigating Officers in the detection of crimes as well as their prosecution. They are required for bringing up the records not only at DCRB but also at SCRB. The photos are valuable components of the data bank maintained at the Bureau.

**608. Records to be maintained:** -- (a) The records to be maintained in the Bureau are (1) Dossiers for criminals, (2) Personal files of dossier criminals, (3) Register of dossier criminals, (4) Alphabetical index to dossiers maintained in the Bureau, (5) Modus operandi-wise register of all out-of-view persons for whom history sheets are maintained in the stations, (6) Register of absconders, Part I, (7) Register of absconders, Part II, (8) Register of military deserters, (9) Register of smugglers, (10) Register of gangs, (11) Register showing the probable dates of release from jail of all history-sheeted persons including dossier criminals, (12) Register of crime reports received, (13) Register of undetected cases, (14) Card Index, (15) General subject files, (16) Photographs, (17) Crime chart, (18) File of references from Investigating Officers, (19) File showing calls on the expert staff of the Bureau, (20) Copies of Criminal Intelligence Gazettes, (21) Weekly crime and occurrence sheets, (22) Monthly crime reviews, (23) Advisory and crime memorandum books, (24) Register of visits to the Bureau, (25) Visiting book for superior officers, (26) Diaries and (27) such other items as may be prescribed by special orders from time to time, All entries in records other than history of crime if maintained photographs and charts, will be type written.

(b) Records relating to computerization of crimes and criminals and man-power utilization performance are also maintained in the Crime Records Bureau of the district concerned including the Railway Police.

(c) Register of Crime Reports Received

A register will be maintained in the Bureau to note the receipt and disposal of crime reports received from the Police Stations. Separate sheets will be allotted to each Police Station in the district, one for each district within the State and one for each outside the State.

(d) Register of Undetected Cases

It helps in grouping and tracing of cases and in finding out trends and concentration of particular forms of offences in various parts of the district. Where the modus operandi is similar, the person or property attacked is similar, the sphere of operation is the same and the

criminal arrested was out of the jail at the relevant time, he could with advantage be interrogated on the information furnished from this register. An undetected case on being detected should be scored out in red ink. Separate set of sheets should be earmarked for each of the following major classes of crime: ---

- (i) Dacoity, robbery and poisoning.
- (ii) House breaking and theft.
- (iii) House theft.
- (iv) Ordinary theft.
- (v) Cattle theft.
- (vi) Receiving or possession of stolen property.
- (vii) Cheating
- (viii) Counterfeiting.
- (ix) Criminal breach of trust or misappropriation.

(e) Register Showing the Probable Dates of Release of All History-sheeted Persons including Dossier Criminals --

The Bureau will maintain a register showing the probable dates of release from jail of all history-sheeted persons including dossier criminals. This register must be prepared with the help of the jail release lists furnished by the jail authorities and checked with the reports submitted by the Station House Officers. Such particulars as the modus operandi details and sphere of operation which will not be found in the jail release lists can be obtained from the monthly reports submitted by the Station House Officers. A page or more in the register should be set apart for each month. The Bureau will publish in the last weekly crime and occurrence sheet of each month full details of all persons who are likely to be released in the succeeding month. It will also study the relation between the incidence of crime and the release of a criminal with reference to modus operandi and place of occurrence.

(f) Register of Smugglers

A register will be maintained in the Bureau to keep a watch over the activities of smugglers.

(g) Register of Absconders - Parts I and II

A register containing the names of all absconders in cases registered in the district and another containing the names of absconders in cases registered in other districts and States but resident of or likely to visit the district will be maintained in the Bureau.

(h) Register of Military Deserters

A register will be maintained in the Bureau to keep a watch over and to arrest military deserters.

(i) Advisory and Crime Memorandum Books

(a) The Bureau should maintain a separate memorandum book in trifoil for all the advisory and crime warning memoranda issued by it. The book should be maintained in chronological order of this memoranda and each memorandum issued by the Bureau should be given a separate number. The Bureau should see that the reply to each memorandum is promptly received and filed along with the office copy of the memorandum.

(b) As soon as the Bureau receives information regarding the occurrence of a property crime, it should study the indices maintained by it with a view to seeing whether any criminal of the same modus operandi has operated in the area previously or has any relations or associates in the station limits or the neighbouring station limits and whether dossier criminal or history-sheeted criminal who is out of view from that station or at neighbouring station or any criminal who has returned from jail recently is likely to have committed the offence. This information can be picked up by the Bureau very easily from the records in the District Crime Record Bureau. It should, however, be noted that the modus operandi is not the sole criterion for the determination of the probable complicity of a criminal, because many active criminals adopt more than one modus operandi.

(c) The Bureau should make a careful study of crime on receipt of crime reports and other reports, weekly station reports, crime and occurrence sheets of border districts and information regarding the probable dates of release of history-sheeted persons and issue warnings direct to the Station House Officers and Circle Inspectors, with copies to Sub-Divisional Police Officers, on the indication or possibility of an outbreak of crime and about the release of any dangerous criminals.

(d) Cordial and mutual co-operation between the Bureau and the local Police Officers is of primary importance if the Bureau is to fulfil its purpose as a central organisation and a fountain of information for controlling the crime and the criminals of the district.

## **609. Personal Records:-History Sheets-Dossiers and Indies and Signals -**

(1) (a) Dossiers in Form III will be opened only for those criminals who operate in more than one Sub-Division and for others who on special grounds and with the Superintendent approval, or selected by the Officers. These Divisional will be known as dossier criminals and will be given a, D.C. (Dossier Criminal) number. An inter-district criminals on record in a Crime Records Bureau must also be on record in the Crime Records Bureau of each district in which they commit crime, or has resided for more than three months irrespective of whether he has committed crime in that

district or not, and those who are dossier criminals will be given a serial D.C. number in each district. D.C. number of other districts being entered after such number or reference.

(G.O. Nos. 1 743      (G.Os.Ms.No.1743, Home, 26th July 1943 and Ms. No.173, Horne, 16th January 1950)

(b) History Sheets dossiers need not necessarily be maintained for the life time of the criminal concerned but may be closed under the orders of the Superintendent if the criminal is (i) too old to commit crime or (ii) unable from any disability or other reason to commit crime or (iii) is shown beyond doubt to have reformed and abandoned his criminal life. The dossier of a criminal who is out of view may be closed after he attains eighty years of age. An index of the names of the criminals whose history sheets have been so closed should be maintained and such record should be removed from this index, only after death. History records of dossiers of persons who have died shall be destroyed under the order of the Superintendent. Before the dossier of a criminal who is also on record in another district is closed or destroyed, the Superintendent of the latter district should be consulted.

(c) A History Sheet will be maintained for every district criminal in the Station in which he resides for at least such time as a History Sheet dossier is retained for him in the Crime Records Bureau.

(d) History Sheets in Form II should also be maintained in the Crime Records Bureau for all Notified offenders under the Tamil Nadu Restriction of Habitual Offenders Act as in the case of K.D.s. (Known Depredators) in addition to the personal sheets prescribed under the Act,

(G.O. No. 3434, Home 5th Nov 1964.)

(2) (a) The following are the indexes to be maintained for Dossier Criminals and all Notified offenders under the Tamil Nadu Restriction of Habitual Offenders Act in the Bureau. They should be on the “Card System” and should be kept in cabinets of an approved type,

(b) The main indexes will be:--

- (i) Name index
- (ii) Serial index
- (iii) Alphabetical index.
- (iv) Descriptive, deformative and physical peculiarities index.
- (v) Modus Operandi Index.
- (vi) Alias Card.

- (vii) Style Index.
- (viii) Trade Mark Index
- (ix) Transport Index.
- (x) Property lost.
- (xi) Property recovered.
- (xii) General subject file index.

Supplementary index for criminals in jail, out of view, wanted etc. will be maintained by signals as indicated in Police Standing Order No. 513 (10). Other supplementary indexes may also be opened to narrow down the field of enquiry or reference. The exact nature and number of index will vary with local conditions and should be decided by the Superintendent according to the requirements of the district.

(i) Name index --

The cards for the name index will be maintained alphabetical in four colours, red card for inter-State, White for local Criminals, Blue for Inter-Police Station and pink for Inter-District Criminals. If a new card is opened, it should be inserted in the correct place. The card should contain residential particulars etc., height reference to modus operandi etc. Inter-District Criminals will be given appropriate cards from point of view of each district e.g., a criminal of Salem district who also operates Coimbatore district will have at white card in Salem district and pink one in Coimbatore district, also have the white card in Salem district will be given a green signal to indicate that the criminal also registered in another district (see instructions under 'Signals' infra). The cards have a line  $\frac{1}{4}$  above the bottom edge. Below this line the name or alias of the Criminal followed by his Father's name indicated by the prefix sign "son of" should be typed. This index provides a ready reference to all the dossier criminals and also gives important facts about each criminal but, for further details the dossier and personal file of the criminal must invariably be referred to.

(ii) Serial Index —

Index to all Dossier Criminals should be maintained serially showing address particulars D.C. Number, Serial Number of History Sheet or personal file maintained in the district.

(iii) Alphabetical index —

An alphabetical index showing date of opening of History Sheet, classification of History Sheet, details of address, etc., should be maintained.

(iv) Descriptive deformative and physical peculiarities index —

Index cards will be kept in respect of all criminals whose appearance identifications marks, habits or other characteristics can readily and usefully be classified. Apart from furnishing details in this form, the class of physical and criminal characteristics will be typed below the bottom line of the card also. The sphere of operation will be entered on the reverse of the card. If a criminal has more than one physical peculiarity or distinct deformity, then his name should find a place under all those heads.

(v) Modus Operandi Index --

The cards for this index will be arranged in the alphabetical order of the different modus operandi and other characteristics in drawers assigned to the main heads of crime. The index heads will be plain language catch words, corresponding to those in the crime classification list prescribed for indexing "Part I—Station Crime History.

The M.O. details of address with aliases, residential particulars, history sheet, classification and sphere of operation will be entered against the name of each individual. The type of crime will be entered below the bottom line of the card also. Slips and signals will be used on the sides of the cards according to instructions below: --

(vi) Alias card ---

A card for each criminal will be opened containing his aliases, history sheet classification and modus operandi classification. The card should be maintained alphabetically.

(vii) Style index —

Index cards of the same type as descriptive, deformative and physical peculiarities should be kept in respect of all alleged criminals who indicate trade/ profession of all criminals who indicate alleged at the time of or immediately prior to commission of offence, which can readily and usefully be classified. They should be grouped style-war.

(viii) Trade mark index —

Similar index cards like style index shall be maintained for all criminals who indicate any extraordinary acts e.g., poisoning dogs, changing clothes, cunning food, committing nuisance, etc., not associated with crimes and grouped trade-war.

(ix) Transport Index ---

An Index all type of transport used before, during or after the commission of offence, classified according to vehicle used shall be maintained individually, for each criminal and grouped vehicle-war.

(x) Property lost/stolen ---

Cards shall be opened in respect of identifiable properties lost or stolen published in Crime and Occurrence Sheet which is not recovered at the time of publication, the property lost/stolen card shall be used.

(xi) Property recovered ---

Cards shall be opened in respect of identifiable properties recovered in Crime and Occurrence Sheets which is not traced to any person at the time of publication, the property recovered card shall be used.

(xii) General subject file index --

A card index to the General Subject File will be maintained. A list of subjects for which general files have been opened will be kept in alphabetical order. The first page of each general file will contain a list of its contents. Information of permanent value about important classes of crime and criminals will be maintained in general subjects files or folios. Materials for these files will be got from weekly crime and occurrence sheets, case diaries, special reports and other sources of information. The subjects for which such files should normally be opened are criminal organisations, ex-criminal tribes, criminal areas, counterfeit coins and currency notes, bombs and other explosives, smuggling of arms, drugging or professional poisoning and special classes of crime. The actual number of such files will depend on the conditions existing in each district. The files should cover all subjects of importance affecting the criminal history of the district and should be carefully maintained and kept up-to-date.

(xiii) Sphere of operation index ---

The cards for this Index will be maintained circle-war against each circle. Dossier Criminals who operated in that particular circle, with details of places in which he operated should be furnished.

(xiv) Signals

Slip-on signals indicating the particulars noted below will be attached to the bottom of Name Index Card and to the sides of Modus Operandi descriptive, deformative and physical peculiarities index cards.

Blue	..	In Jail.
Red	..	Out of view.
Two reds	..	Out of view and wanted.
Yellow	..	Inactive.
Green	..	Operates outside district.
Orange	..	Active.

(3) General Subject Files ---

Information of permanent value about important classes of crime and criminals will be maintained in General Subjects Files or folios. Material for these files will be getting from Weekly Crime and Occurrence sheets, Case Diaries, special reports and from any other information obtained or records available. The subjects for which such files should normally be opened are criminal organizations, criminal areas, counterfeit coin and currency notes, bombs, smuggling of arms, poisoning, Idol theft, wire theft, auto theft, special classes of crime, etc., The actual number of such files will depend on the conditions existing in each district. The files should cover all subjects of importance affecting the criminal history of the district and should carefully maintained and kept up to-date.

(4) Photographs —

(a) All dossier criminals will be photographed. What are required are (i) the full face including the head and shoulders (ii) the full length and (iii) one Profile, the one that has any particular mark characteristic e.g., scar. The full length photo should be half-plate size and the remaining quarter plate. The full length photograph should be taken of the individual in the dress that he ordinarily wears when out of jail. Any marked peculiarity which makes identification easy and which can be brought out in a photograph should be brought out in one or more of the positions detailed above or in another position specially taken for the purpose. The name and number of the Dossier Criminal should be written distinctly on the back of each photograph and nothing should appear by way of name or number on the face of the photograph. Photographs of Dossier Criminals should be dated and retaken every five years.

(b) Each of set of photographs will be mounted on a sheet.

(c) For each criminal, two complete sets will be taken, one to be filed with the Crime Records Bureau History Sheet Dossier and the other in a loose leaf file arranged in the alphabetical order of the criminals, names. An additional set will be taken and filed with the History sheet, if any, in the Police Station. Extra unmounted copies will be kept in the envelopes affixed to the loose-leaf file sheets ready for distribution when occasion arises. Additional sets and unmounted copies will be got to the extent necessary for inter-district criminals and foreign criminals, so that each Crime Records Bureau concerned has enough. The photos of the C.I.D. and foreign criminals should be sent to the C.I.D. for record.

(d) The negatives of all photographs shall be retained in boxes by the police Photographer wherever Forensic Science Laboratory is in existence. In other District, the negatives of all photographs should be retained in boxes in the Crime Records Bureau, so that further prints can be taken if necessary.

(e) Albums should also be maintained modus operandi-wise in respect of criminals concerned in important classes of crime such as drugging or poisoning, property offences attended with violence, pocket picking and cycle thefts.

(5) History of Crime --

A list of cases against property known or reasonably believed to be the work of inter-station or inter-district habitual criminals in the order of their occurrence will be maintained in Form No. 122 or in General Subject Files. Separate registers will be maintained under the different heads of property crime and sub index in the same way as Part I, Station Crime History. Time and space can be saved by posting in the appropriate register cuttings from Part I of Crime and Occurrence-Sheet, with room below each cutting for briefly entering later information and disposal. Cuttings will not be pasted in the registers nor will entries be made in the records until the Bureau is satisfied that the cases are both true and important.

(6) Form of Gangs --

A register of the activities of all gangs that have come to notice in the district during the investigation of cases will be maintained. The register will comprise the following information particulars of number of the gang leader to be shown on top sphere of operation, offences in which suspected, convicted, reference to name index, History Sheet Classifications, Harbourers, Receivers and cross reference to other gangs. These will be maintained Modus Operandi-war. Apart from the listed Modus Operandi, any particular M O. or special M.O. that comes to notice should be separately listed. The register shall be in form No. 162.

## **610. Crime Charts —**

Crime Charts will be maintained for such periods and for such methods of crime as the Superintendent may decide the main object being that the chart should be of real practical value. Cases of other district station bordering on the district should invariably be charted in the Bureau.

## **611. References from investigating Officers File of --**

(a) The Crime Records Bureau shall also keep a separate file showing references received from investigation officers asking for information in unlocated cases. The purpose of this file is to ease how far investigating officers are seeking the help of the Bureau.

(b) Calls on the Expert Staff of the Bureau with results achieved.

(c) Head Constables trained in finger and foot-prints are attached to some of the Bureaux. A separate file showing the reports received from Investigating Officers

requisitioning the services of these experts and the results achieved should be maintained in the Bureau.

### **612. Attendance register showing visits of Inspectors etc ----**

(a) An Attendance Register shall be maintained which will show at a glance, all visits by Inspectors and Sub-Inspectors to the Bureau, and specify the purpose of their visits and the business transacted during the visit to the Bureau.

(b) All officers of and above the rank of Sub-Inspectors stationed at the district headquarters should visit the Bureau once a month. Those stationed outside should make it a point to visit the Bureau whenever they visit the district headquarters or at least once a quarter. The register will be written up at the end of each visit and should be put up to the Superintendent immediately after each visit is over. The register should also be produced at the time of each inspection.

(c) Sub-Divisional Police Officers should visit the Bureau whenever they visit the district headquarters and leave notes in the visiting book maintained for the purpose.

(d) The Superintendent should visit the bureau as frequently as possible and make a detailed inspection of the Bureau once a year.

(e) The Range Inspector General during his inspection of the district headquarters should also inspect the Bureau.

### **613. Collection of Information —**

Station-House Officers are responsible for furnishing the Bureau with information regarding crime and criminals.

### **614. Crime —**

(1) Every case crime against property which is known or believed to have been committed by habitual criminals and is not clearly the work of casuals, shall be reported under Police Standing Order No. 687 by Station-House Officers to the Crime Records Bureau also or to the Superintendent of Police, if there is no Bureau. Immediately after the first investigation, if the case is still clearly not the work of casuals, a further report will be sent in Form No. 109 giving particulars of the Modus Operandi, distance and direction of the scene of the offence from the station, particulars of persons accused or suspected, etc., according to the headings in the form, together with a list of Identifiable property lost and the description of such property.

(2) Report on the disposal of old cases will be sent in weekly in Form No.113.

## **615. Criminals —**

(1) The movements and activities of all dossier criminals should be promptly reported to the Crime Records Bureau by the Station House Officer concerned.

(2) A report will be sent monthly to the Records Bureau of the doings and conduct of all dossier criminals. Where such dossier criminals are registered as dossier criminals in another district also, copies of the monthly reports should be sent to the district concerned. In the case of criminals concerning whom it is desirable to obtain more frequent reports the necessary special instructions will be issued by the Crime Records Bureau.

(3) The names of persons known or suspected to be active habitual criminals who pass out of view and of any persons wanted by the Police will be communicated to the Bureau for publication giving particulars in each case of the Modus Operandi, sphere of operations, names and addresses of relatives and associates and places likely to visit. The arrest of any such person should be similarly communicated noting particulars of the person arrested and the circumstances of the arrests.

## **616. Crime intelligence --**

(1) Any information about crime or criminals that is likely to further the activities of the Bureau or to be of value for the purpose for which the Bureau is intended, should be communicated to the Bureau as soon as it comes to notice.

(2) The Bureau, will gather further information by enquiries in special directions by members of the staff, perusal of case diaries, weekly Crime and Occurrence Sheets of other districts, etc.

## **617. Dissemination of Intelligence --**

(1) Weekly Crime and Occurrence Sheet — For the efficient and proper dissemination of information regarding crime and criminals, a "Weekly Crime and Occurrence Sheet" will be published by the Bureau in four parts and printed locally in each district.

(2) The sheet should be dated Thursday of each week and should embody information received up to Wednesday. The pages should be numbered consecutively for the whole year to facilitate reference.

(3) The sheet should be headed.—

Sheet No      2009

Full moon date

.....Crime Records Bureau    for week ending

New Moon date

(4) (a) Part I will open with a brief statement of the property crime under the different heads reported during the week. Details of the new cases of the week will follow in tabular form-

- (i) Station,
- (ii) Circle,
- (iii) Border district,
- (iv) Crime No.
- (v) Date of occurrence,
- (vi) Modus Operandi,
- (vii) Property lost,
- (viii) Property recovered.
- (ix)
  - (a) Property seized and suspected to be stolen,
  - (b) Type of property (under the head specified in computer Code Book)
  - (c) Description of property into value
  - (d) Date of Seizure, Police Station Crime No. and Securities of law
  - (e) Name and address of the arrested person
- (b) The names of frontier stations of the district should be printed in italics and below the circle name, the name of the bordering districts (or district) also in italics.
- (c) The place of occurrence, village or street in a town and distance and direction of the scene of offence from the station must be given in each case. The modus operandi should be given in words.
- (d) All cases against property which are known or believed to be the work of habitual criminals and which are not clearly the work of casuals should be reported. False and technical cases should not be reported.
- (e) Cases should be entered date-war and not circle war under the following heads:—

- (i) Murder for gain
- (ii) Dacoity and robbery
- (iii) House-breaking and theft by night

- (iv) House-breaking and theft by day
- (v) House thefts
- (vi) Ordinary thefts
- (vii) Cattle thefts
- (viii) Cheating, etc.
- (ix) Receiving stolen property
- (x) Criminal breach of trust
- (xi) Counterfeiting coins and currency notes
- (xii) Professional kidnapping

(f) Lists of identifiable property should be published under each new case in Part I, and in Part II if the list refers to an old case. Full descriptive particulars and values of properties lost and recovered should be given.

(g) When a person concerned in any case is a Notified Offender, his district number should invariably be given.

(h) When persons suspected or known to have been involved in a case are registered criminals of a station or Dossier Criminals, the fact should be clearly stated.

(i) Instructions or comments on any case should be published in italics under the case concerned when they are of more than local importance otherwise the memorandums number should alone be noted. In any case the instruction or comment should be sent immediately to the officer concerned.

(5) (a) Final report.--

Part II will contain old cases and must be in the following form;---

Previous sheet, number and page .....

Police Station .....

F.I.R. No.....of under Section

Complainant.

(i) Classified true or false

(ii) No further clue for detection of the case could be obtained. The case was therefore, classified as true but undetected.

(iii) The following further clue was obtained regarding accused and property: -

\*(But the accused could not be traced the case was classified as true but undetected).

\*Strike out if case was detected.

(a) Property:

Stolen Rs.

(b) Persons wanted or arrested and on what information (description, relation, etc.,) to be given in criminal history sheet.

(c) Details of part played by each accused in commission of the Crime or in disposing of stolen property and on what information from whom property recovered and which property.

(d) Result of action against each accused (if sent up to court, court case number also).

(e) If any of the accused was concerned in any other cases, Police Station, Case Number and Section of offence and total sentence of each accused.

(f) Only cases of general interest should be mentioned in Part II. The disposal of notable cases and those committed by Dossier Criminals or persons from other districts should be mentioned, but not of cases of local importance only. The Crime Records Bureau should send to the C.I.D. a weekly list of disposals of all cases published in Part I.

(6) Part. III will deal with persons wanted and arrested, bad characters out of view, movements and activities of inter-district criminals and notified offenders, etc.

(7) Part IV will deal with matters of a general nature and should be freely used for the purpose. Instructions to Station-House Officers in regard to crime and criminals notes on special features of individual cases or a series of cases, and any matters of general interest should be issued in this part. Particulars of unidentified dead bodies, stray cattle, lost property, missing children etc., should also be published in this section.

(8) Antique type should be used wherever necessary in the sheet in order to emphasize important points such as places likely to be visited by wanted persons, names of officers whose attention is to be directed to any particular entry, etc.

(9) In urgent cases, information should be communicated by the Bureau by direct reference. This is particularly necessary in the case for suspected movements of criminals beyond the district. The Bureau will also communicate promptly to the Station- House Officers or Circle Inspectors of the border stations of adjoining district, the

slightest indication or possibility of any crime in the district being connected with crime or criminals beyond the border.

(10) The Weekly Crime and Occurrence Sheet will be issued to all officers of and above the rank of Assistant Superintendents of Police, Deputy Superintendents of Police, Inspectors and Station-House Officers of the district, to the Crime Records Bureau of bordering districts, the Central Intelligence Bureau of the C.I.D., the Range Deputy Inspector-General of Police and to such Inspectors and Station-House Officers of bordering districts as the Superintendent shall decide in consultation with and with the approval of the Deputy Inspector-General concerned.

(11) Crime and Occurrence Sheets of this Station should be issued to such officers of bordering States as the Director-General may direct.

(G.O. 1556, Home 29 July 1930.)

(12) An index of the Weekly Crime and Occurrence Sheet will be maintained in loose leaf form in manuscript. It will be posted weekly from the current sheet, and filed with it.

(G.O. Ms. 626, Home, 27<sup>th</sup> Feb. 1945.)

(13) Copies of crime and occurrence sheets should be sent by the Superintendent of the district to Railway Police Stations and Railway Circle Inspectors within the district and those in the bordering districts as well as Superintendent of Police, Railways. The Superintendent of Police, Railways, should send copies of crime and occurrence sheets of Railway Police to the Superintendents of all the districts within the State and the Superintendents of the bordering districts of neighbouring States and the Superintendents of Railway Police of border States.

## **618. Monthly Crime Review —**

(1) In the beginning of each month a review of crime to accompany the monthly statement of crime for the previous month, sent under O.M.O., No. 269, should be prepared by the Bureau.

(2) The monthly review of crime is an important item of the work of the Crime Records Bureau and it is essential that the Superintendent should give his close personal attention to it and see that it is properly prepared.

(3) The main objects of the monthly review are to give a brief but comprehensive account of the salient features of the crime of the month and to estimate the sources of undetected crime and indicate ways and means of dealing with it. The review should furnish a concise appreciation of the month's crime for the benefit of superior officers and directions and suggestions that are likely to be of value to the Police of the district and of neighbouring districts.

(4) For the review to be effective, a careful and methodical study of the month's crime is needed. All available data should be carefully examined and analyzed and deductions drawn in the light of the information on record in the Bureau and of past experience.

(5) Fluctuations in the total, or under the different heads, of crime when marked, special outbreaks of crime, particularly noteworthy or unusual cases, marked activity of particular criminals or criminal Organizations, are as specially affected, incidence or crime on gang routes, etc., are among the items that should receive attention. Local outbreaks of crime should be thoroughly examined and dealt with and the possibility of cases occurring in different areas forming a series and being connected should be carefully scrutinized.

(6) The Superintendent with the Crime Records Bureau at his disposal and with his own knowledge and experience is in a position, to produce a review that will be of practical value but this result can only be achieved by close personal interest and application.

(7) A chart showing the crime in the district for the month should be sent with the monthly statement of crime each month to the C.I.D.

(8) The monthly crime review should be published in the Weekly Crime and Occurrence Sheet.

(9) At the end of the year a consolidated review of the year's crime should be prepared dealing with the salient features, the steps taken and the results achieved.

## **619. Duties of Circle Inspectors --**

(1) When Weekly Crime and Occurrence sheets are received by the Circle Inspector from the Crime Records Bureau, he should go through them carefully and see that any instructions contained therein are promptly carried out by the Station House Officers concerned and should draw the attention of his Station House Officers to any commission in the reporting of cases.

(2) He should, at every station inspection, verify the list of criminals for whom History Sheet dossiers are maintained in the Crime Records Bureau and send to the Superintendent for approval and orders any suggestions for additions or alteration.

(3) He should by the 5th of each month send to the Crime Records Bureau a review of the Crime of his circle for the previous month.

(4) He should, when visiting the District Police Office, ascertain if his Sub-Inspectors are giving proper assistance to the Crime Records Bureau and furnishing correct information.

**620. Practical use of the Bureau** — (1) It should be clearly understood that the activities of the Bureau and the relations of the local police with it are in no way limited by the above instructions.

(2) The Bureau is intended to be practically useful and should be a mine of useful information its full scope cannot be regulated by hard and fast rules. It can operate only with the assistance of the local Police and if the local Police do not make proper use of it, its value is lost.

(3) Apart from the formal communication and dissemination of intelligence provided for above, there should be continuous contact between the Bureau and the local Police of a more or less informal nature.

(4) If a Station-House Officer is in difficulties over crime of his stations, he should not hesitate to refer to the Bureau for assistance and if he has any information that is likely to be of more than local or passing interest he should communicate it to the Bureau where its value can be determined and suitable use made of it.

(5) The Bureau should make a special effort to furnish assistance when any call is made on it and under the guidance of the Superintendent should on its own initiative pass out promptly any information or suggestion that may be of practical assistance to a local Police unit.

(6) Whenever a Sub-Inspector or Inspector is in headquarters, he should visit the Bureau and exchange intelligence in such a manner that the visit is likely to be profitable to both.

(7) Cordial and mutual co-operation between the Bureau and local Police officer is primary importance if the Bureau is to fulfil its purpose as a central organization of material value for controlling the crime and criminals of the district.

**(8) State Crime Record Bureau –**

The State Crime Record Bureau has been established with a purpose of ensuring proper compilation and dissemination of crime figures and criminal intelligence and co-ordination with neighbouring States and National Crime Record Bureau. The State Crime Record Bureau works under the supervision of an Inspector General of Police and under the control and guidance of the Additional Director General of Police, Law and Order. The DCRB is the main source of information for SCRB. The SCRB collects information on Crimes & Criminals in the prescribed format periodically from the DCRB and then disseminates the analytical data to the various units and the NCRB. The SCRB assists the DCRB in computerising the data on Crimes & Criminals by providing the required software and the technical know-how.

**(9) National Crime Records Bureau –**

(a) The National Crime Records Bureau was established in 1986 to function as a National Repository of crime and criminal information. The NCRB aims at helping the investigating agencies by providing them with extensive and up to date crime and criminal information. This is done through computerised storage and retrieval of information with regard to the crime and criminal data such as modus operandi, personal data, finger print, photographs, criminal history and details of property which may be the subject matter of crime. The success of NCRB depends on the successful functioning of SCRBs and DCRBs which are to provide the crime data.

**(b) Objectives of the NCRB –**

(i) To function as a storehouse of information on crime and criminals including those operating at national and inter-national levels so as to assist the Investigators and others in linking crimes to their perpetrators.

(ii) To store, co-ordinate and disseminate information on inter-State and inter-National criminals from and to respective States, National Investigating agencies, Courts and Prosecutors in the country without having to refer to the Police Station records.

(iii) To collect and process crime statistics at the national level.

(iv) To supply data to penal and correctional agencies for their tasks of rehabilitation of criminals, their remand, parole, premature release, etc.

(v) To co-ordinate, guide and assist the functioning of the State Crime Records Bureaux.

(vi) To provide training facilities to the personnel of the Crime Records Bureaux, and

(vii) To evaluate, develop and modernise crime Record Bureaux.

**621. The Police Crime Museum ----**

(1) The Police Crime Museum is under the supervision and control of the Principal, Police Training College.

(2) The Museum contains several exhibits in various cases arranged into section as detailed below:—

Section I—Counterfeit coining Die struck.

Section II—Counterfeit coining. Moulds.

Section III—Counterfeit currency.

Section IV --- House breaking implements.

Section V—Theft.

Section VI—Murders— Implements and other articles concerned in murder cases.

Section VII—Cheating.

Section VIII --- Dacoity, rioting etc.

Section IX—Miscellaneous.

Section X— Forgery.

Section XI --- Foot-prints.

Section XII—Arms.

Section XIII—Explosives.

(3) The Museum is used for illustrating to the cadets of the Police Training College the methods by the criminals adopted in the Commission of crime and is in charge of the Assistant Law Instructor who imparts instruction in Scientific Aids to criminal investigation.

(4) With a view to enlarging the scope of the museum and its utility and also to make it as complete as possible Superintendents of Police should send to the Museum all articles of educative value. Articles which have no specific value, but are concerned only in some remarkably heinous or important crimes need not be sent. Sets of coining - instruments or particular tools or weapons or modes of dress which are peculiar to certain specified classes criminals and any record of notable forgeries or other swindles, are always welcome additions to the museum. A short note of explanation should accompany each exhibit sent to the museum.

(5) The articles sent to the Museum are classified as follows: -

I. Fire Arms.

II. Other weapons.

III. Gaming instruments.

IV. House-breaking implements.

V. Exhibits and photographs of foot-prints, finger-prints, clothes, threads, Fibres, seals, forged documents, coins and currency notes.

VI. Exhibits in cheating cases.

VII. Photographs of the scenes of crimes.

VIII. Photographs of particular types of criminals.

(6) The Government have directed that all types of fire-arms, particularly of unusual types and hand-made weapons used in the commission of crimes should be handed over to the Police Department by the Courts on requisition to the district Magistrates.

[*G.O. Ms. 2140, Home 23 April 1938.*]

(7) Sessions Judges are required to transfer weapons of unusual character such as usual, velsticks and knives which are marked in courts in crimes of vigilance to the medico legal museum in the Madras Medical College, in consultation with the Professor of Medical Jurisprudence. They should however consult the Principal, Police Training College, Chennai before disposing of weapons concerned in criminal cases.

(*G.O. Ms. No. 3069, Home, 30<sup>th</sup> August, 1941    G.O. Ms. No. 4925, Home, 10th November 1941.*)

Addition of Exhibit.

(8) (a) Deputy Inspectors General of Police should select from their districts, material objects and exhibits of educative value relating to at least one case each half year as indicated below and arrange to send them to the Principal, Police Training College, Chennai for exhibiting in the museum : —

Name of the Ranges	Period
Deputy Inspector General of Police, Tirunelveli, Madurai and Tiruchirapalli Ranges.	First half year, to be sent before the end of April.
Deputy Inspector General of Police, Kancheepuram, Vellore and Coimbatore Ranges.	Second half year, to be sent before the end of October.

(b) The Deputy Inspector General of Police, Crime, C.I.D., Chennai and the Commissioner of Police, Chennai, should each select exhibit from at least one case in the year before the end of July and November respectively.

(c) The Deputy Inspector General of Police, Crime, C.I.D., Chennai, will see that the order is carried out and send an annual report to reach the Director General of Police in December.

**(d) Crime, Criminal Information System (CCIS) Project –**

(1) The various Police forms for registering the crimes and for their disposals have been standardised by the Government of India. Accordingly, standardised proformae have been suggested. These forms are the First Information Report, Crime Details Form,

Arrest/Court Surrender Memo, Properties Seizure Memo, Final Report, Court Disposal Memo and the Result of appeal. These forms are known as Integrated Investigation Forms (IIF). The advantage of adopting these forms will be that the information on crime and criminals will be recorded in a structured manner throughout the country. The forms are designed in such a manner that the Investigating Officer will not miss out on any information that is required for the registration and investigation.

(2) As a part of the CCIS Project, the Government of India have supplied the necessary hardware and software to all the States. The software has been developed by the NCRB.

(3) Apart from computerising the crime/criminal statistics, the Units making use of the infrastructure available have computerised other subjects like personnel information, portrait building system, finger print classification, modus operandi and other subjects.

(4) The Police Stations should fill up the integrated forms supplied, i.e., the First Information Report, Crime Details Form, Property Seizure Memo, Arrest/Court Surrender Memo, Details of cultural properties seized/recovered/stolen/involved, details of counterfeit currency seized/recovered, details of Narcotic drugs seized/recovered, details of identifiable property, general properties including fire arms seized/recovered/stolen/involved, details of automobiles seized/recovered/stolen/involved, final report/charge-sheet form., Court disposal memo and result of appeal, at the appropriate stages of the investigation and prosecution.

(5) The Unit Officers should pay more attention towards computerisation and see that the personnel are trained properly and the training should be organised continuously in batches. All the data should be collected and stored in the computers. The DCRB/CCRB should be the centre of computerisation in the Unit and the Superintendent of Police/Commissioner of Police will be responsible for the success of computerisation as an aid to investigation.

#### **(e) Crime and Criminal Tracking Network and Systems (CCTNS)**

Genesis: Common Integrated Police Application (CIPA) Project was introduced in 2004-05 which aimed at digitization of Crime and Criminal records on a standalone basis, taking Police Station as a unit. It was felt that there is a need for inter-linking all Police Stations in the country for aiding investigation and for providing citizen services that involve verification of antecedents, which cannot be achieved unless data is shared across the board and aggregated centrally. Hence, Crime and Criminal Tracking Network and Systems (CCTNS) project was started in 2009. The scope of CCTNS project has been further enhanced to integrate the Police data with other pillars of the criminal justice system, namely- Courts, Prisons, Prosecution, Forensics and Finger Prints and accordingly a new system, “Integrated Criminal Justice System” (ICJS) has been developed. ICJS is being regularly reviewed by a Working Group chaired by Hon’ble Justice of Supreme Court Shri Madan B Lokur. The

implementation phase of the CCTNS/ICJS has been extended up to March, 2018 and operations & maintenance phase will continue till March, 2022.

#### Objectives of CCTNS:

- i) Achieve computerization of Police Processes (FIRs, Investigations, Challans)
- ii) Provide pan India search on National database of Crime & Criminal records
- iii) Generate Crime & Criminal reports at State and Center
- iv) Provide Citizen Centric Police Services via a Web portal
- v) Sharing of Crime and Criminal data among Police Stations, Courts, Prisons, Forensics and Prosecution for more effective justice deliver.

As part of CCTNS project, the DIGITAL POLICE PORTAL was launched on 21<sup>st</sup> August, 2017 to provide services to citizens and to aid efficient Police investigations. Citizens can report complaints online and submit requests for antecedent verification for self/tenants/employees. There is a facility to generate 44 reports and 11 searches on National database for state Police users and Central Investigation Agencies.

A dashboard for Inter-Operable Criminal Justice System has been developed by NIC to incorporate data from all pillars of Criminal Justice System, namely, Court, Prison, Police, Forensics, Prosecution and Fingerprints. Access to ICJS dashboard application through the central digital Police portal has been provided to central agencies such as NCRB, NIA, NCB and CBI. Also, an application for Forensics and Prosecution has been developed by NIC.

e-Prosecution application is in process of roll out in 464 districts across 13 pilot states.

#### **Features of Digital Police Portal:**

- i) Platform for Citizens to file crime related complaints online.
- ii) Citizens/Institutions/Companies can also seek antecedent verification of prospective employees (including for domestic help, drivers, teachers, security guards etc), tenants or for any other purpose. Citizens can also seek certification of their own antecedents. Government Departments can also verify the character & antecedents of employees at the time of recruitment in CCTNS database.
- iii) Search National Database of crime records for the purpose of investigation, policy making, data analytics, research and providing citizen services.
- iv) The portal consolidates data of current and past crime occurrences across the country. This data has information such as stolen/recovered property, missing persons, recovered/unidentified dead bodies and so on. This information would help expedite Police investigations to solve crime as well as to provide antecedent verification services to citizens.

v) The portal also generates various thematic reports on trends incidences of crime across the country to facilitate policy analysis and interventions. To illustrate, reports such as those pertaining to crime against women & children, social trends of crimes, patterns of crime involving groups belonging to a particular age or educational qualification and so on, crimes which are more prevalent in certain areas, can be generated from data in this portal.

### **Benefits of CCTNS project:**

#### A. For Society/Citizens/individuals

- i) Report a crime: Citizens are able to file a complaint to the Police using the Digital Police Portal (in case of this feature is available on State Citizen Portal) or State Citizen Portal.
- ii) Citizens are able to check the status and progress of the complaint; he/she filed on the State Citizen Portal.
- iii) Citizens can download the copies of complaint filed by him/her through the State Citizen Portal.
- iv) Details of wanted persons and criminals can be seen on State Citizen Portal.
- v) Details of missing/kidnapped person, unidentified persons and unidentified dead bodies can also be viewed on the State Citizen Portal or Digital Police Portal.
- vi) Details of stolen/recovered vehicles, arms and other properties can be viewed on the State Citizen Portal.
- vii) Citizen can submit online request for issue/renewal of No Objection Certificate (NOC) for e.g before conducting public events.
- viii) Request for Police verification of any individual: Citizens can avail antecedent verification of prospective employees (including for domestic help, drivers etc), tenants or for themselves also.

#### **B. For Law enforcement Agencies and the Government**

- i) Crime records, current and past have been made available in digital form. They may be available in English or a regional language.
- ii) Various Police Stations have been interlinked through network connectivity.
- iii) State Level Dashboard is available for higher officers which allows them to analyze and generate reports as required for improved tracking of crime in their area.
- iv) Pan-India search is available to Police to search for details such as accused, charge-sheeted, convicts, habitual offender, proclaimed offender etc across national database.
- v) Pan-India search is also available for searching missing persons, unidentified found person and unidentified dead body or in unnatural death cases.

- vi) Pan-India search for registered vehicles and vehicles of interest such as missing/stolen vehicles, abandoned/unclaimed vehicles, and vehicles involved in crime incidents across the national database.
- vii) Search across different property types across national database such as Automobile, Electronics, Jewellery, Documents etc.
- viii) A number of analytical reports like Cases and Criminal Reports, Property reports, Crime Statistics, Police Station level reports can be generated.
- ix) National level crime statistics (carried out on data of FIR and accused) available on various parameters like state-wise, gender-wise and crime type can be generated using this system.

## **CHAPTER XXXII**

### **ARREST AND CUSTODY**

#### **622. Discretion to arrest in a cognizable case --**

A Police Officer has discretion whether, or not, to arrest a person of his own motion, in a cognizable case and in instances where the position of the accused person and the nature of the charge against him render his arrest without warrant an unjustifiable hardship, application should be made to the Magistrate to issue a process for his appearance.

*(G.O. Ms. No. 1782, Judl, 30th August 1876 and paragraph 155 of Police Commission Report).*

(2) Police officers derive their powers of arrest without warrant from Sections 41, 42, 60, 129, 151 and 432 of the Code of Criminal Procedure and the provisions in various other Central and State enactments. Every Police officer should be thoroughly conversant with those powers. No hard and fast rule can, however, be laid down as to the exact stage at which an arrest should be effected in the course of an investigation. If the offence is bailable, the arrested person shall be released on bail immediately after arrest.

(3) There is a provision in the Code of Criminal Procedure, 1973 seeking to protect members of the armed forces. According to section 45 no member of the armed forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central Government.

(4) Section 50 Code of Criminal Procedure lays down that every Police officer or other person arresting any person without warrant shall communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest. Where the police arrests without warrant, any person other than a person accused of a non-bailable offence, he

shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

(5) Section 53 Cr.P.C. provides for examination of an arrested person by a registered medical practitioner under certain circumstances. The Police officers should take action accordingly when the circumstances warrant such an examination.

**(6) Discretion to arrest in cognizable cases:**

(a) Section 41 of the Code of Criminal Procedure confers very wide powers on the police in order that they may act swiftly for the prevention or detection of cognizable offences without the formality and delay of having to go to a Magistrate for an order of arrest. These powers are discretionary and must not be used in simple bailable offences, unless there is reasonable apprehension that the accused may abscond. When there is 'reasonable suspicion' or 'credible information' of the commission of a serious offence or such an offence is about to be committed, arrest may be made. In instances where the position of the accused person and the nature of the charge against him render his arrest without warrant an unjustifiable hardship, application should be made to the magistrate to issue a process for his appearance.

(b) Arrest should not be made on the mere statement of complainants unless the investigating Officer is satisfied of the truth and reliability of the complaint.

**(7) Direction to subordinate to arrest:**

(a) When a Police officer in charge of a Police Station, or any Police officer making an investigation, is himself not able to effect the arrest of a person, he may, under section 55 of the Code of Criminal Procedure, depute any officer subordinate to him to arrest the person. When such a subordinate is deputed, the subordinate should be given an order in writing specifying the person to be arrested and the offence or other cause for which the arrest is to be made. The subordinate officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order. This section, however, does not take away the statutory power vested in all Police officers by Section 41 of the Code of Criminal procedure.

**(8) Re-arrest of a person arrested by the Village Headman:**

(a) When a person is arrested by the Village Headman and is forwarded to an officer in charge of the Police Station such officer is not authorized to arrest the person in question if the offence alleged does not fall within Section 41 of the Code of Criminal Procedure, and subject to the provisions of Section 42 of the Code, he must release him forthwith. In all probability, however, a Village Headman will rarely make an arrest, unless the offence imputed is not only of a cognizable, but also of a serious nature, and in that case the conditions of Section 43 of the Code being fulfilled, a fresh arrest must be made by the

officer in charge of the Police Station on the analogy of the procedure prescribed in that section.

**(9) Re-arrest of a person arrested by private individuals:**

(i) Section 43 of the Code of Criminal Procedure provides that a private person also can arrest:

(a) an offender who has committed a non-bailable and cognizable offence in his view or

(b) any proclaimed offender. He should then, without unnecessary delay, make over the person so arrested to a Police officer or, in the absence of a Police officer, take such person or cause him to be taken in custody to the nearest Police Station.

(ii) When the arrested person is brought before a Police officer, the Police officer shall re-arrest him if he has reason to believe that such person comes under the provisions of Section 41 of the Code of Criminal Procedure.

(iii) If there is reason to believe that the person produced has committed a non-cognizable offence and if he refused, on demand by a Police officer, to give his name and residence or gives name and residence which the Police officer has reason to believe to be false, the person produced shall be dealt with under Section 42 of the Code of Criminal Procedure.

(iv) If there is no sufficient reason to believe that the person has committed any offence, he shall be released forthwith.

**(10) Hints for the guidance of a police officer making an arrest:**

(a) When a Police officer proceeds to arrest a person and cannot identify him personally, he should secure the services of a person who knows the person to be arrested and should also provide himself, if available, with a photograph, a descriptive roll and the marks of identification of that person, as far as possible.

(b) The Police officer should be in uniform or, if in plain clothes, disclose his identify. He should arm himself with a revolver or other means of defence.

(c) Police parties engaged in anti-dacoity operations or similar duties likely to lead to arrests should carry handcuffs and leading chains to secure prisoners.

(d) The person to be arrested should be informed of the authority for making the arrest.

(e) The arrest should be effected without unnecessary violence or publicity.

(f) (i) According to Section 46 of the Code of Criminal Procedure, the Police officer making the arrest of a person shall do so by actually touching or confining the body of the person to be arrested, unless there be a submission to the custody by word or action.

(ii) If the person to be arrested forcibly resists the endeavour to arrest him or attempts to evade the arrest, the Police officer may use all means necessary to effect the arrest, but not cause death, if he is not accused of an offence punishable with death or with imprisonment for life (*Section 46 of the Code of Criminal Procedure*).

(iii) If the Police officer has reason to believe that the person to be arrested has entered into or is within any place, any person residing in, or being in charge of, such place shall, on demand by such Police officer, allow him free ingress and afford all reasonable facilities for a search (*Section 47 of the Code of Criminal Procedure*).

(iv) If ingress to such place cannot otherwise be obtained, the Police officer may break open any outer or inner door or window of such a place and enter such place and search therein and make arrest, but before entering an apartment in the actual occupancy of a woman (not being the person to be arrested) not appearing in public, he shall give notice and afford every reasonable facility for her to withdraw (*Section 47 of the Code of Criminal Procedure*).

(v) A Police officer making arrest may break open doors or windows of any house or place to liberate himself or any other person authorized to make arrest, who is detained therein (*Section 47 of the Code of Criminal Procedure*).

(vi) The person arrested shall not be subjected to more restraint than is necessary to prevent his escape (*Section 49 of the Code of Criminal Procedure*).

(vii) The following requirements are to be followed in all cases of arrest or detention:

(a) The Police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

(b) The Police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

(c) A person who has been arrested or detained and is being held in custody in a police station or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(d) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organization in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(e) The person arrested must be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

(f) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person, who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

(g) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the Police officer effecting the arrest and its copy provided to the arrestee.

(h) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or Union Territory concerned.

(i) Copies of all the documents including the memo of arrest, referred to above, should be sent to the Magistrate for his record.

(j) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(k)\*There should be no occasion to touch a woman where arrest of a woman is unavoidable. No woman should be arrested between sunset and sunrise excepting under very extraordinary circumstances. Information in such cases should be promptly communicated to superior officer immediately. Such arrest of woman should be effected only by an officer of and above the rank of a Sub-Inspector of Police.

(\*Circular Memorandum Rc.No.215634/HR Cell/2006 Dated: 19.01.2007 & relevant provisions of Cr.P.C.)

11) (1) The Code of Criminal Procedure (Amendment) Act 2008 (Act 5/2009) has incorporated an amendment in section 41 relating to powers of arrest without warrant. Earlier the Cr.PC authorized arrest of any person concerned in a cognizable offence. The 2008 amendment has brought in substantial changes in powers of arrest without warrant.

### **Arrest in offences with imprisonment for seven years or less:**

(2) Under section 41(1)(b), Police Officers may now arrest without warrant, in cases involving punishment with imprisonment for seven years or less, only under the following circumstances:-

i) A reasonable complaint must have been made, or credible information must have been received or a reasonable suspicion must exist that the person has committed a cognizable offence.

ii) The Police Officer must have reason to believe on the basis of such complaint or information or suspicion that the person has committed the offence.

iii) The Police Officer must be satisfied that such arrest of a person is necessary for any of the following reasons:-

- a) To prevent him from committing any further offence; or
- b) For proper investigation of the offence; or
- c) To prevent him from causing the evidence to disappear or tampering with such evidence; or
- d) To prevent him from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to the court or to the Police;
- e) His presence in the court whenever required cannot be ensured unless he is arrested.

(3) This section further requires the Police Officer shall record his reasons in writing while making the arrest.

(4) Many offences fall within this category of offences punishable with imprisonment for seven years or less, for example, sections 324, 325, 332, 379, 380, 406, 411, 420, 435, 468, 489-C, 498-A, 506 (ii). These are only some illustrative examples. These and many other sections of IPC and other laws will fall within the ambit of the instructions mentioned above.

(5) Further, in all cases where the arrest of a person is not required under this sub section [41(1)(b)], the Police Officer shall record the reasons for not making the arrest.

(6) In the light of this amendment, the following instructions may be followed while making arrests in a cognizable offence, punishable with imprisonment for seven years or less:-

i) There must be a reasonable complaint, credible information or grounds for reasonable suspicion to indicate that the person has committed the offence. The complaint/information/suspicion must be credible or reasonable. This would mean application of mind to assess the credibility of the complaint or information or suspicion that the person has committed the offence. It would be advisable to record that the arrest is based on reasonable complaint or credible information or reasonable suspicion.

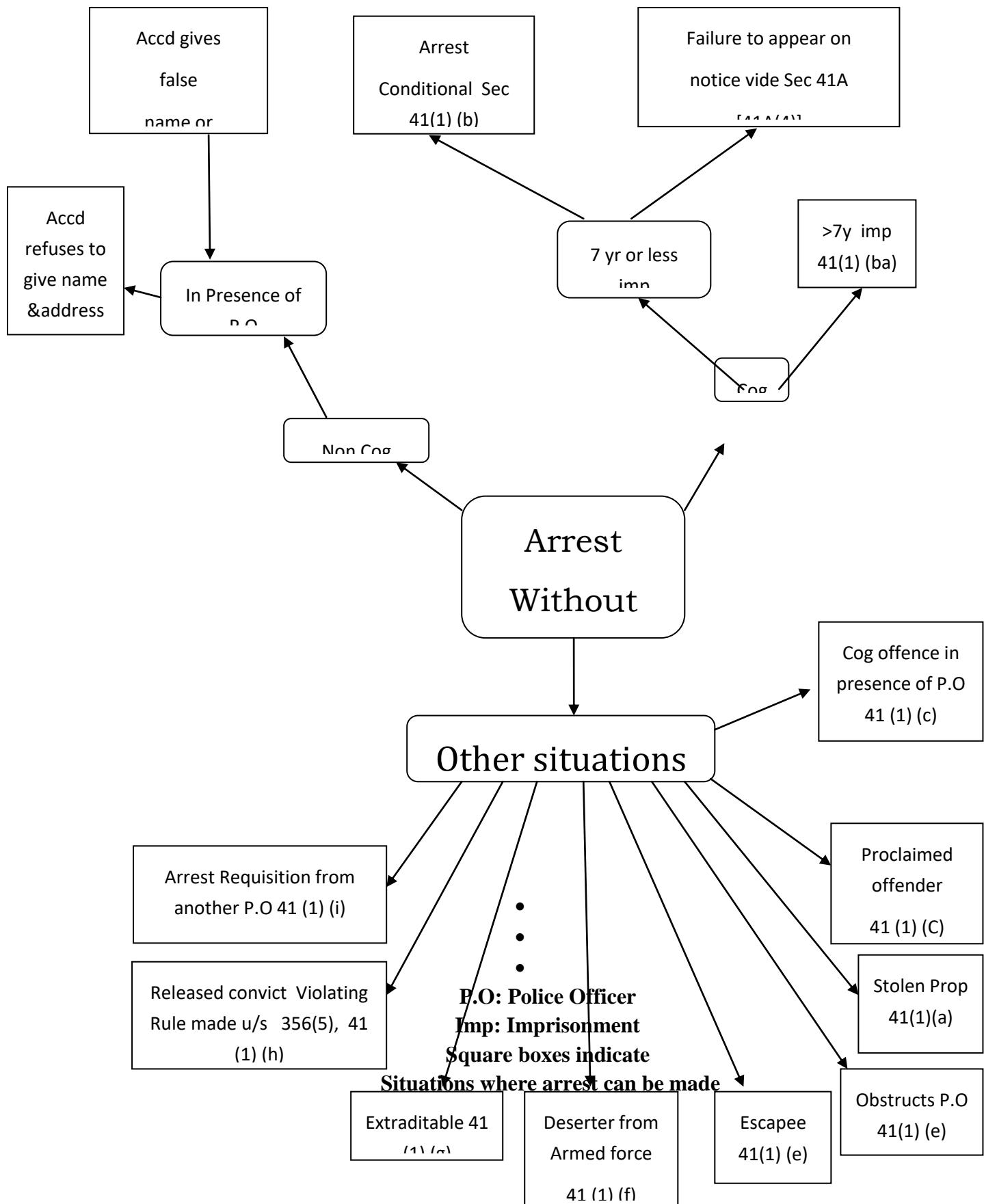
ii) Reasons for making the arrest under categories 41 (1) (b)(ii) ‘a’ to ‘e’ must exist and this reason should be recorded in the case diary.

- iii) It may be noted that while the arrest not completely prohibited in these cases, the reason for making the arrest should be duly recorded.
- iv) If a person is not arrested in a case involving punishment of imprisonment for seven years or less, the reason for not making the arrest must be recorded.
- v) It may be noted that any omission in this regard may be viewed adversely by the court.
- vi) Further, it may also be noted that u/s 41A, in a case where the arrest is not required u/s 41(1), the Police Officer may issue notice directing the accused to appear before him or at such a place as may be specified in the notice.
- vii) Other provisions relating to arrest contained in sections 41B, 41C, 41D, 46 must also be noted and kept in mind in effecting any arrest.

#### **Arrest in offences with more than seven years imprisonment-**

- (7) Even in cases where an offence is punishable with imprisonment for more than seven years or with death sentence, arrest may be made only when credible information has been received and the Police Officer has reason to believe on the basis of that information that the person has committed the offence.
- (8) A chart showing different situations in which arrest may be made is appended as Annexure-I
- (9) Annexure – II contains a summary of the instructions in Cr.P.C relating to arrest.

### Annexure I



## ANNEXURE – II

- 1) The Police Officer effecting an arrest must bear accurate, visible clear identification of name.
- 2) A memorandum of arrest must be prepared.
- 3) It must be got attested by at least one witness who is a member of family or respectable member of locality.
- 4) It must be got counter-signed by accused.
- 5) If the arrest memo is not attested by a member of family, the arrested person must be informed he has a right to have a relative/friend of his choice informed of the arrest.
- 6) During interrogation, accused must be permitted to meet an advocate of his choice, though not throughout the interrogation.
- 7) In case of woman accused, submission to custody on oral intimation of arrest is to be presumed. A woman should not be touched for making arrest unless-
  - i) Circumstances otherwise require, or
  - ii) The Police Officer is female.
- 8) No woman should be arrested after sunset or before sunrise. In exceptional circumstances, a woman Police Officer may obtain prior permission of Magistrate by submitting a written report.
- 9) Arrested person should not be subjected to any more restraint than is necessary to prevent escape.
- 10) Arrested person should be forthwith told the full particulars of the offence or grounds for arrest.
- 11) In arrest in a bailable case, the Police Officer shall inform the accused that he is entitled to be released on bail.
- 12) Information about arrest and the place where the accused is held in custody must be given to any friend or relative or such other person as nominated by him.
- 13) The accused must be informed as soon as he is brought to Police Station of his right to have a friend/relative/nominee informed.
- 14) An entry must be made in the GD about who was informed of the arrest.
- 15) The arrested person shall be examined by a Government Medical Officer or by a Registered Medical Practitioner. (In case of women, such examination must be done by a female doctor).

16) A copy of the report of such medical examination shall be given by the doctor to the arrested person or someone nominated by him.

17) When a subordinate is deputed to make the arrest, an order in writing must be given.

18) The person having custody of an arrested person should take reasonable care of the health and safety of the accused.

19) If a person is arrested in a non-cognizable case for not giving name and address or for giving false details-

i) When true name and address are ascertained, release o bond with or without sureties;

ii) If true name/address cannot be ascertained within 24 hours or if he fails to execute bond, send him to Magistrate.

*DGP's Circular No.279952/Crime II (I)/2011, dated: 04.04.2012.*

12) The guidelines of the Hon'ble Supreme Court of India in the case of D.K. Basu Vs State of West Bengal, to be followed while making arrest by Police:

(1) The Police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such Police personnel who handle interrogation of the arrestee must be recorded in a register.

(2) The Police Officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least two witnesses, who may be either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

(3) A person who has been arrested or detained and is being held in custody in a Police Station or interrogation centre or other lock- up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(4) The time and place of arrest and venue of custody of an arrestee must be notified by the Police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organization in the District and the Police Station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the person, which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the Police Officials in whose custody the arrestee is.

(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The “Inspection Memo” must be signed both by the arrestee and the Police Officer effecting the arrest and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or the Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.

(9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the illaqa Magistrate for record.

(10) The arrestee may be permitted to meet his lawyer during interrogation.

(11) A Police Control Room should be provided at all district and State Headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and a the Police Control Room it should be displayed on a conspicuous notice board.

*DGP's Circular No. 167376/Cr. 4(3)/2013, Dated: 04.12.2013.*

### **(13) Death in custody-Avoiding of -Precautionary measures**

When a person is arrested, the Police become the custodian of his well-being and will necessarily have to account for any harm that happens to him, even if it was natural illness or self-inflicted harm that happens to him. Every precaution must, therefore, be taken to see that no suspect or accused suffers any harm while in Police custody.

The following are some precautions that should be taken:-

i) In the event of a suspect being brought and handed over by the public after being manhandled, he should be straightaway sent to the hospital for medical attention and should not be kept in the Police Station.

ii) Under Section 54 Cr.P.C., if any person is arrested, he should be got examined by a medical officer soon after the arrest. The medical officer is expected to examine the arrested person and record any injuries or marks of violence upon him and the approximate time when such injuries or marks may have been inflicted. The Medical Officer is also mandated to give a copy of the report of his examination to the arrested person or the person nominated by him. The Medical Examination should be got done by a Medical Officer in the service of the Government or in case a Government Medical Officer is not available, by a registered Medical Practitioner. In case of female accused, the Medial Examination should be done by or under the supervision of a female Medical Officer.

iii) It must also be remembered that traumatized by arrest, a sensitive individual may attempt to commit suicide. It is necessary to keep an extra Policeman to keep a watch on the accused when he is kept under detention in the Police Station.

iv) Precautions must be taken to see that there is no opportunity for the accused to attempt to inflict injuries on himself.

v) Particular care must be taken when the accused is taken out to answer calls of nature.

vi) One Officer must be entrusted with the responsibility for the safety of any arrested person kept in the Police Station. He must make sure that no Policemen get opportunity to carry out any unauthorized interrogation of the accused.

vii) It is the responsibility of the Supervisory Officers to make surprise checks in the Police Stations and see that these instructions are carried out scrupulously.

viii) Station House Officers are liable to be held accountable for any death in custody in the Police Stations.

- *DGP's standing instruction No.50/2013, Dated: 20.09.2013*

**(14) Arrest/death of foreign nationals- Intimation:-**

(1) Ministry of External Affairs, Government of India has informed that reports about arrest/death of a foreign national must be sent to the consular section of MEA with a copy to the concerned Embassies/High Commissions in Delhi, preferably by email.

(2) MEA has informed that consular access to foreign diplomatic missions cannot be granted unless and until the requisite reports are received from State Police.

(3) All SPs and COPs are requested to give information about death, arrest, grievous hurt, accident, rape etc to the following:

- i) Deputy Secretary (Consular)  
Ministry of External Affairs,  
Room No.6, Patiala House Annexe,  
Tilak Marg, New Delhi 110 001  
email: uscons@mea.gov.in
  
- ii) Section Officer (Consular-I)  
Ministry of External Affairs,  
Room No.43, Patiala House Annexe,  
Tilak Marg, New Delhi 110 001  
email: uscons2@mea.gov.in
  
- iii) The Under Secretary to the Government of India,  
Ministry of Home Affairs, (Foreigners Division)  
Jaisalmar House, No. 26, Man Singh Road, New Delhi
  
- iv) The Assistant Director, Bureau of Immigration,  
Ministry of Home Affairs, Government of India,  
Level-I, East Block-8, Sector-1, R.K. Puram, New Delhi
  
- v) The Under Secretary to Government of Tamil Nadu,  
Public (Foreigners) Department, Fort St. George,  
Secretariat, Chennai-600 009
  
- vi) The Dy. Inspector General of Police, CID, Intelligence,  
Chennai- 600 004.

The information may preferably be sent by email, with a copy to the concerned High Commissioner or Embassy in New Delhi.

*-DGP's standing Order No.54/2013, Dated: 04.11.2013*

**623. Protection against arrest and detention in certain cases.**

Part III of the Constitution of India contains certain Fundamental Rights which are guaranteed to the citizens. Article 22 of the Constitution relating to the protection of a person against arrest and detention is reproduced below: ----

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall be denied the right to consult, and to be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of a arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) Nothing in clauses (1) and (2) shall apply. --

(a) to any person who for the time being is enemy, alien or

(b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorize the detention of a person for a longer period than two months, unless an Advisory Board constituted in accordance with the recommendations of the Chief Justice of the appropriate High Court, has reported, before the expiration of the said period of two months that there is in its opinion sufficient cause for such detention.

Provided that an Advisory Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges or any High Court;

Provided further that nothing in this clause shall authorize the detention of any person beyond the maximum period prescribed by any law made by parliament under clause (a) of clause (7) or such person is detained in accordance with the provisions of any law made by Parliament under sub-Clauses (a) and (b) of Clause (7).

Explanation -- In this "appropriate High Court" means --

(i) in the case of the detention of a person in pursuance of an order of detention made by the Government of India or an officer or authority subordinate to that Government, the High Court for Union Territory or Delhi;

(ii) in the case of the detention of a person in pursuance of an order of detention made by the Government of any State (other than a Union territory), the High Court for that State, and

(iii) in the case of the detention of a person in pursuance of an order of detention made by the administrator of Union Territory or an Officer or authority in accordance to such administrator, such High Court, as may be specified by or under any law made by Parliament in this behalf.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as referred to in that clause, to disclose facts which such authority considers to be against the public interest.

(7) Parliament may by law prescribe-

(a) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(b) the procedure to be followed by an Advisory Board in an inquiry under clause (4).

**(8) Detention of an accused under National Security Act (NSA), who was in custody and had not moved bail:-**

The following points shall be taken into consideration in relation to detention orders:-

i) There is no prohibition in law to pass detention order in respect of a person who is already in custody in respect of a criminal case.

ii) However, the detaining authority has to satisfy the court on the following facts:

a) The authority was fully aware of the fact that the detenu was actually in custody.

b) There was reliable material before the detaining authority to lead to belief that there was real possibility of his release on bail.

c) There was reliable material before the detaining authority to lead to the belief that on being released, he would probably indulge in activities which prejudicial to public order.

iii) The detaining authority must be aware either that accused had moved for bail or that co-accused whose case stands on the same footing has been granted bail in the same case. Merely because somebody else in similar

case had been granted bail, there could be no presumption that in the instant case, the detenu could have been released on bail had he applied for bail.

iv) If a detenu has not moved for bail and if no other co-accused in the case had not enlarged on bail, detention under preventive detention provisions is not permissible.

*-DGP's Standing Instruction No.24/2013, dated: 13.05.2013 ( Based on Supreme Court judgment [(2012)7 SCC 181] in Crl. Appeal No.840/2012, dated: 17.05.2012*

**(9) A solitary instance will not attract the provision of Section 2(f) of Act 14 of 1982 as a Goonda – Instructions.**

A single case cannot be the basis to pass detention order as the detenu will not fall within the scope of the definition of Goonda as defined in Section 2 (f) of the Act. An individual incident of an offence under the IPC however heinous, is insufficient to make out an order of detention.

i) To brand a person as “Goonda” under section 2 (f) of the Act, there must be more than one case involving offences punishable under the chapters of the IPC enumerated under section 2 (f);

ii) There must be at least one case which has got the propensity of disturbing the maintenance of public order.

All Commissioners of Police and District Superintendents of Police shall ensure that no proposal for detention of a Goonda as defined in Section 2(f) is sent or processed, unless there are at least two cases against the person, at least one of them indicating propensity for disturbance of the public order.

*-DGP's standing order No.33/2013, dated: 15.07.2013 (Based on judgment of Madurai Bench of Madras High Court in HCP (MD) No.1091 of 2010 reported in (2011) 3 MLJ (Crl) 589 r/w judgment of the Supreme Court in (2012) 2 MLJ (Crl) 356 (SC).*

(iii) The Government, in their letter No.4603/2014, Home (P&E XVI) Department, dated 26.03.2014, clarified that for detention under Tamil Nadu Act 14/1982 even a single recent incident is sufficient, in respect of categories, such as bootleggers, drug-offenders, forest-offenders, Immoral Traffic Offenders, Sand-offenders, Slum-grabbers and Video Pirates, **except Goonda.**

*-DGP's Circular Memorandum No.074852/Crime IV(3)/2014, Dated: 26.09.2014.*

#### **624. Informal arrest –**

(1) Informal arrest of an accused person and compelling him to remain in attendance are forbidden. If the presence of a suspected person is secured, he shall be formally arrested and, if not kept in custody, released on bail. This order does not preclude the quiet watching of suspected person, who is allowed his full liberty.

(G.O. No. 903, Judicial 23rd May 1889 and 332 Judicial 20th February 1906.)

(ii) The Police cannot pursue their investigation by defying the provisions of law on the pretext that no actual arrest has been made when, to all intents and purposes, a man has been in their custody or in detention.

(iii) The Police officer may, without arresting, keep a watch on a person and then arrest him if subsequent events justify such action, but no restraint can lawfully be exercised over a person so long as he is not arrested.

(2) In case of offences for drunkenness under the Prohibition Act, where the guilt of the suspected person could be established only on medical examination, it is not necessary to take the person declines or refuses to accompany the Police Officer for medical examination; in regard to arrest also, the Police Officer has to touch or confine the body of the person to be arrested, only if there is no submission to custody by word or action. Even in such cases the arrested person should be informed that he is arrested and that he would be released by the Station House Officer on production of sureties. He should be given an opportunity to take the sureties with him to get him released without delay.

(G.O. Ms. No. 4562, Home, 29th Dec. 1961.)

#### **625. Arrest in nuisance cases –**

When it is practicable to follow the procedure laid down in Section 42 of the Criminal Procedure Code, persons accused of offences under the Towns Nuisances Act, 1889 (Madras Act III of 1889), need not necessarily be arrested.

(G.O. No. 3177, Judl., 4th September 1982 and 332, Judl., 20th February 1906.)

#### **626. Arrest in nuisance cases in places where there are only Out Posts**

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(1) A person who is arrested under the Town Nuisances Act, 1889 (Madras Act III of 1889), without a warrant and has not been released on bail, can be produced before a Magistrate for being enlarged on bail. Officers in charge of Out Posts should take the accused person to the Magistrate in

Stations where there is one, for being enlarged on bail instead of to the Police Station and should submit complaints direct to the Magistrate.

(G.O. Ms. No. 768, Home, 1st March 1958.)

(2) A Head Constable in charge of an Out Post can without the intervention of the officer-in-charge of a Police Station, take cognizance of offences under the Towns Nuisances Act, nuisances Sections of the Indian Railways Act, viz., Sections 108, 118, 119, 120, 122 and 123 and also such of the offences under the various enactments contained in the Madras Road Traffic Code, 1940, as can be legally taken cognizance of by a Head Constable. A Magistrate can take cognizance of such offences on report by a Head Constable in charge of an Outpost. This report need not be a charge-sheet.

(G.O. Ms. No. 2658, Home. 9th Aug. 1953)

## 627. Railway Officials: -

(1) The exercise by the railway police of the power of arrest without warrant given to them by Section 131 of the Indian Railways Act for offences under Section 101 of the same act is discretionary. It should be exercised only in extreme cases, as for instance when: -

- (a) there has been loss of life or serious injury to a person; or
- (b) a person is caught in the commission of a grave offence; or
- (c) the accused is likely to abscond or to continue to endanger the safety of the public.

(2) When an arrest is made without warrant, immediate intimation of such arrest must be given to the local head of the railway employee's department.

(3) Under ordinary circumstances, no immediate arrest is necessary. A warrant should be applied for in the usual manner, the police maintaining a watch over the movements of the accused, where this precaution is deemed necessary.

[Sections 101 & 131 of the Indian Railways Act]

(4) It is incumbent upon the officers of a Railway Administration, to relieve from duty any railway employee whose arrest is required. If, in any case, the duty upon which the person to be arrested happens to be engaged, is such that his immediate arrest would cause risk or inconvenience, the Police should make all arrangements necessary to prevent his escape and apply to the proper quarter to have him relieved. The fact of the arrest of a railway employee when off duty, or when not engaged in a duty which renders his immediate arrest undesirable, should be reported at once to the local Head of the Department to which he belongs. These guidelines apply to the arrest of employees of all other departments of essential services too.

(5) Arrest of employees of Ordnance factories owned or sponsored by the Government should be notified immediately to the Superintendent/Officer in-charge of the factories concerned.

## **628. Arrest of Central and State Government Servant and Village Officers by Police: --**

(1) (a) When a Central Government Servant of any Department or a State Government Servant or a quasi-government servant or a Village Officer is arrested or removed by the Police, it is desirable, whenever practicable, to send prior intimation of the arrest of such an officer to his immediate superior officer or the officer-in-charge of the installation or department. This intimation must be treated as secret.

(b) (i) Information of arrest should be sent to his immediate superior officer concerned, if in any case, prior warning cannot be given and

(ii) this should be followed by a more detailed report of the offence committed together with an indication as to whether the arrested person is being released on bail or bond by the Police.

*(G.O. Nos.4480, Home, 15 Dec. 1952 and 1987, Home, 3rd July 1954).*

## **(2) Arrest of Government Servants belonging to the operational staff by Police:**

When a Government servant belonging to the operational staff of a department of the Central or State Government, e.g., railway staff like Station Masters, Assistant Station Masters, guards, drivers, and train control staff, or Electricity Department staff like substation attendants, is to be arrested, prior intimation should be given secretly to his immediate superior, as a rule. The intimation should be followed by a more detailed report of the offence committed together with an indication as to whether the arrested person is being released on bail or bound by the police. Departure from the procedure should be made only in very exceptional cases and even in such cases, intimation should be given to the superior officer immediately after the arrest of the Government servant.

**629. Arrest of employee of Foreign Consulates:** -- In the event of the arrest of an employee of a Foreign Consulate, intimation should immediately be given to the Consular officer concerned. In the event of the arrest of an Indian employee of a Foreign Diplomatic/Consular Mission, intimation should immediately be given to the Foreign Diplomatic/Consular Mission through the Government.

## **630. Arrest of Military personnel: -**

(a) The fact of the arrest of Military Personnel by the Police should be communicated to the Commanding Officer of the Unit to which they belong and

also to the concerned Magistrate Court. Such communication should be sent within 24 hours from the time of arrest.

(b) The Deputy Superintendent of Police in the District Police and the officers of equivalent rank in Chennai City Police, Special Branch C.I.D., Crime Branch, C.I.D., etc., are authorized to send such intimation, direct as stated above.

[G.O. No. 1611, Home, (Pol. XIV), 23 June 1982].

(c) In the event of the arrest by the police of a person subject to military, naval or air force law, charged with the commission of an offence, as early an intimation as possible of the fact, must be given to his Commanding Officer so as to enable him to adopt in time, any measure he may think necessary for the arrested person's defence. The provisions of section 45 Cr.PC should be borne in mind.

(d) Subject to Sub-Order (a) above, the person so arrested shall be dealt with in all respects like any other person in the matter of the investigation of the offence in respect of which he is arrested. The question as to whether he is to be tried by a court martial or a court functioning under the Code of Criminal Procedure is one for decision between the Commanding Officer and the Magistrate before whom he is brought by the police, in accordance with the rules made by the Government of India under section 475 of the Code of Criminal Procedure.

(e) When any investigation, search or arrest is contemplated within the military lines, the Police officers concerned should inform the concerned officers and, so far as circumstances permit, previous notice should be given by them confidentially to the Officer Commanding, Adjutant or Orderly Officer concerned.

(f) Deserters/Absentees apprehended by or surrendered to the civil police are to be handed over to the nearest military formation:

(g) The deserter/absentee shall under no circumstances be detained in civil jails. They may, however, be kept in the station house lock up for as little time as possible.

(h) The escort shall be given an apprehension certificate in Form I.A.F.D. 910, which has been printed by the Defence Department, copies of which may be obtained from the nearest military formation/unit. The certificate shall be handed over to the Centre/Unit along with the deserter/absentee.

(i) The original desertion/absence report shall also be given to the escort, which shall also be handed over to the Centre/Unit along with the deserter/absentee. A copy of the report shall be retained by the Station House Officer.

(j) The apprehension certificate must be signed by the Station House Officer himself and by no other persons.

(k) On return of the escort to the Police Station after handing over the deserter/absentee to the Centre/Unit, the Station House Officer shall make out a bill (in duplicate) covering the escort charges and send it to the Superintendent along with certified copies of the desertion/absence report and the apprehension certificate.

(l) The Superintendent after verifying the bill, shall send a copy of the bill and its enclosure to the Comptroller of Defence Accounts concerned through the Accountant General, for claiming.

(m) When apprehending deserters/absentees, care should be taken not to arrest persons who are in possession of railway warrants and leave passes and apparently on their way to rejoin their units, unless such leave passes show that they have over stayed their leave by at least ten days. The local police should not in any instance take away soldiers' leave passes or railway warrants.

(n) The following entries should be made in the station house diary of the station:

(i) the receipt of a desertion/absence report, either direct or through the Superintendent;

(ii) periodical entries regarding efforts made by the Station House Officer to trace the deserter/absentee.

(iii) the final tracing of the deserter/absentee, giving a reference to the entry regarding the receipt of desertion/absence report, arrangements made for the despatch of the deserter/absentee to military unit/centre, name and number of the escort constable, and

(iv) on return of the escort constable, his statement as to whom he handed over the deserter/absentee and when.

(o) The following are the general instructions regarding the steps to be taken by the Station House Officers to trace a deserter/absentee:-

(i) the home of the deserter/absentee should be checked up to see if he has come there.

(ii) the relatives of the deserter/absentee should be questioned, if they had received any communication from him, whether he has any other relatives and/or friends who he is likely to visit, etc.

(iii) such other places he is likely to visit as given by his relatives should also be checked up,

(iv) the neighbours to the house of the deserter/absentee and village officers of the village should also be questioned to find out whether he had come there and whether his relatives are shielding him from being apprehended by the police, and

(v) the concerned beat constables should be given information about the description of the deserter/absentee and other particulars and they be asked, to keep a look out for the

deserter. The above instructions are not comprehensive. Other steps necessary should also be taken and it must be ensured that the deserter/absentee is traced with the least possible delay.

(p) The above instructions apply mutatis mutandis to the City Police also.

*[As per section 45 of Cr.P.C.]*

### **631. Arrest of Indian Army Reservists: -**

(1) When a reservist of the Indian Army is arrested and remanded on a criminal charge, the facts of arrest and remand will at once be reported to the Director-General with information as to the Military Unit to which the man arrested belongs. When the case is over, its result and in the event of conviction, the period spent in jail by the accused while under trial, prior to conviction and the sentence awarded, will be reported. The information so reported will be communicated by the Director General to the appropriate Military authority.

(2) Arrest, detention, release etc., of Members of Parliament/ Members of Rajya Sabha, Members of Legislative Assembly/Members of Legislative Council - Intimation to Speaker/Chairman/Lok Sabha/ Rajya Sabha Assembly Council.

(a) Information about the arrest, detention, release etc., of the Members of the Lok Sabha, Rajya Sabha should be sent immediately by telegram/wireless message to the Speaker /Chairman as the case may be, by the Superintendent of Police or the Commissioner of Police, Chennai. Similar information should be sent to the Ministry of Home Affairs, New Delhi. Confirmatory report of the telegram/wireless message should be sent immediately by registered post to all the above officers, the Range Deputy, Inspector-General of Police concerned and the Director-General of Police. The form in which such confirmatory communication to be sent is appended below.

(b) A similar procedure should be adopted to furnish information to the Speaker/Chairman of the State Legislature as the case may be, when a M.L.A., is arrested, detained, released, etc.

(c) The Chief Secretary to the Government of Tamil Nadu, Public Department, the Secretary to the Government of Tamil Nadu, Home Department, Chennai, the concerned Deputy Inspector-General and the Director-General of Police should also be informed, in the case of arrest, detention or, release of members of the State Legislature.

(d) No arrest shall be made of any member or any legal process, civil or criminal, be served within the precincts of the House without obtaining the permission of the Speaker/Chairman.

NOTE: - 1. The arrest report required by law to be sent to the jurisdictional Magistrate should not be delayed under any circumstances and should be accompanied by a copy of the report sent to the Superintendent as required in the above order.

2. When a member referred to in this order is arrested and after conviction released on bail, pending an appeal or otherwise released, such fact shall also be intimated to the presiding officer concerned specified in the above order by the Police officer concerned and copies sent simultaneously to all the officers referred to in the order.

### **FORM.**

Place:

Date:

To

The Speaker/Chairman,  
Lok Sabha/Rajya Sabha/Legislative Assembly

Dear Thiru Speaker/Chairman,

I am to inform you that I have found it my duty, in the exercise of my powers under Section \_\_\_\_\_ of the \_\_\_\_\_ (Act) to direct that Thiru \_\_\_\_\_ Member of the Rajya Sabha/Lok Sabha/Legislative Assembly, be arrested/detained/released for (reasons for the arrest or detention, as the case may be).

Thiru \_\_\_\_\_ Member of the Lok Sabha/Rajya Sabha/Legislative Assembly was accordingly arrested /taken into custody/released at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) and is at present lodged in the \_\_\_\_\_ jail (Place).

### **632. Cases of escape from Borstal or Certified Schools--Apprehension and Prosecution —**

When any inmate of a Borstal or Certified School who had escaped therefrom is arrested, the Station House Officer of the Police Station within the limits of which the inmate is arrested, shall be held responsible for returning the inmate forthwith to the institution from which he or she escaped. A prosecution shall not be launched against an inmate for escaping from a Borstal or Certified School, except with the concurrence of the Additional District Magistrate. In the case of persons who have escaped from Certified Schools,

sanction to prosecute will only be accorded in aggravating circumstances of a serious nature. While the necessity for giving full consideration to the question if prosecuting an inmate who has escaped from a Borstal School is the same as in the case of pupils escaping from Certified Schools, the age, character and conduct of the inmate should always be taken into account and will be the deciding factors. Necessary particulars must therefore be furnished when an application is made for the prosecution of an inmate. (G.O. Ms. 3253, Home, 14th June 1939)

### **633. Deserters from foreign men-of-war –**

Deserters from foreign men-of-war cannot be apprehended and delivered up to the foreign Government concerned, and no assistance should be given by the Police for their recovery. In respect, however, of foreign sailors of ships of war merely outstaying their leave, the case is different, and there is no objection to the Police making inquiries with a view to the discovery of missing men and to reporting the result to the captains of the vessels concerned; but assistance of an active kind cannot be afforded and no force whatever should be used to make the men return to their ships.

(G.O. Ms-601, Judl. 28th April 1900 and 638, Judl. 3rd May 1900.)

### **634. Place of confinement –**

When a person is arrested, he shall be taken at once to the nearest Police Station. If it is necessary to detain him in a village, he should, if possible, be secured in the village chavadi or choultry and not kept in a private house, temple, mosque or church.

### **635. ILL-treatment by the Police --**

Directly an accused person is placed under arrest, the investigating Police Officer shall, as the first step in the Police investigation, ask him whether he has any complaint to make of ill-treatment by the Police and shall enter in the case diary the question and answer. If an allegation of ill-treatment is made, the investigating officer shall there and then examine the prisoner's body, if the prisoner consents, to see if there are any marks of ill-treatment and shall record the result of his examination. If the prisoner refuses to allow his body to be examined, the refusal and the reasons therefor shall be recorded. If the investigating officer finds that there is reason to believe the allegation of ill-treatment, he shall at once so far suspend the investigation on which the prisoner has been arrested and to forward the prisoner with his complaint, the record of corporal examination, any other evidence available, and, if possible, the Police Officers implicated by the prison's complaint to the nearest Magistrate having jurisdiction to enquire into the case.

(*Govt. Memo. 9277/A3/ Judl. 31st Aug. 1911*).

### **636. Search of prisoner – (see PSO 713 also)**

(1) Prisoners, who are not released on bail, shall be searched immediately after the arrest to ensure that they do not carry with them any weapon or drug. If any weapon or drug is seized, it should be sent to court. In the case of a woman, the search should be conducted by another woman with due regard to decency under Section 51 of the Code of Criminal Procedure. Every prisoner shall be searched, as soon as he/she is brought to the station and before he is admitted to the lock-up, as also on every occasion when he is readmitted to the lock-up after being taken out. All property found on their persons, except necessary wearing apparel, shall be sent to the Magistrate with Form No. 86. Prisoners should not be allowed to have lengthy Dhoties, Sarees, etc., which may be used for hanging.

(*G.O. 126, Pub. Pol. 6th March 1935 and Ms. No. 4916 Home, 19th Nov. 1950*.)

(2) The removal of a sacred thread, Tali, wedding ring or the Lingam worn by Lingayats from the person of a prisoner is prohibited.

(3) A list of the property, omitting the wearing apparel retained by the prisoner, shall be entered in the Search Register (Form No. 85) which shall be signed by the senior Police Officer, the Station Writer and the prisoner.

(4) The search should be made at every Police Station enroute, where the prisoners are temporarily locked up, and entries made in the Prisoner's Search Register in addition to the General Diary and Sentry Relief Book of such Stations.

(*G.O. Ms. 23, Home, 13 Aug-1956*)

### **637. Prisoners in Police Custody —**

(1) (a) A Prisoner in Police custody shall not be permitted to leave the lockup after night fall, except in special and emergent circumstances and that with adequate escort, which shall be recorded in the General Diary and the Sentry Relief Book. A prisoner in Police custody prior to remand is entitled to see a Pleader and his relations.

(b) Whenever any punitive action is taken or contemplated against any foreign national, he should be provided with facilities, if he so desires, to communicate over the telephone or by telegram or letter, with his Counsel or High Commissioner or Consular-General or his representative, as the case may be.

(*G.O. Ms. 4148, Home, 18 Oct. 1949*)

(2) (a) He should not at any time be allowed to talk to members of the public.

(b) (i) No person in Police custody shall be allowed to be garlanded or make speeches. He shall not also be allowed to receive food direct from other people.

(G.O. Ms. 1512, Home 13 May 1964)

(ii) If a prisoner at the time of arrest is already garlanded, a complete search shall be made immediately after arrest and the garlands as well as the other articles except wearing apparel shall be removed and taken possession of after preparing a Seizure Mahazar.

(3) (a) Dhurries and blankets are supplied for the use of prisoners in Police lock-ups according to the scale noted below:—

(i) All Police Lockups .. Two dhurries each.

(ii) Police Lock-ups in Stations where the Police Staff are supplied with blankets. .. Two blankets each.

These articles will be treated as Station property and the officer in charge of the Station or Out-Post will be responsible for their issue to such of the prisoners who do not provide themselves with their own bedding.

(b) The Police Lock-up if it contains a prisoner or prisoners shall be unlocked at day-break. The bedding of the prisoners shall be at once brought outside, well shaken and, if it is clean, left for some hours in the sun.

(G.O. 3017, Home 2nd Aug- 1937)

(c) The night vessels shall be removed and the lock-up thoroughly cleaned. As far as possible a flush out seat should be provided in each lockup cell in Police Stations.

(d) The prisoners shall be taken to the latrine and shall be allowed to wash. They shall be fed daily at 10 a.m. or earlier if necessary, in time to be taken to Court after meals, and again at 5 p.m. If prisoners are not brought to the Station till after the hours prescribed for meals they should be fed as soon as possible after they are confined.

(e) Officers in charge of Police Stations and Officers in-charge of Guards will be held personally responsible for seeing that these orders are carried out.

(4) (a) **Custody of woman in Police lock-ups during night should be avoided.** This should be ensured by avoiding arrest of women at times when their custody during night may be necessary and by sending them off for remand as soon

as possible after arrest. Where the custody of women in a Police Lock-up during night becomes inevitable, either two to three women Police Constables should be detailed to guard the prisoner or a reliable elderly Female Warder should be engaged for the full duration of the Women's custody in the Police lock-up.

(G.O. Ms. 1227, Home 6th April 1963)

(b) Every Police Station should have a list of Female Warder who can be called for duty whenever necessary and they may be paid for their services from contingencies.

### **638. Treatment of Prisoners --**

(1) Prisoners are not to be subjected to needless indignity or harsh treatment. At District head-quarters, prisoners should be conveyed from Prison to Court and back in a Police Van, where one has been provided.

(2) Prisoners whose confessions are to be recorded should be taken to the Court from the Prison in a Police Van, when available, escorted by warders as a special case.

(3) In places where there are no Police Vans but where motor bus is available, under-trial prisoners should be conveyed by motor bus, irrespective, of the distance to be travelled, provided that number of prisoners to be taken at a time is small and can be controlled easily, and provided also that their presence in the bus does not cause inconvenience or annoyance to members of the public using it.

(G.O. Ms. 464, Public (Pol) 19th August 1930 and 1917 Law (General) 11<sup>th</sup> May 1932 and 5394 Home 13th Oct. 1939).

(4) In places where none of the above modes of conveyance is available, under-trial prisoners, who are persons of good social position and are accustomed to use a conveyance; may be allowed a conveyance, provided their safe custody is not endangered.

(5) The same rule should be followed in the case of prisoners who are certified by the Medical Officer to be physically unfit to walk.

(6) In other cases prisoners should go on foot except in the cases noted below. No prisoner should however, be compelled to march on foot more than twenty-four kilometers in 24 hours.

Exceptions.--

(1) When convicted prisoners are escorted along with under-trial prisoners the former may be conveyed by the motor bus in which the latter are

conveyed, irrespective of the distance to be travelled, in order to avoid the inconvenience and expense of providing a separate escort for them.

(G.O. Ms. No. 2768, Home, dated 27th June 1940.)

(2) Whenever women prisoners have to be escorted by road, they should be provided with a conveyance, where the distance to be travelled by them exceeds two kilometers. Conveyance may also be provided for shorter distances in cases in which, for reasons of health or custom, or other valid reason, failure to make such provision would cause undue hardship to them.

### **639. Classification of under-trial prisoners in prisons into habituals' or 'casuals' --**

(1) There will be two classes of under trial prisoners, classified according to their previous standards of living. During the period prior to the production of a prisoner before a competent court, the classifying authority will be the officer in charge of a Police station.

(2) Under rules 216 and 217 of the Tamil Nadu Jail Manual, it is primarily the duty of the convicting court to classify a convict as a 'habitual' or 'casual'. Government have directed that the classification adopted by the Court shall be noted by it on the warrant of commitment of each prisoner.

(G. O. No. 1099, Judl. 10th August 1908).

(3) Station House Officers and Inspectors should invariably offer all assistance to a Court, if required, to enable it to come to a correct decision regarding a convict's classifications, and they will note in the diary reporting the conviction of every case, what classification the Court adopted. Should they be of opinion that the classification is wrong, they should state the fact and give their reasons to enable the Superintendent to make such representation to the Court as he considers necessary.

### **640. Police to give information whether an under-trial prisoner is a first offender -**

Under-trail prisoners who have been in prison before should be segregated from those committed to prison for the first time. To enable the Prison Superintendents concerned to arrange this segregation, the Station House Officer sending a prisoner for remand shall enter in the passport of the escorting Constables, whether the prisoner has been convicted before or, if such information is not available, he shall state so.

#### **641. Use of handcuffs — (Refer PSO 348 (10) (B) (iii) also)**

(1) When an accused is in Court during the trial, he must be held to be in the custody of the Court. If an accused is so dangerous that it is necessary to handcuff him, a representation should be made to the Court, and the Court will issue proper instructions in the matter. Under these circumstances accused persons while in Court during trial should not be handcuffed except with the permission of the Court.

*(G. O. Ms. No. 1832, Home, 10<sup>th</sup> May 1951).*

(2) Under-trial prisoners, while being escorted to and from Court, shall not be handcuffed and chained unless there are reasonable expectations, either from the heinous nature of the crimes with which they are charged or from their character or behaviour that such persons will use violence or will attempt to escape, or that an attempt will be made to rescue them. The same principles shall be applied to convicts proceeding in public places in Police custody. The decision as to whether handcuff and chains should be used or not will ordinarily lie with the Station-House Officer or in his absence, with the officer next below him in seniority. As far as possible, the Police escort shall in each case be sufficiently strong to prevent such persons from escaping or giving trouble.

*(G.O. No. 330, Public (Pol.) dated 12th June 1930)*

(3) Whenever accused, but unconvicted, persons are handcuffed, the fact and the reasons for it shall be stated in the Station House General Diary and the Sentry Relief Book.

*(G.O. No. 615, Judl. dated 28th April 1908.)*

(4) Whenever it is considered necessary to handcuff accused, but unconvicted, prisoners confined in a sub-jail when taken out in the precincts of the sub-jail for food and exercise, the orders of the Superintendent of the Sub-Jail should be obtained in a register in Form No. 87 to be kept by the officer in charge of every sub jail guard, in which applications for handcuffing of prisoners should be made by the guard. Successive application and orders of the Sub-Jail Superintendent should be in the form of running notes. The book should be retained with the Sub-Jail guard and produced at the time of every inspection.

*(G. O. Nos. 1633, Judl. 26th June 1916 and 522, Judl. 31st Aug. 1929)*

(5) In regard to refractory, violent or dangerous prisoners, the officer in charge of the sub-jail guard or the senior Police Officer present, may impose handcuffs in cases where the orders of the Superintendent of the sub-jail cannot be obtained in time to avoid risk, provided that the fact shall be reported to the Superintendent at once and an entry made in the Sentry Relief Book.

(6) Whenever under-trial prisoners, etc., led by escort Police Constables are taken to latrines, the Police Constables should secure the prisoners with leading chains and keep guard outside, holding the handle of the leading chain, thus preventing the possibility of escape by the Prisoners.

(*G.O. No. 1513, Home, dated 13th May 1964.*)

(7) Handcuffs should not be used on political prisoners except in the case of members of extremist organizations, who may be difficult to control.

#### **642. Sick Prisoners --**

(1) When a prisoner arrives at a Police Station seriously ill, medical aid should be called in, if available. When not available, the prisoner should be sent by the quickest conveyance available, if his condition admits of it, to the nearest Station on the line of march where medical assistance can be procured.

(2) Whenever a prisoner arriving at a Police Station is found to be ill or having any injuries on his person, the same should be fully and carefully recorded in the Station General Diary, preferably in the presence of two respectable witnesses who should be requested to attest the relevant entry in the General Diary.

(3) Prisoners attacked by cholera in a Police Station should be removed from the lock-up and placed in an airy part of the Station and all possible treatment applied.

#### **643. Scale of accommodation for prisoners —**

(1) The maximum number of prisoners that can be confined in a lock-up should, in each case, be fixed by the Superintendent in consultation with the Executive Engineer, having regard to the accommodation available therein.

(*G.O. Nos. 1672, Judl. 11th July 1916 and 325, Home, (Judl.) 9th Feb. 1948.*)

(2) A notice in English and in the regional language should be hung up outside the lock-up showing the maximum number of male or female prisoners who may be confined in it.

(3) The number so fixed shall never be exceeded; any excess over the authorized number shall be accommodated in any convenient building under an adequate guard.

Note:—For purposes of the above order, 14 cubic metre of breathing space and 4 sq. metre of ground space should be taken as the minimum requirement for each prisoner to be accommodated in a Police lock-up except on the Nilgiris where the minimum scale shall be 10.5 cubic metre of breathing space and 2.5 sq. metre of ground space.

(P.W.D. Circular, Memo, 3266/C/dated 19th, May 1917.)

#### **644. Confinement in Look-ups of prisoners and offenders brought by other Departments --**

(1) (a) When a prisoner escorted by officers of the Customs or Central Excise and Salt Departments is brought for confinement in a Police Lock-up, the responsible Police officer, shall, in the event of there being no prisoner in the lock-up, hand the key over to the Customs or Central Excise and Salt Officers in charge of the escort and the officers of these departments will be responsible for the prisoner's safe custody.

(b) When the offender arrested either by

(i) A Food Inspector for an offence of Food Adulteration.

(G. O. Ms. No. 566, Home, 7th February 1962).

(ii) an Officer of the Forest Department for a Forest offence, is brought for confinement in a Police lock-up for not more than 24 hours, pending production before a Magistrate, the responsible Police Officer, shall, in the event of there being no prisoner in the lock-up, hand the key over to the officer who arrested the offender and that officer will be responsible for the offender's safe custody.

(2) When other prisoners are already in the lock-up, the prisoner or offender as the case may be, brought by other Departments referred to in sub-clause (1) shall be confined with them, and the Police in-charge of the lock-up will be responsible for his safe custody.

(3) In all circumstances the duty of supplying the prisoner or offender, brought by other Departments, with food and guarding him when outside the lock-up shall lie with those Departments.

(4) Police Officers in the districts of Thanjavur, Tirunelveli, Ramanathapuram and Kanyakumari specified in column 1 of the table below, within the limits of their respective jurisdiction, excluding the customs areas therein, are entrusted with functions of an officer of customs under the sections of the Customs Act, 1962 (Central Act 52 of 1962) specified in the corresponding entry in column 2 of the said table.

**TABLE**

Column 1	Column 2
All Police Officers	Sections 103, 102, 106 and 180
Police Officers of and above the rank of Sub-Inspectors	Section 101
Police Officers of and above the rank of Inspector	Section 104

#### **645. Remand of accused to Police Custody —**

(1) When an investigation cannot be completed within 24 hours fixed by Section 57 of the Code of Criminal Procedure, after the arrest of an accused person and the Station House Officer or the investigating Officer not below the rank of Sub Inspector finds that in the interest of investigation, further detention of the arrested person in custody is essential, he must forward the person in custody to the nearest judicial magistrate whether or not he has jurisdiction to try the case, with a report giving reasons for further remand. The report should be supported by copies of case diaries. The Magistrate to whom an accused person is forwarded under section 167 of the Code of Criminal Procedure may, whether he has or has no jurisdiction to try the case, authorize the detention of the accused in such custody as he thinks fit for a term not exceeding fifteen days and if he has no jurisdiction to try the case or commit it for trial and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

(2) The Magistrate may authorize detention of the accused person, otherwise than in custody of the police, beyond the period of fifteen days if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorize the detention of the accused person in custody under this section for a total period exceeding 90 days where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than 10 years, and 60 days where the investigation relates to any other offence and on the expiry of the said period, the accused person shall be released on bail if he is prepared to and does furnish bail. Whenever an application for the remand of an accused person is made, the investigating officer should invariably produce the accused before the Magistrate.

(3) If during the period of remand to police custody, the police complete the investigation and find that there is no ground for sending up the accused to a Magistrate for inquiry or trial, it is not open to the police to release him on bail under section 169 of the Code of Criminal Procedure. The proper course for them is to send the accused back to the Magistrate concerned or request him to release the accused on bail under Section 437 of the Code of Criminal Procedure.

(4) If the investigation is too long or complicated to be finished within the period prescribed, a provisional charge sheet based on such evidence as has been collected should be sent to the Magistrate having jurisdiction to inquire into or try the case and continue his investigation to collect further evidence in support of the charge. All fresh evidences collected be produced before the conclusion of trial of that case.

(5) Investigating Officers should not apply for remands to police custody unless there is good ground for doing so. A general statement that the accused may give further information or that a statement already made by him required verification shall not be considered a good ground for remand to police custody. The presence of the accused with

the police may become necessary when he offers to point out stolen property, or property taken in the offence or weapons or other articles with which the offence was committed or when it is necessary to ascertain whether persons along the route supposed to have been taken by the accused or injured person, will recognize the accused. Whenever such or other good and sufficient reasons exist for applying for remand to police custody, such reasons should be clearly stated in the case diary presented to the Magistrate and the remand applied for should be for the shortest possible period.

(6) When the conditions justifying a remand to police custody exist, the Station House Officer shall forward the accused to the nearest Judicial Magistrate (whether or not he has jurisdiction to try the case) together with a copy of his case diary and report the matter to the Assistant Superintendent/Deputy Superintendent or the Superintendent, as the case may be.

(7) The Investigating officer should be extremely careful while requesting for remand to police custody. An application for such remand should be for the shortest possible period. The grounds upon which the remand is needed should be distinctly stated in the application to the Magistrate.

(8) Government have issued the following rules for the guidance of Magistrates in regard to the remand of accused to Police custody.

*(G.O. No. 842, Home, (Judl.) dated 24th April 1917.)*

(a) Magistrates shall not grant remands to Police custody unless they are satisfied that there is good ground for doing so and shall not accept a general statement made by the investigating or other Police officer to the effect that the accused may be able to give further information. A request for remand to Police custody, shall be accompanied by an affidavit, setting out briefly the prior history of the investigation and the likelihood of further clues which the Police except to derive by having the accused in custody, sworn to by the investigating or other Police officer, not below the rank of a Sub-Inspector of Police. Magistrates may decide the issue after perusal of the affidavit. The Magistrates shall personally see and satisfy themselves about the accused being sound in mind and body before entrusting him to Police custody and also at the end of the period of custody by questioning him whether he had in anyway been interfered with during the period of custody. Where the object of a remand is verification of statement of an accused, he shall, whenever possible be remanded to the charge of a Magistrate, and the period of remand shall be as short as possible.

(b) When application for remand is made to a Magistrate of a class lower than the second class, the Magistrate shall direct the Police to go to a Magistrate of a higher class.

(c) An accused who has been produced before a Magistrate for the purpose of making a confession and who has declined to make it or has made a statement which, from the point of view of the prosecution' is unsatisfactory, shall not be remanded to Police custody. If he is remanded to other custody, the investigating Police Officers shall not except in the presence of the Magistrate, be allowed either to see him again or to any further communication with him.

(d) It is the duty of Magistrates, who remand accused persons to custody other than that of the Police and of Magistrates in executive charge of sub jails to which accused persons are remanded, to guard with the greatest care against the possibility of the Police interfering with them or subjecting them to any undue influence.

(9)A prisoner should not be removed from one place of confinement to another for the purpose of procuring his identification. The attendance of any person believed to be cognizant of the prisoner's identity should be secured.

**646. Photographing of under-trial prisoners:** — (1) The photographing of under-trail prisoners is generally forbidden. However, photographing of under-trail prisoners is permitted under certain condition as laid down in sections 4 and 5 of the Identification of Prisoners Act, 1920.

(2) Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards, shall, if so required by a Police Officer, allow his measurements to be taken in the prescribed manner.

(*Section 4, I.P. Act, 1920.*)

(3) If a Magistrate is satisfied that, for the purpose of any investigation or proceeding under the Code of Criminal Procedure, 1974, it is expedient to direct any person to allow his measurements or photograph to be taken, he may make an order to that effect and in that case the person shall be produced or shall attend at the time and place specified in the order and shall allow his measurements or photograph to be taken as the case may be, by a Police Officer.

(*Section 5, I.P. Act, 1920*)

(4) Finger and foot-impressions shall be the only measurements that may be taken. Measurements and photograph shall be taken only at the following places

- (a) Prisons
- (b) Magistrate's Court;
- (c) Police-Stations and Out-posts
- (d) Police lock-ups

(Rule 1 and 2 under I.P. Act, 1920.)

(5) If any person who is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof.

(Section 6 (2), I.P. Act, 1920.)

(6) Resistance to or refusal to allow the taking of measurements or photographs shall be deemed to be an offence under section 186 I. P. C.

## **647. Intimation to District Probation Officers of re-arrest of Probationers**

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Whenever a probationer is re-arrested or charged sheeted for a fresh offence or when an ex-probationer is convicted for a subsequent offence, the District Probation Officer of the jurisdiction should be immediately informed.

(G.O. Ms. No, 3920, Home, 19th November 1956.)

## **CHAPTER XXXIII**

### **EXTRADITION.**

## **648. Extradition - General**

(1) The Extradition Act, 1962 (Act 34 of 1962) has come into force with effect from 5<sup>th</sup> January 1963.

### **Definitions**

(2) The definitions of (1) "Extradition Offence", (2) "Commonwealth Country", (3) "Extradition Treaty", (4) Foreign State" and (5) "Fugitive Criminal" are given in Clauses (c), (a), (d), (e), and (f) of Section 2 of the Act respectively. The names of commonwealth countries are enumerated in the first schedule to the Act.

### **Offences under the Extradition Act**

(3) The extradition offences, in relation to foreign states other than treaty states or in relation to commonwealth countries, are described in the second schedule to the Act.

(4) According to item 18 of the second schedule to the Act, the Government of India, in their Notification No. GSR. 1817 dated 26<sup>th</sup> November 1963, have in relation to all foreign states other than treaty states and all commonwealth countries, specified -

(a) abetment of an extradition offence which, if committed in India, would be punishable under Section 109 I.P.C; and

(b) criminal conspiracy to commit any extradition offence, which, if committed in India, would be punishable under Section 120-(B) I.P.C., as extradition offences within the meaning of the Extradition Act.

(5) In the Act, provision has been made for -

(a) the extradition of fugitive criminals to foreign States and commonwealth countries to which the provisions of Chapter III of the Act do not apply;

(b) the return of fugitive criminals to commonwealth countries with extradition arrangements; and

(c) the surrender or return of accused or convicted persons from foreign states or commonwealth countries.

*[The Extradition Act, 1962]*

(6) Assistance of the Central Bureau of Investigation to be enlisted.--

When a person accused of a grave offence in the territory of India is residing or takes refuge in foreign possessions adjoining India, Radio Message will be flashed to Central Bureau of Investigation, Interpol Division giving a gist of the case and the description of the wanted offender and requesting assistance for securing him, as also for watching him till the necessary formalities are completed.

#### **649. Extradition between India and Pakistan —**

No satisfactory arrangements regarding extradition of fugitive offenders from Pakistan to India and VICE VERSA has been entered into with Pakistan for the present. In the absence of any valid agreement on the subject between India and Pakistan, no effect should be given to any request received from Pakistan for extradition of an offender from India. As regards offenders in India, every care should be taken to see that they do not escape to Pakistan as otherwise, it will not be possible to have them extradited from Pakistan to India.

*(G. O. Ms. No. 118, Home, 10th January 1952.)*

#### **650. Srilanka and other Colonies ---**

(1) A requisition for the surrender of a person accused or convicted of an extradition offence as defined in the Second Schedule to the Extradition Act, 1962 committed in India and who is or is suspected to be in any foreign State or a Common Wealth Country may be made by the Central Government :--

(a) to a diplomatic representative of that State or Country at Delhi, or

(b) to the government of that State or Country through the diplomatic representative of India in that State or Country and in modes convenient, the

requisition shall be made in such other mode as is settled by arrangement made by the Government of India with that State or Country.

(c) A warrant issued by a Magistrate in India for the apprehension of any person who is, or suspected to be in Common Wealth Country shall be in such form, as may be prescribed by the Government of India under the rule making powers, under Section 36 of Extradition Act, 1962.

(2) Any person accused or convicted of an extradition offence, who is surrendered or returned by a Foreign State or Common Wealth Country may, under the warrant of arrest for his surrender or return issued in such State or Country, be brought into India and delivered to the proper authority to be dealt with according to law.

(3) Whenever any person accused or convicted of an offence, which if committed in India would be an extradition offence, is surrendered or returned by a Foreign State or Common Wealth Country, that person shall not, until he has been restored or had an opportunity of returning to that State or Country, be tried in India for an offence committed prior to the surrender or return, other than the extradition offence proved by facts on which the surrender or return is based.

### **651. Telegraphic Demand to Ceylon for provisional arrest --**

(1) Every fugitive criminal of a foreign State or Common Wealth Country, shall, subject to the provisions of the Extradition Act, 1962, be liable to be arrested and surrendered or returned, whether the offence in respect of which the surrender or return is sought was committed before or after the commencement of the Extradition Act, 1962 and whether or not a court in India has jurisdiction to try that offence.

(2) Where the offence in respect of which the surrender or return of a fugitive criminal is sought, was committed on board any vessel on the high seas or any aircraft while in the air outside India or the Indian Territorial waters, which comes into any part of aerodrome of the Central Government and any Magistrate having jurisdiction in such part or aerodrome, may exercise the powers conferred by this Act.

(3) If a fugitive criminal who, in pursuance of this Act, has been committed to prison to await his surrender or return to any Foreign State or Common Wealth Country, is not conveyed out of India within two months after such committal, the High Court, upon application to it, by or on behalf of the fugitive criminal and upon proof that reasonable notice of the intention to make such application has been given to the Central Government, may order such prisoner to be discharged, unless sufficient cause is shown to the contrary.

(4)In the case of a person who is a fugitive criminal arrested or detained under the Extradition Act, the provisions of the Code of Criminal Procedure, 1973, relating to bail, shall apply in the same manner as they would apply, if such person were accused of committing in India the offence of which he is accused or has been convicted, and in relation to such bail, the Magistrate before whom the fugitive criminal is brought, shall have, as far as may be, the same powers and jurisdiction as court of session under that Code.

(5)A fugitive criminal who is accused or convicted of abetting any extradition offence, shall be deemed for the purposes of the Extradition Act, to be accused or convicted of having committed such offence and shall be liable to be arrested and surrendered accordingly.

(6)It shall be lawful for any person to whom a warrant is directed for the apprehension of a fugitive criminal to hold in custody and convey the person mentioned in the warrant to the place named in the warrant and if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of India, may be re-taken upon an escape.

## **652. Summons to a Colony --**

(1) Everything found in the possession of a fugitive criminal at the time of his arrest which may be material as evidence in proving the extradition offence may be delivered up with the fugitive criminal on his surrender or return, subject to the rights, if any, of third parties with respect thereto.

(2) If it appears to the Central Government that by reason of the trivial nature of the case or by reason of the application for the surrender or return of a fugitive criminal not being made in good faith or in the interests of justice or political reasons or otherwise, it is unjust or inexpedient to surrender or return the fugitive criminal, it may, by order, at any time, stay any proceedings under the Extradition Act and direct any warrant issued or endorsed under that Act to be cancelled and the person for whose arrest the warrant has been issued or endorsed under that Act, to be cancelled and the person for whose arrest the warrant has been issued or endorsed to be discharged.

(3)If requisitions for the surrender of a fugitive criminal are received from more than one foreign State or Common Wealth Country or from any Foreign State and Common Wealth Country, the Central Government may, having regard to the circumstances of the case, surrender the fugitive criminal to such State or country as it thinks fit.

(4)A fugitive criminal shall not be surrendered or returned to Foreign State or Commonwealth country:--

(a) If the offence in respect of which his surrender is sought is of a political character or if he proves to the satisfaction of the Magistrate or Court before whom he may be produced or of the Central Government that the requisition or warrant for his surrender has, in fact, been made with a view to try to punish him for an offence of a political character;

(b) If prosecution for the offence in respect of which his surrender is sought is according to the law of that State or Country, barred by time;

(c) Unless provision is made by the law of the foreign State or Common Wealth Country or in the Extradition treaty with the Foreign State or in the extradition arrangement with the Common Wealth Country, that the fugitive criminal shall not, until he has been restored or has had an opportunity of returning to India, be detained or tried in that State or Country for any offence committed prior to his surrender or return, other than the extradition offence proved by the facts on which his surrender or return is based.

(d) If he has been accused of some offence in India, not being the offence for which his surrender or return is sought or is undergoing sentence under any conviction in India, until after he has been discharged whether by acquittal or on expiration of his sentence or otherwise.

(e) Until after the expiry of fifteen days from the date of his being committed to prison by the Magistrate.

(5) Nothing in the Extradition Act shall affect the provisions of the Foreigners Act, 1946 or any order made thereunder.

(6) (a) A fugitive criminal may be apprehended in India under an endorsed warrant or a provisional warrant.

(b) Where a warrant for the apprehension of a fugitive criminal has been issued in any Common Wealth Country and such fugitive criminal is, or is suspected to be, in India the Central Government may, if satisfied that the warrant was issued by a person having lawful authority to issue the same, endorse such warrant in the manner prescribed and the warrant so endorsed shall be sufficient authority to apprehend the person named in the warrant and to bring him before any Magistrate in India.

(c) Any Magistrate may issue a provisional warrant for the apprehension of a fugitive criminal from any Common Wealth Country, who is, or is suspected to be, in or on his way to India, on such information and under such circumstances as would, in his opinion justify the issue of a warrant, if the offence of which the fugitive Criminal is accused or has been convicted, has been committed within his jurisdiction and such warrant may be executed accordingly.

(d) A Magistrate issuing a provisional warrant shall forthwith send a report of the issue of the warrant together with the information or a certified copy thereof to the Central Government and the Central Government may, if it thinks fit, discharge the person apprehended under such warrant.

(e) A fugitive criminal apprehended on a provisional warrant may from time to time, be remanded for such reasonable time, not exceeding seven days, at any one time, as under the circumstances seems requisite for the production of an endorsed warrant.

(7) (a) If the Magistrate before whom a person apprehended is brought is satisfied on inquiry that the endorsed warrant for the apprehension of the fugitive criminal is duly authenticated and that the offence of which the person is accused or has been convicted is an extradition offence, the Magistrate shall commit the fugitive criminal to prison to await his return and shall forthwith send to the Central Government a certificate of the committal.

(b) If on such inquiry the Magistrate is of the opinion that the endorsed warrant is not duly authenticated or that the offence of which such person is accused or has been convicted is not an extradition offence, the Magistrate may, pending the receipt of orders of the Central Government, detain such person in custody or release him on bail.

(c) The Magistrate shall report of his inquiry to the Central Government and shall forward, together with such report, any written statement which the fugitive criminal may desire to submit for the consideration of that Government.

(8) The Central Government may, at any time after a fugitive criminal has been committed to prison, issue a warrant for the custody and removal to the Common Wealth Country concerned of the fugitive criminal and for his delivery at the place and to the person to be named in the warrant.

(9) The Central Government have entered into Extradition Treaty between the following Nations: -

(a) Nepal.

(b) United States of America.

(c) Great Britain.

(d) Northern Ireland,

(e) Sikkim.

### **653. Arrest under Criminal Procedure Code, Section 41 (1) (g): --**

Extradition from India. – (1) Powers of arrest of a criminal, who enter Indian Territory after committing certain offences, are conferred by section 41(1), clause (g) of the Criminal Procedure Code.

(2) The surrender from India of fugitive criminals is covered by the Indian Extradition Act, 1962 (Act 34 of 1962).

## **CHAPTER XXXIV.**

### **BAIL BY THE POLICE AND REMAND.**

#### **654. Bail-**

(1) Bail broadly means surety/ security for release of a person who is arrested. A person is released on bail with or without sureties. Offences are of two types as far as bail is concerned, bailable and non-bailable. When a person is arrested for a bailable offence, he is entitled to be released on bail either by the SHO or by court. In cases of arrests for non-bailable offences, bail is discretion.

#### **(2)Bail in Bailable offences:**

The SHO is competent to release a person on bail when arrested for bailable offences. If the arresting police officer is not the SHO, the arrestee shall be produced before the SHO with a written report for release on bail. If the accused jumps bail in a bailable offence and when he is arrested again, it should be treated as a non-bailable offence. In case bail is given by SHO in bailable offence, the bond should be taken in the Form. The detailed addresses of the sureties have to be noted there in.

#### **(3) Bail in non-bailable cases:--**

(a) Police officers are empowered to grant bail under Sub-Section (2) of Section 42 and under Sections 169, 170, 436 and 437 of the Code of Criminal Procedure.

(b) Attention is drawn to the provisions of Section 437 Criminal Procedure Code. Persons accused of non-bailable offences should be enlarged on bail by the Station-House Officer, if they come within the scope of the section.

(c) When there is likelihood of absconding, possibility of tampering with evidence, intimidation and threat to witnesses, likelihood of repeating the offence, nature of the offender and the seriousness of the offence, likelihood of breach of peace and tranquillity in the locality, likelihood of retaliations by the victims' party, bail can be opposed in non-bailable offences.

*[As per relevant provisions of Cr.P.C.]*

## **655. Station-House Officer alone can grant bail:--**

(1) The Station-House Officer alone is empowered to grant bail under Sections 436 and 437 of the Criminal Procedure Code, but an Investigating Officer may send a person to him with a recommendation to be released on bail. A Station-House Officer or the Investigating Officer is empowered to release an accused person under section 169 Criminal Procedure Code. When, on investigation, there is no sufficient evidence or reasonable suspicion to justify the forwarding of the accused to a Magistrate, the Station House Officer or the Investigating Officer should release him on bail, if he is in custody.

### **(2) Anticipatory Bails**

Section 438 Cr.PC provides for grant of anticipatory bail. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Sessions for a direction under this section, and the court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail subject to certain conditions.

[As per relevant provisions of Cr.P.C.]

### **(3) Dismissal of Anticipatory Bail Petitions – Arrest of accused – Instructions:**

As per proviso to section 438 Cr.P.C., if the High Court or the Court of Sessions, as the case may be, has not passed any interim order under sub section (1) of section 438 Cr.P.C., or has rejected the application for grant of anticipatory bail, it shall be open to an officer-in-charge of a Police Station to arrest, without warrant, the applicant/accused on the basis of the accusation apprehended in such application.

In “M.C.Abraham Vs State of Maharashtra” reported in (2003) 2 SCC 649, the Supreme Court has inter-alia, held that mere rejection of anticipatory bail application of a person is no ground for arresting such person and a person whose petition for grant of anticipatory bail has been rejected, may or may not be arrested by the Investigating Officer depending upon the facts and circumstances of the case, nature of offence, the background of the accused, the facts disclosed in the course of investigation and other relevant considerations.

In view of the above, if the High Court or the Court of Sessions has not passed any interim order or rejected the application for grant of anticipatory bail, the Investigating Officer/Station House Officer shall take necessary action to arrest the accused if it warrants, on the basis of accusation apprehended in the application. While making such arrest, the officer concerned shall take into account the facts and circumstances of the case, nature of offence and the facts disclosed in the course of investigation and other relevant issues.

*-DGP's Circular Memorandum No.118569/Crime 4 (3)/2016, dated: 08.08.2016*

## **656. Bailable warrants—Production for remand --**

(1) In bailable cases, bail is a right and not a favour, detention in the lock-up is the alternative, not the original order. The bail demand should never be excessive but should be fixed with reference to the social status of the prisoner and the character of the offence.

(2) A person arrested under a bailable warrant should not be compelled to come to the Police Station to give bail. The officer executing the warrant should take the necessary bail bond form with him and take bail, where offered and release the warrantee.

## **657. Sunday not excluded under Section 57 Criminal Procedure Code:**

Sundays are not excluded from the time-limit allowed under Section 57 of the Criminal Procedure Code for the production of prisoners before a Magistrate.

## **CHAPTER XXXV.**

### **FINAL REPORTS, PROSECUTION FOR FALSE COMPLAINTS, WITHDRAWAL OF CASES, APPEAL AGAINST ACQUITTAL CRIMINAL APPEALS, ETC.**

#### **658. Final Reports:--**

The final report (Form No. 89) is the report prescribed by Section 173 of the Criminal Procedure Code to be sent to the Magistrate having jurisdiction. This form will be used both, for referring cases as false and reporting them as undetectable.

(2) If, after the completion of an investigation, the Investigating Officer considers that in spite of all steps taken, there is no prospect of obtaining any further clue and that nothing more can be done in the case, he will submit a final report treating the case as undetectable. But, in instances where cases have to be referred as mistake of fact, mistake of law, civil in nature or false, the final report should be submitted forthwith.

(3) In cases where accused person or persons dies/die before the completion of investigation and no person or persons can be charged, a final report should be sent in Form No.89.

(4) In a case referred by Magistrates under Section 202, Code of Criminal Procedure for investigation, the final report shall be sent to the Magistrate.

#### **(5) Charge Sheets:**

(i) If, upon the completion of an investigation, it appears to the Officer-in-charge of a Police Station that there is sufficient evidence to warrant the filing of charge sheet against the accused, he will submit to the Magistrate empowered to take cognizance of the offence, a

charge sheet in Form No.65 setting forth therein the names of the parties with their full addresses and of the persons, who appear to be acquainted with the circumstances of the case, stating whether the accused (if arrested) has been forwarded in custody or has been released on bond, and, if so, whether with or without sureties. The names of such of the accused as are absconding should be entered in red ink in the appropriate column of the charge sheet. Care should be taken to see that all the columns in the charge sheet in Form No.65 are filled in properly. No column should be left blank. The officer-in-charge of the Police Station shall also communicate in Form No.90 (notice to the complainant) the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given. Once the investigation is completed and a *prima facie* case is made out, there should be no delay in the submission of the charge sheet.

(ii) The charge should be brief but at the same time clear. The date, time and place of offence should invariably be mentioned in the charge. In simple cases, the charge sheets shall be prepared by Sub-Inspectors in consultation with the Inspector, where necessary. In cases involving complicated points of law, the charge sheets should be prepared in consultation with the Assistant Public Prosecutor, and also the Public Prosecutor, where necessary. In important and complicated cases, it is advisable to consult the Assistant Public Prosecutor or Public Prosecutor, if necessary, even at the stage of investigation, in order to enable the Investigating Officer to conduct the investigation on proper lines and to collect the type of evidence required by law to bring home the guilt to the accused.

(iii) In every case in which an accused person previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years or upwards, is prosecuted for an offence punishable under either of the two chapters, with like imprisonment, Section 75 of the Indian Penal Code should be added in the charge-sheet.

(iv) While all documents or relevant extracts thereof on which the prosecution proposes to rely, other than those already sent to the Magistrate during investigation and the statements recorded under section 161 Cr.P.C. of all the persons whom the prosecution proposes to examine as its witness, should be forwarded to the Magistrate along with the report under Section 173 of the Code of Criminal Procedure, the investigating officer may furnish to the accused, copies of all or any of these documents if he finds it convenient to do so.

(v) If the Police officer is of the opinion that any part of the statements recorded under Sub-Section (3) of Section 161 of the Code of Criminal Procedure is not relevant to the subject matter of the inquiry or trial or that its disclosure to the accused is not essential in the interest of justice and is in expedient in the public interests, he shall exclude such part from the copy of the statements furnished to the accused, and in such a case, he shall make a report to the Magistrate stating his reason for excluding such part.

(vi) Where an accused person against whom a charge sheet is being filed is absconding, the officer-in-charge of the Police Station shall append a note on the charge sheet itself requesting the Magistrate to issue a non-bailable warrant for the apprehension of the accused. If the warrant cannot be executed within a reasonable time, the Station House Officer or the Investigating Officer shall move the court for instituting proceedings under Sections 82 and 83 of the Code of Criminal Procedure. if it is proved that there is no immediate prospect of arresting the accused even after action has been taken under section 82 and 83 of the Code of Criminal Procedure, the court may, in the absence of the accused, examine the witnesses produced on behalf of the prosecution and record their depositions under Section 299 of the Code of Criminal Procedure. If, at any future time, the accused person is apprehended or appears before the court, the case against him shall be revived and dealt with according to law. Any such deposition recorded in the absence of the accused may, on the arrest of such person, be given in evidence against him in the inquiry into or trial of the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience, which, under the circumstances of the case, would be unreasonable.

(vii) Where there are several accused persons in a case and only some of them have appeared or have been produced before the court and the presence of the other accused cannot be secured within a reasonable time, steps should be taken to move the Magistrate to proceed with the case against such of the accused as have appeared and dispose it off, according to law, reserving the right of the State to proceed against the other accused, when their presence is secured.

(viii) Proclamation orders under Section 82 of the Code of Criminal Procedure can be issued against any person for whose arrest the Magistrate has issued a warrant. The Investigating Officer has only to convince the court that the warrantee is evading arrest and has gone into hiding and that the warrant could not be executed. Hence, the initiative has to be taken by the Investigating Officer. Once the proclamation orders are issued they should be immediately promulgated. Orders of attachment under Section 82 of the Code of Criminal Procedure can also be issued simultaneously along with the proclamation orders. The period of 30 days mentioned in Section 82 of the Code of Criminal Procedure is the time allowed to the accused to surrender. The Court issuing a proclamation under Section 82 of the Code of Criminal Procedure may at any time order the attachment of any property, moveable or immovable, both belonging to the proclaimed person. Attachment should be carried out promptly after the proclamation has been properly made and the property of the proclaimed person seized before he has time to transfer, alienate, mortgage or conceal them.

(ix) It is necessary that the proclamation order issued under Section 82 of the Code of Criminal Procedure should be widely published in the manner provided for in that section. In order to facilitate the arrest of an absconding warrantee or a proclaimed offender, it is also necessary that an effective watch is maintained over his harbourers, persons who wilfully or

knowingly harbour such offenders could be prosecuted under Section 216 of the Indian Penal Code. It is, therefore, necessary that widest publicity is given to the proclamation order, issued under Section 82 of the Code of Criminal Procedure, so that its knowledge can be conclusively proved against the harboured for his successful prosecution under Section 216 of the Indian Penal Code.

(x) The Station House Officer should not be satisfied or rest content that the formalities under Sections 82 and 83 of the Code of Criminal Procedure have been gone through. As long as the proclaimed offender's name is on the list of proclaimed offenders of his station, he and his station staff are responsible for finding out where he is and who is harbouring him. If the proclaimed offender is learnt to be in the jurisdiction of another station, he should forthwith inform the Station House Officer of the other station to arrest him. Preferably, he can proceed himself or in unavoidable circumstances send his subordinates immediately to arrest the wanted person with the help of the other station staff.

*[As per relevant provisions of Cr.P.C.]*

#### **659. Reporting on false cases - Instructions:-**

Cases must not be reported as false unless they are clearly so. Mere probability will not suffice. Delay in referring cases as false must be particularly avoided and cases, in which there has been serious delay, must be returned as undetectable, unless fresh facts are elicited, demonstrating them to be false.

#### **660. Notice to complainant: -**

In cases disposed of under Sections 175 and 157 (b), Criminal Procedure Code, including cases charged, the Police have to serve a notice in Form No.90 on the complainant or informant and forward the duplicate duly endorsed with the final report to the concerned Magistrate. Where the complainant or informant is not directly concerned with a case, notice may be served on the next of kin or a very close relative of the deceased if known and if not known, pasted on the Police Station notice-board for a period of 30 days. In cases in which investigation is refused, the duplicate notice will be attached to the First Information Report sent to Court.

*[G.O. No. 446, Judl. (Pol.) dated 25th August 1924 and G.O. No. 2166, Home, dated 6th July 1953.]*

#### **661. Final reports to be sent through Circle Inspector --**

Final reports have to be sent through the Circle Inspector, who is bound to forward them to the Magistrate without delay, noting upon them any orders issued to the Station House Officer and any remarks that he may have to offer. The Inspector may order the Station House Officer to make further inquiry or do so himself. In

respect of the Single Station Circles, the final reports may be sent to the Magistrate direct by the Inspectors concerned.

*[G.O.No. 2251, Judl. dated 26th December 1882.]*

## **662. Prosecution of complainant —**

When the Investigating Officer reports a case as wilfully or maliciously false, he shall state in the final report whether he intends proceeding against the complainant or not and in the event will give his reasons for not doing so.

## **663. Sanction to initiate proceedings under Section 182 or 211, Indian Penal Code--**

(1) Prosecutions under Section 182 or 211 of the Indian Penal Code should not be initiated without the orders of the Superintendent or Divisional Police Officer.

(ii) For prosecutions under Section 182, Indian Penal Code, a complaint in writing should be made to the Magistrate having jurisdiction, by the officer who registered the case, his successor or his immediate superior officer under Section 195(1) (a), Criminal Procedure Code. Presentation of charge sheets in such cases is illegal.

*[As per relevant provisions of Cr.P.C.]*

(2) Sanction to initiate proceedings under Section 153-A, 153-B, 120 (B), 124-A, 295-A, 506 (i) and (ii), Indian Penal Code--

(3) Proposal for sanction of prosecution for the offences under section 153-A, 153-B, 120 (B), 124-A, 295-A, 506 (i) and (ii) IPC should be sent to Government for according sanction under section 196 of Code of Criminal Procedure within three years as per section 468 of Code of Criminal Procedure.

*(Circular Memorandum Rc.No.075849/Crime 3 (1)/2008 Dated; 05.05.2008 of the Director General of Police, Tamil Nadu)*

## **664. Prosecution of Government Servants --**

(1) The Police should obtain the prior approval of the Collector in the mofussil and that of the head of the department to which the Government servant belongs in Chennai City before charge-sheetsing any Government servant for offences alleged to have been committed by him during the discharge of his official duties.

(2) Collectors and heads of departments in Chennai City should send their replies to the Police within ten days of the receipt of such proposal from the Police. In the event of difference of opinion between the Police on the one hand and a

Collector or the head of a department in Chennai City on the other, the Police should obtain the orders of the Government in the matter.

(3) This order does not apply to cases of Police subordinate prosecuted under the Madras District Police Act, 1859 (XXIV of 1859) nor to the prosecution of Government servants not under the control of the State Government.

NOTE.—The Collector to whom the report is to be sent is the Collector of the District in which the prosecution is to be launched.

[G.O. Ms. No. 2164, Home, dated 11<sup>th</sup> May 1950.]

### **665. Complaint under Section 195, Criminal Procedure Code ---**

No prosecution for an offence punishable under Section 211, India Penal Code, shall be launched, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of such Court or some other Court to which such Court is subordinate.

(2) Hence, a complaint in writing of such Court is necessary on the following occasions:—

(a) When the original complaint was made to the Magistrate and referred to the Police under Section 156 (3) or 202 of the Criminal Procedure Code;

(b) When the Magistrate has taken any judicial proceeding in a case in which the original complaint was made to the Police and the case referred by them as false and

(c) When a complaint has been given to the police as well as to a Magistrate.

(3) The dismissal of a case under Section 159 of the Criminal Procedure Code without investigation does not constitute judicial proceeding.

### **666. No written complaint of a Court required in complaints to the Police or village headman —**

No written complaint of a Court under Section 195 of the Criminal Procedure Code is required in the case of complaints made directly to the Police or Village Administrative Officer/Headman. The Madras High Court has held in Criminal Miscellaneous Petition No. 289 of 1908 (I.L.R. XXXII, Mad., Page 258) that a prosecution under Section 211 of the Indian Penal Code will lie in respect of information to a Village Headman, or to another person bound under Section 40 of the Criminal Procedure Code to pass on the information to an authority specified in that section, provided that the information so given is such as the Village Headman or other person is bound by law to pass on to such an authority and thus set the criminal law in motion.

## **667. Prosecution under Section 25 and 39 Arms Act --**

(a) A Station House Officer may himself apply to the Collector through the Circle Inspector to sanction the initiation of prosecution under Section 25 of the Arms Act.

*[Section 3 of Arms Act]*

(b) A Station House Officer may himself apply to the District Magistrate through the Circle Inspector to sanction under Section 39, the institution of prosecutions under Section 3 of the Arms Act, 1959. Where the Police Inspector is the SHO he can directly apply to the District Magistrate.

(c) Proposal for sanction of prosecution under sections of Unlawful Activities (Prevention) Act and under sections of IPC – to be sent to Government – Instructions.

The Government have issued the following instructions in this regard:-

i) Proposal for sanction of prosecution under sections of the Unlawful Activities (Prevention) Act will be examined and orders will be issued from Government in Home Department.

ii) Proposal for sanction of prosecution under sections of IPC will be examined and orders issued from Government in Public Department.

iii) Charge sheet should be laid in the competent court only on receipt of the Government Orders and copy of the charge sheet, so filed be sent to Government for information.

iv) Proposal for sanction of prosecution under Unlawful Activities (Prevention) Act should be sent to Government through Inspector General of Police (Intelligence). Q Branch CID Chennai, as he is furnishing the consolidated particulars in this matter to Government regularly for being sent to Government of India.

*-DGP's circular No.113688/Crime 3(I)/2008, Dated: 16.12.2008*

(d) (i)- Section 15 of Passports Act 1967 stipulates that no prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the Central Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

ii) In pursuance of this provision, the Ministry of Home Affairs, New Delhi has issued orders in Gazette Notification No. GSR 370 (E), dated: 09.02.2010 published in The Gazette of India, Extraordinary No.224 dated: 03.05.2010 authorizing COPs and Collectors to sanction prosecution. The order is reproduced below:

“ In exercise of powers conferred by section 15 of the Passports Act, 1967 (15 of 1967) and in partial modification of GSR 662 (E), dated: 01.12.1979, the Central Government hereby authorizes the Commissioners of Police, Chennai City Coimbatore, Tiruchirappalli, Madurai,

Tirunelveli and Salem and the Collectors of all the Districts of Tamil Nadu in respect of the offences under section 12 of the said Act within their respective territorial jurisdiction”

iii) Powers can be exercised by all COPs (other than COP Tiruppur). In the case of districts and Tiruppur city, Collectors may be addressed.

*-DGP's standing instruction No.63/2013, dated: 31.12.2013*

iv) In cases under Unlawful Activities (Prevention) Act, there is an additional layer of scrutiny in that the proposal has to be independently reviewed by an Authority constituted u/s 45 (2) of UA (P) Act. This Authority comprising the Law Secretary, Public Secretary, ADG L&O and IG Intelligence (IS) (vide G.O.Ms.No.208, Home (Pol.VII) Department, dated: 25.03.2011 has to give a report to the Government for consideration. This authority needs adequate time to scrutinize the records.

v) All SPs and COPs are requested to ensure that proposals for sanction of prosecution are sent in such a manner that at least 10 days time is available for the concerned authority to study and decide on the question of sanction of prosecution.

*-DGP's Standing Instruction No.66/2014, dated: 25.01.2014.*

## **668. Orders of Magistrate on Final Reports ----**

The final report to the Magistrate, under Section 173 of the Criminal Procedure Code, that a case is false, mistake of fact or law, or civil nature or undetectable may justify an order for further investigation as the section itself indicates, but it is not open to the Magistrate to direct the Police to charge the case against their own report that the case is false. The Magistrate has power to take action himself under section 190, Criminal Procedure Code, if he is not satisfied with the report of the Police that the case is false.

## **669. Withdrawal of the cases --**

(1) Government consider it desirable that, in all grave cases in Magistrate Courts, the Public Prosecutor, or the Assistant Public Prosecutor should consult the Collector before withdrawing from the prosecution of an accused.

*(G.O.No.19, Judl. 2nd Jan, 1906)*

(2) According to section 321 Cr PC the Public Prosecutor in-charge of a case may with the consent of the Court, at any time before the judgment is pronounced , withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried, provided that -

(a) where such offence was against any law relating to a matter within the executive power of the Union, extends or

(b) was investigated by the Delhi Special Police Establishment, or

(c) involved in misappropriation or destruction or damage to any property belonging to the Central Government, or

(d) was committed by a person in the service of Central Government while acting in discharge of his official duty and the prosecutor in charge of the case has not been appointed by the Central Government, he shall not, unless he has been permitted by the Central Government to do so, move the court for its consent to withdraw from the prosecution.

(3) The Public Prosecutor or Assistant Public Prosecutor is bound to receive instructions of the Government regarding the withdrawal of the case from the court.

(4) The opinion of the Superintendent of Police concerned will be taken by the Government through the Home Department before taking a decision for withdrawal of the case.

(5) The Public Prosecutor has to make out grounds which would show that the prosecution is sought to be withdrawn because inter-alia the prosecution might not be able to produce sufficient evidence to sustain the charge or that the prosecution does not appear to be well founded or that there are other circumstances which clearly show that the object of administration of justice would not be advanced or furthered by going on with the prosecution. The ultimate guiding consideration must be the interest of administration of justice.

**(6) Powers vested with Government for withdrawal of prosecution:**

(i) Collectors should obtain the approval of Government before authorizing or directing the Public Prosecutor to withdraw the prosecution in the cases of –

- (a) For reasons of State;
- (b) On grounds of public policy; and

(c) In cases where sanction has been accorded for the prosecution either by Government or by the Board of Revenue or an authority in the concerned department of Government other than the Revenue Department.

**(7) Powers vested with Collector for withdrawal of prosecution:**

(i) On the application by the Superintendents of Police, Collectors of the Districts can accord sanction, in consultation with the Public Prosecutor to withdraw the prosecution in the cases of –

- (a) All cases before Sessions Court.

**(8) Powers vested with the District Superintendents of Police for withdrawal of prosecution:**

Superintendents of Police may request the Public Prosecutor and Assistant Public Prosecutor to withdraw from prosecution in all minor cases of simple nature without reference to the Collector. The Superintendents of Police should decide on the facts of each case whether it is a minor case of a simple nature.

(G.O.Ms.No.938 Home dated: 24.03.1980)

(9) In cases where the Superintendent directs the withdrawal, the Prosecuting Counsel should be instructed to move the Court for withdrawal under Section 321 Criminal Procedure Code. (G.O.No. 112, Home, 10th Jan, 1950)

**670. Appeal against acquittal --**

(1) Whenever the Superintendent of Police considers that there are grounds for a successful appeal against an acquittal he should address the Collector in detail with a view to his moving the Government to take action.

(G.O.No. 1742, Judl. 17th Aug. 1914)

(2) Trivial and unimportant cases should not be taken on appeal to the High Court. Proposals for appeals against acquittals and revisions for enhancement of sentences should be sent only in cases where there are substantial and compelling reasons for doing so.

(G.O.Ms.No.3242, Home, dated 17th November 1955.)

(3) Papers relating to appeals against acquittals should be treated as "Most immediate" at all stages. A red slip bearing the words "Most Immediate" and mentioning the last date for appeal be pasted to every communication and also on the top of every file dealing with such a case.

(G.O.Ms.No. 539, Home, dated 5th March 1958)

(4) (a) The time allowed for filing appeals is three months. All proposals for appeals against acquittals should be submitted to Government within a period of two months from the date of judgment to be appealed against.

(G.O.Ms.No. 630, Home, dated 10th March 1955).

(b) All proposals for revision petitions for enhancement of the sentences should be submitted within one month from the date of the order of discharge or judgment imposing the sentence which ought to be revised.

(c) Proposals for filing an appeal after the expiry of two months from the date of judgement sought to be appealed against, should be accompanied with an explanation for the delay.

(5) All proposals for appeals against acquittals should be accompanied with the following information.

- (a) the date of judgment of acquittal.
- (b) the date of application for a copy of the judgement.
- (c) the date of furnishing copies by the Court and
- (d) the date of expiry of limitation.

(6) Proposals for appeals should be accompanied with two court certified copies of calendar and judgement of the Court or Courts, apart from one true copy. When Calendar and judgments of two Courts have to be sent, those relating to each Court should be typed separately leaving enough space on the top for affixing Court-fee stamps. In all cases where printed copies are normally available, only printed copies of judgments should be sent.

[G.O.No. 4211, Home, 22nd Oct. 1949. Govt. Memo No. 157433/Cts./ I/59-5,4th Jan. 1950-3743321Cts. / 2-1, Home, 3rd April 1962]

## **671. Criminal appeals High court: -**

(1) The Public Prosecutor, Chennai has issued the following instructions in regard to the better representation of the State in criminal appeals in the High Court of Judicature at Chennai.

- (a) Notice:---

Copies of notices in all criminal appeals are sent to Superintendent of Police by the High Court. Superintendent of Police decides in consultation with the Public Prosecutor, if necessary, whether the deputation of a Police Officer is necessary and intimate to the High Court whether an additional set of records will be required. In criminal revision cases, notices are sent by the Public Prosecutor to the Collector who in some cases forwards them to the Superintendents of Police. Ordinarily in revision cases, deputation of an officer is unnecessary.

- (b) Date of hearing

(i) Criminal appeals, referred trials and references in injury cases to be heard before the Bench on a Monday will be posted in the rough list on the previous Tuesday, when intimations will be sent to Superintendents of Police in cases where they have asked for such intimation and only after receipt of such intimation from the Public Prosecutor, should depute the officer, proceed to Chennai to instruct him.

(ii) Criminal revision cases are ordinarily posted before a single Judge on Thursday, and the approximate date of hearing in such cases is known seven days before the hearing.

(iii) Sometimes officers come up on the date given in the notice issued by the High Court, but this date is only a formal one and no case ordinarily comes on for hearing on the date given in the notice.

**(c) Supreme Court Judgment in Criminal Appeal of 2008 in State of Gujarat Vs Kishanbai etc.**

In the judgment cited, the Supreme Court has commented that it is the bounden duty of the court to ensure that an innocent person is not subjected to the rigours of criminal prosecution. In the light of this, the Supreme Court has given the following directions:-

- i) On completion of investigation, the Prosecuting Agency should apply its independent mind, require all shortcomings to be rectified, if necessary by requiring further investigation. The Prosecuting Agency should ensure that only persons against whom there is sufficient evidence has to suffer the rigours of criminal prosecution.
- ii) The Home Department should examine all orders of acquittals and record the reasons for failure of each case. A Standing Committee of senior officers of the Police and Prosecution Departments should be vested with this responsibility.
- iii) The Home Department will incorporate in its training programmes for junior investigation/prosecution officials, course – content drawn from the study made by the Standing Committee. This should also constitute course content for refresher training programmes for senior investigating/prosecuting officials. The responsibility for preparing training programmes should be vested with the same committee.
- iv) Judgments listing out glaring lapses in the investigation procedures must also be added to the training programmes.
- v) Course content will be reviewed by the committee annually.
- vi) If any lapses are committed by the investigation/prosecution officers, they should be made liable to suffer departmental action.
- vii) On acquittal of any criminal case a finding must be recorded whether the lapses leading to the acquittal are innocent or blame worthy.

All SPs and COPs are instructed that whenever a case ends in acquittal, a detailed examination should be made whether the case is fit for appeal. If it is found not fit for appeal, lapses if any, leading to the acquittal must be catalogued and where investigating officer is found to be at fault, disciplinary proceedings must be initiated.

*-DGP's standing instruction No.77/2014, dated: 06.05.2014*

(c) **Bail**--

Ordinarily no notice is given to the Public Prosecutor before moving an application for bail. Sometimes the Court, after the application is moved, directs notice to the Public Prosecutor and adjourns the case to a specific date to enable him to get instructions. Sometimes practitioners give him notice of their intention to apply for bail in which case he applies to the Collector for instructions. If Collectors or Superintendents of Police desire him to appear and oppose any application for bail which is likely to be moved in the High Court, Government have laid down that the following procedure should be followed :--

(G.O. 632, Public, 24th June 1926.)

(i) When a Superintendent of Police receives information from his subordinates or otherwise or has reason to believe, that the accused in an important case in his district intend moving the High Court for bail and that such application should be opposed, he should give early intimation of the fact to the Collector and submit a clear statement of the grounds on which such application, if made, should be opposed.

(ii) As soon as the Collector receives this intimation, he should, if he agrees that the motion, if made, should be opposed, instructs the Public Prosecutor, Chennai, to do so giving him a brief and clear statement of the facts of the cases. In urgent cases telegrams should be sent.

(iii) The Public Prosecutor or will then arrange to oppose the motion, when it is made.

(iv) In cases in which the High Court has released an accused person on bail without notice to the Public Prosecutor and there are adequate grounds for moving for cancellation of the bail, the Collector should instruct the Public Prosecutor to move the High Court.

(d) **Enhancement or reduction of sentence**.-

(i) In all cases in which the Collector is of the opinion that a sentence awarded by a subordinate magistrate ought to be enhanced or reduced, he may make a recommendation to the High Court under section 397 Criminal Procedure Code.

(ii) If the Collector thinks that a sentence awarded by a Sessions Court ought to be enhanced, he shall make the recommendation to Government in accordance with G. O. No.1494, Judicial, dated 25th September 1901.

(iii) If an accused sentenced by the Sessions Court has appealed to or moved the High Court in revision against the order of the Sessions Judge, the Collector can, in such cases, instruct the Public Prosecutor to move for enhancement of sentence---

vide G. O. No. 303, Judicial, dated 24th February 1910 and G. O. No. 1256, Judicial, dated 8th June 1915.

(2) In every appeal to the High Court which is of importance and in which the record is voluminous, a Police Officer, with detailed personal knowledge of the case, should be sent to instruct the Public Prosecutor, Chennai. It is especially desirable that he should be so instructed in appeals against convictions in important cases based on circumstantial evidence.

(3) The Government have directed that the date of hearing of all Government cases in the High Court, Madras, especially in its early stages concerned, should be communicated in time to the Head of the Department, by the Law Officer in-charge of the case, so that the Head of the Department, may, if necessary, depute a departmental officer to instruct the law officer suitably—on departmental matters. These orders apply to the Civil and the Criminal cases in the High Court, Chennai.

Note--Immediately on deciding to depute a Police Officer to instruct the Public Prosecutor in cases of Criminal Appeals and Referred Trial, Superintendents of Police should see that printed records are obtained direct from the Registrar, High Court and that the Police Officer deputed meets the Public Prosecutor with the printed records.

(4) The procedure regarding sending case diaries to Government for being forwarded with petitions for mercy is laid down in PSO 575.

**(5) Judicial strictures and remedial action:**

In the case of judgments in which there are strictures, the following action should be taken –

(i) As soon as a judgment in a criminal case filed by the police is concluded in the court, the concerned Prosecutor and the Investigating Officer will examine the judgment for any strictures or other remarks, either generally on the investigation or prosecution of the case or specially against any Police Officer or other Government servant.

(ii) When there are strictures or other remarks, the Public Prosecutor will at once obtain a copy of the judgment and send it with his remarks to the Deputy Director of Prosecutions who will then examine the judgment and forward it to the concerned Range Inspector General of Police/Deputy Inspector General of Police and Commissioner of Police with his report and arrange to take appropriate action against the concerned Police Officer for the judicial strictures passed against them. He will then submit the records to the Director General along with his report indicating the nature of action taken in the matter.

(iii) In the case of strictures or other remarks in judgments pronounced by the High Court, the Public Prosecutor will send with his comments, a copy of the judgments to the Director of Prosecutions who will transmit them to the Director General along with his remarks for appropriate action.

(iv) The Superintendent while furnishing his remarks required under Sub-Order (ii) will specifically mention whether or not the strictures or remarks are justified; and if unjustified, what action he has taken for their expunction. The Deputy Inspector General will also furnish his specific opinion in that behalf.

(v) If any strictures or other animad-versions, either against a Police Officer generally on the investigation or prosecution of the case, are wholly unjustified or excessive and deserve expunction, the Superintendent will take prompt action to obtain the opinion of the Advocate-General and for addressing the Government for sanction to move the High Court, for expunction.

(vi) If the Public Prosecutor makes a recommendation and the Government sanction the filing of a revision for the expunction of the strictures or other remarks, the Superintendent should promptly send to the Director General a copy of the Government order and make available to the Public Prosecutor all relevant records he may require in that behalf for filing the revision.

(vii) If the Public Prosecutor does not make a recommendation and the Government consider that no action is called for, the opinion of the Public Prosecutor and the orders of the Government will indicate to what extent the strictures or other remarks are justified. The Superintendent will then take appropriate action against the defaulting Police Officers.

(viii) In either of the cases mentioned in Sub-Orders (vi) and (vii) the Superintendent will send a copy of the order of the Government to the Director General.

(ix) When a revision is filed in the High Court for the expunction of the strictures or other adverse remarks, the Superintendent will obtain from the Public Prosecutor, a copy of the judgment and send it to the Director General.

(x) If the High Court dismisses the revision petition refusing to expunge the strictures or other remarks, and observes that they are justified, the Superintendent will take appropriate action for their avoidance in the subsequent cases and also institute departmental proceedings against the defaulting Police Officers. He will send a report of action taken to the Director General.

(xi) Every Commissioner/ Range Inspector General and Superintendent of Police will maintain a register of judicial strictures and commendations. The registers are useful for the officers to have an overall impression of the judicial appreciation of the standards of investigation and prosecution in a district.

(xii) The Inspecting Officers at the time of their inspections will ensure that the registers have been properly maintained by the Commissioner/ Inspector General/Deputy Inspector General/Superintendent and that he has issued appropriate instructions for improving the investigation and prosecution in his district/range. The Inspecting Officers will make a specific mention about their having checked the register in their inspection notes.

(xiii) Every judgment sent under this order should reach the Director General within one month from the date of its pronouncement.

(xiv) The Crime Section in the office of the Director General of Police will examine the judgment and the remarks furnished by various officers and take action for the issue of appropriate instructions by circulars and memoranda, for the rectification of the defects and lapses pointed out in the judgment.

**(6) Prosecution of cases in Court:**

(a) The Government of Tamil Nadu sanctioned the establishment of the Directorate of Prosecution, which is headed by the Director of Prosecution who is assisted in the administration of the Department by Joint Director. The Directorate consists of Deputy Directors of Prosecution and Assistant Directors of Prosecution in the regions and districts, respectively. Additional Public Prosecutors are attached to Chief Judicial Magistrates and Assistant Public Prosecutors Grade I and II attached to Magistrate's court. The main objective of the Directorate of Prosecution is to have an effective control over the proper conduct of prosecution of the criminal cases in the State and to monitor the functioning of the Law Officers and Prosecuting Staff attached to the Chief Metropolitan Magistrate Court, Metropolitan Magistrate Courts, Chief Judicial Magistrate Courts and Judicial Magistrate Courts spread all over the State. Its main activities are also for the speedy disposal of criminal cases pending before the Chief Metropolitan Magistrate Court, Metropolitan Magistrate Courts, District Munsif-cum-Judicial Magistrate Courts and Judicial Magistrate Courts in the state, to reduce the pendency of criminal cases and to maximize the rate of conviction and to reduce rate of acquittal.

(b) The Director of Prosecution conducts monthly review meetings and critically scrutinizes the pendency and disposal of the cases in each district. He also makes frequent field visits to make a firsthand review of the functioning of the Prosecution Officers in the field and also to meet the Judicial Officers and Senior Police Officials regarding speedy disposal of cases. He also conducts Coordination Meeting with Police Officers wherein suitable instructions and guidelines are issued to reduce the pendency and for speedy disposal of pending cases. He shall take necessary steps for filing draft final reports and conducting of trials in criminal cases by coordinating efforts of the investigating and prosecuting officers.

(c) The Joint Director of Prosecution at the headquarters attends to the administrative supervision of the Prosecution Department. He will exercise the supervisory powers over the work relating to furnishing legal opinions, draft final reports and draft compliance by the prosecuting officers of the Directorate of Prosecution. He will be responsible to give guidance and advice in legal matters to the Deputy Directors of Prosecution.

(d) In the regions, there are 11 Deputy Directors of Prosecution and 14 Assistant Directors of Prosecution who are the Administrative Heads of the District Units. Apart from supervising the work of the Assistant Public Prosecutors under their control, they attend to the work of various departments in rendering legal opinion on various matters and furnish draft charge sheets in Police cases and also maintaining liaison with the Police and Judiciary. The Deputy Director of Prosecution will have overall supervisory control of all the Assistant Directors of Prosecution / Additional Public Prosecutors, Assistant Public Prosecutors Gr.I and Assistant Public Prosecutors Gr.II in his region. He shall undertake intensive inspection of the functioning of all prosecuting officers in his region and submit inspection report then and there to Director of Prosecution. He shall hold review meeting of the prosecuting officers in his region each month and submit the review report to the Director. He will furnish draft final reports and legal opinion to the police in all session cases and sensational cases in his range. He will attend the monthly crime meeting convened by Commissioner of Police / Superintendent of Police at the headquarters along with the prosecuting officers.

(e) The Assistant Director of Prosecution will exercise all the powers vested with the Deputy Director of Prosecution pertaining to his district. He will furnish draft final reports and legal opinion to the police in all session cases and sensational cases in his district. He will conduct annual inspection of the offices of the Assistant Public Prosecutor Gr.I and Gr.II of his district and shall hold review meeting of the prosecuting officers in his district each month and submit the review report to the Deputy Director of Prosecution of the region. He will also attend the monthly crime meeting convened by Collector / Superintendent of Police at the headquarters along with the prosecuting officers.

*(G.O.Ms.No.657 Home (Courts VI) Department Dated: 08.05.1995, G.O.Ms.No.626 Home (Courts VI) Department Dated: 06.06.1994 and G.O.Ms.No.799 Home (Courts VI) Department Dated: 04.06.1999)*

(f) The Public Prosecutor appears for the State and conducts prosecution in all session's cases; contests bail application, and argue appeal and criminal miscellaneous petitions in the Sessions Court and gives advice on legal matters. Assistant Public Prosecutors, Grade I and II conduct prosecutions in the Magistrates' Courts. It shall be the duty of the APPs to advise the Investigating Officers in case advice is sought for; properly examine the statements recorded by the Investigating Officer and the changes suggested. If a lacuna is found in the investigation, they must request the Investigating Officer to rectify the matter. This should be done as far as possible through discussions. In case there is a difference between the Investigating Officer and the Prosecutor, the matter should be reported to the concerned Superintendent of Police who would take it up with the Deputy Director. It shall be the duty of the Public Prosecutor to advise the Investigating Officer during the investigation of a Sessions case when so requested by the Investigating Officer and it shall be further his duty to scrutinize the charge sheet in cases where the charges are exclusively triable by the Court of Sessions.

(g) Co-ordination between the Police Department and the Directorate of Prosecution -

**(i) Registration of Cases:**

The Investigating Officers should send copies of the F.I.Rs in all cases triable by Court of Sessions to the Director of Prosecutions, Chennai and the jurisdictional Deputy Director of Prosecutions.

**(ii) Investigation**

In all cases triable by Court of Sessions, the investigating officers can seek the advice of the Public Prosecutors/Assistant Public Prosecutors of the district on all legal aspects of the cases at all stages, as and when necessitated, including the stage of investigation. If in any Sessions Case, consultation with the Deputy Director of Prosecutions is necessary, either at the stage of investigation or prosecution, the Investigating Officer should do so after obtaining permission from the Superintendent of Police. However, the SP/SDPO can consult the Deputy Director of Prosecutions in such cases either at the stage of investigation or prosecution. In other cases the Investigating Officer concerned may seek the advice or opinion of the concerned APP at all stages, including the stage of investigation and till the filing of charge-sheet. Where there is a difference of opinion between the Investigating Officer and Prosecutor, the matter should be taken up with the Deputy Director by the Superintendent of Police.

**(iii) Filing of Charge-sheet**

The Investigating Officer should send the charge-sheet in all cases sufficiently in advance to the Public Prosecutor/Assistant Public Prosecutor, as the case may be, for his scrutiny and submission to the court. It is considered that consultation with the Prosecutors may not be necessary in simple cases in which the Investigating Officers themselves can take a decision and file the charge-sheet. In all such cases it will be exclusive responsibility of the police to ensure that the charge-sheet is complete in all respects, before it is filed.

**(iv) Consultation with the Prosecutors**

The Investigating Officer must consult the Prosecutors in the following cases:-

- (a) Cases which are exclusively triable by the Court of Sessions;
- (b) Cases under section 120-B IPC;
- (c) Cases under section 121 to 130 IPC;
- (d) Cases under section 231, 233, 235, 237, 239, 241, 242 to 250, 252, 253, 254, 256 to 263-A IPC.
- (e) Cases under section 295-A, 296 and 297 IPC;
- (f) Cases under section 304-A, 330, 332, 353, 363, 365 IPC;
- (g) Cases under section 393, 394, 406 to 409, 419 and 420 IPC.

(h) Cases under section 465 to 468, 471 to 477 and 477-A IPC.

(i) When a case and counter case are registered and a decision has to be taken, whether both the cases have to be charge-sheeted or only one of them;

(j) Cases involving complicated questions of law and fact;

(k) Cases under the E.C.Act, 1955;

(l) Any other case where the Investigating Officer/Sub-Divisional Officer/Deputy Commissioner of Police/Superintendent of Police desired that the Prosecutor should be consulted;

(m) Any case where the Prosecutor/Director/Deputy Director of Prosecution considers that such consultation is necessary.

(n) In respect of the cases referred to above, while sending the charge-sheets to the APPs the Investigating Officer should give sufficient time to the Prosecutor to scrutinize the charge-sheets. Along with the charge-sheet, the Investigating Officer should send the case diary file to the PP/APP to enable him to study the papers for scrutinizing the charge-sheet. If there is a difference of opinion between the Investigating Officer and the Prosecutor on any matter pertaining to investigation or prosecution, such matters should be referred to the Superintendent of Police, who shall take it up with the Deputy Director for further advice.

**(v) Trial**

(a) Sessions Case: The Superintendent of Police or Sub-Divisional Officer should attend the trial in Sessions Court in important cases. Probationary Police Officers under training should attend the Sessions trial as many times as possible. The Deputy Inspectors General during their inspection will satisfy themselves that attendance has been satisfactory and not omitted without good reasons. The Investigating Officer/SHO should invariably cause the process issued to witnesses served well in time and produce the served process three days prior to the date of trial before the court under intimation to the Public Prosecutor and send the case diary file to him in advance. The Investigating Officer should assist the Public Prosecutor at least two days in advance of the commencement of the Sessions trial in ascertaining from the witnesses what they would be stating in Court, and what exhibits have to be marked through them. The Investigating Officer should give all facilities to the Public Prosecutor to visit the scene of occurrence. The Investigating Officer should also make enquiries and furnish relevant material to the Public Prosecutor for the cross examination of defence witnesses.

(b) In other cases:

The Investigating Officer should give all facilities to the APP to visit the scenes of occurrences in important cases and give him necessary instructions for conducting the prosecutions. During the course of trial, for the purpose of conducting prosecutions in the

case, if the Prosecutor requires the case diary file for his study and reference, the Investigating Officer should send the case diary file in advance, to the APP and also give him personal instructions, if necessary. The Investigating Officer should personally attend the Court on all dates of hearing, particularly in contested cases, unless he is held up on any other urgent duty, in which case, one of the SSIs/HCs should be sent to the court with the case diary in time to meet the APP. The Investigating Officer should assist the APP in ascertaining from the witnesses what they would be stating in court, instructing him which documents are to be marked as prosecution exhibits and what items of property should be exhibited and ensure that the prosecution is presented in the best possible manner. The Investigating Officer should also make enquiries and furnish materials to the APP for the cross-examination of defence witnesses. In regard to the execution of processes and production of witnesses or documents in connection with any enquiry or trial, it shall be the duty of all the concerned police officers to render every assistance to the prosecuting agency.

**(vi) Duties of Investigating Officers:**

(a) On every date of hearing, the Investigating Officer should attend the court with the case diary files and assist the PP/APP/ in the conduct of the cases by giving him necessary instructions. If the Investigating Officer is not able to attend the court in the cases on any date of hearing, he should instruct his assistant (SSI or HC, as the case may be) to attend the court with the C.D. files, contact the P.P. and give necessary instructions. The Investigating Officer should write court case diaries and send copies to all concerned.

(b) Whenever a Sub-Inspector/Inspector in-charge of Police Station or an Inspector in charge of a Circle is transferred/promoted, he should prepare a list of cases which are pending trial in the courts in which he is the I.O./Witness and in which his evidence has not yet been taken. It should be prepared in triplicate. The first copy should be sent to the Superintendent of Police of the district along with the charge report. The second copy should be kept in the PS/Circle Office in a separate file. The Sub-Inspector/Circle Inspector should carry with him the third copy and maintain it in a separate file in the Police Station/Unit to which he is transferred.

(c) Though, normally, courts are expected to issue summons to the Investigating Officer, if the dates of hearing are known to the Investigating Officer, he should attend the court without expecting summons being served on him, and facilitate recording of his evidence.

(d) If there are several cases in which a police officer has to give evidence either as Investigating Officer or as witness, he should, in consultation with the APP so arrange the posting of cases that he is not summoned to court too frequently. During the monthly meeting, the Unit Officers should ascertain from the SHOs the particulars of the cases in which the Investigating Officers have not appeared before the court, and pursue the matter to ensure their appearance before the court.

(e) In the case of Investigating Officers who have been transferred out of the district, the Superintendent of Police should arrange with his counterpart for prompt attendance. If any Investigating Officer is absent before the court for two consecutive dates of hearing, the Superintendent of Police, should write to the concerned Superintendent of Police of the district/unit, who in turn should ensure that the particular Investigating Officer attends the court.

**(vii) Enhancement of punishment:**

In every case in which an accused person previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years or upwards, is prosecuted for an offence punishable under either of the two chapters with life imprisonment, the Prosecuting Officer concerned should, having regard to-

(a) the nature and adequacy of evidence to prove in the Court of Sessions the offences committed by the accused;

(b) the interval between the date of the commission of the offence and date of release of the accused after his latest conviction and sentence;

(c) the total number of previous convictions;

(d) sentences awarded in the case of each previous conviction; and

(e) the fact whether the Magistrate before whom, the accused is charge-sheeted is competent to award an adequate sentence commensurate with the gravity of the offences and the accused's previous convictions - move the court under section 324 of the Code of Criminal Procedure for committing the accused to the Court of Sessions for trial.

**(viii) Delay in the disposal of cases in Courts:**

(a) Delays in the disposal of criminal cases are mainly caused by -

(i) Piecemeal examination of witnesses and failure to hear the case, as far as practicable, from day to day, and

(ii) Absence of police or prosecuting staff or witnesses on the date fixed for hearing.

(b) Police Officers should be punctual in attending court. If the Sub-Inspector is unavoidably detained on any other important work, he should arrange to send one of his Head Constables with the case diary to attend the court in time. There can generally be no excuse for the absence of the prosecuting officers, as dates of hearing are fixed by courts in consultation with them, having due regard to their work in other courts. Reasonable time should be allowed for service of summons issued by courts, and Police officers on their part should see that summons are served on the witnesses and they appear in court on the date fixed for hearing in addition to returning the served summons to the court at least a day before that date. Action should also be taken under Section 174 of the Indian Penal Code

against the witnesses who fail to attend the court in spite of service of summons. Pendency can be considerably reduced and disposal of cases expedited by co-operation with the magistracy.

**(ix) Pendency of cases with Magistrate:**

It is the responsibility of the Circle Inspector and the Station House Officer to take steps to obtain details of pending proceedings in all cases from Magistrates. While discussing pendency in courts with Inspectors during the monthly crime meeting, the Superintendent will also ensure that details of all pending proceedings have been obtained from courts.

**(x) Issue of Summons:**

(a) According to section 69 of the Code of Criminal Procedure 1973, a court issuing summons to a witness may, in addition to and simultaneously with the issue of such summon, direct a copy of the summons to be served by registered post addressed to the witness at the place where he ordinarily resides or carries on business or personally works for gain. When an acknowledgement purporting to be signed by the witness or an endorsement purporting to be made by a postal employee that the witness refused to take delivery of the summons has been received, the court may declare that the summons has been duly served. The police officers should make use of this provision and arrange to request the court for sending the summons by registered post where necessary.

(b) According to section 206 of the Code of criminal Procedure 1973, if in the opinion of a Magistrate taking cognizance of a petty offence, the case may be summarily disposed of, the Magistrate shall issue summons to the accused requiring him either to appear in person or by a pleader before the Magistrate on a specified date, or if he desires to plead guilty to the charge without appearing before the Magistrate, to transmit before the specified date by post or by messenger to the Magistrate, the said plea in writing and the amount of fine specified in the summons or if he desires to appear by pleader and to plead guilty to the charge through such pleader, to authorize, in writing, the pleader to plead guilty to the charge on his behalf and to pay the fine through such pleader.

(c) According to section 253 of the Code of Criminal Procedure 1973, where a summon has been issued under section 206 Cr.P.C. and the accused desires to plead guilty to the charge without appearing before the Magistrate, he shall transmit to the Magistrate, by post or by messenger, a letter containing his plea and also the amount of fine specified in the summons.

(d) The police officers should take note of these provisions to arrange for expeditious disposal of cases in court.

(f) Cases ending in acquittal/discharge/inadequate sentence and action to be taken thereon and cases in which there are judicial strictures or commendations should also be

discussed in the Monthly Crime Meeting. The PP/APPs of the district should also be invited to the Crime Meeting.

**(xi) Courtesy to be shown to Prosecutors:**

Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors are functioning as law officers of the Government and they should be shown the utmost respect and courtesy. Cordial relationship between the police officers and the Prosecutors in the interest of investigation and proper presentation of the cases before courts need not be over emphasized. Both the departments are fully inter-dependent in the discharge of their official duties. The Unit Officers should ensure that the Prosecutors are shown proper courtesy by the Investigating Officers and other Police Officers in their official work.

**(xii) Constitution of District Level Committee to ensure quality of Investigation:-**

District/City Level Standing Committee for each District and City consisting of the following Officers is constituted:

Districts/Special Units	Cities
1. Superintendent of Police	1. Commissioner of Police
2. Addl. Supdt. of Police, HQrs	2. Deputy Commr. of Police, Crime
3. Asst. Director/Dy. Director, Prosecution	3. Asst. Director/Dy. Director, Prosecution

The Standing Committee shall review all the orders of acquittal under their jurisdiction and analyze each and every case individually and ascertain the flaws, if any, in the investigation and/or prosecution. The Committee should conduct their meetings once in a month. The Standing Committee shall identify the erring investigation officials as responsible for failure of prosecution case on account of sheer negligence or because of culpable lapses.

Based on the findings of such review, necessary disciplinary action should be initiated against such erring investigating/prosecuting officials for such lapses by the authority concerned.

A periodical report should be furnished to Chief Office every three months for onward transmission to the Government for review without fail.

*-DGP's Circular Memorandum No.053884/Crime 4 (3)/2014, Dated: 26.04.2016 based on Government Letter (MS) No. 956, Home (Pol.12), dated: 23.12.2015 and 24.03.2016- Orders of Supreme Court of India in Crl.Appeal No.1485/2008, dated: 07.01.2014 in the State of Gujarat VS Kishanbai.*

## **CHAPTER XXXVI.**

### **SEARCHES AND PROPERTY.**

#### **672. Searches —**

##### **(a) Powers of Search**

(i) An Officer in charge of a Police Station or an Investigating Officer, having reasonable grounds for believing that anything necessary for the purpose of investigation of any offence, which he is authorized to investigate may be found in any place within the limits of the Police Station of which he is in charge or to which he is attached and that such thing cannot in his opinion be otherwise obtained without undue delay, may search the place under Section 165 of the Code of Criminal Procedure. Before making the search, the Police Officer must record in writing the grounds of his belief, specifying therein the thing for which the search is made.

(ii) When a search has to be conducted in the jurisdiction of another station, whether in the same or a different district, an officer in charge of a Police Station making an investigation may require under Sub-Section (1) of Section 166 of the Code of Criminal Procedure, the officer in charge of the former station to make a search or cause search to be made. But, where there is reason to believe that the delay occasioned by such a procedure might result in evidence being concealed or destroyed, the Investigating Officer may, under Sub-Section (3) of Section 166 of the Code of Criminal Procedure, make the search himself or cause the search to be made, in which case, he shall forthwith send a notice of the search together with a copy of the list prepared under Section 100 of the Code of Criminal Procedure to the Officer in charge of the Police Station, within the limits of which the place searched is situated and to the nearest Magistrate empowered to take cognizance of the offence.

(iii) When a search is made under Section 165 or Section 166 of the Code of Criminal Procedure, a copy of the list prepared under Section 100 of the Code of Criminal Procedure, signed by the witnesses, shall be delivered to the owner or occupier of the place searched.

*[As per sections 165 & 166 of Cr.P.C.]*

##### **(b) Witnesses.**

(1) Whenever possible the presence of the Village Administrative Officer of the Village shall be obtained to witness a search.

(2) Witnesses to a search are required to enter the premises to be searched and watch the Police Officer performing the search.

(3) Before the commencement of the search on a person, the Police Officer who is to conduct it, should examine such person before the witnesses.

(4) At least two respectable witnesses of the locality shall be asked to be present at a search.

(5) The search shall be conducted in their presence and the list of things seized should be signed by the witnesses.

(6) The occupant of the place or his representative shall be allowed to be present during the search and a copy of the search list signed by the witnesses shall be given to him.

(7) When any person is searched under sub-section (3) of Section 100 of the Code of Criminal Procedure, a copy of the list of things taken possession of shall be given to him.

(8) Before the commencement of the search, the person of the Police Officer and the witnesses should be searched, so that there may not be suspicion of something extraneous being planted in the house or the place to be searched.

(9) Search of Mail Vans---

(a) Sub-Inspectors and Deputy Tahsildars assisted by at least one other officer of lower rank will carry out the search.

(G. O. Ms. No. 1816, Home, 30th June 1958.)

(b) Previous information may be given at the discretion of the State authorities.

(c) As the presence of a Divisional Officer of the Indian Postal Department might not always be available at the particular point where the searching Officer enters the Mail Van, the object could be attained by associating in the search either the Guard or the Under Guard of the train and also any member of the Supervisory Railway Mail Service Office who might be present. If anything is discovered a record will be made and signed by those present as witnesses.

(d) Only two checking Officers will enter the Mail Van at any one time.

(e) Searching party may not accept responsibility for the losses of postal articles for obvious reasons.

(f) Forward transit bags already checked and sealed by an officer of origin with a definite destination marked will not be opened by the Searching Party, but if they have any doubt as to the contents of any such bags, it will be opened by the Head Sorter or the Official-in-charge, on a specific request from the Searching Party, in writing, but no postal article or document relating thereto, will be delivered to the Searching Party except under the provisions of section 95, Criminal Procedure code.

(g) The search should be restricted to the minimum, i.e., to cases where there is bonafide information that something contraband was secreted inside the Railway Mail Service Van.

### **673. Time of the Search --**

The law does not require a search under the Criminal Procedure Code to be made during day-light, but, as a rule, day-light should be awaited. If information is received after dusk necessitating the immediate search of a house and if it is apprehended that delay till daybreak might result in evidence being concealed or destroyed, the house should be sealed and guarded and if that is not possible, search should be conducted during the night itself.

*[As per relevant provisions of Cr.P.C.]*

### **674. Conduct of the Search –**

(1) Before entering the premises, the exterior of the place shall be inspected to see whether facilities exist for introducing property from outside.

- (a) Search must be systematic and thorough.
- (b) Women should be allowed to withdraw.
- (c) Indiscriminate search and damage to property should be avoided.

(2) Under Section 165(2) of the Criminal Procedure Code, the Station-House Officer or Investigating Officer must, if practicable perform the actual search in person. If the Investigating Officer is unable to conduct the search in person, he may require any officer subordinate to him to make the search, after recording in writing his reasons for so doing. The subordinate Police Officer so deputed should be given an order in writing specifying the place where and the thing for which the search is to be made. Copies of records made above should be sent to the nearest Magistrate empowered to take cognizance of the offence. Form No. 92 should be used for the purpose.

### **675. Search list —**

(1) The Search list (Form No. 91) is in duplicate with trifoliate for the Station record. One copy should be forwarded to the Magistrate having jurisdiction with a case dairy sheet and the other attached to the copy of the case diary and forwarded to the District Police Office. If blank paper has unavoidably to be used, two copies of the list should be made and dealt with, as above, and an entry made on the trifoliate in the station book on return there, the forms attached to the trifoliate being destroyed.

#### **Salient Points to be remembered while conducting Searches**

(2) The following are the salient points which should be borne in mind by officers while conducting searches;

- (i) Conduct searches, as far as possible during daytime, except when circumstances otherwise warrant.

(ii) Before proceeding to conduct a search, prepare a record in Form No.290 (triplicate) indicating –

- (a) reasonable grounds for making the search;
- (b) the place to be searched;
- (c) the thing or things for which search is to be made, and
- (d) why such thing or things cannot otherwise be obtained without undue delay.

(iii) Send:-

- (a) one copy of the record so prepared without delay to the jurisdictional Magistrate.
- (b) attach the duplicate to the case diary to be submitted to your officer; and
- (c) file the triplicate in your case diary file.

(iv) Before selecting Panchayatdars, ensure that they are –

- (a) respectable and
- (b) inhabitants of the locality

(v) As far as practicable, select Panchayatdars from the neighbourhood of the place to be searched.

(vi) When it is not practicable to do so and Panchayatdars have to be selected from any other place, make a record of the reasons in your case diary and search list.

(vii) Avoid calling the same Panchayatdars to witness several searches.

(viii) If, for any reasons, the same Panchayatdars have witnessed more than one search, make a record of those reasons in your case diary.

(ix) When the Panchayatdars are selected, serve an order on each of them requesting them to attend and witness the search.

(x) Commence the search only after securing the presence of witnesses and explaining to them the object of the search and the articles for which it is made.

(xi) Before commencing the search, call out the inmates and have their bodies searched observing due formalities.

(xii) Before commencing the search, request the occupants of the place to be searched to be present and to attend the search.

(xiii) When the occupant deputes another person on his behalf, allow the deputee to be present and to attend the search.

(xiv) If the occupant is not willing or fails to be present to attend the search, make a record of it in the search list and the case diary.

(xv) If you reasonably apprehend that the delay caused in securing the attendance of the occupant frustrates the very object of search, proceed with the search in the presence of whosoever is present on his behalf and record the reasons for so proceeding, in your case diary and search list.

(xvi) Get yourself and the witnesses searched in the presence of the owner or occupier or any other adult male member of the house, if available, before the commencement of the search.

(xvii) When once the search is started, do not allow persons inside the house to go out or those outside to come in.

(xviii) Conduct the search in each room in the actual presence of the witnesses.

(xix) After the search is completed and the thing or things for which the search was conducted and any other incriminating articles are found or brought out, get yourself and the witnesses again searched and make a record of it in the search list.

(xx) Mention clearly in the search list every item of property seized, the exact place where it was found and how and by what means it was taken out from that place.

(xxi) Note in the search list the descriptive particulars and identification marks of the incriminating articles recovered.

(xxii) Make out the search list on the spot even if no articles are seized.

(xxiii) Record the number of the house and other particulars including the occupant's name, parentage and occupation.

(xxiv) Recover documents, if any, to prove the ownership or occupancy of the person from the place where incriminating articles are recovered and record such recovery in the search list.

(xxv) Sign with date on all pages of all copies of the search list and obtain the signatures of the witnesses on all pages of all the copies.

(xxvi) Give under acknowledgment a copy of the search list immediately to the occupant of the house searched.

(xxvii) On completion of the proceedings -

(a) send without delay one copy of the search list to the jurisdictional Magistrate;

(b) attach another copy to the case diary of the relevant date to be sent to your officer;

(c) file the third copy in your case diary file; and

(d) attach the fourth copy to the final report to be sent to the court.

## **676. Property coming into the hands of the Police – Disposal ---**

(1) As soon as the case properties are seized, the details about the case properties should be entered in the case properties register and such properties be sent to the jurisdiction court promptly. The columns in the case property register should be as follows: –

- (a) S.No.
- (b) Cr.No. and Section.
- (c) Date and time of seizure.
- (d) Property seized. If the property seized is currency notes, number of denomination of each note should be noted.
- (e) Name and designation of the Investigating Officer, who seized the property.
- (f) Date on which the case property is sent to courts and relevant Form 88 number.
- (g) Whether accepted by courts, if so order No. and date.
- (h) If not accepted by courts, reasons therefor.
- (i) Date of resubmission of case property to courts, rectifying defects.
- (j) If court ordered, retaining the case property in safe custody in station, reference number of court and date.
- (k) Whether returned to the complainant/owner of property, if so court order number and date.

(2) Apart from entering in the case properties register, a list of case properties kept in the station should be maintained. The case properties kept in the station on court orders should be neatly arranged with label containing crime number and court order number.

(3) Form No. 88 (Old Form.95) is used for sending property to the Magistrate. Three copies of the forms should be prepared by carbon process. The triplicate should be retained in the Station and the remaining two copies sent to the Magistrate with the property. When the duplicate copy is received back from the Magistrate with his orders thereon, it should be pasted in the book (Form No.88) and the triplicate copy removed and filed with the case diary, after noting down in red ink the court reference number under which the case property was acknowledged.

*[Circular Memorandum Rc.No.155586/Crime I (1)/2005 Dated: 05.08.2005 of the Director General of Police, Tamil Nadu]*

(4) If, while acting strictly within the limits of the authority to search for specified articles conferred by Section 165 of the Criminal Procedure Code, a Police Officer happens to notice or comes across, without effecting a general or roving search, any property which may be alleged or suspected to have been stolen which may be found under circumstances which

create a suspicion of any offence, he would be entitled to seize it in pursuance of his powers under Section 102 of Criminal Procedure Code.

*[As per relevant provisions of Cr.P.C.]*

### **677. Unclaimed Property ----**

The receipt of any unclaimed property should be entered in the General Diary and the property forwarded to the Magistrate with Form No. 86 as soon as possible.

### **678. Property on unclaimed bodies ---**

Properties found on corpses of unidentified persons who have died of natural causes shall be taken charge of by the Police and sent with Form No. 86 to the Executive Magistrate (Tahsildar), having jurisdiction, after making necessary entries in the General Diary.

### **679. Custody of Property –**

(1) According to Section 451 of the Code of Criminal Procedure, when any property regarding which any offence appears to have been committed or which appears to have been used for the commission of any offence is produced before any criminal court during any inquiry or trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial. If the property is subject to speedy or natural decay or if it is otherwise expedient so to do, the court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. Thus, this section provides for the interim custody of property.

(2) The Magistrate as a rule, will provide a place for the safe custody of property seized in cases. If, however, he refuses to take charge of it, the Police must be responsible for it. Such property should be kept under lock and key in a Sub-jail cell or in an iron clamped box in custody of the Treasury or Sub-jail Guard.

*(G. O.492, Judl, 8th March 1881.)*

(3) Conveyance charges of property to be met by Court

(a) When the articles connected with criminal cases are easily portable, the practice of making parties interested or the police to convey them to the court may be continued.

(b) When they are bulky and it is found necessary to engage a cart or vehicle to convey them to the court and the party interested is unable to make the necessary arrangements, the hire should be paid by the Magistrate out of his office contingencies on a bill to be presented by the police supported by vouchers and a certificate showing the necessity for incurring the charge.

(c) Cost of conveying bulky articles concerned in criminal cases from court to court should be paid by the court sending such articles, out of its office contingencies, each charge being supported by a voucher and a certificate showing the necessity for incurring the charge.

[As per section 451 of Cr.P.C.]

### **680. Livestock ---**

The seizure of livestock by the Police in criminal cases shall be forthwith reported to the Magistrate for orders under Section 457 of Criminal Procedure Code. Pending orders of the Magistrate regarding its disposal, the livestock shall remain in the custody of the Police, but they may deliver it over to the charge of the Village Headman/Village Administrative Officer or its owner to be produced when required. The Magistrate having jurisdiction will be responsible for the cost of its feeding in cases other than those in which it is handed over to the owner.

(G. O. Ms. No. 2545, Home, 11th June 1940.)

### **681. Sessions Court –**

The High Court has directed that the Sessions Court Officer shall take charge of records and property sent to the Court even during vacation and on holidays.

### **682. Disposal of property of which Court declines to take possession ---**

When a Court of Magistrate refuses to pass any order under Section 452 of the Criminal Procedure Code as to the disposal of property concerning which he does not believe that an offence has been committed and refuses to receive it from the Police, the following instructions should be observed. —

(i) The Police shall retain the property sufficiently long to enable the parties to appeal to a higher court against the Court's or Magistrate's procedure.

(ii) If no application for revision is made nor order passed on revision, the Police shall return the property to the person from whom it was taken, unless, there is any obvious objection to so doing.

(iii) In doubtful cases the Police may apply for an order under Section 457 of the Criminal Procedure Code to the Magistrate having jurisdiction.

(iv) When no order can be obtained from a Magistrate or Court and the ownership of the property is in dispute or difficult of determination, the safest course will be for the Police to retain the property until one of the parties obtains the order of a Court. Such case shall be reported to the Director-General for orders.

(v) The Police shall not hand over property seized in a criminal case to a person other than the one from whom it was taken, without the orders of a court or Magistrate.

**683. Police not to receive back property without orders as to disposal –**

When once a Magistrate has taken over property from the police, they should not receive it back without orders as to its disposal.

**684. Property liable to distress ---**

The joint property of an undivided Hindu family cannot be seized or sold upon distress warrants issued against individual members of the family. The Police should however, ascertain whether the warrantee has any self-acquired property and if he has, it may be attached, seized and sold.

(*G. O. 1540, Judicial, 20 th November 1871.*)

## CHAPTER XXXVII.

### SAFE GUARDING AND DISSEMINATION OF INFORMATION, CO-OPERATION BETWEEN BORDERING AREAS AND CO-ORDINATION OF WORK IN CONNECTION WITH THE CONTROL OF ORGANIZED CRIME AND OF CRIMINALS.

#### 685. Protection of secret Information –

It is a universally recognized and fundamental principle of Police practice that secret information obtained by the Police should at the discretion of the head of the Police Force, be kept secret within the Force, that the identity of sources and agents who supply such information should be known only to the Officers who employ these sources and agents and to such other officers as the head of the Force may determine and that every precaution be taken to protect secret information and its sources from exposure. No secret information and no record or document or information which leads or may lead to the disclosure of the identity of the source from which or the agent of informant from whom such secret information was obtained, or to the disclosure of the identity of any Police Officer through whom it was obtained or to the disclosure of the source from which or the agent or the informer from whom it is intended or hoped to obtain secret information, or to the disclosure of the identity of any Police Officer employed on any particular secret enquiry shall be disclosed by any Police Officer to any other person, whether a member of the Police Force or not, except under the direction of the Director-General of Police. No report containing secret information received from an agent or informer or from any source shall be transmitted either in original or by copy. When the substance of such a report has to be communicated to authorized persons, it should be paraphrased or written in précis or summarized as may be necessary, the greatest care being taken to ensure that its source is not indicated by anything in the paraphrase, précis or summary.

[G.O. 259, Public (Pol.) 3<sup>rd</sup> May, 1935, 111, Pub. (Pol.) 9<sup>th</sup> March 1936 and 3755, Home 22<sup>nd</sup> December 1936.]

(2) Instructions in the preceding clause regarding the disclosure of secret information apply to the disclosure of all kinds of secret information and their sources including those relating to crimes of violence intended to overthrow the Government as by law established.

(G. O. Ms. No. 3154, Home., 17th August 1941).

(3) Not notwithstanding anything contained in clause (1) of this Order or in the instructions issued thereunder by the Director -General of Police, it will be

obligatory on any Police Officer to furnish secret information of the type referred to in them, and also information regarding the identity of sources and agents who supply such information, to the Chief Secretary to Government and the Secretary to the Government, Home Department, if called for through the Director-General of Police.

(G.O. Ms. No. 2023, Home, 22nd May 1951.)

(4) Collectors, being primarily responsible for the maintenance of law and Order in their respective districts, are entitled to receive from their Superintendents full information, including secret information, on all such matters. Normally therefore, Superintendents of Police should furnish their Collectors—with the particulars on which any information, or opinion is based. As regards the sources of any secret information, it may not ordinarily be necessary for Collectors to have information regarding them, but in cases in which the Collectors find it necessary to have that information, he may ask the Superintendent of Police and the Superintendent of Police shall ordinarily comply with the Collectors demand. Where a Superintendent of Police is unable to comply with any such demand made by the Collector, he should inform the Collector immediately of his inability to do so. If a Collector feels that the action of the Superintendent of Police in this regard is improper or that the refusal to comply with his demand is likely to handicap him in his work, he may report such case to the Government. The Government after calling for report from the Superintendent of Police through the Director-General of Police and examining the special reasons furnished by the Superintendent of Police, will pass appropriate orders in each case.

#### **686. Necessity for prompt dissemination of information --**

(1) The prompt dissemination and interchange of general information concerning crime and criminals form part of the most important duties of the Police and must receive the close attention of officers of every rank.

Station House Officers promptly to circulate notice of property stolen. ---

(2) Station House Officers shall be responsible for the prompt circulation to Stations, where they are likely to be useful, of lists of property lost and descriptions of absconding offenders. It is most important that the Railway Police should be given the very earlier intimation to be on the lookout for absconding offenders or the perpetrators of any particular crime.

#### **(3) (a) Register of properties stolen, lost or recovered -**

In every Police Station separate registers will be maintained for properties stolen, lost or recovered. As and when crimes occur, the Station-House Officer shall be responsible for the prompt circulation to Stations where they are likely to be useful, of lists of property stolen, lost or recovered including the Railway Police.

(b) From the replies received from various Police Stations the Station-House Officers shall bring his list up to-date. These registers should be made use of by Station-House Officers to catch the men during the education classes.

(c) The register shall be in two parts, the first Part dealing with property relating to the Station concerned and the second part of other Stations.

### **687. Report of probable presence of habitual criminals --**

(1) In all cases in which the crime is suspected to be, the work of habitual criminals, a crime card in Form No. 83 will be sent by the Station-House Officer to the surrounding Police Stations of his district as also to the bordering Stations of adjoining districts and Railway Police Stations, to the concerned Crime Record Bureau, to the Crime Inspector, the Sub-Divisional Officer and the Superintendent of Police. If the offenders are from outside, prompt information should also be sent by Wire to the neighbouring Police and Railway Police Stations. Station-House Officers who receive the information, whether by crime card or by Wire, will immediately institute the necessary inquiries indicated and with the least delay, report the result by Wire or memorandum or in the "Reply" portion of the card to the Station from which the information was sent. A register will be maintained for the crime cards and information sent regarding crime and criminals in the prescribed form.

(2) These crime cards or messages shall be retained as long as the case diaries concerned are retained.

(3) A note-book in Form No. 84 will be maintained in each Station to show the action taken on Crime Cards received in it.

### **688. Police Sheets.—Notices -Publication in the Criminal Intelligence Gazette --**

(1) Full use should be made of District Police and weekly Crime and Occurrence Sheet for circulating notices of property stolen and persons to be arrested. Out of view known Depredators will be published in them (Form 93). As these sheets are circulated among neighbouring Districts, lists of stolen property and descriptive rolls of persons to be arrested should only be sent for publication in the "Criminal Intelligence Gazette" when wide publicity is necessary.

(2) Notices when to be sent to other Districts --

Notices which cannot be delayed until the publication of the Police and Weekly Crime and Occurrence Sheets or "Criminal Intelligence Gazette", should be promptly circulated in the District and sent to other Districts, as the case may

be. The number of copies of such notices likely to be required in another District, should be cyclostyled and forwarded.

### **689. Communication of intelligence to areas beyond the State --**

(1) It should be clearly understood that the instructions contained in Orders Nos. 686 to 688 are not limited to area within the State. It is the duty of the Station-House Officer to communicate to surrounding areas beyond the borders of the State, as promptly and as completely as to surrounding areas within the State, information regarding all classes of crime against property suspected to be the work of habitual criminals who might conceivably have come from or proceeded to areas beyond the Station limits, and information regarding the movements and activities of any such criminals. He must also act as promptly on receipt of information received from areas beyond the borders of the State as he does on receipt of information from within the State. Criminals are prone to take advantage of State borders for the purposes of committing crime and prompt and effective interchange of intelligence is necessary to overcome the difficulties involved in controlling crime and criminals in such border areas.

*(G.O. Ms. No. 1556, Home, 29 July 1936.)*

(2) Meetings between bordering officers for effecting co-operation in connection with the control of organized crime and of criminals --

(a) In order to secure satisfactory co-operation between the Police of neighbouring areas for the purpose of control of organized crime and of criminals, all Executive Officers from the rank of Sub-Inspector to Superintendent of Police, both of the District and Railway Police, should keep up frequent and confidential intercourse by correspondence and meetings with officers of corresponding rank in the areas bordering their jurisdiction, whether within or without the State of Tamil Nadu. Meetings should take place when there is current matter for personal discussion and may be held on the frontier or elsewhere as found convenient. They should take place as often as is necessary for the purpose for which they are intended and no year should be allowed to pass without at least one meeting.

(b) Similar meetings should also be effected by Range Deputy Inspectors-General with bordering Deputy Inspectors-General within the State and with officers corresponding rank of bordering areas beyond the State, when necessary, for coordinating steps to be taken in regard to the control of crime and criminals. The border meetings with officers of corresponding rank of bordering State viz., Kerala, Karnataka and Andhra Pradesh should be held every year. They will be held in Tamil Nadu and the other States concerned by rotation.

*(G.O. Ms. 2335 Home 14th August 1959)*

(c) Divisional Officers and Superintendents of Police should see that the meeting contemplated above is effected by officers of the rank of Sub-Inspector and Inspector serving under them. Range Deputy Inspectors-General should see that similar meetings are effected by the officers of and above the rank of Assistant Superintendents of Police/Deputy Superintendents of Police serving under them and send a report to the Director-General of Police on the 15th January each year as to whether this order has been complied with. In this report, they should also state what meetings they have themselves effected during the preceding calendar year with bordering Deputy Inspectors-General of Police-

(d) Except in cases of emergency, officers subordinate to the Superintendent must obtain his permission before proceeding out of the district, and Superintendents and Deputy Inspectors-General of Police must obtain the permission of the Director-General of Police before they visit another State for the purpose of such meetings. If owing to emergency an officer leaves his district or proceeds to another State without obtaining previous permission, the journey should be subsequently sanctioned and ratified by the authority competent to grant permission.

(3) Direction and co-ordination of work in connection with organized crime --- The officer responsible for directing and coordinating work in connection with organized crime which extends beyond the area of a Station is the Circle Inspector within his circle, the Divisional Officer for areas beyond a circle within his jurisdiction, the Superintendent of Police for areas beyond a Division within his district, the Range Deputy Inspector-General for areas beyond a district within his Range and the Deputy Inspector-General of Police (Crime), C.I.D., for areas beyond a Range. The Deputy Inspector-General of Police (Crime), C.I.D., also will take up the direction and co-ordination of work in other cases, the investigation of which has been taken up by his department. These principles should be regularly applied and followed in practice for areas within the State. For areas that extend beyond the State, where there cannot in normal circumstances be a single directing and co-ordinating authority, the necessary co-ordination of work must be attained by inter-changing intelligence and effecting meetings as laid down in the previous orders.

## **690. Notices of disappearance of individuals ---**

(1) Notices of the disappearance of individuals should be published when the circumstances of the disappearance ordinarily give rise to suspicion of foul play.

(2) From time to time people report at the Police Station about a missing child, relative, friend, etc., a check on this may reveal a crime or the working of an abducting or kidnapping gang or it may result in locating the missing person in which event the Police will earn substantial goodwill by rendering public service.

Hence, every complaint of a missing child or person should be methodically enquired into as per proforma given below.

**MAN/WOMAN/BOY/GIRL/ MISSING.**

Name; \_\_\_\_\_ Age; \_\_\_\_\_

**I. Elicit description of the missing person as under**

- (1) Height.
  - (2) Weight.
  - (3) Complexion.
  - (4) Hair.
  - (5) Identifying Marks.
  - (6) Clothes last worn,
  - (7) Spectacles.
  - (8) Footwear.
  - (9) Girth.
  - (10) Any other special features.

II. Check up whether the missing person is in any of the following:

- (i) In Police Station lock-up Cell.
  - (ii) Remanded to Judicial Custody.
  - (iii) Admitted to Hospital.
  - (iv) Dead in Mortuary.

(vi) If woman or girl, whether admitted to a Women's Home or Children's

III. Elicit from parents or relatives whether missing person had aired any grievance regarding

- (i) Studies,
  - (ii) Home Affairs.
  - (iii) Love Affairs.
  - (iv) Religion, etc.

#### IV. Bent of mind --

Would missing person have gone to places like Thirupathi, Rameswaram, Thiruvannamalai Ramana Ashramam, Pondicherry Aravind Ashramam, Velankanni, Haridwar, Ramakrishna Mutt at Calcutta, etc, if so issue Radio message to Police at that place.

V. Would missing person have gone to join as Air Hostess or to join a Convent, etc.

VI. Elicit names and addresses of friends, associates, etc. see, if friends or associates are also missing—a group of boys or girls go sight seeing to places like Calcutta, Delhi, etc.

VII. How much cash would missing person have had on him/her and how much has missing person taken. What about missing persons shoes, slippers, etc?

VIII. The written authority from parent or guardian for giving publicity through mass media, Radio, Television, Newspapers, etc. Parent's feelings for the present and for the missing person's future should be respected.

### **691. 'A' and B' Lists of absconding warrantees --**

(1) When a person for whom a warrant has been issued is absconding and there is no immediate prospect of his arrest, the Station-House Officer should send descriptive roll of the individual, in Form No. 94 in Tamil to the District Office. In addition he will enter the names of the persons in the "Absconder Register – Part A furnishing details of offence, residence of the absconder and action taken to apprehend him.

(2) Those rolls will be published in a supplement to the District Police Sheet in Form No. 94, the issues of the supplement being numbered and paged consecutively. These lists will be termed 'A' lists.

(3) In addition to absconding warrantees of the district the Superintendent will publish in his 'A' list, the descriptive rolls of absconding warrantees of other districts and of persons published in the "Criminal intelligence Gazette" who are natives of or likely to come to, his district.

(4) The 'A' lists will be filed separately in each station and from them the Station House Officer shall compile in Form No.94, a manuscript list of persons likely to come to his Station limits, which will be hung up in the Station. The men in the Station will be expected to learn the details of these persons. In addition, he will enter in the Absconder Register, Part 'B' the names of such of those persons who are either likely to visit his Police Station jurisdiction or residents of his jurisdiction.

(5) The names of persons who have been arrested or whose arrest is no longer required, will be published in the Police Sheet proper in a list which will be known as 'B' List, Form No. 95, 'A' list and manuscript lists shall be always kept up to date from the 'B' lists. Absconder Registers 'A' and 'B' will always be kept up-to-date either From 'B' list of the district or from correspondence with the concerned Police Stations.

(G.O. Ms. No.1156, Home, related 11th April 1954)

**Absconder Register --**

(6) Apart from publishing the names and particulars of wanted persons in the Crime and Occurrence Sheet, the Crime Records Bureau will maintain an absconder register, one for persons of this State and another for persons wanted in other States, who are either residents of this State or likely to visit this State. The register to be maintained for criminals of this State will be called Part I and the other Part II. These registers will contain, name, caste, parentage, description, section of offence, Crime Number and date, name of Police Station, complete particulars of residence, details of stolen property, place or places which are likely to be visited, names of relations whom the absconder is expected to visit (1) in his own district, (2) outside his district and State reward offered for arrests, F.P.B.S. Number, date of arrest and remarks. Part II will contain all the above particulars and in addition, the name of the State will be entered below the Crime number and Station.

**Descriptive Rolls --**

(7) The Crime Records Bureau will call for details of wanted persons from the Police Stations in the form -- Descriptive Roll. The Crime Records Bureau will maintain the particulars of all wanted persons in this form and the same form will be used while communicating particulars of wanted persons to the Modus Operandi Bureau. This form will be used by the Crime Records Bureau when communicating particulars of wanted persons to other districts or other States through the Modus Operandi Bureau or publication intended for the Criminal Intelligence Gazette.

## **CHAPTER XXXVIII.**

### **DETECTIVE DUTY**

#### **692. Detective Duty**

Head Constables and Constables may be employed on Detective duty in searching for information, following up some special clues, tracing individuals whose whereabouts are unknown and for watching suspected persons.

#### **693. To be given definite instructions:**

The most definite instructions possible shall always be given to men deputed on detective duty. These instructions shall be entered on their passports to the extent considered desirable. In every case the Head Constable or Constable shall be given written instructions on his passport as to the date on which he shall report back at the Station. This should invariably be within seven days at the maximum unless the Divisional Officer or the Superintendent orders otherwise.

#### **694. To report frequently:**

Men on detective duty, when in touch with their Superior Officer, should see him frequently. When at a distance, they shall send in Special reports at least once in every three days, through the nearest Police Station. The fact of their having visited the Station must be noted in the General Diary.

#### **695. Special reports:**

The substance of special reports shall be embodied in the case diary and the reports shall be attached to the copy of the case diary which goes to the Circle Inspector.

#### **696. Passports for leaving the State:**

Head Constables and Constables leaving their Station on any duty of a special nature and Sub-Inspectors proceeding on duty beyond their districts shall be furnished with a passport in Form No. 96. All subordinate police Officers sent on special duty outside the State shall be furnished with a passport in Form No. 97 signed by the Superintendent, or if the circumstances do not allow of delay, by the deputing officer on behalf of the Superintendent, who will be informed of the issue, provided that where reciprocity exists between the Superintendent on either side of the State border, no such issue need be made.

**697. Plain Clothes patrols in towns:**

(1) In towns where there is sufficient supervision, plain-clothes patrols may be sent out at night and men in plain clothes deputed to observe Bad Characters secretly.

(*G.O. 332, Judl. dated 20th February 1906.*)

**Plain clothes men at Railway Stations:**

(2) Men of the District or Railway Police deputed to look out for Bad Characters at large and busy Railway Stations, may, at the discretion of their Superintendents, be allowed to wear mufti.

## **CHAPTER XXXIX**

### **PRESERVATION OF THE PEACE**

**698. Watching for developments:**

(1) In so far as the causes of unrest are usually of a general, religious, political or economic character, it may be difficult for local officers of the Government to do anything effective in isolation towards their removal. When, however, they are of a local character (though perhaps general tension tends to accentuate the situation), local officers may often be able to effect their removal or at least, mitigate their effects. To this end, it is very essential for the local officers to keep continuous watch over developments from the very early stages, even though the circumstances may be such as to render it unnecessary or even undesirable for them to intervene in the early stage. The District Collector must make effective arrangements to see that he is fully and continuously kept abreast of the situation as it develops. The responsibility for such liaison rests entirely on the Collector.

(2) One of the most important duties of the Police is the collection of information about every movement, state of feeling, dispute or incident, which may lead to a breach of the peace and the communication of such information to the District Collector. Failure in the performance of this duty will be severely noticed.

(*G.O. Ms. No. 3064, Home, dated 3<sup>rd</sup> October 1960.*)

**(3) Action in connection with breaches of the Peace –**

(i) The Station House Officer must always keep in touch with the information contained in his records relating to crime in villages and acquaint himself with the occasions on which a breach of the peace is likely to take place.

(ii) When there is likelihood of disturbance, he should visit the place in question and try to gauge the extent of public feeling by getting in touch with important leaders of various groups and non-controversial citizens.

(iii) The village police Defence party and beat constables should be instructed to keep a watch on the meetings held, handbills distributed and rumours set afloat by outside agitators.

(iv) Precautionary measures for preventing or dealing with such disorders depend on a number of factors, including the cause of friction, the nature of the particular dispute, if any, whether the danger is continuous or associated with a particular festival or occasion and the influence of the leaders of the communities, but experience has shown that adequate precautions taken in proper time tend to inspire confidence among the several communities and check the misguided zeal of the irresponsible elements.

(v) It must be carefully watched if feasts or festivals of two different rival sects or communities fall at one and the same time and, if they do, an intelligent and confidential enquiry must be set afoot and the officers must give the subject their very best attention. They must freely consult the chief men of the respective communities and bring about reconciliation, if there is any dispute, but at the same time the best Police preparations must be made for the worst, instead of being befooled by promises and pretensions. The Executive Magistrate must be kept duly informed of all the developments and his presence procured.

(vi) It will usually be the safe and sound policy at times of acute feeling to assume that a clash in a large town may develop into a serious trouble and to take prompt precautionary measures on this assumption. These may stop initial clashes in other areas and so prevent spread of the trouble.

(vii) At times, however, disorders may obtain a firm foothold before the necessary forces can be secured to stamp them out. Ordinarily, the trouble will then assume the form of (a) gang attacks in localities where one community is weak and the police or troops are inadequate to stop them, or (b) 'kill and run' where the police troops are insufficient to stop gang attacks. Stabbing, Looting and arson will often be features of this stage.

(viii) If the circumstances demand such action, steps should be taken to have orders promulgated under Section 144 Cr. P.C., prohibiting the holding of meetings, the assemblage of persons, the carrying of weapons, the taking out of processions, or the doing of other acts from which a breach of the peace can be apprehended. If the dispute regarding which the breach of peace apprehended relates to land or water, or to boundaries of land or water, action should be taken under Section 145 to 148 Cr. P.C. Copies of reports made to Magistrates with a view to take action being taken under Section 144 and 145 Cr. P.C. should be sent to the superior Police Officers concerned.

(ix) If the prospects of averting trouble are not encouraging, steps should be taken to concentrate a sufficiently large Police force in the vicinity of the scene where a breach of the peace is anticipated, as a mere show of strength is sometimes sufficient to avoid untoward developments. The Police force should be strong enough to deal promptly and effectively with major or minor incidents. Arrangements must be made for patrols and pickets and for

the establishment of communications between various police parties and the Police headquarters.

(x) Sub-Divisional Police Officers and Superintendents should invariably be present on the scene of apprehended trouble and should not leave the situation to be handled by subordinates.

(xi) A particularly valuable form of patrol in a town or city is in a motor vehicle carrying a Magistrate and a Police party.

(xii) Precautionary measures for preventing breaches of the peace should include besides the several measures mentioned above, action under Section 151 Cr. P.C. against rowdies, suspects and bad characters and against persons, likely by their actions, to create trouble. When action under section 106 of the Code of Criminal Procedure against such arrested persons is intended, they should be promptly produced in custody before the nearest Magistrate although he may not have been empowered to deal with them, the latter Magistrate being requested to detain them in custody pending institution of proceedings under Section 107 of the Code. When they are so detained, they will not be entitled to bail under Section 436 of the Code. In case of others, they could be dealt with in accordance with the provisions of Section 59 read with Section 167 of the Code. In proper cases, those who incite class hatred should be proceeded against under Section 153-A-IPC. It is essential that any tendency towards disorder should be nipped in the bud and that actual outbreaks are handled effectively with the least possible delay and the minimum loss of or damage to life and property.

(xiii) Section 149 Cr. P.C. confers power on every Police Officer to interpose for the purpose of preventing the commission of any cognizable offence. The section also casts a duty on every Police Officer to prevent to the best of his ability, the commission of any cognizable offence. Superior officers should interpose by enlisting the assistance of influential persons in the communities concerned and encouraging all attempts to mitigate the effects of communal animosity. When communal tension is apprehended, Sub-Divisional Officer and other officers should endeavour to secure the assistance of gentlemen of repute who can be depended upon to exert their influence in the interest of law and order, and local conciliation boards should be formed where they are likely to be of use.

(xiv) Local officers charged with the maintenance of law and order should take prompt measures to deal with communal agitation from the beginning and on no account allow the situation to deteriorate. They should keep the District Magistrate and the Superintendent informed of the developments by Police Wireless, telephone or fax, from time to time and seek instructions when necessary.

(xv) During the periods of both tension and actual outbreaks of disorders, it is essential that an efficient system of intelligence should be available so that officers responsible for the maintenance of law and order are able to obtain timely information of incidents and developments. It is most important that Police Officers should be in close touch with the magistracy.

*[As per relevant provisions of Cr.P.C.]*

## **699. Preventive Action**

(1) When a breach of the peace is anticipated, the Police should take timely action under the preventive sections of Chapters XI and XII of the Criminal Procedure Code, and under the provisions of sections 30 and 30A of the Police Act, 1861 (Act V of 1861). First report made to Magistrates with a view to action being taken under sections 144 and 145 of the Criminal Procedure Code should be made on the First Information Report form and subsequent reports on case diary forms, as in ordinary cases under the Indian Penal Code and copies sent to the superior Police Officers concerned.

(2) In a serious emergency relating to the disturbance of the peace recourse should be had to the appointment of Special Police Officers under section 16 of the Madras District Police Act, 1859 (Act XXI of 1859) instructions to regulate the enrolment and employment of Special Police Officers are contained in Police Standing Orders, Volume II.

(3) (a) All public officers shall consider it their duty to do everything that is possible for the removal of causes of friction, communal or otherwise, to foster good relations and friendly feelings between different sections of the public, to take all possible precautions to prevent disorders and to spare no efforts in bringing disorders under control with the least possible delay. There should be no hesitation in taking disciplinary action against any Government servant who is guilty of any wilful neglect of duty or who contributed openly or covertly to the origin or the continuance of the tension.

(b) Police Officers should, whenever a suitable opportunity presents itself, impress on the people that it is the primary duty of each citizen to keep the peace and do everything in their power for the removal of coining and other ill-feelings that disturb public peace.

(c) Police Officers should keep the concerned Executive Magistrates informed of the course of any agitation or dispute that is likely to lead to a breach of the peace. The following items should be emphasized in their reports, (i) area affected, (ii) cause of dispute, (iii) number of persons involved in the dispute, (iv)

leaders of the dispute and the action, if any, suggested against them and (v) precautionary arrangements, if any, necessary.

(d) The Superintendent of Police will be held responsible for promptly communicating all information to the Collector of his district, the Range Deputy Inspector-General of Police, the Additional Director General/Inspector General/Deputy Inspector General of Police, C.I.D. (Intelligence) and the Director-General of Police, Chennai.

(4) (a) When, it is a question of dealing communal disturbances, the only prescriptions of general applications that can be made in regard to precautionary measures are, in the first place, that where there are persistent or recurrent local grounds for disputes, such as music or processions in particular localities or at particular times, every endeavour should be made to have these settled on a permanent basis by agreement. Such settlements, usually on the basis of an ascertainment of old customs in such matters have frequently proved of great value and secondly continuous vigilance should be observed when communal feeling is running high, since any trivial incident may serve to start conflagration. This is particularly true of large towns.

(b) The authorities entrusted with the task of maintaining law and order should note that it is a right recognized by law that an assembly lawfully engaged in the performance of religious worship or religious ceremonies shall not be disturbed and also that persons may for a lawful purpose, whether civil or religious, use a common highway by parading it attended by music, provided that they do not obstruct the use of it by other persons. The attention of Police officials is, in this connection invited to section 30(4) of the Police Act of 1861, which empowers a Superintendent of Police or Assistant Superintendent of Police to regulate the extent to which music may be used in public places on the occasions of festivals and ceremonies.

### **Other Precautionary measures:**

(5) Other precautionary measures must depend on a number of factors including the cause of friction, the nature of the particular dispute if any, the question whether the danger is continuous or associated, with a special festival or occasion, the influence of Local leaders, etc. Premature action may increase rather than reduce the danger and excessive precautions may have the effect of creating a feeling of panic. But, generally speaking, when tension is really acute, experience is very definitely in favour of taking excessive rather than inadequate precautions, since these tend to inspire confidence in the weaker party and caution in the stronger one. They also tend to check the ardour of the inflammatory elements on both sides.

### **Precautions in towns:**

(6) In the case of towns, the following precautions have proved of value during periods of sustained tension, some of them with suitable modifications may usefully be followed in any large-scale dispute outside towns also.

(a) Intelligence --The Police in charge of Law and Order and of Intelligence should set up independent sources and get information of any portents of communal trouble or other disturbances and effective measures should be taken to nip in the bud any trouble that is likely to develop.

(b) Increase in the number of Police Pickets, strengthening of local Police, stationing of units of Armed Reserve at strategic and vital places; the institution of Armed Police Patrols in vehicles fitted with wireless sets and the establishment of a Police Control Room with the necessary striking force, ambulance and fire brigade. If vital places are not connected by telephone, a wireless Station should be established and a few despatch riders on motor cycles may be kept ready for communicating orders promptly.

(c) Efficient and prompt system of communication between Police Headquarters, Police posts and the Executive officers concerned.

(d) Security proceedings against persons on both sides, who engage in exciting ill-feeling or who are known bad characters likely to take an active part in the disorder if it occurs. Such of the unruly elements as are suspected to be responsible for the tension, hooligans and urchins likely to cause breach of peace should be rounded up under Section 151 Cr. P.C.

(e) Prosecution under Section 153-A, Indian Penal Code or action under Section 108, Criminal Procedure Code, against those who promote enmity or ill-feeling.

(f) Formation of Block Vigilance Squads in Towns

(g) Action under Section 144, Criminal Procedure Code, where the danger of a clash appears to be imminent, e.g., prohibiting carrying arms or lathis, assembly of more than five persons in the public streets, etc.

(h) Action under the Police Act or other provisions of the law to control or prohibit processions, etc.

(i) **Watching for Strangers.**

A sharp look-out should be kept for strangers who not only inflame the feelings of the people but distribute objectionable posters and offensive weapons. Railway stations, Ferry Ghats, Bus-stands, Choultries, Hotels, Mosques, Temples and houses of leaders of both the parties involved in the riots are places to be watched

for such persons. If their movements are found to be suspicious, free use of Sections 41, 42, 107, 109 and 151, Criminal Procedure Code, should be made.

**(j) Careful watch over the movement of dangerous goods.**

Whenever there is reason to suspect that a railway parcel contains dangerous or offensive goods such as ammunition, the Railway authorities should be moved to open the package under Section 59(4) of the Railway Act.

(k) Distribution of leaflets in the affected and surrounding areas warning the inhabitants against creating disturbances and appealing for the maintenance of peace. The citizens should also be assured that their legitimate rights will be protected. This, especially in hartal, will enable them to pursue their normal vocations without fear of attack or of victimization.

*(G.O. Ms. 3064, Home, dated 3rd October 1960.)*

## **700. Measures to prevent breaches of the peace**

(1) It is the duty of the Police to watch the state of feelings, disputes or incidents among the communities and to take adequate measures to prevent breaches of the peace which if they occur, must be handled immediately and effectively. Precautionary measures for preventing such disorders should include, beside the several measures mentioned in Order No. 698, action under section 151 of the Criminal Procedure Code, against rowdies or persons likely by their actions to create trouble. In proper cases those who incite 'class hatred' should be proceeded against under Section 153-A of the Indian Penal Code.

**(2) Use of non-official:**

It is very desirable that the services of non-officials should be utilized when these are likely to be of value in such situations. For this purpose it is essential that Superintendents of Police should not keep themselves aloof from non-officials. They should endeavour in the course of their tours to meet leading non-officials of the place so that they can get to know them well and enlist their help in an emergency.

(3) Prior to anticipated out-breaks of disorders, the Police Force in the locality must be strengthened or mobilized as circumstances permit, so as to deal promptly and effectively with major or minor incidents. Arrangements must be made for mobile patrols and pickets and for the establishment of communications between various Police parties and the Police Headquarters.

(4) During both periods of tension and actual out-breaks of disorders, it is essential that an efficient system of intelligence should be available so that officers responsible for the maintenance of law and order are able to obtain timely

information of incidents and developments. It is most important that Police officers should be in close touch with the Magistracy.

(5) Vigorous precautionary measures, frequent patrolling, visit by superior officers to places of trouble and, above all, a sense of preparedness and determination on the part of the Police to prevent or deal effectively with any disorder will go a long way towards inspiring confidence in the public and preventing or checking activities of irresponsible elements.

(6) In places where communal disorders are usually associated with particular occasions such as festivals, a proper riot scheme should be drawn up in consultation with District Collector.

#### **(7) Preparation of Riot Schemes:**

There is a riot scheme drawn up for every important town in the State. Similar schemes should also be drawn up for places where, or occasions when, communal or other disorders are, from past experience, expected to occur. These schemes should be practiced every half year. The object of the practice is to ensure that all officers of the above rank of Sub-Inspector are conversant with the details of the scheme and their duties under it. It is not necessary for this purpose to make large-scale movements of men or mobilise Armed Reserves, involving additional expenditure to the Government by way of travelling allowance or feeding charges. The preparation of Riot Schemes, which can be brought into prompt operation, has proved of real value in the case of large towns. Internal security and alarm schemes presuppose a set of conditions quite different from those which obtain in the case of communal and other localized riots and are generally ill-suited for the latter purposes. The character and details of Riot schemes will necessarily vary from town to town and following items are merely illustrate of matters which may require consideration and inclusion in the scheme –

(a) Choice of headquarters of the Police and Chief Executive Officers (and of Military Liaison Officers, if provision is made for Military aid).

(b) Adequate arrangements for telephonic communication and periodical testing of them. If a serious riot occurs, extra connections are of great value.

(c) Arrangement for transport of Police reinforcements.

(d) Initial disposition of Police Force, including schemes of patrols and pickets with mobile reserve. This part of the Scheme should be fluid and admit of rapid change as the situation develops,

(e) Division of the area likely to be affected into patrol areas and in particular, into areas capable of patrol by motor vehicles. The latter part of this scheme involves actual tests before hand, of the streets, end lanes down which motor vehicles can pass. Patrol areas should be as small as the Forces available and local

conditions will permit, since the more intensive patrolling can be made, the more useful it will prove.

(f) The allocation of duties and stations to particular Magistrate,

(g) Plans for the requisition of Motor Lorries and Motor Car,

(h) Allocation to a particular officer of the duty of requisitioning sufficient number of townies, who may prove invaluable in the early stages of riot for the purpose of proclaiming by beat of drum the orders of the executive authorities.

(i) Public Address System.

Use of Public Address System mounted on Police Vehicles for publishing official announcement countering mischievous rumours, etc.,

(j) Keeping Photographers at hand.

Photographing situations has a deterrent effect on trouble makers and for pursuing investigation and prosecution.

(k) Positioning T.V. Camera has the effect of drawing people to the desired Place and thereby releasing crowd pressure where control becomes difficult.

(1) If military aid is locally available, the scheme should include provision for this, framed by or in consultation with the Military authorities. Among other matters provision should be made for

(i) strength and composition of

(a) initial force, and

(b) reinforcements

(ii) the initial dispositions.

(iii) liaison with the civil authorities

(iv) Warning message to stand by and subsequent message (if proves necessary) to proceed in aid of the civil power; and

(v) Deputation of Magistrates for duty with various detachments.

(m) Medical relief for the injured

(n) Provision of wireless sets

(o) Periodical revision of each Riot Scheme.

NOTE: -- (1) During periods of tension the civil authorities should keep the military closely informed of the situation.

(2) Instructions regarding use of military in aid of civil power are given in G.O. Ms. No. 1985, Public (General-A), dated 4th June 1955

(8) Police Officers engaged in dealing with such situations or investigating offences arising from them, must show themselves to be strictly impartial.

(9) When clashes occur ---

If a clash occurs, immediate and vigorous action may nip the trouble in the bud and prevent it from spreading. If it is possible to make arrests, these will have a good effect. Where the clash takes the form of mob fighting, there should be no hesitation to disperse by force or to resort to firing, if life is seriously endangered, the provisions of the law in their respects being, of course, observed. Procrastinating and feeble parleying for long periods often lead to the heightening of tension and worsening of the situation. This is frequently so because lack of prompt firmness and decision is interpreted as weakness and vacillation on the part of the authorities, which it frequently actually is.

(10) It will usually be the safe and sound policy at times of acute feeling to assume that a clash in a large town may develop into serious trouble and to take prompt precautionary measures on this assumption. These will stop initial clashes in other areas and so prevent spread of the trouble.

NOTE.—Instructions regarding dispersal of unlawful assemblies are given in Police standing Order No. 703.

**(11) (a) Measures to put down disturbance**

Whatever measures may be taken, disorder may obtain a firm foothold before necessary forces can be obtained to stamp it out. Ordinarily, the trouble will then assume the form of gang attacks in localities where one party is weak and the Police or troops are inadequate to stop them or (b) Kill and run when the Police or troops are sufficient to stop gang attacks. Looting and arson will often be features of this stage.

(b) The measures which have proved of value at this and subsequent stages are:-

(i) Orders under Section 144, Criminal Procedure Code, in so far as it is possible to enforce them, e.g., curfew orders, prohibition on carrying of lathies, etc.

(ii) Early instructions to Magistrate to give orders to fire, if the circumstances justify such Orders under the law of self-defence or under Chapter IX of the Criminal Procedure Code. The proclamation by beat of drum or through loud speakers of the fact that such instructions have been issued often has a deterrent effect, even though the occasions or opportunities for resort to firing may be very few.

(iii) Intensive patrols and pickets in areas affected –

A particularly valuable mode of patrol is by Jeep, a Magistrate sitting in the front seat, with two constables behind with loaded muskets. The fact that the Magistrate will give the order to fire, if necessary, soon becomes known and

the frequency and unexpectedness of his visits are effective in checking, sporadic assaults and murders.

(iv) The arrest of suspects and bad characters on a big scale as soon as circumstances permit.

(v) Censorship of local newspapers that spread alarming reports or contain inflammatory news. This can be done by an order under Section 144 Criminal Procedure Code, in extreme cases of real urgency.

(vi) The utilization of reliable non-officials of influence specially for the purpose of restoring confidence.

(vii) Restrictions by arrangement with the Railway authorities on passenger traffic when there is a real danger of persons coming from outside to join in the rioting.

(viii) Despatch of small police parties to comb the disturbed areas for rioters whenever disturbances are interspersed.

(ix) Confiscation of the arms of undesirable licensees so that they do not fall into the hands of undesirable persons.

(x) Formation of Central and Local Peace Committees with influential residents of the locality in an extreme emergency when it is felt that the emergency situation cannot be controlled otherwise. These residents may also be appointed Special Police Officers under Section 17 of the Madras City Police Act, 1888, or Section 16 of the Madras District Police Act, 1859, as the case may be, for the purpose of assisting the Police in the maintenance of Law and order.

## (12) Aftermath

When the situation has been brought under reasonable control, new problems come into being among which the following may be mentioned:--

(a) The withdrawal of Police or troops --

The instructions in paragraph 27 of G.O. Ms. No. 1985, Public (General-A) dated 4th June 1956, should be followed.

(b) Police precautions should ordinarily continue though on a decreasing scale until confidence is restored.

(c) Similarly, it is often desirable to keep in force for some days or even weeks particular orders passed under Section 144, Criminal Procedure Code, since these assist in preventing panic.

(d) There are almost invariable complaints regarding the investigation of offences committed during the disorders, and it is desirable to ensure as strict impartiality as possible, in the investigating staff and also careful supervision.

(e) The question of prosecution is a difficult one. Both sides usually press for them at the outset and later ask for their withdrawal. The deterrent effect of adequate sentences has to be set off against the intrigue and bitterness which prosecutions encourage; but experience would seem to show that, in the absence of very strong consideration to the contrary, the balance of advantage is very definitely in favour of offenders being brought to justice.

(f) The assistance of non-officials is probably of greater value during the conciliation stage than at any other and the fullest use should be made of their co-operation.

(g) Whenever, during the course of a disturbance, a person is shot by any member of the Police Force or other Government officials, the Collector in accordance with the instructions in G.O. No. 3488 Public (General-A.) dated 17th November 1955, should order a Magisterial enquiry, unless the Government themselves order an enquiry into the incidents by a Special Officer or a Tribunal.

(G.O. Ms. No. 3064, Home, 3rd October 1960)

(h) There is a tendency on the part of superior Police Officers and Magistrates to withdraw and assume that all is quiet as soon as an unruly assembly disperses at the first show of force. Police Officers and Magistrates should not leave the scene of a disturbance before ensuring themselves beyond all reasonable doubt that tranquillity has been permanently restored and that there is no longer any risk of a recrudescence of the disturbance.

Hook-swinging and other allied practices—Prohibition.

## 701. Self Mutilation

(1) (a) The practices of self mutilation specified below should be prohibited altogether on the ground of 'danger to human life, health or safety.'

(G.O.1092 Public (Genl.), 27th October 1934, and 4 Pub. (Pol.) 3rd January 1935.)

(b) Prohibitory orders under section 144, Criminal Procedure Code should accordingly be obtained whenever the intention to carry out such practices comes to notice. Steps should be taken to obtain such orders only if it is practicable for the Superintendent or other responsible Police Officer to reach the spot in time with a sufficient force to secure the enforcement of the order without undue risk of a breach of the peace.

Practices which are likely to prove dangerous to human life, health or safety and therefore to be prohibited.

(2) (a) Hook-swinging:

- (b) Hooking-dragging, i.e. dragging cars other than toy cars by hooks inserted into the body;
- (c) Carrying of kavadiis other than toy kavadiis by means of hooks inserted into the body.
- (d) Piercing the muscles of the body with metal rods.

## **702. Power to compel application for license for assembly or Procession**

(1) Officers of and above the rank of Deputy Superintendent of Police have power under section 30 of the Police Act, 1861 Act V of 1861, to issue a general or special notice to all persons convening or collecting a public assembly on any road, public street or public thoroughfare or promoting or forming a procession, that such persons must apply for a licence, provided that the District Magistrate or Additional District Magistrate or Sub-divisional Magistrate has given an opinion that such assembly or procession if uncontrolled, likely to cause a breach of peace.

*(G.O. No. 1458, Judl. 24, October 1908 and 2083, Judicial 14th December 1907.)*

(2) They have the power to give notice in the case of any assembly, or procession that the use of music must be under licence; such licences being issued by themselves.

(3) The last mentioned notice must not be issued generally to all the inhabitants within their jurisdiction, but must only be issued when it is known that it is intended by any person, or any class of persons to convene or collect, an assembly, or to form a procession, and must be a notice addressed to the persons convening or collecting such assembly or directing or promoting such procession.

(4) Prohibitory Orders under Section 144 of Code of Criminal Procedure or other laws should be restricted to specific periods, being renewed from time to time, as and when found necessary and that in each case the circumstances should determine for what length of time such orders should be issued or extended.

(5) A procession or an assembly which violates the conditions of a licence granted under Police Act or under any law for the time being in force may be ordered to disperse by any Police Officer and if that procession or the assembly, so ordered neglects or refuses to obey the order, it shall be deemed to be an unlawful assembly.

### **(6) Instructions for the guidance of officers in regard to communal disputes about processions on public roads and places -**

(a) Every citizen has a right to pass on the highway in front of a mosque or a temple, as the case may be in a procession attended with or without music subject to the restriction that the procession should not cause any obstruction to the traffic and should not affect public order, morality and health. No such procession can be stopped on the ground that the religious sentiments of the other community are offended, so long as that procession is in

order and does not infringe any reasonable restrictions imposed by any laws made in exercise of the constitutionally permissible legislative action of the State defined by the Constitution and in force at the time.

(b) In processions of a religious character, if religious sentiment is to be considered, it would be no less a hardship on the adherents of a creed that they should be compelled to intermit their worship at particular point than it is on the adherents of another creed that they should be compelled to allow the passage of such a procession past the places of worship they revere. There is a right in every community to take out a religious procession with its appropriate observance along a highway and that is an inherent right and does not depend on the proof of any custom or long established practice. Even if such procession be an innovation, it would be in the exercise of legal rights and the right is independent of any longstanding tradition and is not lost by mere abstention or non-exercise of it for a number of years. Worshippers in a mosque or temple which abuts highway, have no right to compel the processionists to stop their music completely while passing such mosque or temple on the ground that there was continuous worship inside it. Even if music, whether religious or not, offends against the religious sentiments of another community, it cannot be objected to on that ground. The stopping of the music would offend the religious sentiments of the processionists just as much as its continuance may offend the religious sentiments of the others.

(c) If it is apprehended that taking out any procession will lead to a breach of the peace, it is the duty of the officers concerned to take adequate precautionary measures and also action on the following lines: -

(d) The responsibilities of leaders on both sides in matter of the maintenance of law and order should be stressed at a preliminary stage.

(e) Any newspaper carrying on communal propaganda should be warned against indulging in any action likely to lead to further disagreements between the communities; if it becomes necessary, orders may be passed against them in this matter under Section 144 of the Cr. P.C.

(f) Before the situation becomes serious, persons likely to commit a breach of peace should be arrested if necessary under Section 151 Cr. P.C as suggested in order 698. Care should, however, be taken that leaders of communities or aspirants for leadership are not converted into martyrs by being arrested.

(g) If at any time it is found that places of worship are used for harbouring goondas or storing stones or brickbats or weapons a search should be made preferably with the assistance, as far as possible, of policemen of the community, whose place of worship is searched.

*As per relevant provisions of Cr.P.C.*

### **703. Dispersal of Unlawful Assemblies --**

(1) (a) It is the bounden duty of the Police to prevent cognizable offences as per Section 139 Cr. P.C. which is as follows:-

"Every Police Officer may interpose for the purpose of preventing and shall, to the best of his ability, prevent the commission of any cognizable offence.

(b) The police draw its authority to declare and disperse unlawful assemblies from Section 129 Cr. P.C., which is as follows:-

"Any Executive Magistrate or Officer in-charge of a Police Station or in the absence of such Officer in-charge, the Police Officer not below the rank of a Sub-inspector, may command any unlawful assembly, or any assembly of five or more persons likely to cause disturbance of the public peace, to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Executive Magistrate or Police Officer referred to in Sub-section (1), may proceed to disperse such assembly by force, and may require assistance of any male person, not being an officer or member of the armed forces and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law."

(c) Police Officers superior in rank to an officer in-charge of a Police Station are empowered to exercise all the powers that are given to an Officer in-charge of a Police Station as per Section 36 Cr. P.C. which is as follows---.

"Police Officers superior in rank to an Officer in-charge of a Police Station may exercise that same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his stations'.

(d) Police Officers, who are below the rank of Sub-Inspector, are not empowered to declare a mob unlawful. But they can exercise the right of a private defence which is available to every other person as per Section 97 I.P.C., which is as follows:--

#### **(2) Right of private defence of the body -**

(i) In addition to the legal provisions regarding the dispersal of unlawful assemblies, Section 100 IPC confers power on every person including a Police Officer to use force in the exercise of the right of private defence of the body to the extent of causing death or any other harm to the assailant, if;

(a) an assault, as may reasonably cause the apprehension that death or grievous hurt will otherwise be the consequence, is made or

(b) an assault, with the intention of kidnapping or abducting, is made; or

(c) an assault, with the intention of wrongfully confining a person under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release, is made.

(ii) If the assault be not of any one of the descriptions mentioned above, the right of private defence of the body does not, under Section 101 IPC extend to the voluntary causing of death to the assailant, but does extend, subject to the restrictions mentioned in Section 99 of the IPC to the voluntary causing to the assailant of any harm other than death.

### **(3) Right of private defence of property -**

(a) In addition to the right of private defence of the body cited above, Section 103 of the IPC confers power on every person including a Police Officer to use force in the exercise of the right of private defence of property to the extent of causing death or any other harm to the wrongdoer, if any of the following offences, the committing of which, or the attempting to commit which, occasions the exercise of the right:

(i) Robbery.

(ii) House-breaking by night:

(iii) Mischief by fire or any explosive substance, committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, and as a place of worship, or as place for the custody of property;

(iv) theft or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defense is not exercised.

(v) Mischief by fire or any explosive substance committed on any property used or intended to be used for the purposes of any Government or any local authority, Statutory body or company owned or controlled by Government or railway or any vehicle used or adopted to be used for the carriage of passengers for hire or reward.

(b) If the offence, the committing of which or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief or criminal trespass, not of any of the descriptions enumerated above, the right of private defence of property does not, under Section 104 of the I.P.C., extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in Section 99 of the I.P.C., to the voluntary causing to the wrongdoer of any harm other than death.

*As per relevant provisions of I.P.C.*

(c) According to Section 96 I.P.C., nothing is an offence which is done in the exercise of the right of private defence. The extent and limitation of this right are to be found in Section 98 to Section 106 of the I.P.C.

(d) The Executive Magistrate is one who is appointed by the State Government as envisaged in Section 20 of the Cr. P.C. According to Section 22 of the Cr. P.C. the Government can appoint Special Executive Magistrates for particular areas and for the performance of the particular functions and confer on them such of the powers as are conferrable under the code on Executive Magistrate.

(e) The procedure to be followed in dealing with unlawful assemblies is laid down in the "Drill and Training Manual" Section 123—Drill instruction for dealing with crowds. Rioters, mobs etc. and in section 126 — Mob firing small parties of Police.

(f) All Police Officers should be fully conversant with the above noted provisions of law which enumerate their rights and responsibilities in dealing with unlawful assemblies and with the drill procedure as laid down in the Drill and Training Manual.

(g) In any situation arising, where the Police are compelled to deal with unlawful assemblies in different places of the same village or town, it would be necessary to secure, as far as possible, the presence and permission of a Magistrate before resorting to the use of force for dispersing any or all of such assemblies.

(h) The presence of an Executive Magistrate in the trouble spot should be ensured wherever possible. If trouble is expected in number of places simultaneously, a large number of Magistrates should be made available.

(4) (a) When a Magistrate is present, an assembly shall not be called upon to disperse nor shall force be used to disperse it without the order of such Magistrate, provided that if a gazetted Police Officer is present in the absence of the Magistrate, such Police Officer may act independently in ordering an assembly to disperse.

(b) If an Executive Magistrate is present at the spot, it shall be his responsibility to declare the mob unlawful and direct them to disperse. If the members of the unlawful assembly do not disperse, he shall direct the Police to use force that is necessary for the purpose. The nature of force to be used, Tear gas, lathi-charge or water Jet and the method and quantum of force to be used should be decided by the senior - most Police officer present on the spot. Thereupon the Executive Magistrate shall not interfere with the Physical operation of mob dispersal.

(c) In the absence of an Executive Magistrate, the senior most Police Officer not below the rank of Sub-Inspector will carry out the functions of the Executive Magistrate in addition to his own.

(d) If any Police Officer below the rank of a Sub-Inspector is faced with a mob, he shall exercise his right of private defence, taking particular care not to exceed his rights.

(e) All commands to the Police are to be given by the Officer-in-Command of the party.

(f) The main principle to be observed is that the minimum necessary force to achieve the desired object should be used regulating it according to the circumstances of each case. The object of the use of force is to prevent disturbance of the peace or to disperse an assembly which threatens such disturbances and has either refused to disperse or shows a determination not to disperse; no punitive or repressive considerations being permitted to become operative while this is being done.

(g) Having decided on the kind of force to be used, the Officer in-charge of the Police will be responsible for deciding as to the each amount of the force to be used, the manner of using it and for setting the details of the operations connected with the use of force the Police Officer should, of course, bear in mind the principle, that no force more than is necessary should be used.

(h) If the members of the unlawful assembly do not disperse, the Executive Magistrate or the senior most Police Officer present in the absence of the Executive Magistrate shall direct the Police to use force, that is necessary for the purpose. The nature of force to be used, tear Gas, Lathi/cane charge, or water jet and the method or quantum of force to be used should be decided by the senior most Police Officer present on the spot.

(i) If the crowd refuses to follow the lawful instructions to disperse, the riot flag should be raised, the attention of the mob drawn through a bugle call with long blast and a clear warning that force would be used to disperse them, will be given through megaphone. The operation will commence if the mob refuses to heed to the warning.

(j) Officers commanding police parties will, on every occasion, when employed in the suppression of a riot or enforcement of the law, ensure that the fullest warning is given to the mob in a clear and distinct manner before any order is given to use tear gas or lathi/cane or fire arms and to use the most effortful means to explain before hand to the people opposed to them, in the event of the Police Party ordering to fire that the fire will be effective.

(k) If any or all these methods fail to disperse the mob and if in his opinion nothing short of firing can disperse the mob, the Executive Magistrate will order fire to be opened. Again, the manner in which firing is to be directed against the mob,

type of ammunition to be used and the method of firing are the individual responsibilities of the senior most Police Officer.

(1) The Police used for dispersing mobs should wear uniform including boots, putties and steel/ fibre glass helmets. The Police party should be provided with riot shields. The tear gas sections and the armed body protecting the tear gas section should wear anti-gas respirators.

(5) If the crowd becomes defiant, tear gas should be used effectively. If this becomes infructuous then lathi/cane charge can be made. If the crowd is still defiant, resort may be had to the use of fire arms.

(6) (a) It is not necessary that on every occasion tear gas should be used. Use of tear gas will depend on the availability of a sufficient stock of gas ammunition, wind direction, nature of the neighbourhood and availability of escape routes for the mob. On no account should gas be used in poor visibility especially between sun-set and sun-rise, and inside buildings or when the wind direction is such that the smoke will affect the Police party or innocent people in the vicinity or when the mob is too close to the Police party.

(b) Use of fire engines to spray water-jets at the mob also depends on the existing circumstances. This method of dispersal is possible when the mob is not armed and is not very violent. It can be tried either before or after the use of tear gas. Fast colours added to the water will enable the identification of the members of the unlawful assembly for the purpose of subsequent arrest and prosecution. The decision to use fire engines should be taken before hand by the Commissioner of Police or the Superintendent of Police in consultation with the official of the Fire Service.

(c) Fire units and their crew requisitioned for dispersing crowd should be given adequate Police protection to ensure the safety of their person and equipment in the event of the crowd becoming violent.

(d) A fire Officer not below the rank of Sub Officer should personally be in charge of the fire unit and should ensure that only spray nozzles are used or directing water on crowds. He should ensure that the ordinary type of nozzles which gives a solid jet of water is never used in such cases.

Note. — It should be clearly understood that the above method of dispersal will have the desired effect only on an unarmed crowd which is not violent.

(e) If water jet or tear gas fails to disperse the mob, lathi/cane charge should be ordered. Lathi/Cane charges should not be attempted if the strength of the Police force is not adequate to create an effect on the crowd and the crowd is likely to overwhelm the Police party easily. The personnel engaged in the lathi/cane charge should be under the proper control and the charging should cease as soon as the

desired objective is achieved. The procedure laid down in the Drill and Training Manual, will be followed. Care should be taken to prevent the lathi/cane sections getting separated from the main party and the Commander.

(7) (a) If lathi charge also fails and when it is certain that nothing short of firing can disperse the mob, a distinct and clear warning that firing would be resorted to resulting in loss of life should be given. Bugles will be used to draw the attention of the crowd. Riot flag will be raised and the warning administered through megaphones.

(b) The **cardinal principles in mob firing** are:—

(i) firing should be resorted to only when all other means of mob dispersal fail.

(ii) firing should be selective and controlled. The senior most officer will watch the reaction of the crowd after each round or set of rounds is fired. As soon as the mob shows signs of dispersal he should order cease fire.

(iii) Under no circumstances should blank rounds be used or rounds fired in the air as warning shots. Once firing is decided upon it should be effective.

(iv) Aim should be kept low preferably well below the waist level and directed against the most threatening part of the mob, and

(v) The Police force should exercise strict restraint and self control even under the gravest provocation and it must, under no circumstances, take action in a retaliatory or revengeful spirit.

(c) The Officer in charge over the Arms Squad should get the squad ready for mob firing. But, it is the senior most officer who should give all the commands relating to firing.

(d) If the senior-most officer is of opinion that it will suffice, he will give the fire order to one or two individuals only. If, however, he considers that this will be insufficient and the mob will over power the Police party, he will give the word of command to one or two files, the other files being held in reserve. Normally, firing will commence with buckshots, the fire of each person or file will be given by the regular word of command by the officer in charge of the party,

(e) If the crowd does not disperse after buckshots are fired, ball ammunition (.410 or .303) will be used. But if the crowd is in a very violent mood and has come too close to the Police party, buckshots with their limited stopping power will be useless. In such circumstances, ball ammunition will be used straightaway.

(f) An armed force should never be brought so close to a large and dangerous mob as to risk its either being over whelmed by number or being forced to inflict heavy causalities.

(8) (a) After making sure that the mob will not be unreasonable the operation will be closed. But sufficient strength will be left behind till normalcy returns.

(b)(i) Immediate steps should be taken to give First Aid to the injured and rush them to the hospital. Armed guards should be posted to watch the dead bodies till inquest is completed.

(ii) Relatives or close friends of the dead, injured or affected persons shall be notified at the earliest possible moment.

(c) It should be the endeavour of the Police to arrest as many rioters as feasible from the spot itself. Special parties should be kept in reserve for this purpose.

(d) Police photographers should cover every incident of mob dispersal. They should, wherever, available, carry movie or video cameras to capture the sequence of events and to record the identification of the rioters.

(e) Soon after the operation is over, the senior most Police Officer will flash message and prepare situation reports with details of the operation, time and sequence of events, details of force used, ammunition spent, causalities on either side, etc.

(f) **The Police** do not have a right to take away the life of a person. Under the scheme of criminal law prevailing in India, it would be an offence, if the death is caused in exercise of right of private defence. Another provision under which a Police Officer can justify causing death of a person is section 46 of Cr.P.C. This provision authorizes the Police to use force, even extending to the causing of death, if found necessary to arrest the person accused of an offence punishable with death or imprisonment for life. Thus it is evident that death caused in an encounter, if not justified, would amount to an offence of culpable homicide. In such cases and in cases where a complaint is made against the Police, alleging commission of a criminal act on their part, which makes out a cognizable case of culpable homicide, an FIR to this effect must be registered under appropriate sections of the IPC. Such case shall invariably be investigated by the State CBCID.

*-Instructions of the National Human Rights Commission issued in their circular D.O.No.4/7/2008-PRP&P, DATED: 12.05.2010.*

**(g) Police action during industrial unrest -**

The following orders should be followed by the police on the occurrence of trouble among labour classes which have led, or are likely to lead, to a strike.

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

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

(iii) With a view to carrying out the first three of these objects, the Sub-Inspector shall give the Inspector, the Sub-Divisional Officer and the Superintendent of Police and wherever the SHO is Inspector, he will give the SDPO and SP, the earliest possible warning of the likelihood of a strike and the earliest possible intimation of its occurrence, should it eventuate. The report should supply details of the number of men affected, the causes of the strike and the extent of disorder anticipated. The Superintendent will then take such steps as may be necessary to secure the objects set forth in sub-clause (a), (b), and (c) of clause (ii) above. Should the Police of the area be insufficient to cope with the situation, the Superintendent should depute men from the neighbouring circles, or if necessary, from the District Armed Reserve. The general instructions regarding the prevention of the peace also apply to breaches of the peace caused or likely to be caused by industrial unrest.

(iv) With reference to Sub-clause (c) of Clause (ii) above, it is to be remembered that peaceful picketing to prevent non-strikers from resuming work by persuasion, as distinct from force or intimidation, is not an offence.

(v) With reference to sub-clause (e) of clause (ii) of this order it is the duty of the police to ascertain the political issues which may underlie or possibly dominate the economic causes of the strike. Information on the following points should be carefully collected.

(1) the names of any instigators of the strike not directly interested in its avowed economic objects;

(2) the extent to which such instigation is responsible for the strike;

(3) communication and concert of action with the leaders of other strikes;

(4) the fullest possible information regarding the direct and indirect causes of strikes that may be avowedly political;

(5) the existence of literature inciting to strike;

(6) the probable local political effects of the strike; and

(7) the number of strikes and the classes to which they belong.

**(h) Factions in Villages – Measures to deal with –**

(i) In as much as, it is the primary duty of the police to preserve law and order and the frequent occurrence of factious rioting (involving often the use of firearms), generally the result of longstanding factions, is a definite indication that the local police are not discharging

their responsibility in the matter, particular attention should be paid to factious villages and all steps taken to prevent factious crimes. Integrity, promptness and firmness are the most essential qualities required of Police Officers in dealing with factions.

(ii) When a faction comes to notice for the first time, no effort should be spared to nip it in the bud. Sometimes, conciliatory methods may be successful in dealing with a faction. If the faction persists, there should be no hesitation in setting the law in motion against it. All officers from the Superintendent downwards should make it a point to visit factious villages as often as possible and make it clear to the factionists that the police would not tolerate any disregard of law or any attempt to disturb the public tranquillity. In all factious villages regular day beats should be served. Informants should be set up in such factious villages for getting information about the move of the factionists and what they plan to do.

(iii) All incidents arising out of a faction should be recorded in the Station House Diary then and there. An exhaustive note about the faction and its leaders and members with their antecedents should be made in Part IV of the Crime History of the Station. Rowdy sheets should be opened for those who are persistent factionists.

(iv) Even a minor incident resulting from a faction should not be lost sight of. Full use should be made of Section 160 of the IPC and Sections 106 and 107 of Cr. P.C. In a case under Section 107 of Code of Criminal Procedure, the Magistrate should, pending completion of the preliminary enquiry under Sub-Section 1 of Section 116, be moved for an order under Sub-Section 3, directing the parties to execute a bond with sureties for keeping the peace until the enquiry is completed. In some cases, it may be better to take action under Clauses (e) and (f) of Section 110 of the Code of Criminal Procedure against important factious leaders and rowdies, in cases of factious rioting and affray, the Magistrate should invariably be requested to bind over the parties under Section 106 of the Code of Criminal Procedure, in the event of a conviction.

(v) Even after the parties to a faction have been bounded over under Section 106 or Section 197 of the Code of Criminal Procedure, there should be no relaxation of vigilance in regard to that faction, as instances are not wanting, in which even after being so bound over, they have committed overt acts and indulged in sudden outbursts of violence. Every such incident, however small, should be taken cognizance of. Not only should offenders be charged for the specific offence but also their bonds should be got forfeited. If, in spite of all these measures, factionists continue to be active, the Superintendent should have no hesitation to come up with proposals for quartering police in the area.

(vi) Precautionary measures for preventing factious crimes should include, besides the measures indicated above, action under Section 151 of the Code of Criminal Procedure, if a breach of the peace is imminent and cannot otherwise be prevented.

**(i) Factious Rioting – Investigation of –**

(i) In a factious rioting, a Police Officer should not be content himself with laying charge-sheets against both the contending parties, making the prosecution witness in one case, the accused in the other and vice versa , and put forward their versions to the court without any attempt at finding out the truth. If complaints of the offence of rioting containing two divergent versions are given by the parties, it is the duty of the Investigating officer to find out which case is true and charge it. The easier course of referring both the case and the counter case undetectable should not be adopted. An impartial, efficient and painstaking investigation should invariably disclose the true facts of any occurrence. The laying of charge sheets in both the case and the counter-case should be resorted to only in exceptional cases or where as stated below, both the parties are guilty of aggression and lawless acts.

(ii) The principles set forth above apply mutatis mutandis to all tension and clashes between parties, whether they are due to faction or communal or political differences. In such cases, the police should remain completely neutral, but that does not mean that they should not make a distinction between the aggressors and the victims. When a group takes the law into its hands with a view to imposing its will or programme upon those opposed to it, the latter have a right conferred upon them by law to act in defence of their lives and properties. Whenever trouble occurs or is anticipated between two parties, the police should distinguish between the aggressor and the victim in the matter of action under preventive or specific sections of law, the leaders of both the parties being charged in specific cases or put up under security sections, only where there is evidence to show that both the parties have been committing aggression. Where one party has been forced to act in self-defence, only the aggressive party should ordinarily be proceeded against.

*As per relevant provisions of IPC & Cr.P.C.*

#### **704. Training –**

(a) Superintendents of Police should ensure that Sub-Divisional Officers, Inspectors and Sub-Inspectors are given sufficient training in conducting mob operation. All officers should be taught the legal requirements of the operation and be given demonstration in mob operation when they assembled at the District Headquarters or their monthly meeting.

(b) Officers and men should be given adequate target practice and should be trained in the different effects of buckshots, .410 ball and .303 bullets have on a riotous shot.

(c) The entire Armed Reserve should be trained in tear gas drill. They should be able to use gas in various conditions of wind.

#### **705. Equipment and ammunition -**

(a) The gas stock should be replaced from time to time, guard against failure at crucial times. Adequate gas stock, gas gun, shells and grenades should be available at all times.

(b) Blank cartridges shall never be issued to the Police staff when they are sent on mob dispersal duties.

(c) The arms party will carry both .410 muskets and .303 rifles. 50 percent of the staff carrying muskets will be supplied with buck shots and the rest with .410 ball ammunition.

(d) Two different types of riot flags should be prepared, one carrying the general warning to be given before the commencement of mob operation and the second carrying the warning to be given before opening fire.

(e) Battery operated megaphones and one or two buglers to call the attention of the mob should be available.

(f) A first aid box and an ambulance should be kept ready. The mere presence of an ambulance will have sobering effect on the rioters.

(g) Everyone who takes part in mob operation should be in uniform provided with helmets, shields and gas masks.

(h) Wind screen glasses of the Police vehicles should be provided with a stone guard. All vehicles should be assembled in a single place and placed under an armed guard.

(i) Mike-fitted vehicles and sufficient number of walkie-talkie sets should be made available at the spot.

## CHAPTER XL.

### STATION HOUSE RECORDS AND RETURNS.

#### 706. General Diary—Contents —

(1) In the General Diary (Form No.75) should be entered in regular sequence in point of time, the work done at the Station and the information received. Details of cognizable complaints or investigations already given in the First Information Book and the case diary, need not be reported in the General Diary, but record of occurrences in the Station in connection with those cases, such as the receipt of information, the production of prisoners, the effecting of searches, seizures or the departure for or return from, enquiry of investigating officers, particulars such as parades and inspections held or attended, attendance at courts including submission of reports and charge sheets in the court, town patrols, assistance to officers of other Police Stations, etc., must be entered. Information received and action taken in non-cognizable cases as well as information received regarding accidents, accidental strikes, deaths, processions, disappearance of persons and fires where there is no reason to suspect the commission of a cognizable offence, the despatch and return of Constables on beat duty with a note of the checking of their beat and note books, (a record being made of any information obtained by

them), the time of arrival and departure at the Station of Head Constables and Station Writers, should be entered in it.

(2) If in the normal course of duties in a Police Station no entry in the Station House General Diary becomes necessary for a period of two hours from the last one, a formal entry stating that there is nothing particular to be recorded should find a place at the end of two hours. The Station House General Diary should have no gap in the entries for more than two hours under any circumstances.

(G.O. Ms. No. 1464, Home, 26th August 1967.)

(a) The Station House Diary, is, in fact, a diary of daily events which should be entered as they occur and so provide an account of the work done in the Station. When the Station House Officer leaves the Station for whatever purpose, he should make a note of the fact and state on what duty, if any, he is proceeding and who has been placed in charge of the Station during his absence. He must also clearly note to which place he has left, so that it should be possible to locate him without any difficulty. In the absence of the Station House Officer, the senior officer present shall be placed in charge, under Section 2 (o) of the Cr.P.C. The latter should enter in the Station House Diary the work done by him at the Station in the absence of the Police Inspector/Police Sub-Inspector SHO.

[As per relevant provisions of Cr.P.C.]

(3) The pages in this general diary should be serially numbered and the page numbers should be printed.

## **707. Copy to be forwarded --**

(1) The General Diary of a day should cover 24 hours, and a copy of it shall be despatched daily at the earliest opportunity after being closed, to the Circle Inspector with Form No 76 an abstract of duty done by the Station Staff.

(2) The General diary shall be commenced at 0700 hours in all Stations and Outposts, and shall be closed at 0700 hours the next duty. In Hill Stations, it shall be commenced at 0800 hours and shall be closed at 0800 hours the next day.

(3) (a) As soon as the General Diary for each 24 hours period is closed, it should be handed over to the Station Collator, who will extract the required information from the General Diary and record as follows ;—

(I) In Station House Register form or a set of such forms with one line entry in respect of each member of the Police Station (all ranks). This will be signed by the Station House Officer who shall forward the same day to the Circle Inspector; and

(II) In a Station House Report to be prepared by the Collator by binding 200 or 300 S.H.R. forms, in which one or more pages will be allotted for daily one-line entries in

respect of each member of the Police Station (all ranks) the daily figures for each member will be totalled for every calendar month and the monthly totals for each member will be carried over to one or more loose S.H.R. as monthly S.H.R. return to be produced by the Station House Officer before the Circle Inspector by the 2nd of the following month.

(b) Functional units like Crime, Traffic Police Stations or Detachments which maintain separate General Diaries may use the S.H.R.s daily with them but need not maintain a S.H.R. or submit a monthly S.H.R.

### **708. Duty of Circle Inspector --**

(1) Inspectors of Police should ensure that the General Diaries of Stations in their Circles are written up then and there by the Station House Officers concerned and sent to them at the earliest opportunity. Undue delay on the part of the Station House Officers be promptly checked by Inspectors concerned. Repeated failures on the part of Police Subordinates concerned to send up the General Diary to Inspectors in time should be viewed seriously and disciplinary action should be taken against those responsible in the matter. The Divisional Officers should see whether the Inspectors are bestowing their best attention in this behalf, and if not, can take action, against them also for perfunctory or slack supervision over their subordinates.

*[G.O. Ms. No 3537 Home 17th December 1959]*

(2) When the Station House Officers produce their monthly S.H.Rs before the Circle Inspector, the latter will discuss the performance of each member of the Police Station with the Station House Officer concerned and record performance rating against the entry for each member in the S.H.R. form. The ratings will be ' A ' for " Above Average ", ' B ' for " Average " and ' C ' for " Below average " and the scores under each rating will be totalled for the Police Station for the month. The Circle Inspector will then sign the monthly S.H.R. and forward it to the Crime Records Bureau by the 5th of every month.

(3) The Deputy Superintendent of Police in charge of Crime Records Bureau will scrutinize the returns and accept them after being satisfied of their correctness. He should carefully verify the correctness of the totals for the number of men and various duties and performance ratings in the vertical columns. After being so satisfied he should despatch these returns in a consolidated file to reach the Police Computer Wing on or before the 10th of every month.

(4) After the monthly S.H.Rs of all Stations are received, the Police Computer Wing will have their data content processed on the Computer and will

provide local officers with an analysis of manpower utilization and performance in standardized output formats as follows .---

(a) Monthly---for each month by the 10th of the following month--to all Divisional Officers—Station wise statements with an aggregated statement for the division.

(b) Quarterly—for each quarter by the 10th of the following month—to all Superintendents of Police—Division wise statements with an aggregated statement for the District.

(5) The Divisional Officer will record his comments on the monthly computer statement and put it up to the Superintendent of Police for perusal who will return with his comments, if any. Comments of the Superintendent of Police and Divisional Officers will be communicated to Circle Inspector for necessary action. The Divisional Officer will build up a neat chronological file for the monthly statements.

(6) Similarly, the Superintendent of Police will record his comments on the quarterly statements and mark it to the Range Deputy Inspector-General of Police for perusal who will return with his comments, if any. Comments of the Deputy Inspector-General of Police and the Superintendent of Police will be communicated to the Divisional Officer for necessary action. The Superintendent of Police will build up a neat chronological file of the quarterly statements.

(7) Divisional Officer should, during Station visits, specifically check whether the S.H.Rs and Registers are being correctly posted every day, whether claims to good work are being recorded and whether ratings are assigned meticulously every month under the dated acknowledgements of the individuals concerned.

## **709 Circle Abstract.**

An abstract of crime shall be made out quarterly in each Station in Form No. 98 and a copy forwarded to the District Police Office for comparison with the ledger. Nuisance cases should appear in the Central Crime Abstract. Circle Inspectors shall check and countersign these abstracts.

- i) Shall be drawn once in a quarter
- ii) All true cases will be drawn according to offences, along with the stage of the cases.
- iii) For petty cases separate abstract will be drawn.

## **710. Note Books —Contents**

(i) In addition to containing a record of investigation, the Note Books of Police Officers, from Inspector downwards, shall contain an account of the duty done and places visited daily. Information picked up concerning crime

and bad characters and other matters of importance to a Police Officer should be entered. Head Constables and Constables are required to enter a full account of the doings on beat or any special duty.

(2) (a) Sufficient stock of Note Books to Stations should be supplied by the District Police Office in order that only Government supply is used.

(b) Receipt and issue of Note Books should be correctly accounted for in the Circle Office to avoid any substitution, etc.

(c) If, however, Government supply runs out of stock due to unforeseen circumstances, it is the duty of the Inspector to see that well stitched Note Book duly stamped and page numbered are supplied.

## **711. Custody of Note Books—**

The Note Books of Constables shall be kept in the station in-charge of the Station Writer, being handed to them when they go out on duty and received back, on their return. Note Books of the Station staff when completely written up or no longer of use, shall be kept in the Station under the personal charge of the Station in charge or the Station House Officer for a period of five years following the year to which the Note Books relate and then destroyed. Investigating Officers, when transferred from a Station, shall leave their current Note Books behind.

### **(b) Information Note Book**

In addition to the note book, every Police Officer of the Station should maintain a book called ‘Information Note Book’. In it the following information relating to the Station or other Stations, where necessary, should be noted for ready reference.

- (1) List of KDs and suspects.
- (2) Descriptive list of persons wanted in Crime.
- (3) List of OV.
- (4) Descriptive list of stolen property.
- (5) Names of receivers
- (6) List of Rowdies and communal goondas
- (7) Other matters of interest peculiar to the Station

## **712. Arrest Report ---**

Whenever a person is arrested, the Arrest Card shall be filled in triplicate and one copy sent to the Court without delay. One copy should be sent to the Executive Magistrate and one copy as trifoliate.

An Arrest report (Form No.99) need not be sent when person arrested by Officers of the Customs, Salt and Central Excise Departments are produced in the Police Station to be bailed.

### **713. Search Register.—Entry of description of Prisoner --**

(l) The description of prisoners should be carefully and fully recorded in column 5 of the Search Register on his being brought to the Station House. It should be sufficiently complete to fulfil all the requirements of a description for publication in the event of the man's absconding. Instructions for recording descriptions are given below:

(a) In order to give a description of any person sufficient to distinguish him and make it evident to any other person that he is the individual described, it is usually necessary to note several points. The more uncommon any peculiarity is to mankind in general, the more characteristic it becomes of the individual and therefore, the more valuable as a means of identification. If a man, for instance, is said to have his face pitted with smallpox marks, it is clear that he must be one of a limited number of people, as the majority are not so marked, but this is not enough to identify him. So long as many persons disfigured by smallpox are to be seen. If it is added that he is blind in one eye, the number of people, who combine the two peculiarities, would be small and, if it were said that he was blind in the left eye, it would be rendered still smaller; while, if he was further described as having a scar of the size of a rupee, on the back of his right hand, or had lost the last joint of his left thumb and was 176 cms of height, it is clear that the individual would be so well defined that any person found to combine all these peculiarities would, without much doubt, be the individual described. Therefore, the larger the number of peculiarities noted, the more accurate the description, and the more uncommon they are to men in general, the smaller the chance of making mistakes in identification.

(b) The cut, shape or material of clothing, the colour of the hair or skin and similar attributes, though helpful in certain cases, are ordinarily not of much value, as they are too general and can be simulated, and it is better to depend on attributes that are less common and cannot be copied.

(c) It is not necessary to measure every mark and scar on the person. It will suffice if three or more of the most prominent and permanent are recorded, provided that their positions are accurately given. Care must be taken that the marks selected are permanent, at least so far as it is possible to judge.

(d) The following brief instructions as to the manner of recording marks of identification are laid down for general guidance.

(i) Marks and Scars: - These, to be of value, must be permanent. Their size, shape, location and probable cause if known, should be stated, together with their direction and distance in centimeters from a fixed point.

(ii) The fixed points usually taken are:-

- a. For the head and face: - The corners of the eyes or mouth, the ears or nostrils, whichever may be the most convenient for purposes of measurement;
- b. For the neck: - The seventh or prominent vertebra at the back or Adam's apple at the front;
- c. For the arms: - The point of the elbow;
- d. For the hands: - The tip of the middle finger;
- e. For the front of the body: - The navel and middle line;
- f. For the back: - The seventh vertebra and middle line; and
- g. For the legs: - The middle of the bend of the knee.

(iii) In measuring marks on the front, as well as on the back, of the body an imaginary line is drawn down the centre of the body. Scars will be denoted as being either to the right or left of this line, above or below the navel (and below the seventh vertebra on the back).

(iv) To measure the distance of a scar on the trunk of the body from the given point, it will first be necessary to ascertain its distance from a horizontal direction to the right or left of the imaginary line. The next step will be to measure the distance from the point, where these imaginary vertical and horizontal lines intersect, to the navel. If the scar is anywhere on the imaginary line it will only be necessary to give the distance above or below the navel to localize it.

(v) It should invariably be stated whether the mark is on the right or left limb and, if so, whether it is on its interior, exterior, anterior or posterior surface.

**Examples:**

a. Burn, circular in shape,  $1 \frac{1}{4}$  centimeters in diameter, 5 centimeters from navel and 3 centimeters to left of median line.

b. Longitudinal scar on back, 3 centimeters long,  $\frac{1}{2}$  a centimeter broad in the middle, pointed at both ends, direction up and out. Seven centimeters from seventh vertebra and  $2 \frac{1}{2}$  centimeters to right of median line.

(vi) During examination, the person should be made to stand upright, with hands down and palms turned forwards. The entries about the marks can be considerably abbreviated without becoming unintelligible and should not be unnecessarily lengthy.

(vii) Deformities of any kind should always be recorded. The following are the principal deformities to be recorded.

a. Head: - Hare-lip; loss of, or injury to, an eye; squint; misshapen ears, nose or skull; loss of teeth.

b. Body: - Loss of or supernumerary fingers or toes; webbed fingers; loss of a limb or part of a limb immovable joints, wasted muscles.

(viii) In addition to marks, scars and deformities, any peculiarity which may specially distinguish the individual under examination, may prove useful, such as unusual height, stammering, peculiar gait or attitude, and the like.

(ix) To give a complete list of all the points that may possibly be of value as means of identification would be impracticable. The examiner must use his commonsense and note such points as are likely to be most useful.

(2) The Prisoner's relatives together with their addresses should be entered underneath the description.

#### **714. Bail Bond**

714. A. separate Bail Bond Book (Form No. 88) shall be kept for use in the case of persons brought to be bailed by officer of the Customs, Salt and Central Excise Departments.

#### **715. Process Register: -**

(1) A register of processes in Form No. 100 shall be maintained in each Police Station, in which shall be entered all processes received from Courts for service or execution, as the case may be.

(G.O. Ms. 3495, Home 1<sup>st</sup> October 1952.)

(2) This register shall be maintained in the form of a ledger "Magistrate War" viz., separate sections in the register being opened for each of the Magistrates' Courts from which the particular Police Station receives processes.

(3) Every Inspector of Police in charge of a Circle shall, as often as possible and at least once in two months, or four months in the case of Inspectors of the Railway Police, take the process registers of the Police Stations under him to the concerned Magistrate's Court, check up the entries with the corresponding registers and, if necessary, with other records maintained by the Court and report to the Superintendent of Police concerned cases involving serious delays or omissions.

(G.O. Ms. No. 3185, Home, 12<sup>th</sup> November 1955.)

(4) Unexecuted processes shall be brought forward in the register at the beginning of the month.

(5) All non-bailable warrants issued at the instance of the other departments should be executed by the Police with the assistance of Departmental officials concerned to identify the accused.

(6) Monthly abstract:

At the end of the month, an abstract in Form No. 101 shall be entered in the register.

**(7) Quarterly list of unexecuted Warrants**

At the close of each quarter, Station House Officer shall send through the Circle Inspector to the Superintendent of Police, a list of unexecuted warrants in Form No. 102. In a sub-division, the Inspector shall forward the list through the Divisional Officers.

**(8) Return of arrest warrants:--**

Warrants of arrest shall be entered in the register of the station in which first received, and shall not be transferred without sanction of an officer of and above the rank of a Deputy Superintendent of Police / Assistant Superintendent of Police.

(9) Non-bailable warrants of arrest shall only be returned through or under orders of an officer of and above the rank of Deputy Superintendent of Police / Assistant Superintendent of Police. The warrants should be returned to the Court of issue when applying for proclamation under section 82 of the Criminal Procedure Code, but at the same time fresh warrants should be obtained and kept for further action.

(10) All processes issued by the High Court or Sessions in appeals, revision cases, etc., for service through Magistrates' Courts also shall be entered in this register.

**716. Nuisance case Register --**

Wherever the Towns Nuisance Act, 1889 (Madras Act III of 1869) is in force, a register in Form No. 103 shall be kept for entering cases, under that Act and other cognate cases. Charge sheets in such cases are put in one sheet in the same form. The register should be kept at the Station and destroyed after three years.

**717. Duty Roster —**

(1) In all Urban and Rural Police Stations, Roll Call for Station staff will be held at 5 p.m. every off day. All Head Constables and Police Constables present at Head quarters including those sick as out-patient but excluding those on Sub-Jail and Treasury Guard duties or given specified duties in the Town at that hour will attend the Roll Call.

(2) At 6 p.m. each day, the Station staff will be informed of the duties on which they are likely to be detailed during the following 24 hours and an entry made accordingly in the General Diary. The Duty Roster (Form No. 104) will only be filled up at the time of Head Constable or Police Constable is actually sent from the Station on a duty.

(3) Duties performed during nights will count towards that particular day irrespective of the change in the Calendar day (e.g.) the duty of night patrol men between sunset and sunrise on the night of 25/ 26th March 2009 will count for 25th March 2009 and not for 26th March 2009.

(4) Men should start on all duties from the Station itself and not from their residence. Similarly they must return from duty report at the Station before going home.

(5) Miscellaneous duties should be shown separately each under a separate heading. This would enable the Inspector and Officers of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police to check up more thoroughly whether the Station staff has been properly utilized.

(6) Superintendents of Police and Divisional Officers should see that the duty roster is properly maintained both at their inspection and at their visits to Police Stations.

**(7) Duty Board --**

Every Police Station should have a black-board on which the allocation of duties of the several officers of the Station should be noted daily in the following form:

..... POLICE STATION

Area .....	Population .....
No. of Villages .....	Date .....

**Duty Board**

---

PI	SI	SSI	HC	PC	Details of Vacancies	PI	SI	SSI	HC	PC
					On leave					
Sanctioned Strength					Sick					
Actual Strength					Suspension					
Vacancies					Absentees					
					Vacancies					
					Total:					
Nature of Duty					Staff detailed					
										Sub-Inspector

**718. Village Roster --**

Important villages for which regular beats are detailed under Orders Nos. 368 and 369 with their hamlets should be shown first in the Village Roster (Form No. 105) grouped into beats and the remaining villages subsequently as a miscellaneous beat.

## **719. Sentry Relief book --**

The Sentry Relief Book (Form No. 50) in a Police Station where there is no standing guard, shall be entered up with reference to the Constables deputed on Station watch. When a prisoner is confined in the lock up, a regular guard should be posted and necessary entries made in the Sentry Relief Book.

## **720. Custody of Ammunition in Stations –**

(a) The arms in the Police Station will be kept secure in an arms rack by means of a chain fastened with a lock, and be in the charge of the Sub-Inspector or other officer in-charge of the station in his absence. The ammunition will always be kept in a locked box. The station writer when present in the station or, in his absence, the guard officer will, when taking charge of the keys, check the arms and ammunition and satisfy himself, as to their correctness. An entry to this effect will be made in the Station House Diary both by the Officer handing over the keys and by the one receiving them. The Officer in-charge of the station for the time being will also check the arms and ammunition whenever he takes charge of the Station House Diary and satisfy himself that they are correct.

(b) A small note-book should be maintained in the Police Station noting therein the number and name of the Constable or Head Constable to whom each weapon is successively issued and obtaining his signature against the entry.

(c) Arms issued to police personnel –

### **(1) Local Police**

MEN	PCs to HCs	.410 Musket and Short Lathi
WOMEN	All Women Police Stations PCs to HCs	Only Short Lathi No weapons issued

### **(2) Armed Reserve Police in Districts**

MEN	1. PCs to NKs	.303 or 7.62 mm SLR and Short Lathi
	2.HCs	9 mm Carbine Machine Gun I A or AK – 47 Rifle issued for TADA Duty only
	3.Officers	9 mm Pistol/.380 Revolver
WOMEN	PCs to HCs	.303 Rifle and Short Lathi

(3) TSP Battalions

MEN	1. PCs to NKs	.303 or 7.62 mm SLR and Short Lathi.
	2. HCs	9 mm Carbine Machine Gun I A
WOMEN	PCs to HCs	.303 Rifle and Short Lathi

(Memorandum Rc.No.163989/SAI (1)/2001 Dated: 14.08.2001 of the Director General of Police, Tamil Nadu)

## 721. Responsibility of sentry –

(1) The Station Sentry shall be responsible for all the property in the Station and the relieving sentry should invariably see that it is correct.

(2) A list of the regularly kept property shall be hung up in the Station. Any other articles temporarily deposited shall be entered in the sentry book

(3) The list should be checked by the Circle Inspector with his Register of Government property and with property actually in the Station, at his half-yearly inspection of the Station. Where the Inspector himself is the SHO he will periodically check the register for its correctness.

(4) (a) The Station sentry is also responsible for guarding the wall coffer or cash chest in the Station. The wall-coffer/cash chest should be sealed and handed over to the sentry in the prescribed manner.

(b) When there is an amount of Rs.5,000 and over at night in the cash chest of any Police Station in which the cash chest is embedded in the floor or wall, a guard consisting of three Police Constables should be mounted so that one sentry is always on the alert during the night.

(c) Similarly, when there is an amount of Rs.3, 000 and over at night in the cash chest of any Police Station in which the cash chests not embedded in the floor or wall, a guard consisting of three Police Constables should be mounted. The cash chest should be sealed and handed over to the guard in the prescribed manner,

## 722. Cash chests of other departments --

(1) Cash chests of the Post offices of India may be embedded in the floor of Treasury guard-rooms with the Collector's permission. The same course may be followed with regard to their location in Police stations, if agreed upon by the Superintendent and the Collector in consultation.

(G.O. Ms. No. 1679, Judicial, 10<sup>th</sup> August 1895, 994, P.W.D. 31<sup>st</sup> March 1873 and 1620, Judicial, 18<sup>th</sup> June 1885.)

(a) The Superintendent will examine each case and give permission in consultation with Collector either to embed the cash chest or to deposit in the Police Stations by taking into consideration the strength of the Police Station and the suitability of the building in which the Police station is located.

(2) The permanent custody of public money of departments other than the Post Office can only be arranged at large Stations where there is a permanent guard. Officers may however, temporarily locate their cash chest in a Police Station, provided that they are securely sealed and that they detail a member of their own establishments to assist in guarding them.

(3) The deposit and removal of cash chests shall always be entered in the Sentry Book.

(4) The Police are responsible only for the locked and sealed condition of the cash chests and for seeing that the locks are not tampered with and the cash chests are not taken away by any person.

(5) Any extra expenditure that this arrangement may result in, will be borne by the Postal department.

(6) The cash chests of other departments of Government may also be temporarily kept in the Police Station with the permission of the Superintendent provided the cash chest is securely sealed and an official of that department is detailed to assist in guarding the cash chest.

### **723. Payment of Pensioners —**

(1) Cash chests of Pension Pay Masters shall be received in Police Station for safe custody when required.

(2) When payment is to be made, the Police shall furnish an escort for the chest to, and from, the place of payment.

### **724. Tappal Book —**

The Tappal Book (Form No.306) shall contain the account of postage stamps including those expended on telegrams.

### **725. Visiting Book --**

(1) The Visiting Book (Form No. 107) is for the remarks of Police Officers of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police and District or Additional District Magistrate as the case may be and Revenue Divisional Officer and First Class Magistrate.

(2) Copies of remarks made by Executive Magistrates shall be sent without delay to the District or Additional District Magistrate as the case may be with the report of the Superintendent of the action taken in reference thereto.

### **726. Custody of Medical History sheets —**

Medical History Sheets of Head Constables shall be in the custody of the Station-House Officer and will be given to the men when they go to Hospital. On discharge, the Medical History Sheets will be returned to the Station-House Officer.

### **727. Men attending hospital —**

(1) Head Constables and constables attending Hospital for treatment must invariably be given passport, except in the case of men who attended as outpatients, while continuing to do duty.

(2) In-patients in Hospital should not leave the Hospital without the permission of a Medical Officer. A man absenting himself from Hospital is liable to punishment for absence without leave,

### **728. Defaulter Sheets --**

(1) Defaulter Sheets of the men of Station shall be in the charge of the Station - House Officer, and either he or the Inspector shall make the necessary entries therein.

(2) In the case of Single Station Circles, the Inspector will be the custodian.

### **729. Leave Report --**

Whenever a Constable, Head Constable or Sub-Inspector proceeds on leave other than casual leave, the Station-House Officer should send to the District Police Office, a report in Form No, 34.

### **730. Acquaintance Roll of Clothing ---**

The Station-House Officer shall prepare the half-yearly acquittance roll of clothing for the men of his Station and forward it to the Inspector by the 15th of June and the 15th of December.

### **731. Notice Board --**

Every Station shall be provided with a Board, 120 cms square to be hung up outside the Station for affixing notices of persons wanted, rewards offered etc. A separate board of the same dimension should also be hung up to notify the call-outs etc. of the Home Guards.

(b) Visiting Officers Board --

A Black-board showing the date of the last visit of the Deputy Inspector-General, Superintendent, Sub-Divisional Police Officer and the Circle Inspector will be kept in each Police Station and Outpost.

(c) Maps of the Station Area --

Following maps will be kept in each Police Station and Outpost.

(i) A Map of the area of the Station or Outposts as the case may be, with a list of all villages included in the Station or Outposts and border villages within 10 miles of the Station or Outpost.

(ii) A beat map of the Station or Outposts showing the different beat areas.

(iii) Crime Chart in Police Stations only.

(d) Lists --

(i) The following lists (mounted on a board) should be hung up in every Police Station:-

1. Statistical abstract of the Station.
2. List of Police Officers.
3. List of absconding warrantees.
4. List of persons ordered to notify residence under Section 356 Cr. P.C.
5. List of prisoners conditionally released under Section 332 Cr. P.C.

(ii) A list records and registers to be maintained should be pasted to a board and hung up in every Police Station and out-post.

(iii) The mission statement which speaks of the objectives and goals of the police, should also be hung up in the police station or out post at a prominent place.

## **732. Station Name Boards —**

The name of every Station shall be prominently painted in Tamil and in English on a board to be hung up conspicuously outside the Station House. In addition, a board bearing the name on both sides in red on white background, in Tamil and English should be fixed to a post on the road-side in a conspicuous place in front of the Station so that people moving in either direction of the road can see the name of the Police Station. The boards should be kept clean. Similar boards should be exhibited at the Outposts. It shall be well illuminated between sunset and sunrise.

(b) Open Yards in Police Station and Outposts --

Open yards in front or in the rear of Police Stations and Outposts should be kept clean and tidy. Where possible and facilities exist, small flower beds or other decorative plants should be grown.

**(c) Fire Fighting Equipment --**

In Police Stations where hand fire extinguishers or fire fighting equipment are provided, the Police should be instructed in their use. The extinguishers should be got inspected by the fire force staff periodically and kept in effective working condition.

**733. Out-posts—Record —**

A list of records to be maintained in Out-Posts is printed in Volume – II.

1. General Diary
2. Duty Roster
3. Note Books
4. Copies of History Sheets of Persons Watched
5. Enquiry Roll Form A
6. Enquiry Roll Form B
7. Beat Book, Sample signature Book and Patta Book
8. Sentry Relief Book
9. Village Roster
10. Inspector's Visiting Book
11. Memo Form Book
12. Tappal Book
13. Superior Officers' Visiting Book
14. Files of Correspondence
15. Copies of PSO 4, 206, 208, 585, 733 and 734
16. Check Register of KDs and Suspects
17. Petty Case Register
18. Arms Report
19. Pensioners Search Register
20. Petty case charge sheet form

### **734. Surveillance of criminals at Out-Posts ---**

Copies of the History Sheets of criminals who are to be watched from the outpost shall be kept therein. The Head Constable in charge shall send Bad Character Rolls in Form 118 regarding the movements of such criminals direct to the Stations concerned. All entries made in History Sheets at Outposts shall be copied in to the original History Sheets kept in the Station.

(2) Bad Character Roll Form No. 119 should be kept in Outposts for use when necessary.

### **735. Notified Offenders—Personal records to be maintained in Stations**

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The following personal records of notified offenders shall be maintained in the Stations in the limits of which they reside: -

(1) A personal sheet for each Notified offender containing details of -

(a) His Habitual Offender number with Criminal Tribe Registration Number, if any;

(b) Movement Sheets;

(c) Current doings;

(d) Copy of original notification issued by the District Collector;

(e) Copies of subsequent notifications, or orders or memoranda, if any ;

(f) Copies of orders exempting him from Section 5 of the Tamil Nadu Restriction of Habitual Offenders' Act, 1948, if any ; and

(g) Copy of identification roll with his acknowledgement.

(2) A list of Notified Offenders in the Station limits.

(3) History Sheets of Notified Offenders who are treated as K.Ds. or Suspects.

(4) The records of Notified Offenders whose notifications have been cancelled under Rule 21 of the Tamil Nadu Restriction of Habitual Offenders Rules, 1949, will be closed and filed in the Stations. They should be retained for 10 years and destroyed by order of the Superintendent of Police.

(5) The records of Notified Offenders, who have died, shall be destroyed by order of an officer of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police. It is essential that the evidence of death should be definite.

(6) Instructions to men --

Besides seeing that men are proficient in their knowledge of the Constable's Guide, the Station House Officer should catechise them in local knowledge regarding villages, village officers and criminals as well as pending cases and absconding offenders; he will also

instruct them regarding the action to be taken under the special laws, about giving evidence in courts, serving of processes, watching of criminals, drawing up of mahazars, escort duty, information from Crime and Occurrence Sheets, etc.

(7) **Community Service Register (Petition Index Register)**

All petitions received from the public shall be entered in it and acknowledgement shall be given to the petitioner in the prescribed form.

The petition may be disposed of after enquiry under the following categories (*vide DGP's circular No.161/Camp/DGP/1993, dated: 11.01.1994*)

- 1) Compromise
- 2) Warning
- 3) Petty case
- 4) FIR
- 5) Withdrawn
- 6) Civil Nature
- 7) Transfer to the respective station on point of jurisdiction. Monthly abstract should be drawn at the end of every month showing the pendency.

## **PART VI.**

### **PREVENTION OF CRIME, SURVEILLANCE OF CRIMINALS AND FINGER PRINTS.**

#### **CHAPTER XLI.**

#### **SECURITY FOR GOOD BEHAVIOUR.**

##### **736. Cases against local habitual criminals ---**

(1) Security cases under Sections 109 and 110 of the Criminal Procedure Code against local habitual criminals should be built up on details recorded in the Station Crime History as the result of careful watching by the Police over a period of time. It should be very exceptional for a local criminal, for whom a History Sheet has not been opened, to be put up under these sections.

(2) The section requires that the person proceeded against should be within the local limits of the Magistrate's jurisdiction at the time when proceedings are taken against him. Otherwise, the Magistrate cannot take action under this section. Temporary presence within the limits of the Magistrate's jurisdiction is sufficient. But, then the presence must be at the time when the proceedings are initiated.

(3) The object of this section also is preventive and not punitive, and action under it is not intended as a punishment for past offences. It is aimed at protecting society from dangerous characters against the perpetration of crimes by placing them under such substantial but not excessive security as would prevent them from resorting to evil courses.

(4) To sustain a charge under clause (a), the person proceeded against must be proved to be by habit a robber, house-breaker, thief or forger. The word "habit" implies a tendency or capacity resulting from the repetition of the same acts.

(5) To substantiate a charge under Clause (b), it must be proved that the person proceeded against is a habitual receiver of stolen property knowing the same to be stolen.

(6) Clause (c) is designed to meet the cases of persons who assist the thief after theft by harbouring him, protecting him from discovery and arrest, and helping him to dispose of his property. The acts, which amount to harbouring must be done with an intention of screening the offender from legal punishment or of preventing him from being apprehended.

(7) Clause (d) prescribes certain offences, the habitual commission or abetment of which, or the attempt to commit which, is ground for taking action under this section.

(8) Clause (e) contemplates taking security when one habitually commits or attempts to commit or abets the commission of offences involving a breach of the peace. The following are the offences within the purview of this clause:

(i) offences punishable under Chapter VIII of the Indian Penal Code, other than those punishable under sections 143, 149, 153-A and 154, Indian Penal Code,

(ii) assault or other similar offences, and

(iii) Criminal intimidation.

This can be effectively used in curbing the activities of factionists.

(9) Under Clause (g), "a man of desperate and dangerous character" means a person who shows such a reckless disregard of the safety of the person or property of his neighbours that his being at large without security would be detrimental to the community.

(10) Section (2) of Section 41 empowers the Police to arrest without warrant certain classes of habitual offenders described in section 110 of the Code of Criminal Procedure. Proceedings under Section 110 of the Code of Criminal Procedure may follow an arrest under Section of 41(a) of Code of Criminal Procedure.

*[As per relevant provisions of Cr.P.C.]*

### **737. Evidence of bad repute ---**

(1) Sub-Section (4) of Section 116 of Cr.P.C. provides that the fact that a person is a habitual offender may be proved by evidence of general repute or otherwise. The general reputation of a man is that which he bears amongst the people in the place in which he lives.

Vague and general statements that a man is a habitual offender are not sufficient evidence on which he is liable to be bound over under Section 110. It is very important that evidence of bad repute should be reliable. It is essential that witnesses should be able to give intelligent reasons for their believing the respondent to be a bad character. Hearsay evidence amounting to general repute is admissible for the purpose of proceedings under Chapter VIII of the Code.

(2) Although witness may be examined as to the respondent's general character, their testimony is not of much value as to the habits of a suspected person, unless they can, in support of their opinion, adduce instance of the misconduct imputed. When the person against whom proceedings under Section 110 are instituted for being a habitual offender, a well known resident of the locality and his fellow citizens though not living in his immediate neighborhood, are competent witnesses to his general repute. General repute can be proved not only by such opinion evidence as is referred to above, but also by letting in other evidence which is sanctioned by the general law as enunciated in the Evidence Act. Such evidence may be evidence of specific acts, previous convictions or association with bad characters. A Police Officer who deposes to the reputation of the respondent should give the basis of his knowledge and point out how he came to consider him a man of bad character.

(3) Previous convictions are admissible in evidence, but they are not conclusive proof in a case under Section 110. Its evidentiary value increases when there is also evidence of general repute of definite acts subsequent to the respondent's release from jail. These acts should comprise preferably reported instances.

(4) The History Sheet is privileged document and is not generally produced in evidence. Information contained in it should be proved by the evidence of persons who have direct and first-hand knowledge of them.

(5) If the respondent is an ex-convict, the officer-in-charge of the Police Station can also put in evidence and prove a statement showing a marked decrease in crimes when the respondent was in jail and a marked increase when he was outside.

(6) When evidence of suspicion against the respondent in certain crimes is spoken to by a Police Officer, he must substantiate his suspicion by giving cogent and convincing reasons. A vague suspicion is not enough to warrant the respondent being bound over under Section 110. Evidence of misconduct should relate to recent incidents and not acts committed by the respondent years ago.

(7) Where several persons are jointly put up under Section 110, evidence of the offences by each of them should not be admitted as against others unless concert between them is shown.

*[As per relevant provisions of Cr.P.C.]*

## **738. Security Proceedings—Instructions --**

The officer who is responsible for initiating proceedings under Chapter VIII of the Criminal Procedure Code is the Magistrate. He may initiate proceedings on information supplied to him through any source, including a private person. A FORTIORI he can act on information received from Police Officers who are concerned in the maintenance of the public peace. But in laying charge-sheets in security cases, the police should deem themselves wholly responsible. In these cases, as in the other cases, principles of judicial independence should be fully observed. Indiscriminate action is strictly forbidden.

(*G.O.Nos. 1086, Home, 17<sup>th</sup> March 1951, 2291, Public (Genl-A), 27th August 1953 and 868, Home, 31<sup>st</sup> March 1954*)

### **(2) Section 109 of the Code of Criminal Procedure**

Before a person can be proceeded against under Section 109 of the Code of Criminal Procedure, he must be found to be taking precautions to conceal his presence and there must be reason to believe that he is taking the precautions with a view to committing any offence. Merely because a person hid his face by means of a cloth when his presence was noticed by somebody going on the road at midnight, it cannot be said that he was taking precautions to conceal his presence. Again, from the mere fact that at the sight of the Police Officer, he began to move briskly and when called out he ran, it cannot be said that he was taking precautions to conceal himself. It has also been held that by mere possession of a crow-bar by a person without any precautions being taken to conceal his presence, the requirements of Section 109 (a) of the Code of Criminal Procedure cannot be said to have been satisfied. The person proceeded against must have taken precautions to conceal his presence with a view to committing an offence. Mere disinclination for the society or the police amounts to no concealment. Mixing with the crowd or moving in and out of the crowd or ‘dashing’ into it in a railway shed does not amount to taking precautions to conceal one’s presence.

(3) As regards concealment, it has been held that it need not be continuous. Even a single attempt at concealment may be enough.

(4) Proceedings under both the sections (Section 109 and 110 of the Code of Criminal Procedure) cannot be taken against one and the same individual at one and the same time.

(5) Reports under Section 109 and Section 110 of the Criminal Procedure Code shall be countersigned by a superior officer before they are presented to the courts initiating proceedings under those sections, unless ordered to be put in by a Magistrate. When an officer is really unable to submit the report for countersignature, he shall present the report to the court and send a copy of it to the Superintendent.

(6) Once information is laid before the Magistrate, it cannot be withdrawn. Section 321 of the Code of Criminal Procedure has no application to security proceedings.

(7) Copies of statements of witness recorded by the Police Officer need not be provided to the respondent, as the information laid before a Magistrate is not a Police report coming within the purview of Section 173(4) of the Code of Criminal Procedure.

(8) Under Section 116 (2 ) of the Code of Criminal Procedure as for as a summons case has been prescribed for all inquiries to Sections 107, 109 and 110 of the Code of the Criminal Procedure.

(9) The Superintendent should specially ensure that security proceedings initiated under Sections 107, 109 and 110 of the Code are concluded with utmost expedition in the courts.

(10) The Court before which proceedings are initiated should be promptly moved for an order under Sub-Section (3) of Section 116 of the Code pending completion of the inquiry under Sub-Section (1) of that Section. The Superintendent should ensure that such action is unfailingly taken by the officer conducting prosecution.

*[As per relevant provisions of Cr.P.C.]*

### **739. Objection to sureties --**

When the Police have objections to raise to the sureties tendered in pursuance of an order made under (3) of Section 116 or Section 117 of the Code, they should raise them without delay, and on sure grounds,

### **740. Further inquiry ---**

The High Court of Madras has ruled that further inquiry cannot be ordered under Section 398 of the Criminal Procedure Code into the case of a person discharged under Section 118, Criminal Procedure Code. In such cases, the District Magistrate has power under Section 401 of the Code of Criminal Procedure, to report for the orders of the High Court.

## **CHAPTER XLII.**

### **STATION CRIME HISTORY, CHECK REGISTER OF HABITUAL CRIMINALS, WEEKLY CRIME REPORTS, DISTRICT AND DIVISIONAL CRIME CHARTS AND GENERAL CONVICTION REGISTER.**

NOTE.—The following orders apply chiefly to the District Police. Special orders applicable to the Railway Police are given in Chapter XXV (2).

### **741. Station Crime History—Five Parts.**

To facilitate the study of crime and criminals, the Station Crime History shall be maintained in all Stations. It shall be a confidential record.

(*G. O. No. 400, Judicial 12th September 1927.*)

### **742. Part I—Work of Habitual Criminal —**

(1) In Part I (Form No. 107) of the Station Crime History shall be entered in the order of their occurrence, all true cases of crime coming under the following classes as well as attempts to commit these offences:—

The following is a typical district list. Some of the items may not apply to all districts and some districts may need a few additional items. Such additions should only be made with the approval of the Range Deputy Inspector-General of Police.

(*G. O. Ms. No. 2167, Home, 8th August 1955*)

#### **CLASSES OF CRIME.**

#### **MAJOR AND MINOR CLASSIFICATION**

EXISTING CLASSES OF CRIME		MODIFIED CLASSES OF CRIME	
CLASS I	<u>Offences attended with violence</u>	(D)	Dacoity
		I(D1)	Blocking road/tail by barrier (way laying )
		I(D2)	Blunt weapon, use or show of
	(d) Dacoity	I(D3)	Bomb throwing
		I(D4)	Breaking open door/window/roof
		I(D5)	Chilly powder – spraying
		I(D6)	Crime by professional known gang
		I(D7)	Crime by professional unknown gang
		I(D8)	Cutting weapon, use or show of
		I(D9)	Fire arms, use or show of

	I(D10)	Hijacking vehicle
	I(D11)	Intercepting vehicle
	I(D12)	Isolated Houses / Farm Houses
	I(D13)	Masked man
	I(D14)	Petrol Bunks
	I(D15)	Placing nails/nailed planks/broken glass on the Road/boulders
	I(D16)	Snatching valuables
	I(D17)	Trying and locking inmates in a room
	I(D18)	Using log to break door/window
	I(D19)	Using Auto or any Vehicles
	I(DU)	Unclassified
<b>(m) Murder for Gain</b>	<b>(M)</b>	<b>Murder for Gain</b>
	I(M1)	After causing Sexual assault on Women
	I(M2)	No Sexual assault but privacy exposed.
	I(M3)	Blunt weapon use of
	I(M4)	Bomb/explosives throwing or use of
	I(M5)	Cutting instrument use of
	I(M6)	Cutting weapon use of
	I(M7)	Electrocuting (Using live Electric wire)
	I(M8)	Hijacking vehicles & murder the crew (driver/cleaner) and taking way properties
	I(M9)	Fire – arms use of
	I(M10)	Poisoning by inhalation
	I(M11)	Poisoning by injecting
	I(M12)	Poisoning by mixing with food stuffs
	I(M13)	Poisoning by mixing with liquor (alcohol)

	I(M14)	Poisoning by mixing with other drinks
	I(M15)	Poisoning by mixing with sweets
	I(M16)	Pushing from high place
	I(M17)	Sharp edged instrument use of
	I(M18)	Sharp edged weapon use of
	I(M19)	Smothering victim
	I(M20)	Stabbing instrument use of
	I(M21)	Stabbing weapon use of
	I(M22)	Strangulating victim (Using Rope/ Nylon Wire/Hands etc.)
	I(M23)	Suffocating victim
	I(M24)	Throttling victim
	I(M25)	Throwing from a flying object
	I(M26)	Throwing from house/building
	I(M27)	Throwing from a moving train
	I(M28)	Throwing from a moving vehicle
	I(M29)	Wrongful confinement
	I(M30)	Others (please specify)
	I(MU)	Unclassified
<b>(p) Poisoning or Drugging</b>	<b>(P)</b>	<b>Poisoning or Drugging</b>
	I(P1)	Poisoning by inhalation
	I(P2)	Poisoning by injecting
	I(P3)	Poisoning by mixing with food stuff
	I(P4)	Poisoning by mixing with liquor (alcohol)
	I(P5)	Poisoning by mixing with other soft drink
	I(P6)	Poisoning by mixing pan
	I(P7)	Poisoning by mixing with prasadam

	I(P8)	Poisoning by mixing with sweet
	I(P9)	Poisoning by mixing with tobacco
	I(P10)	Poisoning with biscuits
	I(P11)	Poisoning by tables
	IP(12)	Stupefying drugs
	I(PU)	Unclassified
<b>(r) Robbery</b>	<b>(R)</b>	<b>Robbery</b>
	I(R1)	Acid/alkali throwing
	I(R2)	Alarm chain pulling
	I(R3)	Blocking road by barrier (way laying)
	I(R4)	Blunt weapon, use or show of
	I(R5)	Bomb throwing
	I(R6)	Breaking open door/window/roof
	I(R7)	Chilly Powder – spraying
	I(R8)	Crime at the time of festival
	I(R9)	Crime at the time of marriage
	I(R10)	Crime by professional known gang
	I(R11)	Crime by professional unknown gang
	I(R12)	Cutting dynamo belt
	I(R13)	Cutting instrument, use or show of
	I(R14)	Cutting weapon., use of to break
	I(R15)	Disconnecting hose pipe
	I(R16)	Explosives – use of to break
	I(R17)	Fire arms, use or show of
	I(R18)	Hijacking vehicles (by pushing away the crew)
	I(R19)	Intercepting vehicles
	I(R20)	Holding a hostage

	I(R21)	Placing nailed plank. broken glass on the road
	I(R22)	Snatching Valuable
	IR(23)	Soliciting Lorry/Caravan Crew (Drivers/Cleaners) for Sexual pleasure in Highways
	I(R24)	Stabbing instrument, use or show of
	I(R25)	Stabbing weapon, use or show of
	I(R26)	Using log to break door window
	I(R27)	Using Auto/any Vehicles
	I(RU)	Unclassified

### CLASS – II

#### **HOUSE – BREAKING AND THEFT**

CLASS	HOUSE – BREAKING AND THEFT		HOUSE – BREAKING AND THEFT
	(a) Augar	II(A)	Auger, use of /drilling
		II(A1)	Adjoining premises
	(b) Chisel used	II(B)	Bolt hole
		II(B1)	Balcony
		II(B2)	Breaking glass
		II(B3)	By holding inside without notice of
		II(B4)	Breaking lock or fastening
	(c) Chisel used	II(C)	Chisel used
		II(C1)	Chimney entry through occupations
		II(C2)	Climbing eaves
		II(C3)	Climbing ladder
		II(C4)	Climbing pipe
		II(C5)	Climbing using ropes
		II(C6)	Climbing tree
		II(C7)	Climbing glass

		II(C8)	Cutting padlock
		II(C9)	Cutting the wire gauge
		II(C10)	Cutting window / Window bar
	(d) Door lifted off hinges	II(D)	Door lifted off hinges
	(d2)Lifting latch by inserting hand or implement	II(D1) II(D2) II(D3)	Door/crawling under and between Lifting door latch by inserting hand or implement Opening door not locked
	(d3) Opening door not locked	II(D4)	Door unlatching after boring or drilling
	(e) Eaves	II(E)	Eaves
		II(EV)	Ventilator, entry through
		II(EP)	Pipe line (Storm Water/ Sewage etc.,)
New Sub Heading	Gas cutting	II(G)	Gas cutting
	(h) Holes on the wall or Man – hole	II(H)	Holes on the wall or man-hole
		II(H1)	Hole by digging mud wall
		II(H2)	Hole by removing brick
		II(H3)	Hole by removing slate/tile
		II(H4)	Hole by removing thatch
		II(H5)	Hole by removing wood work
		II(H6)	Hand Blower (To open the latch/lock melting through flamer).
	(k) Key (false) used to open lock or picking	II(K)	Key (false) used to open lock or picking
New Sub Heading	Making tunnel	II(K1)	Making tunnel by boring
		II(K2)	Making tunnel by digging

	(i) Breaking lock for Fastening	II(L)	Breaking lock or fastening
		II(L1)	Breaking lock or fastening while inmates absent
		II(L2)	Forcing breaking lock/padlock
		II(L3)	Forcing hinges of door / window
		II(L4)	Forcing latch (aldrop)
		II(L5)	Forcing latch (tower bolt)
New Sub Heading	Opening door not locked	II(O)	Opening door not locked
New Sub Heading	Porch entry through	II(P1)	Porch entry through
New Sub Heading	Pulling of Bureau	II(P2)	Pulling of Bureau/Cash chest with a stick having hook, inserting through window
	(r) Roof – hole	II(R)	Roof-hole
		II(R1)	Removing Air Conditioner.
		II(R2)	Removing exhaust fan
		II(R3)	Removing glass
		II(R4)	Roof hole by removing thatches
New Sub Heading	Rolling Shutter – Pulling	II(RS)	Pulling / Breaking lock of Rolling Shutter
	(s) Scaling (wall or roof)	II(S)	Scaling (wall or roof)
	(t) Threshold hole	II(T)	Threshold hole
	(w1) Window bars removed	II(W1)	Windows bars removed
	(w2) Windows frame removed	II(W1)	Window frames removed
	(W3) Inserting hand or stick through window (Day house- breaking may be indicated thus –II Day, School or Temple House –	II(W3)  II(W4)	Inserting hand or stick through window (Day house-breaking may be indicated thus – II Day, indicated thus –II SCH.II –TEMP.)  Window grills unscrewing

	breaking may be indicated thus –II SCH.II-Te.)	II(W5)	Window grills cutting
New Sub Heading	Window (Through) using Animals	II(WA)	Through windows by using trained animals (monkeys, dogs etc.,)
	(u) Unclassified	II(U)	Unclassified

### CLASS -III

#### **HOUSE THEFT**

<b>CLASS III</b>	<b>HOUSE THEFT</b>		<b>HOUSE THEFT</b>
	(a) Automobiles	III(A)	Automobiles
	(a1) Automobiles, spare parts	III(A1)	Automobiles – Spare parts
	(a2) Automobiles Tools	III(A2)	Automobiles- Tools
		III(A3)	Abstraction of articles in transit by air freight
		III(A4)	Abstraction of articles in transit by post
		III(A5)	Abstraction of articles in transit by rail
		III(A6)	Abstraction of articles in transit by road
		III(A7)	Abstraction of articles in transit by shipping
		III(A8)	Asbestos Sheets
		III(A9)	Automobile by breaking open window pane
		III(A10)	Automobile by breaking after hiring
		III(A11)	Automobile towed/pushed
New Sub Heading	Air Conditioner/	III(A12)	Air Conditioner
	Air Cooler	III(A13)	Air Cooler
	(b1) Bogus visitor	III(B1)	Bogus Visitor
	(b2) Bank	III(B2)	Bank
	(b3) Bungalow	III(B3)	Bungalow

		III(B4)	Bag/luggage lifting
		III(B5)	Box lifting
	(c1) Counter (Bank or Post Office)	III(C1)	Counter (Bank or Post Office)
	(c2) Clothes	III(C2)	Clothes
	(c3) Clocks, time pieces, watches	III(C3)	Clocks, time pieces, watches
	(c4) Cash	III(C4)	Cash
New Sub Heading	Camera	III(C5)	Camera/Digital Camera
New Sub Heading	Computer & Accessories	III(C6)	Computer & Accessories (Laptops / Digital organizer/palmtops)
New Sub Heading	Credit Card/Debit Card	III(CC)	Using stolen or missed Credit card/Debit card at ATMs and Commercial establishments to draw money or buy valuables.
New Sub Heading	Diverting attentions	III(D1)	Diverting attention (throwing coins & currencies)
		III(D2)	Diverting attention (fifth rubbing)
New Sub Heading	Diamonds/Precious Stones	III(D3)	Diamonds/ precious Stones.
	(e) Electrical maters	III(E)	Electrical meters
	(e1) Electric gas and welding equipments	III(E1)	Electric gas and welding equipments
	(e2) electric motors and parts thereof	III (E2)	Electric motors or oil engines and parts thereof
	(e3) Electrical appliances Miscellaneous	III(E3)	Electrical appliances – Miscellaneous Exchange of Property with connivance of Keeper.
	(f) Fountain Pens	III(F)	Fountain Pens
New Sub Heading	Furniture	III(FR-1)	Steel Furniture/Sofa-cum Bed/Cushion Chair, Steel Cupboard etc.,

		III(FR-2)	Wooden Furniture/Dining Table /Almirah
		III(FR-3)	Plastic Furniture
	(g) Grains	III (G)	Grains
New Sub Heading	Garden produce	III(G1)	Garden produce (Includes, Plantain coconuts,
New Sub Heading	Gas cylinder	III (GC)	Gas cylinder/LPG (Domestic & Commercial)
New Sub Heading	Gunny Begs	III (GB)	Gunny Bags
	(h) Hostels and hospitals	III (H)	Hostels and hospitals
	(j) Jewels	III (J)	Jewelleries (Gold/Silver/Platinum) with/without Diamond/Precious Stone.)
	Lanterns	III (L)	Lanterns/Light Fittings
New Sub Heading	(h) Hostels and hospitals	III (M1)	Moving motor vehicles (from)
		III (M2)	Moving trains (from)
		III (M3)	Moving Air craft (from)
		III (M4)	Moving Ship / Vessel/Boat (from)
	(r) Radios, Transistors or accessories	III (R)	Radios, Transistors or accessories
	(s1) Schools	III (S1)	Schools
	(s2) Shops	III (S2)	Shops
	(s3) Servants	III (S3)	Servants / Employees
	(s4) Sleeping persons(from)	III (S4)	Sleeping persons (from)
New Sub Heading	Television and Allied Equipments	III (TV)	Television Set

		III (VCP)	Video Cassette Player
		III (VCR)	Video Cassette Recorder
		III (VCD)	VCD Player
		III (DVD)	Digital Video Disc/DVD Player
		III (VC)	Video Camera
New Sub Heading	Telephone and Allied Equipments	III (TP)	Telephone Equipment
		III(CP)	Cellular Phone Equipment
		III(FX)	FAX Machine
	(t) Temple	III (T)	Temple
	(t1) Temple and Idols	III(T1)	Temple and Idols
	(t2) Temple jewels	III(T2)	Temple jewels
	(t3) Temple Kalasams	III(T3)	Temple Kalasams
		III(T5)	Temple Hundis
	(t4) Typewriter	III(T4)	Typewriter
New Sub Heading	Train (from)	III(T6)	Stationery Train(Passenger)
		III(T7)	Stationery Train (Goods Wagon breaking /Pilferage)
	(v) Vessels	III(V)	Vessels/utensils (all types of metals)
New Sub Heading	Xerox Machine	III(X)	Xerox Machine/Photo copier & allied Equipments
	(u) Unclassified	III(U)	Unclassified

#### CLASS -IV

#### **ORDINARY THEFT**

<b>CLASS IV</b>	<b>ORDINARY THEFT</b>		<b>ORDINARY THEFT</b>
	(a) Agricultural Implements (thefts of)	IV(A)	Agricultural implements (thefts of)

	of)		
	(a1) Auto mobiles or spare parts	IV(A1)	Auto mobiles (all types of vehicles) or spare parts
	(a2) Auto mobile tools	IV(A2)	Auto mobile – Tools
New Sub Heading	Arms & Ammunitions	IV(AA)	Arms & Ammunition (all Kinds)
New Sub Heading	Advertisement Boards	IV(AD)	Advertisement Boards/Hoardings/Sign Plates, Neon Lamps etc.,
	(b) Bandies of or from	IV(B)	Bandies of or from
	(b1) Bulbs	IV(B1)	Bulbs/Lights Fittings
New Sub Heading	Bullock Cart	IV(BC)	Cart (Bullock)
		IV(BC)	Cart (Horse)
	(c1) Cycle thefts	IV(C1)	Cycle thefts
	(c2) Clothes	IV(C2)	Clothes
	(c3) Cameras	IV(C3)	Cameras
	(c4) Cash	IV(C4)	Cash
	(c5) Copper boilers	IV(C5)	Copper Boilers
New Sub Heading	Computer & Allied Equipments	IV(C6)	Computer Laptop/ Digital organizer/Palmtops/CDs/Floppies and Computer Accessories .
	(d) Children from	IV(D)	Children from
	(d1) Delcos	IV(D1)	Delcos
	(d2) Dynamos	IV(D2)	Dynamos
New Sub Heading	Diamonds/Precious Stones	IV(D3)	Diamonds/Precious Stones.
New Sub Heading	Diverting attention	IV(D4)	Diverting attention (throwing coins & currencies)
		IV(D5)	Diverting attention (filth rubbing)
	(e) Electrical Meters	IV(E)	Electrical Meters

	(e1) Electrical gas and Welding equipments  (e2) Electric motors or oil engines and part thereof	IV(E1)  IV(E2)	Electrical gas and welding equipments  Electric motors or oil engines and parts thereof
	(e3) Electrical appliances – Miscellaneous	IV(E3)	Electrical appliances – Miscellaneous
New Sub Heading	Electronic Items / Digital Equipments	IV(E4)	Electrical Generator  Electronic Appliances/Digital made Equipments
	(f) Fairs and festivals	IV(F)	Fairs and festivals
New Sub Heading	(g1) Grains	IV(G1)	Grains
	(g2) Garden produce	IV(G2)	Garden produce (Includes Plantain coconuts, Vegetables, Fruits, Mushroom etc.,)
	(h) Thefts from bathing ghats	IV(H)	Thefts from bathing ghats (all types of Valuables)
	(j) Jewels	IV(J)	Jewelleries (Gold/Silver/Platinum)-with/without Diamond/Precious Stone.
		IV(J1)	Lanterns/Light Fittings
	(m) Motor cars (from)	IV(M)	Motor Vehicles (from-All types)
	(m) Machinery Miscellaneous and parts thereof	IV(M1)	Machinery – Miscellaneous and parts thereof
	(p) Pocket picking	IV(P)	Pocket picking
	(s1) Snatching	IV(S1)	Snatching
	(s2) Sleeping person (from)	Iv(S2)	Sleeping person (from)
New Sub Heading	Suitcase lifting	IV(S3)	Suitcase lifting (in Rupees/serving/removing branches etc.,)

	(t) Time – Pieces or watches or clocks	IV(T)	Time – Pieces or watches or clocks
New Sub Heading	Telephone and Allied Equipments	IV(TP) IV(CP) IV(FX)	Telephone Equipment Cellular Phone Equipment FAX Machine
New Sub Heading	Trees	IV(TR)	Trees of all sorts (felling down/Serving/removing branches etc.,)
	(v) Vessels	IV(V)	Vessels
	(w) Wire	IV(W) IV(WC)	Wire (from Telephone /Electric Power Lines Wire Cables
	(u) Unclassified	IV(U)	Unclassified

### CLASS – V

#### **CATTLE THEFTS**

CLASS V	CATTLE THEFTS		CATTLE THEFTS
	(b) Buffalos	V (B)	<b>Buffalos</b>
New Sub Heading	Cows	V(C)	Cows / Calves
	(d) Donkeys	V (D)	<b>Donkeys</b>
	(g) Goats or sheep	V (G)	<b>Goats or sheep</b>
	(h) Horses	V (H)	<b>Horses</b>
	(os) Oxen for sale or ransom	V(OS)	<b>Oxen for sale or ransom</b>
	(ok) Oxen for skin or meat	V(OK)	<b>Oxen for skin or meat</b>
	(P) Pigs	V(P)	<b>Pigs</b>
		V(DG)	Dogs
		V(U)	Unclassified (Rest of the Animals)
New Sub Heading	Birds	V(BD)	Peacock, Parrots, Cocks, Hen etc.,
New Sub Heading	Fish	V(F)	Fish (Live & Dry ) and other Sea foods (Live & Dry)

	V(UC)	Unclassified (Other Creatures)
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**CLASS – VI**

**RECEIVING OR POSSESSION OF STOLEN PROPERTY**

CLASS VI	RECEIVING OR POSSESSION OF STOLEN PROPERTY		RECEIVING OR POSSESSION OF STOLEN PROPERTY
	<b>Receiver of Stolen Property</b>	VI (R) VI (R1) VI (R2) VI (R3)	Receiving Stolen Property Keeping the Stolen Property Pledging the Stolen Property in Banks / Pawn-Broker shops Assisting in concealing/ disposal of /Stolen Property

**CLASS – VII**

**CHEATING**

CLASS VII	CHEATING	CHEATING
	<b>(a) Advertisement or calling for application for employment</b>	<b>VII (A)</b>
		<u>By documents</u>
		Advertisement or calling for application for employment
	VII (A1)	Bogus railway receipt
	VII (A2)	False insurance claim
	VII (A3)	False money order/registered letter / Parcel claim
	VII (A4)	Forged/counterfeit bill receipt
	VII (A5)	Forged / counterfeit caste certificate
	VII (A6)	Forged / counterfeit cheque / draft
	VII (A7)	Forged / counterfeit court order / Judgment forged

VII (A8)	Counterfeit credit card	
VII (A9)	Forged / counterfeit educational certificate	
VII (A10)	Forged / counterfeit employment / experience certificate	
VII (A11)	Forged / counterfeit identity card	
VII (A12)	Forged / counterfeit import / export document	
VII (A13)	Forged / counterfeit passport	
VII (A14)	Forged / counterfeit railway ticket	
VII (A15)	Forged / counterfeit ration card	
VII (A16)	Forged / counterfeit registered deed (land, house etc.)	
VII (A17)	Forged / counterfeit share /debenture	
VII (A18)	Forged / counterfeit visa	
VII (A19)	Forged / counterfeit voter identity card	
VII (A20)	Fraudulent execution of deed	
VII (A21)	Non- Resident Indian	
VII (A22)	Prize Schemes	
VII (A23)	False promise	
VII (A24)	Corporate frauds	
VII (A25)	Non – Banking Financial Institutions	
VII (A26)	Unregistered Financial Institutions	
VII (A27)	Unregistered chits	
<b>(b) Bogus agents</b>	<b>VII (B)</b>	<b>Bogus agents</b>
<b>(c) Doubling currency confidence/trickery</b>	<b>VII (C)</b>	<b>Doubling currency confidence/trickery</b>
<b>(d) Degree or Diploma or educational certificate (Academic &amp; Technical ) forgery</b>	<b>VII (D)</b>	<b>Degree or Diploma or educational certificate (Academic &amp; Technical ) forgery</b>
<b>(f) Floating Chit companies</b>	<b>VII (F)</b>	<b>Floating Chit Companies</b>
<b>(g) Jewels</b>	<b>VII (G1)</b>	<b>Gilt jewels</b>

	<b>VII (G2)</b>	<b>Cheating the victims under the pretext of polishing Jewels.</b>
(p) Personation	<b>VII (P)</b>	<b>Impersonation</b>
(g1) Passports	<b>VII (G1)</b> VII (G2)	<b>Passport</b> Visas
(t) Tenants	<b>VII (T)</b>	<b>Tenants Vacating &amp; decamping with cheated properties.</b>
(u) Unclassified	<b>VII (U)</b>	<b>Unclassified</b>

### CLASS – VIII

#### **COUNTERFEITING**

<b>CLASS VIII</b>	<b>COUNTERFEITING</b>	<b>COUNTERFEITING</b>
	<b>(c1) Marking or passing Counterfeit coins</b>	<b>VIII (C)</b>
		<b>Making or passing Counterfeit coins</b>
		VIII (C1) Block making
		VIII (C2) Cast method
		VIII (C3) Photo copier (colour Xerox)
		VIII (C4) Photographic process / screen printing
		VIII (C5) Off-set printing
		VIII (C6) Scanning and Computer printing
	<b>(m) Making or passing Counterfeit notes</b>	<b>VIII (M)</b>
New Sub Heading	Making or Possessing fake Judicial Stamp paper	VIII (J1) Counterfeiting Judicial Stamp Paper
New Sub Heading	Making or Possessing fake Non-Judicial Stamp paper	VIII (J2) Counterfeiting Non-Judicial Stamp Paper
		VIII (U) Unclassified

### **CLASS – IX**

#### **CRIMINAL BREACH OF TRUST OR MISAPPROPRIATION**

<b>CLASS IX</b>	<b>CRIMINAL BREACH OF TRUST OR MISAPPROPRIATION</b>	<b>CRIMINAL BREACH OF TRUST OR MISAPPROPRIATION</b>	
New Sub Heading	Agent / Attorney / Lawyer	IX (A)  IX (A1)	Agents  attorney / Lawyer
New Sub Heading	Banker	IX (B1)  IX (B2)	Banker  Broker
	(C)	<b>IX (C)</b>	<b>Cycles</b>
New Sub Heading	Courier	IX (C1)	Courier
New Sub Heading	Contractor	IX (C2)	Contractor
	(e) Jewels	<b>IX (E)</b>	<b>Jewels</b>
New Sub Heading	Partner	IX (P)	Partner
	(s) Servant or Clerk	<b>IX (S)</b>	<b>Employee</b>
	(u) Unclassified	IX (U)	Unclassified

### **CLASS – X**

#### **KIDNAPPING**

<b>CLASS X</b>	<b>KIDNAPPING</b>	<b>KIDNAPPING</b>	
	(b) Beggary	X (B)	<b>Beggary</b>
	(t1) Trafficking in women for prostitution	(X T1)	<b>Trafficking in women for prostitution</b>
	(t2) Trafficking in children for sale	(X T2)	<b>Trafficking in children for sale</b>
	(t3) Trafficking in women and children for ransom	(X T3)	<b>Trafficking in women and children for ransom</b>
New Sub	Trafficking for Domestic	(X T4)	Trafficking of women for Domestic Servitude

Heading	Servitude	(X T5)	Trafficking of Children for Domestic Servitude
New Sub Heading	Trafficking for Bonded Labour	(X T6)	Trafficking for Bonded Labour
		X (U)	Unclassified

### CLASS – XI

#### **CYBER CRIMES**

<b>CLASS X</b>	<b>CYBER CRIMES</b>		<b>PROPERTY OFFENCES BY CYBER METHODS</b>
A	<b>Cyber Defamation</b>	XI (Cy.A1)	Sending e-mails containing defamatory information about some one
		XI (Cy.A1)	Publishing defamatory matter about someone on website
		XI (Cy.AU)	Unclassified
B	<b>Cyber Pornography</b>	XI (Cy.B1)	Pornographic website
		XI (Cy.B2)	Transmission of Pornographic Pictures, Photos, sketches etc.
		XI (Cy.B3)	Child Pornography
		XI (Cy.BU)	Unclassified
C	<b>Cyber Stalking</b>	XI (Cy.C1)	Posting messages on the bulletin boards frequented by the victim.
		XI (Cy.C2)	Entering the chat-room frequented by the victim.
		XI (Cy.C3)	Constantly bombarding the victim with e-mails etc.,
		XI (Cy.CU)	Unclassified
D	<b>Data Diddling</b>	XI (Cy.D1)	Altering raw data
		XI (Cy.D2)	Web-page Hijack
		XI (Cy.D3)	Page Hijacking
		XI (Cy.DU)	Unclassified
E	<b>Denial of Service attack</b>	XI (Cy.E1)	Crashing Computer resource by flooding with more requests than it can handle.
		XI (Cy.E2)	Distributed Denial of service attack were perpetrators are many and one geographically widespread.

		XI (Cy.EU)	Unclassified
F	<b>E-mail Bombing</b>	XI (Cy.F1)	Sending large amount of e-mails to the victim resulting in crashing of the e-mail account or mail servers.
G	<b>E-mail spoofing</b>	XI (Cy.FU)	Unclassified
H	<b>Financial Crimes</b>	XI (Cy.G1)	Sending spoofed e-mails
		XI (Cy.GU)	Unclassified
		XI (Cy.H1)	Cheating
		XI (Cy.H2)	Credit Card Frauds
		XI (Cy.H3)	Money Laundering
		XI (Cy.H4)	ATM Frauds
		XI (Cy.H5)	Electronic Funds Transfer Frauds
		XI (Cy.H6)	Sales and Investment Frauds
		XI (Cy.HU)	Unclassified
I	<b>Forgery</b>	XI (Cy.I1)	Counterfeit Currency Notes
		XI (Cy.I2)	Counterfeit Postage and Revenue Stamps
		XI (Cy.I3)	Counterfeit Mark sheets etc.,
J	<b>Intellectual Property Crimes</b>	XI (Cy.J1)	Software piracy
		XI (Cy.J2)	Copyright infringement
		XI (Cy.J3)	Trademarks violation. etc.,
		XI (Cy.JU)	Unclassified
K	<b>Internet Time Thefts</b>	XI (Cy.K1)	Usage by unauthorized person of the Internet hours paid by another
		XI (Cy.KU)	Unclassified
L	<b>Logic Bombs</b>	XI (Cy.L1)	Some viruses are event dependent programs and they lie dormant all through the year and become active only on a particular date.
		XI (Cy.LU)	Unclassified
M	<b>Online Gambling</b>	XI (Cy.M1)	Money Laundering
		XI (Cy.MU)	Unclassified
N	<b>Salami Attacks</b>	XI (Cy.N1)	Electronic Funds Transfer Frauds
		XI (Cy.NU)	Unclassified

<b>O</b>	<b>Sale of illegal Articles</b>	XI (Cy.O1)	Sale of narcotics weapons, etc., by publishing information on website
		XI (Cy.O2)	Auction websites
		XI (Cy.OU)	Unclassified
<b>P</b>	<b>Theft of information contained in electronic form</b>	XI (Cy.P1)	Information stored in computer hard disk
		XI (Cy.P2)	Information stored in removable storage media etc.,
		XI (Cy.P3)	Data theft
		XI (Cy.PU)	Unclassified
<b>Q</b>	<b>Trojan attacks</b>	XI (Cy.Q1)	Unauthorized program that function from inside, thereby, concealing what it is actually doing.
		XI (Cy.Q2)	Password snuffers
		XI (Cy.QU)	Unclassified
<b>R</b>	<b>Unauthorized access to computer systems or networks</b>	XI (Cy.R1)	Hacking
		XI (Cy.R2)	Cracking
		XI (Cy.R3)	Hack e-mail
		XI (Cy.RU)	Unclassified
<b>S</b>	<b>Virus and worm attacks</b>	XI (Cy.S1)	Affect data on a computer either by altering or deleting it.
		XI (Cy.S2)	Worms makes functional copies of themselves and do this repeatedly till they eat up all the available space.
			Unclassified
		XI (Cy.SU)	

*[Model Police Manual]*

(2) The nature of the property stolen shall be detailed in column (4).

(G.O. Ms No. 2769, Home. dated 6th August 1965). In column (5) shall be noted each of the above crime classification heads which applies to the entry; a single case often falls under two or three heads. In column (6) any useful information shall be noted respecting the offence or any discovery made during the investigation, including the names

of the known or the suspected accused, with grounds of suspicion, any peculiarity in the commission of the offence, as the use of fire-arms or poisons, offences in temples and also the result of the case. A red line shall divide the entries relating to each lunar month taken from the full-moon day.

(G.O.Ms.No. 364 Home, 15<sup>th</sup> February, 1943.)

(3) A page or more shall be reserved at the end of each year for a review of the crime of the year. This shall be drawn up by the Circle Inspector.

(It is a permanent record)

NOTE.--Cases in which investigation is refused under Section I57 (1) (b), Criminal Procedure Code, need not be entered.

(4) The First Information Report Index (Form No. 72) will be kept as an appendix to Part I.

(P. G. dt. 28th Sept 1957.)

### **743. Annual Review of Crime-**

(1) The Annual Review of crime is an important item of work of the Circle Inspector and it is essential that he should give it his close and careful attention. The main objects of the Annual Review are to give a brief but comprehensive account of the salient features of the crime of the year in the Station of his Circle to estimate the sources of undetected crime and indicate to his Sub-Inspectors ways and means of dealing with it. The review should furnish a concise appreciation of the year's crime for the benefit of superior officers and directions and suggestions that are likely to be of value to the Station police. For the review to be effective, a careful and methodical study of the year's crime is needed. Fluctuations in the total crime or under the different heads when marked, special outbreaks of crime, activity of particular criminals or criminal organizations, towns and villages specially affected, are among the items that should receive attention. The possibility of the cases occurring in different areas of his circle/station forming a series and being connected should be carefully scrutinized and commented on. The nature of the work under the security sections done during the year and the results achieved should be briefly stated and directions in regard to future action under the sections should be recorded. The review should be of practical value and not a mere catalogue of the crime in the year. The close personal interest and application of the Inspector are essential in the preparation of this review.

(G.O. Ms, No, 812, Home, 14th March 1944)

(2) Inspector's Annual Crime Reviews of the Stations in their charge should be approved by the Superintendent, through the Divisional Officers, before they are entered in Part I of the Station Crime History of the Stations concerned.

#### **744. Part II—Crime Charts —**

(1) Part II shall consist of a crime chart or charts showing village boundaries and the principal physical features of the Station limits and of the adjoining areas to a distance from 8 kilometers to 16 kilometers outside the Station limits. On it shall be entered at the spot representing the scene of offence, the major and minor classification of the offence [as given in Police Standing Order 742 (1)] and the date of occurrence, e.g.

<u>II-H</u>	or	<u>II Sch.</u>	or	<u>III(b2)</u>
11/7		11/9		3/8

*(G.O. Ms. No, 2167, Home, 8th August 1955)*

(2) The object of the Station Crime Chart is chiefly to show where crime mostly occurs. The Chart may be for a year, half-year, a quarter or a calendar month according as crimes are few or more numerous.

(3) A Note giving the scale of the map, full-moon dates, the dates of important festivals and shandies and the names of the villages shall be entered on the map.

(Part II Crime Charts shall be retained for five years)

(4) Circle Crime Charts –

The Circle Inspector should maintain an outline crime chart of the circle showing station limits prepared in the same way as in stations.

**745. Part III and General Conviction Register —** (1) Part III and General Convictions Register shall be in Form No. 116. The names of the following persons shall be entered in the register, except in the case of persons coming under clauses (e), (f) and (g) below, whose fingerprints have been ordered by the Superintendent to be retained: -

*(G.O. No. 2167, Home, 8th August 1955)*

(a) Persons convicted of offences under chapter XI, XII, XVI XVII and XVIII of the Indian Penal Cole, for which a punishment of three years or upwards is prescribed.

(b) Persons convicted of offences under Section 489-A to 489-D, Indian Penal Code (forgery of currency notes and bank notes).

(c) Persons convicted under sections of chapter XVI of the Indian Penal Code referred to in the Schedule under the Tamil Nadu Restriction of Habitual Offenders Act, 1948.

(d) Persons bound over under sections 109, and 110, Criminal Procedure Code and those convicted under Section 65 of the Madras City Police Act.

(e) Persons convicted under Section 64 of the Madras City Police; Act.

(f) All persons convicted under the Protection of Civil Rights Act, 1955 (Central Act No. 22 of 1955) and under the Temple Entry Authorization Act, 1947 (Madras Act V of 1947).

(g) Unconvicted persons reasonably suspected to have committed offences with particulars of the offences selected for inclusion with the approval of an officer of and above the rank of Assistant Superintendent of Police or Deputy Superintendent of Police. These shall be retained only so long as reasonable suspicion exists against them.

(h) Persons notified under the Tamil Nadu Restriction of Habitual Offenders Act, 1948 convicted of offences under Section 12 of the said Act.

(G.O. Ms. No. 1208, Home, dt. 21st April 1964.)

(2) This register will contain convictions in cases registered at the Station and of persons living in the Station limits, convicted elsewhere. If a conviction is reversed on appeal, the entry should be crossed out unless the person is brought under clause (f) of paragraph (1). In the 'Remarks' column of the form shall be entered a broad classification of crime committed by the criminal.

(3) The names of persons registered in Part III and General Convictions Register shall be struck off after a period of ten years from the expiry of their last sentence, provided in the case of persons for whom History sheets have been opened, the History sheets have been discontinued. The removal may be effected by Circle Inspectors. An Officer of and above the rank of Assistant Superintendent of Police or Deputy Superintendent of Police may, however, sanction the removal of names at any time within the period mentioned above, if the retention of such names is considered unnecessary.

(4) Convicted and unconvicted persons not removed from Part III and General Convictions Register, shall be enquired about and checked at least once a year. If such persons are absent during the first enquiry, they shall be repeatedly enquired about until they are finally traced.

(5) It is a permanent record

#### **746. Part IV— History Sheets —**

(1) Part IV (Form No. 111) shall contain the History sheets of the persons resident permanently or temporarily in their Station limits who are known or believed to be addicted to or to aid and abet the commission of crime, whether convicted or not, or who are believed to be habitual receivers.

(G.O. Ms. No.364, Home, 15th Feb. 1943.)

Only sheets Nos. 1, 3, 7 and 8 are to be maintained in the History Sheet forms in use in the Station. Sheet No. 9 should else be maintained, if a photograph of the criminal is available.

Note:--This sub-paragraph will not affect the History Sheets maintained in Crime Records Bureau.

(2) At the back of sheet No.1, below item 7, the following descriptive details should be shown.

Age,

Height,

Complexion, and

Particular marks of identification.

(3) In sheet 8 under heading the 'Current doings' entries which are informative and useful based on the facts ascertained both by the Sub-Inspector and his men since the date of last entry, shall be made month-war for close watch bad characters and quarterly for non-close watch bad characters. Anything of interest coming to notice, in respect of a bad character during a month should be entered then and there, without waiting for the end of the month or the quarter.

(4) The entries in the various columns in the History Sheet should be checked by the Inspector/Sub-Inspector personally and brought up to-date once a year. The fact of such verification should be certified by him in the column under the "Current doings".

**747. Automatic opening of History Sheets** — (1) History sheets shall be opened automatically at the time of conviction for persons convicted as under and shall be retained for two years after release from jail.

Persons or how convicted	Number of times convicted
(1)	(2)
Persons released form imprisonment for life under Chapters XII and XVII, Indian Penal Code.	
Professional Prisoners - Indian Penal Code, Sections 395 to 402.	Once.
Indian Penal Code, Sections 392 to 394, if convicted or liable to conviction under Section 75, Indian Penal Code.	Twice.

House-breaking	Twice.
Theft	Thrice.
Conviction u/s 109 Cr.PC.	Twice
Conviction under section 110, Criminal Procedure Code	Once

(G.Os. 532, Judl. 20 Feb. 1906 and 497, Law (Genl.), 10th Feb. 1923).

NOTE. -- (1) Order No. 747 need not be strictly applied to such persons, but History Sheets should be opened under that order in respect of individuals for whom the Superintendent or Sub-Divisional Officer thinks it advisable on account of their active criminality.

(G.O. Ms. 3434, Home, 5<sup>th</sup> Nov. 1964).

(2) The History Sheet of a Known Depredator, against whom an order has been passed under Section 356 Criminal Procedure Code, shall not be closed until the period during which he is required to report changes of residence has elapsed.

(3) Persons convicted as above will be styled 'Known Depredators'.

Note — Inmates or ex-inmates of a Borstal Institution should not be styled as "Known Depredators".

#### **748. Discontinuance of History Sheets —**

(1) History Sheets shall be closed by the definite orders of an officer of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police and shall be filed in the Station. The History Sheets of persons who have died shall be destroyed under orders of an officer of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police. The Superintendent of Police may order the closure of a History Sheet at any time but a Divisional Officer may only do so on the expiry of the period named above.

(G. O. Ms. 3929, Home, 5<sup>th</sup> Sept. 1950)

(2) Where retention of a History Sheet is considered necessary after two years of registration, orders of an officer of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police must be taken for the extension in the first instance up to the end of the next December and further annual extensions from January to December.

(3) The above orders shall apply to Rowdy Sheets also.

(4) The Hon'ble High Court of Madras in their judgment dated 17.06.2013 in W.P.No.44548 of 2002 pointed out that opening of History Sheet or rowdy sheet attaches an

indelible stigma on the concerned person, which in turn, likely to cause serious violation of Fundamental rights and such restriction can only be on reasonable grounds. All SDOs or other authorized officers shall pass detailed orders reflecting application of mind as and when a history sheet or rowdy sheet is opened or when the period is extended. SHOs must justify the necessity for opening History Sheet in terms of PSO 746 and 749. At the end of the prescribed period, the retention must be ordered only if there is sufficient material recorded in the ‘current doings’ and when the person continues to meet the norms mentioned in the relevant PSO

- *DGP's standing instruction No.57/2013, Dated: 29.11.2013.*

(5) The photograph of a person cannot be displayed branding him as a thief in the absence of conviction by the Court and that it is highly doubtful if the photo can be exhibited even in case of convicted persons. Observing that our approach towards wrongdoers should be reformatory and not retributory, the Court (In Crl. OP (MD) No.20853 of 2013 of Madurai Bench of Madras High Court) has expressed the opinion that the practice of publishing photographs showing persons to be thieves is to be discontinued. The provisions of Identification of Prisoners Act and PSO 821 enable taking photographs of specified types of offenders under specified circumstances. There is no legal provision to display photographs in public. In view of all this, all officers are directed to ensure that display of photographs of offenders as a cautionary notice is strictly avoided.

- *DGP's standing instruction No.61/2013, Dated: 17.12.2013.*

## **749. Suspects ---**

(1) The following persons shall be classed as suspects and History Sheets shall be opened for them under orders of the Superintendent or Divisional Officer, if so empowered by the Superintendent :—

(a) Persons once convicted under any Section of the Indian Penal Code are considered to be likely to commit crime;

(b) Persons, not convicted, but believed to be addicted to crime.

(2) The following persons may be classified as rowdies and Rowdy Sheets (Form No. 112) may be opened for them under the orders of the Superintendent or Sub-Divisional Officer.

(a) Persons, who habitually commit, attempt to commit or abet the commission of offences involving a breach of peace.

(b) Persons bound over under Sections 106 and 107 Criminal Procedure Code.

(c) Persons who have been convicted under Section 75 of the Madras City Police Act or twice in two consecutive years under Section 3 Clause 12 of the Town Nuisance Act.

(d) Persons who are illicit distillers and known purveyors of liquor.

(G.O.Ms. No. 3461, Home 10th Dec, 1956.)

(e) Persons either convicted under Section 49-A of the Madras City Police Act, 1888 (Madras Act III of 1888) or under Section (4) of The Madras Gaming Act, 1930, (Madras Act III of 1930), or reasonably suspected to be habitually committing or abetting the commission of such offences.

(3) The fact that a History Sheet has been opened for a suspect, other than an ordinary criminal shall be kept confidential.

(G.O.No.480, Judl, 10<sup>th</sup> August, 1921)

(4) All registered rowdies should be kept under the same type of watch as envisaged for registered suspects. The names of History Sheeted rowdies should be entered in the Station Check Register of K.Ds and the rowdies should be checked regularly by beat Police Constables in rural Police Stations and by rowdy patrols in large towns as also by the Sub-Inspector (Law & Order). The checking however should be discreetly done by the method of enquiries and not in the manner of domiciliary checks.

(5) Inspectors and Divisional Officers when they visit the area should make their own independent enquiries and note their findings in the History Sheets and in Inspection Reports, if any.

(6) All reports against notorious rowdies entered in the General Diary of the Station or matters brought to light on enquiries in the petitions should be entered against them in the personal sheets and should be dated.

(7) Rowdies are often employed for committing breaches of peace and for intimidating opponents in times of political or communal tension. Inspectors of Police should take effective and timely action to control their activities. The active ones among these should be dealt with appropriately under section 110 (a) and (f) of the Criminal Procedure Code or under section 160 IPC or under section 75 of the Madras City Police Act and section 106 of the Criminal Procedure Code.

(8) Besides registered rowdies for whom separate sheets are maintained, there are a set of anti-social elements in every street and village, who intimidate the local people and exploit them for their selfish ends. They are often believed to be keeping brothel houses clandestinely or promoting prohibition offences or offences under the Gaming Act. Sometimes they have political backing also. The activities of these persons also require vigilant watch and check. For this purpose a register in Form No. 112 shall be maintained in all Police Stations. The categories of persons which should be entered into the registers are:

- (a) All persons for whom rowdy sheets are maintained under Order No. 749.
- (b) Anti-social elements who intimidate people and exploit them for selfish ends, or actively promote communal disharmony.
- (c) Persons believed to be keeping brothels or opium dens or promoting offences under the Gaming Act.
- (d) Persons bound over under Section 110(e) and (f) Criminal Procedure Code.
- (e) Persons convicted under Section 294, I.P.C.
- (f) Known drunkards.

#### **750. History Sheet- Not to be opened for wanderers —**

- (1) History Sheets shall not be opened for criminals of no fixed residence.
- (2) This restriction does not apply to persons who move about in a limited area such as two or three districts. History sheets should be opened for such persons at the Superintendent's discretion.

#### **751. Period of retention of History Sheets of suspects --**

History sheets of suspects shall be maintained from the date of registration up to the end of December after which the orders of an Officer of and above the rank of Assistant Superintendents of Police/Deputy Superintendent of Police as to their discontinuance, or retention for a further period from January to December where necessary shall be obtained.

*(G.O. Ms.No. 3929, Home, 5<sup>th</sup> Sept., 1955).*

#### **752. Persons to be closely watched --**

- (1) Persons for whom History Sheets have been opened shall be formally watched by the Police or Village Headman.
- (2) Close watch Bad Characters should be written, K.Ds. first and then suspects, in red ink as contemplated in Police Standing Order No. 368 (3) followed by non-close watch Bad Characters in blue or black ink, in the same order. All these entries should be beat-war.
- (3) The date of expiry of the History Sheet shall be noted in the remarks column against each Bad Character.
- (4) Whenever a History Sheet is opened for a Bad Character for the first time, he shall be under close watch.
- (5) The Bad Character returning from jail should be under close watch. If they settle down and are of good character, close watch can be removed.

### **753. Index --**

(1) The following indexes shall be maintained:--

(i) An Alphabetical loose-leaf crime classification index to Part-I and Part III and General Convictions Register as per list specified in Order No. 45 (I) in the form shown below.

(G.O. Ms. No. 2868, Home, 27<sup>th</sup> Sept., 1944.)

Volume and page number of		Name, father's name, Village, Police Station of the convict or suspect.	Crime Number
Part-I	Part-III and General Conviction Register		
(1)	(2)	(3)	(4)

(ii) An alphabetical index of persons entered in Part III and General Conviction Register.

(2)(i) A check register of persons entered in Part III and General Conviction Register shall be maintained in Form No.117, Village war. Villages being arranged alphabetically.

(ii) Names of ex-convict of the Station who reside in the limits of other Stations will be noted in this register separately, Station-war.

(iii) At the end of each year, an abstract will be prepared in this resister indicating the number of ex-convicts who are present, in jail and out of view.

(G.O. Ms.No. 364, Home, 15<sup>th</sup> Feb, 1943.)

### **754. Bad Character Roll ---**

Movements to the limits of another Station of persons brought on Part III and General Conviction Register, when such persons change their place or residence after release from jail or after registration in this record, shall be communicated to that Station by means of Bad Character Roll in Form No. 118 for entry in the register of that Station. The roll will be returned with the page number of the register, on which the entry has been made noted thereon. This page number will be noted in column (3) of the Station Register.

(G.O. Ms. No. 109, Home, 10<sup>th</sup> Jan., 1948.)

NOTE.--It is not necessary that Form No. 118 should be used for the communication of conviction particulars or for the transfer of History Sheets. These can be done by using the Memo. Form Book. It is likewise unnecessary to send bad Character Rolls with History Sheet dossiers submitted to superior officers for orders regarding their retention or closure. Orders can be obtained on the dossiers themselves.

### **755. Death of registered habitual criminals ---**

The death of any person, registered in Part III and General Conviction Register shall at once be communicated to any Station where he has been registered and entries regarding him shall be struck off from the registers.

(G.O. Ms. Nos. 1364 Judl. 5<sup>th</sup> Dec., 1922 and 400 Judl., 12<sup>th</sup> Sept. 1927.)

**756. Part V--Notes on important events--** (1) Part IV of the Station Crime History (Form No. 110) shall contain confidential notes on important factions and disputes especially between caste and communities and regarding the commission of serious breaches of the peace. Notes should be made therein regarding police bandobust necessary for important festivals, etc. In short, any information which may be useful to a new Station House Officer having no previous experience of the Station, should be entered, in this register. One or more sheets, as may be necessary, should be kept for Station information of a general nature. Information relating to different villages shall be recorded on separate sheets headed by the names of the villages. All entries in this record shall be edited, signed and dated by the Circle Inspector. Only the Station copy of this record is to be maintained. Circle Inspector will not maintain a copy with his circle records but will summarize all important points in the Circle Information Book - vide order No. 218.

(2) Village Crime Note Book.

The Village Crime Note Book shall be in four parts-

(i) Part I shall contain general information regarding population, number of houses, hamlets, revenue market days, fairs and festivals, principal castes, tribes and population of each. In addition, it will contain name of Headman, other leading man, village watchmen, sarpanch and pench, number of village defence parties.

(ii) Part II shall contain the list of crimes that have occurred in each village, complainants, property lost and recovered, where recovery was effected, person who helped the accused, harbourers, receivers, person who furnished bail.

(iii) Part III shall contain the list of visitors: --

Visitors implies –

(a) Persons who are K.Ds.

(b) Persons established through information sheets (Stranger roll) to be of doubtful character either by reason of having been suspected or convicted of offence in respect of which entries are required to be made in Part III or Part V of their household statistics or for other adequate reasons.

(c) Persons arrested in the village under section 41/109, Criminal Procedure Code provided no entry shall be made unless the persons concerned are placed on security.

Note.—This provision will not apply in cases where particulars of the person concerned would otherwise normally be entered by virtue of (a) and (b) above.

(iv) Part IV shall consist of confidential notes on the village regarding influential person who abet or shelter criminals, type of lawlessness, gangs, land disputes, fairs, festivals, and the scale of bandobust, notes on habitual criminal persons released under Probation of Offenders Act and list of influential persons who can help the Police.

### **757. History Sheets— Numbering --**

(1) History Sheets shall be numbered serially in each Police Station.

(2) Index to History Sheets and Personal File –

An Index to History Sheets and Personal Files will be maintained in each Police Station. Apart from the identity particulars of the criminal, it will also contain date on which sheet was opened, whether he is a District Criminal, Known Predator, Habitual Offender or Suspect. When History Sheets or personal files are transferred or destroyed, this register should accompany the sheet or files to the Superintendents of Police for orders of such transfer or destruction.

### **758. Entries favourable to criminal to be made -**

When any information favourable to an individual for whom a History Sheet is being kept, is received, it shall be entered therein.

(G.O. No 332 Judl. 20<sup>th</sup> Feb., 1906)

### **759. Transfer of History Sheets -**

(1) The History Sheets of a person who changes his residence to another Station limits, shall be forwarded to that Station through Divisional Officer.

(2) The history Sheet of a bad Character who changes his residence from a police Station in the State of Tamil Nadu to a Station in another State shall be forwarded by the Station House Officer of the Tamil Nadu Station to his Superintendent of Police through the usual channel, and the latter shall forward the sheet confidentially to the Superintendent of Police of the District in which the individual concerned has taken up

residence. Reciprocal arrangements have been made with other States in this matter and History Sheets of Bad Characters who have changed their residence from other States when received by the Superintendents of Police from the Police authorities of those States will be dealt with in accordance with Orders Nos. 757, 758, 759 (1).

(G.O. No. 1566, Home 29th July, 1936.)

## **760. Weekly Crime Reports —**

- (1) The Station Crime History in all its parts shall be maintained in English.
- (2) The Circle Inspector shall maintain an outline Crime Chart of the Circle showing Station limits, prepared in the same way as in the station.
- (3) Superintendents and Divisional Officers shall similarly maintain Crime Chart showing Station limits for the District and Division respectively. The period of currency of each chart is left to the discretion of the Officer maintaining it. On this shall be entered all true cases relating to murder for gain, dacoity, robbery, house-breaking and house-theft. Any other class of crime unusually prevalent in the district, Division or Circle may be shown on the chart, or on a special chart, as may be convenient. These maps shall be written upon receipt of crime cards and shall be corrected, if necessary on receipt of the case diary.
- (4) (a) Superintendents and Divisional Officers shall also maintain in conjunction with crime Chart, registers in Form No.114 (a) to enable them to keep a check on the case diaries on crimes and the progress of cases in their ranges. In the case of Superintendents, the register and Crime Charts may be kept by the Crime Records Bureau. In case of Divisional Officers, the register in Form No. 14 may be kept by the camp clerks while the Crime charts should be kept by the officers themselves. A careful study of the distribution of crime and the type of crime occurring, may enable the officer to draw deductions as to the criminals at work so that they may issue indicative instructions to their subordinates as to the line of investigation to be pursued.  
  
(b) The more important role of the Crime Register for the officers of and above the rank of Assistant Superintendents of Police / Deputy Superintendents of Police (Form No. 110) is to enable the Divisional Officers (including Superintendents of Police having charge of Divisions, if any) to keep a check on crime and the progress of all cases. The Divisional Officers should therefore, take a personal interest in the maintenance of this register and not leave it to the Camp Junior Assistant or Crime Records Bureau, as a mere records of case diaries. To make it more useful at the end of each month, a list of pending cases for each Station separately, should be made out in the register

showing the cases under investigation and those pending trial. In column (28) of Form No. 114 should be entered the number and date of Crime memoranda and the points to be kept in mind. This register must be taken by the Divisional Officer on every visit to any Police Station. He should go through with the Sub-Inspector personally all cases under investigation and thereby supervise and guide the Sub-Inspector in all his cases. Such visits by Divisional Officers to Police Stations at their headquarters should be at regular intervals.

(5) Specimens of Form No. 109 of the Crime Chart are given in Volume III.

## **761. Juveniles --**

(1) A History Sheet shall never be opened for a juvenile discharged from Borstal or Certified School or released under Section 360, Cr. P.C. or treated under the provisions of the Tamil Nadu Probation of Offender's Act nor shall be treated as a Bad Character nor watched nor interrogated, unless suspected of committing crime.

(2) Where it can be avoided, it is obviously undesirable that a juvenile offender confined in the Borstal or Certified School should be prosecuted for an offence committed by him before his admission into the school.

### **(3) Juvenile Justice (Care and Protection of Children)Act, 2015 (ACT 2/2016).**

(a) The Juvenile Justice Act 2000 is repealed and the new Act is to be followed now. In the new Act greater attention is paid for the care and protection of Juveniles. The Juvenile under this Act means a boy or girl who has not attained the age of 18 years. This Act is a comprehensive legislation dealing with exploitation of children and treatment of children in need of care and protection and with Juveniles in conflict with law.

(b) The United Nations Convention on the Rights of Children, ratified by India on 11<sup>th</sup> December, 1992, required the State Parties to undertake all appropriate measures in case of a child alleged as, or accused of, violating any penal law, including (a) treatment of the child in a manner consistent with the promotion of the child's sense of dignity and worth (b) reinforcing the child's respect for the human rights and fundamental freedoms of others (c) taking into account the child's age and the desirability of promoting the child's reintegration and child's assuming a constructive role in society. The problems of increasing juvenile delinquency and child misbehavior have been a cause of concern to the society.

The so called present day materialistic approach to life;

Impact of Cinemas having full of sadistic crime and lustful sex;

Lack of parental care

Environmental factors and economic conditions- extremes of affluence and poverty.

(c) Juvenile delinquency refers to the anti-social acts of children. Such acts are either found to be a deviation from normal behaviour such as incorrigibility, disobedience, running away from home, reading obscene literature and viewing obscene or crime prone movies or doing acts forbidden by law such as committing offences (from minor to major) from pick-pocketing to rape and murder.

(d) Juvenile Justice Act deals with the above two types. The first type of juveniles is termed as neglected juveniles and second type as delinquent juveniles. A neglected juvenile falls under 5 categories-

A juvenile found begging.

A juvenile having no settled place of abode and no ostensible means of living.

Having parent or guardian but incapable of exercising control over the child.

Living in a brothel or with a prostitute or visiting a place of prostitution frequently.

Being likely to be abused or exploited for immoral purposes.

(e) **Child Welfare Committees** are constituted by Government, one or more for every district, to inquire into children who need care and protection. The board is presided over by a Chairman with four other members, one among them being a woman compulsorily and another expert on matters concerning children. The board is vested with powers of a First Class Magistrate.

(f) **Juvenile Justice Boards** are constituted to inquire into Juvenile in conflict with law, presided over by a Judicial First Class Magistrate or a Metropolitan Magistrate. Juvenile Homes are established to house neglected juveniles and special homes are established to house delinquent juveniles after due inquiry. Observation homes are constituted to house both neglected and delinquent juveniles pending inquiry.

(g) A Police Officer dealing with the child in need of care and protection viz., Child Welfare Police Officer has to strictly follow the following procedure:

i) When a Police Officer is of the opinion that a person is a child and is in need of care and protection, he shall take charge of the person for bringing him before the Juvenile Justice Board of the area. Every person taken charge shall be brought before the Board within 24 hours excluding the journey time. If the parents do not come forward to take him, in the meanwhile, he shall be kept in observation home before he is brought before the Board but he shall never be kept in a Police Station or lock-up or jail.

ii) It must be noted that a child in need of care and protection is not an offender. As such he is not to be arrested.

iii) The board holds inquiry and examines the Police Officer and other witnesses produced before it. The child in need of care and protection or any one on his behalf can challenge the witnesses. If the majority members of the board are of the opinion on inquiry that he is a neglected juvenile, he will be sent to juvenile home till he ceases to be a juvenile. Instead of sending a juvenile to juvenile home, the board may place the juvenile under the care of a parent or guardian of any fit person or any recognized organization by imposing conditions with or without sureties for the good behaviour and well being of the juvenile.

**(4) Duties of Police regarding the Juvenile in conflict with law:-**

(a) When a Juvenile in conflict with law is one who has committed an offence as mentioned in Order No. 761 (3) (d) (second type), the duties of Police in dealing with such type of Juveniles are as follows:

i) When a Juvenile in conflict with law has committed any cognizable offence, he may be arrested by the Police Officer but he shall not be handcuffed or kept in lock-up.

ii) The I.O. shall release him on bail when offered, whether it is bailable or non-bailable offence. But he shall not be released if there appear reasonable grounds for believing that his release is likely to bring him in association with any known criminal or exposing to moral danger or his release would defeat ends of justice. If he is not released on bail, he shall be removed to observation home or a place of safety till he is produced before the Juvenile Court and he shall continue there till the inquiry is completed.

iii) When a Juvenile in conflict with law is arrested, the SHO shall inform immediately the parent or guardian and direct him to be present at the Juvenile Court on the day of production of the Juvenile. The SHO shall simultaneously inform the Probationary Officer to enable him to obtain information regarding his antecedents and forward it to the Juvenile Court.

iv) After due inquiry if the Juvenile is found not guilty, he will be discharged.

v) If the Juvenile is found guilty, the Court may order any of the following steps:-

a) Allow the Juvenile to go home after advice or admonition.

b) Direct the Juvenile to be released on probation of good conduct and placed in the care of parents or guardian after executing a bond with or without sureties for a period not exceeding 3 years.

c) He may be placed in the care of a fit institution for a period not exceeding 3 years; or ordered to perform community service.

d) He may be sent to special home till he ceases to be a juvenile or till the juvenile attains the age of 18 years in the case of a boy and 20 years in the case of a girl.

e) Fine also can be imposed if the Juvenile is above 14 years.

- 4(b) The following points are to be noted relating to Juveniles:
- i) No sentence of imprisonment shall be imposed on a Juvenile even after conviction.
  - ii) Only a Juvenile Justice Board inquires any offence committed by a Juvenile.
  - iii) If the Juvenile Justice Board finds in the preliminary inquiry that he is not a Juvenile, he shall be forwarded to the ordinary court of the concerned jurisdiction for his trial.
  - iv) If he ceases to be a Juvenile during inquiry in the Juvenile Justice Board, the inquiry will continue in the same court
  - v) Inquiries are conducted by Magistrates in observation homes.
  - vi) Inquiries are conducted in-camera.
  - vii) There shall not be a joint trial of a Juvenile and non-juvenile for offences committed by them jointly. Though common investigation is made against them, charge sheet should be filed separately in the respective courts.
  - viii) No security proceedings under sections 107 to 110 IPC shall be launched against a juvenile.

*[BPR&D MODEL POLICE MANUAL]*

*(G.O. No. 114. Judl. 23<sup>rd</sup> July 1917.)*

## **762. Watching of suspects --**

The surveillance of a suspect, other than an ordinary criminal shall be conducted in a confidential manner.

*(G.O. Ms. 332 Judl. 20<sup>th</sup> Sep. 1906 and 400 Judl. 12<sup>th</sup> Sep 1927)*

(2) The following persons should be classed as suspects and history sheets should be opened for them under orders of the Superintendent or the Sub-Divisional Police Officer, if so empowered by the Superintendent:

(a) Persons once convicted under any section of the Indian Penal code who are considered likely to commit crime.

(b) Persons not convicted but believed to be addicted to crime.

(3) Care should be taken to see that history sheets are opened under this order only for persons who are likely to turn out to be habitual criminals and, therefore, required to be closely watched.

*[Model Police Manual]*

**(4) Co-ordination meeting between Superintendents of Police and Superintendents of Prisons.**

(a) Co-ordination meeting between the Superintendents of Police and Superintendents of Prisons will be mandatory.

(b) There are 135 Prisons under the control of Prison Department of which 9 are Central Prisons, 3 are Special Prisons for Women, 9 are District Jails, 87 are Sub Jails for men, 8 are Sub Jails for women, 2 are Special Sub Jails for men, 3 are Special Sub Jails for Women, 1 Borstal School and 11 Sub Jails for lodging male adolescent prisoners and 2 Open Air Prisons. The above Prisons are divided into four Ranges, i.e., Chennai, Madurai, Trichy and Coimbatore and each Range is looked after by one Deputy Inspector General of Prisons.

(c) Monthly meetings will be held as follows:

S.No.	Superintendents of Prison	To have meeting with
1	Puzhal	i) IGP North Zone ii) COP Chennai
2	Vellore/ Cuddalore	IGP North Zone
3	Salem	i) IGP West Zone ii) COP Salem
4	Coimbatore	i) IGP West Zone ii) COP Salem
5	Trichy	i) IGP Central Zone ii) COP Trichy
6	District Jail & Borstal School, Pudukottai	IGP Central Zone
7	Madurai/Palayamkottai	i) IGP South Zone ii) COP, Thirunelveli City
8	Athur	SP Salem
9	Gopichettipalayam	SP Erode
10	Virudhunagar	SP Virudhunagar
11	Ramanathapuram	SP Ramanathapuram
12	Dindigul	SP Dindigul
13	Nagercoil	SP Kaniyakumari
14	Srivaikundam	SP Thoothukudi

15	Nagapattinam	SP Nagapattinam
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- d) The meetings with Zonal Inspectors General of Police may be scheduled at the time Inspectors General of Police have Zonal Superintendents of Police meetings. District Jail Superintendents may have meetings with concerned Superintendents of Police at the time of Monthly Crime Meetings of Superintendents of Police. Similarly the Central Prison Superintendents who have to attend meetings with the Commissioners of Police may be called at the time of Monthly Crime Meetings of the Commissioners of Police.
- e) The following subjects may be discussed during the Co-ordination meetings:-
- i) Performance of Video Conferencing System.
  - ii) Cases of Prisoners in remand for long without filing final reports.
  - iii) External Security of Prisons/District Jails/Sub Jails.
  - iv) Frisking of Prisoners and visitors.
  - v) Surprise checks in prisons to unearth weapons, mobile phones and contraband.
  - vi) Information on activities of prisoners, who may indulge in the activities prejudicial to public safety.
  - vii) Escort of prisoners
  - viii) Correctional programmes/conduct of prisoners on release.
  - ix) Information regarding release of prisoners.
  - x) General Intelligence regarding Crime, Criminals and prisoners.

- *DGP's standing instruction No.40/2013, Dated: 14.08.2013.*

(5) Details of Prisoners' Antecedents:

- a) When the accused are admitted in the prison, the antecedents of the prisoners such as involvement in gang rivalry and tendency to escape shall be indicated and if not, it is left to the subjective assessment of prison officers to decide the level of escort or sanction of leave/parole. Essential information should be communicated by the Investigating Officer in a statement titled, "Antecedents Format to Accompany the Warrant" and the escort personnel should hand over the warrant along with this format at the time of producing for admission in a Jail. This format envisages classification of prisoners as S1, S2 and S3 as follows:

Security 1 (S1): Fundamentalists, naxalites, extremists, terrorists or any other individual characteristics warranting internment in high security enclosures.

Security 2 (S2): Gangsters, hired assassins, dacoits, serial killers/rapists, violent robbers, drug offenders, habitual grave offenders/caste fanatics and those highly prone to escapes/attack on police and other dangerous offenders posing threat to society.

Security 3 (S3): Those who do not pose any serious threat to society upon release, like those involved in murders on personal motive, other bodily offences, theft/property offences, prohibition offences, other special and local laws, railway offences and other minor offences.

b) In addition to this information, the Investigating Officer shall also indicate whether information is required at the time of release of the prisoner on bail or otherwise.

c) The Investigating Officer must ask for information whenever a prisoner of the following categories is released on bail/parole or on the disposal of cases:-

i) Property offences

ii) Murder

iii) Rape cases

iv) Professional cheating

v) Counterfeiting

vi) Ransom cases

vii) Any other type of offences in which there is possibility that the accused/prisoner may indulge in the offences after release.

d) A revised format in which the information should be submitted is furnished below:

e) Superior Officers must ensure that this format is given along with every prisoner.

#### ANTECEDENTS FORMAT TO ACCOMPANY THE WARRANT.

1) Name & Address of the accused:

2) Brief background with details on  
friends/associates and relatives:

3) Nature of offence committed:

4) Criminal history of the accused  
including threat perception (rival  
gang etc), escape tendency and  
previous escapes, if any:

5) Category : S1/S2/S3

6) Is information to Police required  
on release: Yes/No

Signature of the I.O.

Security 1 (S1): Fundamentalists, naxalites, extremists, terrorists or any other individual characteristics warranting internment in high security enclosures.

Security 2 (S2): Gangsters, hired assassins, dacoits, serial killers/rapists, violent robbers, drug offenders, habitual grave offenders/caste fanatics and those highly prone to escapes/attack on police and other dangerous offenders posing threat to society.

Security 3 (S3): Those who do not pose any serious threat to society upon release, like those involved in murders on personal motive, other bodily offences, theft/property offences, prohibition offences, other special and local laws, railway offences and other minor offences.

- *DGP's standing Instruction No.07/2013, dated: 28.03.2013*

**763. Entry in Village Headman's Register --** Persons for whom History Sheets have been opened may, at the discretion of the Station-House Officer, be entered in the Village Headman's register of Known Depredators and Suspects (Appendix XVIII to the Village Officers' and Ryot's Manual, 1931 Edition) and it shall be obligatory upon the Village Headman to report their movements to the Police Station.

## **CHAPTER XLIII**

### **SURVEILLANCE.**

#### **764. Reporting movements ---**

(1) Movements of persons closely watched under Order No. 752 and the movements of the following, shall be promptly reported by one Station-House Officer to another (in Enquiry Roll Form A) (Form No. 118).

- (a) Persons with History Sheets.
- (b) Persons registered under the Tamil Nadu Habitual Offenders' Act, 1948.
- (c) Persons notified under Section 356 of the Criminal Procedure Code.
- (d) Persons conditionally released under Section 432, Criminal Procedure Code.
- (e) Wandering Gangs.

[Model Police Manual]

The receipt of such roll shall be immediately acknowledged and a report as to the presence of the Bad Character made with the least possible delay. If the Bad Character is a person to be closely watched and becomes a temporary resident within the limits of another Station, it should be entered by the Police of the latter Station in the register in Form No. 57 vide Order No. 368.

*[G.O No. 332 Judl 20th February 1906]*

(2) The roll shall be retained until the individual moves on, when it will be forwarded to the Station of his destination. If the Station is other than the one at which the criminal is registered, the Station-House Officer of the latter Station shall be informed of the movement.

Note — When persons closely watched under Order No. 752 are likely to use the Railway, intimation of their movements should also be given to the nearest Railway Police Station.

**(3) Surveillance of criminals at Outposts --**

(a) Copies of History Sheets of criminals who are to be watched by the outpost staff should be kept in the outpost. The Head Constable in-charge should send Bad Character Rolls regarding the movements of such criminals direct to the station concerned. All entries made in History Sheets at outposts should be copied into the original History Sheets kept in the station.

(b) Bad Character Roll should be kept in outposts for use when necessary.

*[Model Police Manual]*

**765. Transmission of Enquiry Roll Form A to other States etc. ---**

(1) In the case of a criminal who is known to have gone to another State the Enquiry Roll Form A shall be sent direct to the Station-House Officer of the Station in that State. Such Rolls should be written only in English.

(2) In respect of Inter-State Criminals, the Rolls should be sent through the State Criminal Investigation Department who will forward the same to their counterpart in that State. If the transmission of such Rolls is urgent, a copy of the Roll shall be sent to the Criminal Investigation Department, the fact of the original having been sent direct being noted thereon.

(3) The Enquiry Roll Form A in respect of a criminal, who is known to have gone out of India, shall be sent to the Central Bureau of Investigation (Crime Prevention Division), New Delhi. All Enquiry Rolls for places outside India must be written in English and must in addition to the Sections of the Indian Penal Code describing the offence he has committed or is in the habit of committing, contain a description of the offence in words.

*[Model Police Manual]*

**766. Presence of suspicious stranger.-**

(1) When a stranger of suspicious conduct or demeanour is found within the limits of a Police Station, the Station-House Officer shall forward an Enquiry Roll

Form-B (Form No. 119), to the Police Station in which the stranger alleges that he resides. The receipt of such a roll must be immediately acknowledged and a prompt reply sent.

[G.O. No. 332 Judl. 20th February 1906.]

(2) If the suspicious stranger states that he resides in another State an Enquiry Roll in Form B (Form No. 119) shall be written in English and sent direct to the Station-House Officer of the Station in that State.

(3) A Check Register of Enquiry Rolls will be maintained in each station to check the disposal of Enquiry Rolls received from other stations.

(4) If the suspicious stranger is not identified in the station to which the Enquiry Roll was issued, the Station House Officer who issued the roll must take all possible steps to discover the identity of the stranger.

**(5) Surveillance over Wandering Gangs –**

(a) The Village Administrative Officer should give immediate information to the Station House Officer and to the nearest Police Outpost on the arrival within the limits of his village, of a wandering gang that makes extractions from villagers and commits depredation.

(b) On receipt of such information regarding the movements of wandering gangs, the Station House Officer will cause enquiries and make a report to the Superintendent covering the following: -

i) The strength of the gang;

ii) The names, age and description as could be ascertained from members;

iii) The crime committed or annoyance caused by the gang at its last two or three halting places.

(c) Should any member of the gang be armed without a licence, they should be disarmed in accordance with the provisions of the Arms Act.

(d) Wandering gangs require close watching, as they are apt to be lawless and to terrorize the people.

(e) If they commit offences or are unruly, they should be proceeded against for specific offences committed and under the security sections of the Code of Criminal Procedure.

(f) In every case the Station House Officers of each district on the route to be taken by the gang should be informed as early as possible.

[Model Police Manual]

## **767. Bad Characters going O.V. — Issue of O.V. cards ---**

(1) When a Bad Character goes out of view, the information should be broadcast in Form No. 120 to the Police Stations having jurisdiction over the places likely to be visited by the Bad Character and also to the neighbouring Stations, whether such Stations are in this State or in another State. Copies of the card should also be sent by the Station House Officer concerned to his Circle Inspector and to the Crime Records Bureau of his district.

### **(2) 'A' and 'B' lists of absconding warrantees ---**

(a) When a person for whom a warrant has been issued is absconding and there is no immediate prospect of his arrest, or when a criminal for whom a History Sheet is maintained goes out of view, the Station House Officer should send a descriptive roll of the individual to the District Crime Records Bureau.

(b) These rolls will be published in a supplement to the Crime and Occurrence Sheet, the issues of the supplement being given consecutive serial numbers and page numbers. These lists will be termed 'A' lists.

(c) In addition to absconding warrantees and 'out of view' criminals of the district, the District Crime Records Bureau will publish in its 'A' list, the descriptive rolls of absconding warrantees and 'out of view' criminals of other districts and of persons published in the Criminal Intelligence Gazette, who are natives of, or likely to come to the district.

(d) 'A' lists will be filed separately in each station and from them the Station House Officer should compile a manuscript list in the regional language of persons likely to come to his station limits, which will be hung up in the station. The men in the station will be expected to learn the details of these persons.

(e) The names of persons, who have been arrested or whose arrest is no longer required, or who have been traced, will be published in the Crime and Occurrence Sheet proper in a list which will be known as 'B' list. The 'A' list and manuscript list should be always kept up-to-date from the 'B' lists.

*[Model Police Manual]*

## **768. Transfer of Criminals to Prisons of native place P.R./T.System ---**

(1) All prisoners registered under the Tamil Nadu Restriction of Habitual Offenders Act, 1948, as well as all dangerous convicts who are likely to revert to crime on release and who are not residents of the State in which they are sentenced, have to be transferred two months before their release to the prisons of their native districts.

(2) Endeavour shall be made to trace the prisoner's native place through the Finger Print Bureau, which should make a reference to the Bureau of the State to which the prisoner is suspected to belong.

(3) If the native place of the prisoner is ascertained and the Superintendent of Police decides that he should be transferred, intimation should be sent immediately to the Superintendent of the Prison by a P.R. /T. Slip (Form No. 121) and a counter part of the P.R. /T Slip shall be sent to the Superintendent of Police of the district to which the prisoner belongs.

[G.O. 841. Judi. 8th June 1800]

(4) This system should invariably be applied to Chapparbands.

NOTE: The system of registering criminals as P.R. or P.R. /T should not be applied to any inmate or ex-inmate of the Borstal Institution.

[G.O. No.497 Law (Genl.) 10<sup>th</sup> February, 1923]

## **769. Release of Foreign Prisoners. - Report to be made to the C.I.D. ---**

Before the release of a prisoner who is convicted for an offence of the type in which finger prints would ordinarily be taken for record under the rules, a report should be sent by the Superintendent of the district in which the case was registered, to the C.I.D. for transmission, to the Central Bureau of Investigation, Government of India giving information regarding date, route, Steamer, etc. on or by which the prisoner will be travelling, in order that such information may be transmitted to the country of the man's origin.

## **770. Shadowing of convicts on release ---**

The following are the rules for the shadowing of convicts on their release from Prison.

(1) Only those convicts who (a) have no fixed abode or (b) are not likely to return to their native place on release or (c) are exceptionally dangerous shall be shadowed.

(2) The Superintendent shall decide which convicts have to be shadowed. For this purpose the Sub Inspector will note on the Conviction Memorandum for Finger Print purposes (Form No. 127) whether shadowing is necessary or not. The Circle Inspector/Sub-Divisional Officer will add his opinion.

(3) The fact that the convict is to be shadowed shall be entered in the District Police Office, in the Finger Print Register Form No. 136 and communicated in Form No. 123 to the Superintendent of the Prison where the convict is imprisoned, who will note in red ink the letters PRS (Police Registered Prisoner for Shadowing) above the number of the Convict in the Conviction Register, the Committal warrant, the History sheet, the Release Register and finally in the monthly release lists sent to the Superintendents. The Superintendent of Prison will enter the particulars in a Prison Release Register maintained for the purpose. The register will apart from containing the particulars of the name and address, offence, conviction particulars, date of release from prison, will

also contain history sheet classifications. A copy of this will be sent to the Station House Officer in whose jurisdiction the ex-convict resides. The Station House Officer will report in the same form under the column remark, the date of arrival in the village, shadow in particulars. In case when the released convict not returns to the village, the Station House Officer will send O.V. cards and intimate the fact to the Crime Records Bureau for publication in the Crime and Occurrence Sheet. On receipt of the prison release list, the shadow and residential particulars will be entered in the history sheet of the ex-convict.

(G.O. Ms. 2549 Home 29<sup>th</sup> July 1965)

(4) On receipt of the release list, the Superintendent of the district in which the Prison is situated and, in the case of Chennai City, the Commissioner, shall make a list of P.R. /S. convicts Form No. 122 and communicate it to the officer in charge of the Police Station in the limits of which the Prison is situated, with orders to arrange for the shadowing of the selected prisoners. This Officer will also arrange to give sufficient previous information to the local Railway Police in a case where the ex-convict is likely to travel by train and to the local District Police where the ex-convict is to detrain, and he will point him out on release to the Railway Police and it shall be the duty of the Railway Police to arrange for and undertake the surveillance of Bad Characters till they are handed over to the District Police who will on their part depute Police Constables to the various Railway Stations where the ex-convicts are likely to detrain.

(5) An ex-convict who travels by road shall be kept, under observation by the Police of the district until he leaves their district, when intimation of his arrival will be given to the Police of the next district.

(6) When an ex-convict breaks his journey instead of proceeding to the place to which he was granted a ticket, the Railway Police shall inform the District Police of the locality where the ex-convict alighted and the District Police of the locality to which the ex-convict was granted a ticket. The Police of the place where he broke his journey will then be responsible for keeping him under observation. The District Police of the place where this ex-convict has taken up his residence should be communicated to the District Police of the locality where this ex-convict should have proceeded intimating as to where and when exactly he has taken up abode.

(7) (a) A Constable deputed for shadowing an ex-convict shall enter the fact in his note-book in which he shall also take the signature of the Constable to whom he passes on the surveillance.

(b) The Constable shall be furnished with a Chalan in Form No. 124 showing the particulars of the ex-convict to be shadowed. This form shall be returned by the Station House Officer of the Station where the ex-convict takes up his residence or

passes out of view to the District Police Office of the district where the Prison is situated, or to the Commissioner in the case of Chennai city and shall be filed in that office.

(8) Ex convicts should be kept in view, but on no account should restraining be put upon their movements.

Note: —Adolescents released from Borstal Schools should not be shadowed and Superintendents of Police are required to see that they are not marked P.R. /S, at the time of conviction.

**(9) Instructions regarding surveillance of convicts between states ---**

Convicts of Tamil Nadu State in Prisons of Kerala, Karnataka and Andhra Pradesh, shall on release shadowed by the respective State Police up to the nearest border Police Station on the home State of the criminals. Such reciprocal surveillance will also be made in respect of convicts of Kerala, Karnataka and Andhra Pradesh in Tamil Nadu Prison.

*[G.O. Ms, No.1116, Home, 13th April 1967.]*

**771. Prison Release List --**

(1) Superintendents of Prisons are required, by the provisions in the Prison Manual, to send to Superintendents of the Districts in which the prisons are situated, before the 15<sup>th</sup> of each month, a list of -

(a) Prisoners registered, for shadowing (P.R.S.) in accordance with Order No.770.

(b)Prisoners convicted under the Tamil Nadu Restriction of Habitual Offenders Act, 1948; and

(c)those imprisoned under the bad livelihood sections to be released during the next ensuing month and a similar list to the Superintendent of the district in which the prisoner's homes are situated or in which they may have been convicted. In the latter case, the Superintendent should on receipt of the prison release list, give information regarding the release to the Superintendent of the district in which the prisoners' homes are situated.

(2) In addition to the list to be sent before the 15<sup>th</sup>, Superintendent of Prisons will, if necessary, send a supplemental list containing the names of prisoners admitted after the 15<sup>th</sup> of each month and who will be released during the next ensuing month.

(3) Whenever there is delay in the receipt of release list from prisons, the matter should be reported to the Director-General who will bring to the notice of the Inspector-General of Prisons.

(3) (a) The release lists will be published in the Crime and Occurrence Sheets. In the case of exceptionally dangerous criminals, the Station House Officer will be informed at once.

Extracts to be sent to Stations —

(4) Extracts from release lists shall be communicated by Superintendents through Circle Inspectors, to the Stations within the limits of which the Prisoners' homes are situated and Sub-Inspectors shall, after a reasonable time, return these extracts through their Inspectors, noting thereon whether the prisoners referred to have returned to their homes or not.

### **772. Heinous offenders granted remission ---**

In the case of dacoits and persons convicted of other heinous organized crimes, the Superintendents of Prisons, will, under the rules in the Prison Manual, note in the monthly lists of releases to be furnished to Superintendents, the period of remission earned under Prison Mark Rules, which should be passed under Police surveillance. These released convicts will be considered as persons who ought to be 'closely watched' under Order No. 752 and the ordinary Police surveillance over Known Depredators, will generally meet their case. If, however, in any instance, the Superintendent thinks stricter surveillance necessary, the special orders of the Director-General should be obtained.

[G.O. Nos. 207 Judl. 31st Jan., 1895, 711, Judl. 4<sup>th</sup> April 1895 and 400, Judl. 12<sup>th</sup> September 1927]

### **773. Convicts released on medical grounds ---**

A convict released by Government on medical grounds is required under the conditions of his release, to report himself to the Superintendent of the District in which he wishes to reside, immediately on release and once on each month thereafter and not to leave the district without the Superintendent's permission. The conditions to which he subscribes before release are set forth below:

(2) The conditions are:-

(a) That the said . . . . . will, within fourteen days from the date of his release, present himself to the Superintendent, if he be absent to the Personal Assistant to the Superintendent, District Police Office, and will produce a copy of the conditions of his release delivered to him by the Superintendent of the . . . . . Jail.

(b) That he will thence-forth report himself once in each month at such time and to such officer as he may be directed by the said Superintendent.

(c) That he will not quit the said district of . . . . . without the written permission of the said Superintendent.

(d) That he will accept and fulfil the conditions on which such permission may be granted.

(e) That he will not commit any offence punishable by any law in force in India.

(f) That he will not associate with notoriously bad characters or lead a dissolute life.

(g) That he will live honestly and peacefully and will endeavour to earn an honest livelihood.

[G.O. Nos. 1942, Judl. 23rd July 1876 and 163, Judl, 23rd Jan 1888]

**(3) Surveillance of persons conditionally released --**

Convicts conditionally released under Section 439 of the Criminal Procedure Code will be kept under surveillance in the same manner as those ordered to notify residence under Section 356 of the Criminal Procedure Code. The terms of conditional release are as follows:-

(a) That he will not commit any offence punishable by any law in the State of Tamil Nadu.

(b) That he will not in any way associate with persons known to be of bad character or lead dissolute or evil life.

(c) That he will reside within the district of . . . . . as the Magistrate of the district, from time to time, directs in that behalf and will not go beyond or absent himself from the limit of such place without the permission in writing of the Magistrate of the district or the Superintendent of Police.

(d) That unless and until he is exempted from doing so by the District Magistrate, he will report himself periodically at such time and place and to such person as may, from time to time, be prescribed by the District Magistrate or the Superintendent of Police of the District in which he is required to reside.

(e) That he will generally submit to and comply with the requirements of rules relating to the police surveillance to be exercised over conditionally released convicts for the time being in force.

[Model Police Manual]

**774. Life Convicts conditionally released --**

(1) (a) In the case of life convicts conditionally released, it has been made a condition of their release that they shall proceed under Police escort from the place of release to their destination. The Government of India have decided that such convicts shall be escorted under the existing rules for the escort of prisoners, except that they shall not be handcuffed.

(b) The Railway Police shall render any assistance necessary.

(2) The terms of conditional release are given in Volume II.

[G.O. No. 1266, Judl. 10th August 1905]

## **775. Instructions regarding watching ex-convicts ordered to notify residence —**

The following instructions are issued with regard to ex-convicts, ordered to notify residence under section 356 Criminal Procedure Code --

(1) Each Station House Officer is responsible for maintaining a correct list of ex-convicts ordered to notify residence in Form No. 125 which shall be hung up in the Station. The village notified and date of release will be entered from Prison release lists.

Note --This order does not apply to Railway Police Station.

(2) When an ex-convict does not appear at the place notified within a reasonable time, the Station House Officer shall report the fact to the Superintendent for inquiry to be made.

(3) Ex-convicts ordered to notify shall be watched in the same way as other dangerous criminals and their intended movements of which they give notice and movements communicated by Enquiry Roll Form A (Form No. 118).

(4) The certificate prescribed by rule 7 of the Rules framed by Government is in Form No. 126. A copy of the certificate shall be attached to the copy of the General Diary sent to the office and remain filed with it.

(5) (a) Prosecution of ex-convicts for breach of the rules shall not be undertaken without the sanction of the Superintendent or the Sub-Divisional Officer.

(b) The offence falls under the second part of section 176, Indian Penal Code.

(c) The rules framed by Government under Section 356 Cr. P.C. are as follows:-

(i) When an order has been passed under Section 356 of the Code of Criminal Procedure that a convict shall notify his residence and any change of residence after release for a specified term, the court or Magistrate passing such order shall attach a copy thereof to the warrant of commitment issued under Section 418 of the Code in respect of such convict.

(ii) A convict in respect of whom such an order has been passed shall when called upon by the officer in-charge of the jail in which he is confined, state before his release the place at which he intends to reside after his release, naming the village or town and the street therein. Intimation of such place of residence shall be given by the officer in-charge of the jail with the least practicable delay to the Director-General.

(iii) After release and on arrival at his residence, a convict shall within twenty-four hours, notify at the nearest Police Station that he has taken up his residence accordingly.

(iv) Whenever he intends to change his residence, he shall, not in less than two days before making such change, notify his intention at the nearest Police Station, giving the date on which he intends to change his residence and the name of the village or the town and the street in which he intends to reside and, on arrival at such residence, he shall, within twenty-four hours, notify at the nearest Police Station that he has taken up his residence accordingly.

(v) The officer recording a notification under either Rule (ii) or Rule (iv) shall appoint such period as may be reasonably necessary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such place within the period so appointed, he shall, not later than the day following the expiry of such period, notify his actual place of residence to the officer-in-charge of the Police Station within the limits of which he is residing.

(vi) Every notice required to be given by the foregoing rules shall be given by the released convict in person, unless prevented from doing so by illness or other sufficient cause in which case the notice required shall be sent by letter, duly signed by him, or by an authorized messenger on his behalf.

(vii) Whenever the released convict gives any notice required by the foregoing rules, he will be furnished with a certificate to the effect that he has given such notice by the officer to whom he gives it.

(viii) A copy of the order specified in Rule (i) shall be served on the convict before his release from jail. A copy of these rules shall be given to him, and the substance thereof fully explained to him in a language he understands. He shall also be informed for what period he is bound to observe these rules, and that any neglect or failure to comply with them will render him liable to punishment as if he had committed an offence under Section 176 of the Indian Penal Code.

(ix) If a Convict in respect of whom an order has been passed under Section 356 of the Code of Criminal Procedure, shall have been released from jail without a copy of the said order having been served upon him, and the other formalities specified in these rules having been complied with, he may at any time while the order remains in force, be called upon by the police to report himself on a given day at a Police Station near the place where he is found, and on his reporting himself, the copy of the order shall be served on him and the other formalities prescribed in sub-order (ii) above shall be complied with.

Note :- In applying the above rules to the case of a wandering man who has no 'residence' in the sense of a fixed place of abode, they may be reasonably interpreted as meaning that he resides at a place where he sleeps, even if he remains there only one night. On his release, he may, therefore, be asked under Rule (ii) where he is going to stay and he may be told that if he moves about the country, he must always notify the place of his temporary abode to the Police.

## CHAPTER XLIV.

### THE TAMIL NADU RESTRICTION OF HABITUAL OFFENDERS ACT, 1948 & THE TAMIL NADU RESTRICTION OF HABITUAL OFFENDERS RULES, 1949.

#### 776. Habitual Offender:

A habitual Offender is one who has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, on not less than three occasions, for one or another of the offences under the Indian Penal Code set forth in the Schedule to the Tamil Nadu Restriction of Habitual Offenders Act, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion. [Section 2(4)].

Note --- (1) The demand of a security for good behavior under section 110, Criminal Procedure Code will amount to the passing of a sentence of substantive imprisonment, for the purpose of the above definition.

(2) The following are the offences under the Indian Penal Code enumerated in the Schedule to the Act:-

Sections 231, 232, 233, 234, 235, 239, 240, 242 and 243 under Chapter XII, Sections 299, 307, 308, 310, 322, 326, 327, 328, 329, 332, 333, and 369 under Chapter XVI and sections 382, 383, 385, 386, 387, 390, 391, 393, 394, 397, 398, 399, 402, 457, 458, 459 and 460 under Chapter XVII.

#### 777. Notified Offender ---

A notified offender is a habitual offender against whom a notification under section 3 of the Act has been issued and is in force.

#### 778. Notification by the Collector ---

(1) Persons mentioned in Police Standing Order No. 781 should be notified under the Act by the issue of a notification by the Collector.

(2) The cases of all persons registered under Section 16(1) of the Tamil Nadu Restriction of Habitual Offenders Act, 1948 should be reviewed with reference to each such person whether he would come within the definition of a "Habitual Offender" in clause (4) of Section 2 of the Act. If, on examination of the facts, it is found that he had committed an offence in recent years so as to bring him within Section 2(4), then a notice has to be issued to him to show cause why the restriction against him should not be continued. In such a case, the order would really be in the nature of a fresh Order under Section 3. If the person affected would not fall within the definition of

"Habitual Offender" so that further order could not be made in his case, his registration should be cancelled formally.

[G.O. No.218. Home of December 1949]

### **779. Restriction on all Notified Offenders ---**

The following are the restrictions on a notified offender under the Act:-

- (i) Intimation of residence, change or absence from residence (Section 5);
- (ii) Restriction of movement to specified area (Section 6) and
- (iii) Placing him in Settlement (Section 8).

### **780. Place of residence ---**

The place of residence furnished by <sup>the</sup> Notified Offenders at the time of his registration shall be taken as the place of his residence (Rule 11).

### **781. Identification Rolls ---**

Every notified offender shall be supplied with an identification roll in Form XI prescribed under the Tamil Nadu Restriction of Habitual Offenders Rules 1949. An acknowledgement for the receipt of the identification roll with the left-thumb impression of the notified offender shall be attached to the personal sheet of the notified offender [Rule 10(1) and (2)].

### **782. Obligations of Notified Offenders under the Act ---**

1. Every notified offender shall give this identification roll for examination or inspection when required by any Police Officer or Magistrate, or any other person authorized by the Collector in this behalf [Rule 10 (3)].

2. Every notified offender, who intends to leave, permanently or temporarily, the village in which he is residing, shall before his departure, intimate the headman of such village and shall obtain from him a certificate in Form XIII and shall comply with the specifications contained in the certificate (Rule 12).

3. Any notified offender, who intends to leave his house during night between 10 p.m. and 5 a.m. on any day to go to any other place within the same village, shall before the departure, intimate to the headman of the Village with details of the time, when he intends to leave and return and the place or premises to which he is going (Rule 12-A).

### **783. Notified offenders who may be exempted ---**

Any notified offender may be exempted by the Collector from the obligations imposed by Section 5 of the Act, either conditionally or un-conditionally. Such

exemptions should be granted when a notified offender is old, sick, or infirm, or is otherwise incapacitated from committing crime and if he has continued to be of satisfactory conduct for a period of three years after his last release from prison. If, however, he reverts to crime, the exemption will be revoked and obligation of the provision of section 5 will be re-imposed (Rule 21).

The Superintendents of Police may be authorized by the Collector by a general rule, to exempt any notified offender from reporting any temporary absence of his, for a period not exceeding four months at a time.

#### **784. Penalty under the Act —**

Any notified offender who violates any of the provisions of the Act or any notification, rule or order made thereunder, shall be punishable (a) on a first conviction with imprisonment for a term which may extend to six months, or with fine which may extend to Rs.200 or with both, and (b) on a second or subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to Rs.500 or with both.

#### **785. Convictions to be noted in Part III and General Conviction Register -**

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Convictions under this Act and for offences referred to in the various sections mentioned in the Schedule to this Act (Vide Note 2 under Police Standing Order No. 781) shall be entered in Part III and General Conviction Register.

#### **786. Arrests under the Act —**

Section 12 provides for punishment for any notified offender who contravenes any of the provisions of the Act or rules thereunder. The maximum punishment provided therein is one year with or without fine not exceeding Rs.500. As such, offences under the Act are non-cognizable by virtue of the Schedule II to the Criminal Procedure Code relating to offences under other laws. So, no Police Officer can arrest without warrant any notified offender for an offence under Section 12 of the Act. Section 13, however, provide for the arrest without warrant by any Police Officer of a notified offender whose movements have been restricted under Section 6 or who has escaped from a Settlement in which he has been placed under Section 8.

#### **787. Permanent records to be maintained ---**

The records mentioned in Police Standing Order No. 735 will be maintained in a Police Station in respect of notified offenders residing in its limits.

## **788. Powers and duties of a Station-House Officer ---**

(1) Any Police Officer not below the rank of Sub-Inspector may at any time inspect the residence of a notified offender. (Rule 19).

(2) Any Police Officer is competent to pay domiciliary visits within his jurisdiction to any notified offender with a view to verify the presence of such notified offender and it is the duty of such notified offender to appear before such officer (Rule 20).

(3) Each Village Headman should maintain a list of notified offenders residing within his limits. It is the duty of the Station-House Officer to see that this list is maintained correctly and up to-date. The list may be inspected, checked and corrected by a Police Officer not below the rank of a Sub-Inspector [Rule 11(2)].

(4) Station-House Officers shall from time to time, examine cases of persons residing in their Station limits, including those in Prison who come within the definition of a " Habitual Offender " and submit proposals to the Superintendent for addressing the Collector to notify them under the Act.

(5) If a notified offender who has been exempted by the Collector reverts to crime and it is suspected to aid or abet the commission of offence, the Station-House Officer shall report the same to the Superintendent of Police to enable him to address the Collector to re-impose the obligations of the provision of section 5 on such a notified offender. [Rule 21 (4)]

(6) If, in the opinion of a Station-House Officer the movements of any notified offender residing in his limits should be restricted to any particular area, he should report the matter to the Superintendent of Police with a request to address the Collector to take necessary action under rule 22.

## **789. Duties of Circle Inspector ---**

At the time of his periodical inspection of the Station, the Circle Inspector shall scrutinize all the relevant records to satisfy himself that all those persons who fall within the definition of 'Habitual Offenders' have been proposed by the Station House Officer for registration under the Act.

## CHATTER XLV.

### **FOREIGNERS, FOREIGN NOMADS, PATHANS AND STRANGERS.**

#### **790. (1) Definition:--**

(a) (i) A "foreigner" means any person who is not a Citizen of India. It applies to foreigner whose residence in the Tamil Nadu, is either permanent or temporary.

(ii) PASSPORT is an official document issued to a person to travel abroad. It indicates nationality, personal details and details of countries when and how long visited previously.

(I) Types of Passports:

**(A) Diplomatic Passport:**

(a) Issued to persons of Diplomatic Status.

(b) Indian Diplomatic Passport is red in Colour and issued to:

Government Officials of and above the rank/status of Joint Secretary

Persons holding Diplomatic assignments and their Dependents.

**(B) Official Passport:**

(a) Issued to Government officials going abroad on official Assignments.

(b) Indian Official passport is white in colour. It is to be surrendered on completion of assignments.

**(C) Ordinary Passport:**

(i) Issued to persons who are not covered in the Diplomatic or the official category.

(ii) Indian Ordinary Passport is Navy Blue in colour.

(iii) It is valid for 10 years from the date of issue.

**(II) LAISSEZ PASSER:**

It is also a Travel document/Official document. Its holder can travel abroad on its authority.

(i) It is issued to foreigners in India when Passport is stolen or lost and foreigner wants to go back to his/her country urgently or

(ii) When Passport is impounded either by the Government of India or concerned Embassy/High Commission following involvement of the foreigner in a criminal or civil case in India.

(iii) Contains details & photograph of the individual and is issued to foreigners in India by their Embassy/High Commission.

**(III) UNITED NATIONS PASSPORT:**

(i) Issued to Officials posted with the United Nations. These officials possess another passport issued by their country.

(ii) These officials are to be cleared on the passport containing valid Indian visa.

(iii) Laissez Passer is also written on the U.N. Passports. It can also be considered as Laissez Passer.

(IV) VISA is an official permission accorded to a foreigner in the form of an official mark or seal on the passport by the country to enable the holder to visit a specified country for a certain purpose and period. It indicates the validity period, after which the foreigner is required either to get his stay regularized or to leave the country. Whenever a visa is granted to a foreigner, an indication of the purpose of the visit is made in the visa endorsement. This can be done by including specified letters for different categories of visa in the visa stickers in column 'TYPE' as indicated below:

**TYPES OF VISAS**

Diplomats ..	D
Officials ..	O
Transit ..	TR
Tourists ..	T
Students ..	S
Business ..	B
Journalist, Press, Photographers & T.V. personnel etc. ..	J
Miscellaneous ..	M
Delegates to Conference etc. ..	C
Employment ..	E
Research ..	R
Yoga, Music, Dance etc. ..	Y

Un-Diplomatic	..	UD
Un-Official	..	UO
Others	..	X

**(a) GRATIS/VISA FEE FREE REGIME**

**GRATIS VISA:** We have bilateral or reciprocal political treaties with some countries. Nationals of such countries need not deposit fee to obtain visa. As such, the visa against which no fee is charged is called Gratis Visa.

**(b) VISA FREE REGIME:** Visa free regime exists between two countries and nationals of such countries do not require visa to enter each other country. Following are the countries with which Visa free regime exists:

- 1) Afghanistan      2) Bangladesh      3) South Africa      4) Poland
- 5) Maldives      6) Slovakk Republic      7) Mauritius      8) Argentina
- 9) Jamaica.

**(2) Officers structure ---**

- i) F.R.O. – Foreigners Registration -      COPs in Cities and SPs in the Officers Districts.
- ii) S.R.O. – State Registration Officer -      D.I.G., CID, Intelligence, Chennai.
- iii) Civil Authority -      District Collectors
- iv) State Government -      Secretary to Government, Public (Foreigners) Department.
- v) Government of India -      Assistant Director, Central Foreigners Bureau, Ministry of Home Affairs, New Delhi.
- vi) F.R.R.O. – Foreigners Regional Registration Officer -      Registration Officers and Civil Authorities in Metropolitan Cities – Delhi, Mumbai, Kolkata.
- vii) C.H.I.O. – Chief Immigration Officer -      Registration Officer and Civil Authority in Chennai City.

(3) Registration Officers and Civil Authorities ---

(i) Deputy Inspector General of Police, C.I.D. (Intelligence) is declared by the Government as the State Registration Officer and all Superintendents of Police of the Districts and also Commissioners of Police of Chennai City and other Commissioners in Rural are authorized under Rule 3(1) of Registration of Foreigners Rules 1939 to act as Foreigners Registration Officers. These Officers should carefully study and follow the rules and instructions issued by the Central and State Governments and State Registration Officer (Hand Book on Foreigners and Passports compiled by Security Branch, CID, Chennai).

(ii) Under sub paragraph (2) of paragraph 2 of the Foreigners Order 1948, the Government have appointed the District Collectors, as civil authorities.

(4) Immigration Check post ---

Immigration check posts situated in Tamilnadu are:

- |                         |   |  |
|-------------------------|---|--|
| 1. Chennai Airport and  | - | Functioning under the control of the   |
| 2. Chennai Seaport      | - | Chief Immigration Officer, Bureau of<br>Immigration, Govt. of India, Chennai |
| 1. Trichy Airport       | - | Functioning under the control of the   |
| 2. Coimbatore Airport   | - | Tamil Nadu State Police.   |
| 3. Tuticorin Seaport    |   | (Security Branch, CID, Chennai).   |
| 4. Nagapattinam Seaport |   |  |
| 5. Rameswaram Seaport   |   |  |
| 6. Cuddalore Seaport    |   |  |

(5) Foreigners to be in possession of valid passport and Visas ---

The entry of foreigners into and their residence and movements in, India are regulated by Acts framed by the Parliament and rules framed thereunder by the Central Government from time to time. In brief, a foreigner cannot enter India without a valid visa issued by, or on behalf of, the Government of India. The period of his residence in India is determined by the period of validity of the passport and visa. A foreigner is required to report his entry into India and his subsequent movements. \*No person shall depart from, or attempt to depart from India, unless he holds in this behalf a valid passport or travel document.

(\* *Section 3 of the Passports Act, 1967*)

**(6) Acts and Rules relevant to Foreigners, Passports and Visa ---**

The following are the relevant Acts, Rules and Instructions governing the foreigners and all officers will make themselves fully conversant with their powers and duties under them:

- (a) Acts, Rules and instructions governing the registration and stay of foreigners in India;
- (i) Registration of Foreigners Act, 1939, as amended from time to time.
- (ii) Registration of Foreigners Rules, 1992 and executive instructions issued by the Government to supplement and facilitate the administration of these rules;
- (iii) Foreigners Act, 1946;
- (iv) Foreigners Order, 1948;
- (v) Registration of Foreigners (Exemption) Order 1957; and
- (b) Acts and Rules, governing the grant of passports and visas:
  - (i) The Passports Act, 1967;
  - (ii) Indian Passport (Entry to India) Act, 1920; and
  - (iii) Passport Rules, 1950.

The following instructions are intended for the purpose of assisting officers entrusted with the administration of laws relating to foreigners. They do not, however, relieve officers of their responsibility of studying the original Acts and Rules and amendments & modifications in their application as declared by the Government from time to time.

(7) Exemptees under the Passports Act, 1967, Registration of Foreigners Act, 1939 and Foreigners Act, 1946: -

The Central Government may, by order, declare that any or all of the provisions of the Passports Act, 1967, Registration of Foreigners Act 1939, and Foreigners Act, 1946, and the rules made under these Acts shall not apply, or shall apply, or shall apply only with such modifications or subject to such conditions as may be laid down by them, to or in relation to any individual foreigner or any class or description of foreigners.

(a) Representatives of members of United Nations and its Specialized Agencies: -

(i) Representatives of principal and subsidiary organs of the United Nations or its specialized agencies, and delegates to conferences convened by the United Nations or its specialized agencies are entitled to certain privileges and immunities under the United Nations (Privileges and Immunities) Act 1947. They are exempted in respect of themselves and their families from registration under the Registration of Foreigners Rules, 1992, as per the Registration of Foreigners (Exemption) Orders 1957, in the State they are visiting or

passing through, in exercise of their functions. It is also not necessary to issue residential permits to these persons for so long as they remain in India on official business. Experts performing missions for the United Nations or its specialized agencies are also exempted from registration under the Registration of Foreigners Rules, 1939, as per the Registration of Foreigners (Exemption) Orders 1957.

(ii) All officers will make themselves thoroughly familiar with the provisions of the United Nations (Privileges and Immunities) Act, 1947, and see that the personnel of the United Nations, who will all be in possession of United Nations Laissez Passer or other document indicating their status with the United Nations or its specialized agencies, are not put to any inconvenience.

(iii) Applications for visas (where required) from the holders of United Nations Laissez Passer or any other document showing that they are travelling on the business of the United Nations shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

**(b) Foreigners of Diplomatic Status and their Families: -**

All Officers of diplomatic status, Consul - General and Vice - Consuls are exempted from registration under the Registration of Foreigners Act, 1992. Their wives and children are exempted from registration by the Registration of Foreigners (Exemption) Order, 1957. Registration Authorities at the seaports, and airports will generally accept diplomatic passports and/or diplomatic visas produced by diplomatic and consular officers and members of their families as proof of their status entitling them to exemption.

**(c) Following categories of Foreigners exempted from registration: -**

(i) Foreigners of Indian origin holding foreign passports, visiting India for short duration (less than 6 months) to meet their relatives etc. In such cases, though visa is issued for a period of 5 years, a stipulation is put to the effect that stay during each visit should not exceed 180 days.

(ii) Foreigners connected with tourism and travel trade, can be granted up to 5 year validity multi-entry tourist visa with the stipulation that each stay should not exceed 6 months.

(iii) For US nationals only, on reciprocal basis, during 1998, a 10 year validity multiple entry visa for tourism and business purposes was introduced with a stipulation that stay during each visit should not exceed 180 days.

(iv) PIO Card holders (as per the provisions of PIO Card scheme introduced in March 1999) are exempted from the requirement of registration, if their continuous stay in India does not exceed 180 days. In case such stay exceeds 180 days, they can register within the next 30 days after the expiry of 180 days.

(v) If his visa is for less than 180 days and if the foreigner intends to stay in India for more than 180 days, he has to apply for extension of stay and register himself before expiry of visa.

(8) The Nationals of Commonwealth Countries: -

The nationals of commonwealth countries also require prior VISA and also have to undergo the registration formalities with effect from 18<sup>th</sup> June, 1984.

(9) Tourists: -

a) Tourist Visa will be granted to foreigners who have no occupation in India and whose sole objective is recreation, sightseeing, casual visit to friends and relatives. The duration of Tourist Visa has been raised from four months to six months with multi entry facility. Agents of Foreign Travel Agencies and also Foreign Tourists visiting India frequently are also granted multi entry Visa for a period of 5 years by Indian Missions. However, stay in India on any particular visit shall not exceed six months and they will not be subjected to registration if their stay does not exceed six months. No extension of stay is to be granted to the foreigners holding tourist Visa, and such a request has to be rejected at once. However in emergent situations the extension of stay up to a maximum period of 15 days can be granted by the State Government only under the delegated powers. Foreigners coming on tourist VISA are not eligible to convert the Tourist VISA into any other kind of VISA. However this is not applicable to foreigners of Indian origin, who can get extension of stay of five years with multi entry facility even if they have entered in a tourist VISA.

b) Tabligh Activities:

Foreigners in India on the strength of Tourist Visa and indulging in Tabligh (Religious) activities is in violation of Visa Regulations. Tabligh work does include place to place preaching, speaking from tabligh platform/canvassing during congregations etc. Whenever foreigners are found to be indulging in such activities, necessary action should be taken to deport them to their country of origin under the provisions contained in the Foreigners Act, 1946. A special report has to be sent to the Government with full details of such violations for placing their names in the ‘Prior Reference Category’ for grant of visa for India to them.

(10) Exemption for certain classes from possessing of Passport: -

Since certain persons may not hold a passport, example, seamen, crew of aircrafts etc., Rule 4 provides for exemption from the operation of Rule 3 which requires that anyone entering India must have a passport. The exempted classes are also members of the Indian Army, Navy, Air Force and their families when the personnel are on duty, persons domiciled in Pakistan or who have migration certificates, Indian domiciles entering India from Nepal and Butan, Nepal and Butan Nationals entering India, Muslim Pilgrims returning from Jeddah

or Basra or any other specially exempted category. Please note that in the case of Pakistanis and Muslim pilgrims, though they need not have a passport, should have special permits.

(11) Refusal of Entry:

(a) Power to make order:

(i) The Central Government may, by order, make provision, either generally or with respect to all foreigner or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into (India) or, their departure therefrom or their presence or continued presence therein.

(ii) In particular and without prejudice to generality of the foregoing power, orders made under this section may provide that the foreigner –

(a) Shall not enter (India) or shall enter (India) only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed;

(b) Shall not depart from (India), or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed;

(c) Shall not remain in India or in any prescribed area therein;

(ii)(cc) shall, if he has been required by order under this section, not to remain in India, meet from any resources at his disposal, the cost of his removal from India and of his maintenance therein pending such removal;

(d) shall remove himself to, and remain in, such area in (India) as may be prescribed;

(e) shall comply with such conditions as may be prescribed or specified –

(i) Requiring him to reside in a particular place;

(ii) Imposing any restrictions on his movements;

(iii) Requiring him to furnish such proof of his identity and to report such particulars to such authority, in such manner and at such time and place as may be prescribed or specified;

(iv) Requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and such time and place as may be prescribed or specified;

(v) Requiring him to submit himself to such medical examination by such authority and at such time and place as may be prescribed or specified;

(vi) Prohibiting him from association with persons of a prescribed or specified description;

(vii) Prohibiting him from engaging in activities of a prescribed or specified description;

(viii) Prohibiting from using or possessing prescribed or specified articles.

(*Section 3 of the Foreigners Act, 1946*)

ix) Entry can be refused to a foreigner if he/she is found not in possession of valid travel documents.

x) A notice has to be issued on the foreigner by the Immigration Officer and also to be served on the Airlines.

xi) The foreigner to be removed out of India by the next available flight.

xii) Till such time, the foreigner has to be kept under surveillance by the Immigration Officer/Local Police so that he may not go underground.

xiii) The Passport of the foreigner has to be stamped as "Entry Refused".

f) Power to give effect to orders, directions etc.

Any authority, empowered by or under or in pursuance of the provisions of this Act, to give any direction or to exercise any other power, may, in addition to any other action expressly provided in this Act, take, or cause to be taken such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(*Section 11 of the Foreigners Act, 1946*)

g) Attempts, etc., to contravene the provisions of this Act etc.:

(i) Any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Act, or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Act.

(ii) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Act or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(iii) The master of any vessel or the pilot of any aircraft, as the case may be, by means of which any foreigner enters or leaves (India) in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Act.

(*Section 13 of the Foreigners Act, 1946*)

h) Penalties:

If any person contravenes the provisions of this Act or of any order made thereunder, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (f) of sub-section (2) of section (3), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

(*Section 14 of the Foreigners Act, 1946*)

(12) Refusal of Passports, Travel documents etc.

(1) Subject to the other provisions of the Passports Act, 1967, the passport authority shall refuse to make an endorsement for visiting any foreign country under Clause (b) or (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground namely:

a) That the applicant may or is likely to engage in such country in activities prejudicial to the sovereignty and integrity of India;

(b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

(c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that of any other country;

(d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

(2) Subject to the other provisions of this Act, the passport authority, shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of Section 5 on any one or more of the following grounds, and on no other ground namely;

(a) that the applicant is not a citizen of India;

(b) that the applicant may, or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India;

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with that or any other country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a Court in India for any offence

involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that the proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a Court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such Court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of passport or travel document to the applicant will not be in the public interest.

*(Section 6 of the Passports Act, 1967)*

j) Whoever –

(i) contravenes the provisions of section 3; or

(ii) knowingly furnishes any false information or suppresses any material information with a view to obtaining a passport or travel document under this Act or without lawful authority alters or attempt to alter or causes to alter the entries made in a passport or travel document; or

(iii) fails to produce for inspection his passport or travel document (whether issued under this Act or not) when called upon to do so by the prescribed authority; or

(iv) knowingly uses a passport or travel document issued to another person; or

(v) knowingly allows another person to use a passport or travel document issued to him;

shall be punishable with imprisonment for a term which may extend two years or with fine which may extend to five thousand rupees or with both.

(k) whoever, not being a citizen of India –

(i) makes an application for a passport or obtains a passport by suppressing information about his nationality; or

(ii) holds a forged passport or any travel document.

(iii) shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees.

(3) whoever abets any offence punishable under sub-section (j) or sub-section (k) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided in that sub-section for that offence.

(4) whoever contravenes any condition of a passport or travel document or any provisions of this Act or any rule made thereunder for which no punishment is provided elsewhere in this Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(5) whoever, having been committed of an offence under this Act, is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

(*Section 12 of the Passports Act, 1967*)

**(6) Power to arrest:**

(1) Any officer of customs empowered by a general or special order of the Central Government in this behalf and any officer (of police or emigration officer) not below the rank of a Sub-Inspector may arrest without warrant, any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 12 and shall, as soon as may be, inform him of the grounds for such arrest.

(2) Every Officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police station and provisions of Section 57 of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply in case of any such arrest.

(*Section 13 of the Passports Act, 1967*)

**7) Power of search and seizure:**

(1) Any officer of customs empowered by a general or special order of the Central Government in this behalf and any officer of police or emigration officer not below the rank of a Sub-Inspector may search any place and seize any passport or travel document from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 12.

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures shall, so far as may, apply to searches and seizures under this section.

(*Section 14 of the Passports Act, 1967*)

**8) Previous sanction of Central Government necessary:**

No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the Central Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

(*Section 15 of the Passports Act, 1967*)

**9) Protection of action taken in good faith:**

No suit, prosecution or other legal proceeding shall be against the Government or any other officer or authority for anything which is in good faith done or intended to be done under this Act.

(*Section 16 of the Passports Act, 1967*)

**10) Passports and travel documents to be invalid for travel to certain countries:**

Upon the issue of a notification, by the Central Government that the foreign country is

(a) a country which is committing external aggression against India; or

(b) a country assisting the country committing external aggression against India; or

(c) a country where armed hostilities are in progress; or

(d) a country to which travel must be restricted in the public interest, because, such travel would seriously impair the conduct of foreign affairs of the Government of India.

(e) a passport or travel document for travel through or visiting such country shall seize to be valid for such travel or visit, unless in any case, a special endorsement in that behalf is made in the prescribed form by the prescribed authority.

(*Section 19 of the Passports Act, 1967*)

**11) Power to exempt:**

Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification, --

(a) exempt any person or class of persons from the operation of all or any of the provisions of this act or the rules made thereunder; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.

(*Section 22 of the Passports Act, 1967*)

(13) Restrictions and conditions to which Foreigners are subject on arrival in India: -

(a) Foreigners arriving in India are subject to the restrictions imposed by the Foreigners Act, 1946, the Registration of Foreigners Act, 1939.

(b) Some of the important provisions of these Acts are given below:

(i) Grant of visa does not necessarily mean that the grantee will be permitted to land in India. On arrival, a competent civil authority may -

(i) refuse, in certain circumstances, permission to a foreigner to enter or leave India.

(ii) attach such condition or conditions, as it may think fit, to the grant of permission to land;

(iii) impose restrictions on the movement of a foreigner; or

(iv) arrest and/or detain a foreigner, if it is necessary to do so in public interest.

(c) Prohibited places:

No foreigner shall, without permission of the civil authority having jurisdiction at such place, visit or reside in, any prohibited place as defined in the Indian Official Secrets Act, 1923 (19 of 1923).

*(Section 8 of the Foreigners Order, 1948)*

d) Protected areas:

(i) The Central Government or, with its prior sanction, civil authority, may by order, declare any area to be a protected area for the purpose of this order.

(ii) On such declaration, the civil authority may, as to any protected area, by an order

(a) prohibit any foreigner or any class of foreigner from entering or remaining in the area;

(b) impose on any foreigner or class of foreigner entering or being entered in the area, such conditions or restriction as it may think fit as to –

(i) reporting to the police or any naval, military, or air-force authority.

(ii) Surveying or making sketches or photographs;

(iii) The use or possession of any machine, apparatus, or other article of any description.

(iv) The acquisition of land or any interest in land within the area.

(v) Any other matter or things as to which it may deem fit or necessary in the interests of public safety, to impose such conditions or restrictions.

*(Section 9 of the Foreigners Order, 1948)*

e) **The Foreigners (Protected Areas) Order, 1958:**

Section 3: Restrictions on entry into protected area: -- No foreigner shall enter into or remain in any protected area except under and in accordance with a permit issued by the Central Government or any officer authorized by the Central Government in this behalf.

Section 5: Foreigners Order, 1948 not affected: -- The provisions of this Order are in addition to, and not in derogation of, the provisions of paragraph 9 of the Foreigners Order, 1948.

f) **The Foreigners (Restricted Areas) Order, 1963:**

Section 3: Restrictions on entry into restricted areas: -- Notwithstanding anything contained in the Foreigners (Exemption) Order, 1957, no foreigner shall enter into or remain in, any restricted area, except under and in accordance with a permit issued –

(i) By Central Government; or

(ii) By any officer of a State Government or Indian Diplomatic or consular authority abroad, authorized by the Central Government in this behalf; or

(iii) By the District Magistrate concerned or such other District Officer as may be authorized by the Central Government in this behalf and subject to such conditions as may be prescribed.

g) Restricted/Protected Area Permits:

Restricted/Protected Area permits are issued to foreigners to visit such areas, by the following authorities, who are authorized to issue.

(i) Resident Commissioners of the concerned State Government stationed in New Delhi.

(ii) India Missions and Posts situated abroad.

(iii) State Governments with reference to the orders of the Government of India.

h) Restrictions on employment:

(iii) \*No foreigner shall, without the permission in writing, of the competent civil authority, either enter any premises relating to or accept employment, in or in connection with: -

(a) any undertaking for the supply to Government or to the public of light, petroleum, power or water, or

(b) any other undertaking which may be specified by the Central Government in this behalf.

*(Section 10 of the Foreigners Order, 1948)*

i) Powers to impose restrictions on movement etc.:

The Civil Authority, may, by order in writing, direct, that any foreigner shall comply with such conditions as may be specified in the order in respect of –

(1) his place or residence;

(2) his movements;

(3) his association with any person or classes of persons specified in the order; and

(4) his possession of such articles as may be specified in the order.

*(Section 11 of the Foreigners Order, 1948)*

j) Restrictions on certain activities:

Notwithstanding anything contained in the Foreigners (Exemption) Order, 1957, no foreigner shall, produce or attempt to produce, or cause to be produced, any picture or film, including the documentary or feature films for television or the screen, intended for public exhibition, except with the permission in writing of, and subject to such condition as may be specified in his behalf, by the Central Government.

(*Section 11A of the Foreigners Order, 1948*)

k) Power to close clubs and restaurants:

A Civil Authority may direct that any premises in its jurisdiction which in its opinion are used for the sale of refreshments to be consumed on the premises, or as a place or public resort of entertainment, or as a club, and which are or have recently been frequented by foreigner, shall be either closed together or kept closed during such hours or for such purposes as may be required by it, if in its opinion either –

(a) the foreigner so frequenting the premises are of criminal or disloyal associations or otherwise undesirable; or

(b) the premises are conducted in a disorderly or improper manner, or in a manner prejudicial to the public good.

And if any premises are kept open in contravention of such direction the occupier or person having control of the premises shall be deemed to have acted in contravention of this Order.

(*Section 13 of the Foreigners Order, 1948*)

**(14) Formalities to be generally observed by Foreigners: -**

(i) All foreigners are required to furnish full particulars in respect of themselves on arrival. They have to complete disembarkation/embarkation cards in Form 'D' while entering or leaving India by sea or air and hand them over to the registration staff along with their passports and other travel documents, at such ports as may be described by the Government of India from time to time.

(ii) A foreigner is required to produce sufficient proof of his identity for registration. Every foreigner has to produce his passport or such other proof of his identity as may be required by any Registration Officer, Magistrate or Police Officer not below the rank of Head Constable within twenty-four hours of demand. Similarly every registered foreigner has to produce his certificate of registration for inspection when demanded of him by any Registration Officer, any Magistrate or any Police Officer not below the rank of Head Constable within twenty-four hours. The time limit may be extended by the Officer demanding these documents as may be necessary. When the passport or other documents of identification produced by a registered foreigner do not, in the opinion of the Registration Officer, Magistrate or Police Officer not being below the rank of Inspector, provide adequate

proof of identity, he may be required to produce four copies of a photograph of himself of passport size or four complete sets of his finger impressions, if his registration certificate does not already contain on it his photograph or finger impressions. If the registration certificate bears a set of finger impressions, the foreigner may be required to furnish a further set of finger impressions for comparison. (Section 9 of Registration of Foreigners Rules, 1992)

**(15) Registration of Foreigners:** - The registration report shall be presented-

(a) In the case of a foreigner who enters India on a visa valid for a stay in India for a period of one hundred and eighty days or less and wishes to stay in India beyond a period of one hundred and eighty days, to the Registration Officer having jurisdiction in the place where the said foreigner is present at the time of presentation of such report.

(b) In the case of foreigner who enters India on a Visa valid for a stay in India for a period of more than 180 days, to such Registration Officer as may be specified in this behalf by the Registration Officer of the port or other place of arrival with the approval of the Central Government.

(c) In the case of foreigner who enters India otherwise than on a visa, to the Registration Officer having jurisdiction in the place where the said foreigner is present at the time of the presentation of such report.

(d) In the case of a person who has become a foreigner by reason of his having ceased to be a citizen of India, while resident in India, to the Registration Officer having jurisdiction in the place where the said person is ordinarily resident.

(e) In the case of a foreigner who enters India with a Persons of Indian Origin Card, to the Registration Officer having jurisdiction in the place where the said foreigner is ordinarily resident.

NOTE: No such registration report is necessary in the case of a foreigner who enters India on a VISA valid for a period of not more than one hundred eighty days and who does not remain in India beyond the said period.

(f) Once the foreigner has registered his name, he is bound to observe the various provisions of registration of foreigners' Rules. If a foreigner, who has to register, does not report himself with the Foreign Registration Officer within two weeks of arrival of his stay in India, he violates the provisions of these rules and should be subjected to prosecution under section 5 of Registration of Foreigners Act 1939.

**(16) Registration Certificate:** -

Registration Certificate is issued to Foreigners whose stay exceeds 180 days under the Registration of Foreigners Rules, 1992.

(1) one copy is given to the foreigner.

(2) one copy is sent to the Assistant Director, Central Foreigners Bureau, MHA, New Delhi.

(3) one copy is sent to the DIG, CID, INT, Chennai.

(4) one copy is retained in FRO's Office.

(17) Serial Number of Registration Certificate: -

When a foreigner changes his registered address to any district other than the one of his registered address, the original serial number allotted to him when he was first registered in a district, should be retained.

(18) Duplicate certificate of registration: -

If any certificate of registration issued under Registration of Foreigners Rules, 1992, is lost or destroyed, the foreigner to whom it was issued, shall make or send to the Registration Officer of the District of his registered address, a report of circumstances in which it was so lost or destroyed together with an application in writing for the issue of a duplicate copy of the certificate of registration.

*(Section 17 of the Registration of Foreigners Rules, 1992)*

**(19) Registration of Pakistan Nationals: -**

Grant of Visas to Pakistan Nationals is governed by the mutually agreed India-Pakistan Visa Agreement, 1974.

(i) Designated Check posts for entry/exit

The following check posts have been designated for entry/exit of Pak Nationals visiting India.

(a) By Air: Mumbai, Delhi, Chennai.

(b) By Sea: Mumbai

(c) By land: Attari (Rail), Wagah (Road)

Entry and exit should be through the same check post.

(ii) At check post – During arrival

The immigration authorities at the check post of entry, issue Residential Permit (RP) to the Pakistan National. The arrival particulars are being informed by the check post to the places of visit of concerned State through e-mail.

(iii) Registration

All Pakistan Nationals should report within 24 hours of arrival, before the Foreigners Registration Officer (or) nearest Police Station of each place of visit. He will also make a similar report 24 hours prior to his intended departure from the place of stay. On the

Residential Permit issued by the check post, endorsements like Arrival, Departure etc should be made by the FRO. Persons with valid visa up to 14 days are exempted from Police reporting.

(iv) Steps to be taken on their arrival

Whenever, a Pakistan National reports his arrival, the following steps should be taken:

(i) The arrival should be informed by the FRO to State Headquarters (SP, Security Branch, CID)

(ii) The Residential Permit issued at the Immigration point may be scrutinized and the addresses of the persons with whom the Pakistan national propose to stay and the addresses of Indian referees if any may be noted down.

(iii) The concerned local police personnel, in whose jurisdiction, the Pakistan national propose to stay, may be suitably instructed to verify: -

(a) Whether the address is genuine; and

(b) Whether the purpose of visit is genuine.

(iv) The District Special Branch Staff may be directed to make a random check of few addresses of Pakistan nationals and their referees to ensure genuineness of their stay and visit.

(v) Departure – Procedure

Likewise arrival, the Pakistan national should report his departure before the FRO, 24 hours prior to his intended departure. The FRO should inform the departure in advance to SP, Security Branch, CID, Chennai. The SP, Security Branch, CID, Chennai will inform the departure of the Pakistan national to the check post of exit.

The Pakistan national will surrender the RP issued earlier by the check post at the check post of exit. The check post will confirm the departure of Pakistan national to the place of visit of concerned State through e-mail.

(vi) Extension of stay in India

FRO should issue notices to the visiting Pakistan nationals at least a month before the expiry of a visa period.

Grant of extension of stay in India should be allowed only under exceptional circumstances: -

(i) Serious illness of the Pakistani national or his first degree relations;

(ii) Death or Chellam ceremony of first or second degree relations;

(iii) Marriage of first degree relations settled or date changed after the arrival of the Pakistani nationals.

(iv) Disruption of means of travel.

Pakistan national should submit application for ESI, well in advance, before expiry of visa period. The ESI application will be sent to Government [Home (Citizen.II) Department] through Collectorate, DIG, CID, INT, Chennai.

Pakistan Nationals desiring to stay on long term visa in India should apply for further extension at least 2 months in advance of the expiry of their visa period so that the requests for further extension must reach the M.H.A. well within the period of validity of their visas. Extension of stay in India for Pakistan Nationals on medical grounds is admissible only if the medical certificate is issued by a Government Medical Attendant and it clearly states the disease from which the person concerned is suffering and also that he is not in a fit condition to undertake journey to Pakistan.

(vii) Long Term Facility

Long Term visas are granted to:

- (a) Pakistan Women married to Indian nationals.
- (b) Members of minority communities of Pakistan (Hindus & Sikhs).

(c) Indian women married to Pakistan Nationals and returned due to widowhood/Divorce and having no male members to support them in Pakistan.

Physical verification should be done frequently to ensure their presence and see that they do not indulge in any undesirable activities.

Pakistan nationals on LTV after completion of 5 years, should be asked either to apply for Indian Citizenship or opt for returning to Pakistan.

(viii) Out-of-View Pakistan nationals

Whenever a Pakistan national enters India but if his departure is not confirmed by the check post, he is treated as out-of-view Pakistan national.

(ix) Particulars of Pakistan nationals received through e-mail.

Recently, particulars of arriving/departing Pakistan nationals are received through E-mail from the check post authorities. Likewise, the same are sent from our end to the district (arrival)/check post (departure) through e-mail and through post. This new system of transmitting the particulars through e-mail enable us to keep track of each and every Pakistan national arriving Tamil Nadu till their departure which is felt as an effective system.

All FROs have been requested to send particulars of said Pakistan nationals (from their arrival to till their departure) in advance in the prescribed format by e-mail only on the following e-mail addresses: -

spsint@tn.nic.in

security\_branch\_tn@vsnl.net

(Circular Memo.No.SCA.7 No.6749/C Dated: 29.02.2004 of Security Branch, CID)

(x) General

Arrival, departure, Extension, overstaya, change of route, missing from the place of visit should be informed by the FRO to SP, Security Branch, CID, Chennai for informing the same to the concerned check post.

(xi) State Governments are empowered to allow change of route/extension of short term stay/visits to additional places etc.

(xii) The Foreigners Registration Office to issue notices to Pakistan nationals, a few days before the expiry of the visa period, informing that they leave India within the validity of their visa period to avoid applying for extension of visa on the day of expiry of their visa period. Whenever a Pakistan National overstays and absconds, lookout notice with photograph should be issued or circulated.

(xiii) A Pakistan National holding a tourist visa, should be allowed to stay only till the validity of the visa period. For whatever reason, the application of Pakistan Nationals holding tourist visa should not be accepted by the Foreign Registration Officers for extension. Other than the tourist visa, the application of a Pakistan National holding any other visa should not be considered for extension without the clearance of the State Government.

(xiv)The diplomatic Officials and staff of Pakistan Mission posted in India including their family members are exempted from Registration formalities.

**(20) Bangladesh Nationals: -**

Grant of visas to Bangladesh nationals is regulated by India-Bangladesh Passport cum Visa Scheme which came into effect from 1<sup>st</sup> September, 1972.

(i) Check post for entry/exit

Bangladesh nationals are required to enter and leave India through check posts designated for this purpose.

By Air: Kolkata

By Sea: Kolkata

By Road: Chanrabandha, Haridaspur, Hilli, Gede Railway Station, etc.

Bangladesh Nationals travelling by land routes should be authorized to enter and leave India only through specified check posts. The applicant is expected to indicate the point of entry and exit in his visa application and an entry to that effect should be made on the passport along with Visa Stamp.

(ii) Registration

Bangladesh Nationals visiting India for a continuous period exceeding 180 days are required to get themselves registered at the Foreign Registration Office, within 7 days of their arrival and obtain a residential permit and registration certificate. Those entering on visas for short period but seeking extension, as a result of which the total stay in India will exceed 6 months, are also required to get themselves registered with the Foreigners Registration Officer.

(a) The Central Government in exercise of the powers conferred by Section 3 of the Foreigners Registration Act 1939 have framed Rules for Registration of Bangladesh Nationals namely, Registration of Foreigners (Bangladesh) Rules 1973. According to these rules, notwithstanding anything contained in the Registration of Foreigners (Exemption) Order 1957, every foreigner who is a citizen of Bangladesh, entering India or resident in India shall present in person to the appropriate Registration Officer appointed under rule 3 of the Registration of foreigners Rules 1939, a report.

(b) The diplomatic Officials and staff of Bangladesh Mission posted in India including their family members are exempted from Registration formalities.

(c) Entry Stay and Departure from India

(d) In case of the persons who enter India on student visas, the name of recognized Educational Institutions which the student is joining should be mentioned. Number of visits should also be mentioned in the Original visa.

(iii) Extension of stay in India

Grant of extension of stay in India should be allowed only under exceptional circumstances: -

(1) Serious illness of the Bangladesh national or his first degree relations;

(2) Death or Chellam ceremony of first or second degree relations;

(3) Marriage of first degree relations settled or date changed after the arrival of the foreigner.

(4) Disruption of means of travel.

Bangladesh national should submit application for ESI, well in advance, before expiry of the visa period. The ESI application will be sent to Government [Home (Citizen.II) Department] through Collectorate, DIG, CID, INT, Chennai. All extension of visa applications of Bangladesh Nationals should be sent to the State Government. The State Government are empowered to grant extension of stay for a maximum period of 3 months at a time, provided the period of visa and extension it may grant, should not exceed one year. State Government are also authorized to grant extension of stay to Bangladesh Women married to Indian Citizens on year to year basis. The Bangladesh Nationals should take exit permit from the Foreigners Registration Officers and they should also mention the date of departure and date

of re-arrival in case they come on the same visas. All Visas for Bangladesh Nationals are to be given free of charge.

(iv) Guidelines for deportation of Bangladesh Nationals staying illegally

(a) Bangladesh nationals detected at the border while infiltration, are sent back by the Border management.

(b) Residential address of those who are suspected to be of Bangladesh, but claim to be Indian, would be communicated by the deporting State to the State of residence for verification. If no report is received within 30 days, competent authority will take decision about nationality and further action for deportation.

(c) Proper order for repatriation be issued by the competent authority empowered by the Foreigners Act, 1946. (State Government)

(d) Full particulars of the suspected Bangladesh nationals who claim to be Indian should be sent to IG, BSF, South Bengal Frontier, Kolkata at least 15 days in advance.

(e) Then the Bangladesh national will be taken under proper escort to hand over them to the BSF authorities as designated by the IG, BSF, Kolkata.

**(21) Srilankan Nationals: -**

Sri Lankans staying in Tamil Nadu have been classified into following two categories for the purpose of regularizing their period of stay a legal one, vide F.O.No.370 Public (Foreigners.III) Department Dated: 10.09.1996.

**(i) Sri Lankans arrived on or before 1.1.1993 due to ethnic violence in Sri Lanka and staying outside the Camps with or without valid travel document.**

(a) These Sri Lankan refugees have to be registered with **SPECIAL REGISTRATION CERTIFICATE (SRC)** by the COPs and SPs (FRO) as a Document of Identity.

(b) This Special Registration Certificate has to be got renewed by the Sri Lankan once in every six months, by appearing in person before the concerned **FRO**.

(c) Exit clearance to these refugees are issued by the COPs and SPs, after making local police and 'Q' Branch verification.

(d) Once these refugees leave India, they lose their refugee status.

**(ii) Sri Lankans arrived from January 1993 onwards:**

Sri Lankans who have arrived in India from January 1993 onwards have to be dealt with in accordance with the existing legal provisions **as applicable to any other foreigner**. (i.e. routine process of Registration, grant of ESI, regularization of overstays etc., have to be followed).

**(22) Rules relating to Nepal and Bhutan Nationals: -**

(a) The Passport Entry into India Act 1920 and rules 1950 makes it obligatory for both Indian and Foreigners in India who depart from India to be in possession of valid passport or travel documents.

(b) Section 4 of the Passport (entry into India) Rules 1950 exempts the following classes of people from possessing a passport as well as registering. Indian domiciles entering India from Nepal and Bhutan, as well as Nepal and Bhutan Nationals entering India from the requirements of possessing a passport as well as registering.

(c) member of the Naval, Military or Air Force of India, entering India on duty, and members of the family of any such person when accompanying such person to India on a Government Transport;

(d) Persons domiciled in India entering India by land or by air over the Nepalese or Bhutanese frontier;

(e) Nepalese and Bhutanese entering India by land or by air over the Nepalese or Bhutanese frontier;

(f) Bonafide Mohammedan pilgrims domiciled in India returning from Jeddah and Basra;

(g) Other persons or classes of persons specified by general or special order of the Central Government.

**(23) Tibetans: -**

(I) (a) Tibetan Refugees have been settled with the assistance of the rehabilitation Division of the Ministry of Home Affairs in the settlement camps in the State. Besides the settlement camps, the Tibetans are also living in scattered areas and these Tibetans are also governed by the Foreigners Registration Act and Rules.

(b) Under the Registration of Foreigners Rules, 1939, which are applicable to foreigners including Tibetans, all Tibetan refugees above 16 years of age, who are not citizens of India, are required to get themselves registered with the Foreigners Registration Officer within whose jurisdiction they are residing and to hold registration certificate, which will serve the purpose of establishing their identity. Further, such registered foreigner is required to report to the Registration Officer of the district where his registered address is situated, the particulars detailed below.

(c) Before he leaves his registered address, if he proposes to be absent from his registered address for a continuous period of two weeks or more, full particulars of his itinerary including particulars of places which he proposes to visit, the address or addresses at which he proposes to stay and the date on which he expects to return to his registered address.

(d) If he proposes to change his registered address or to leave India, the particulars of his new address and the date of the proposed change or departure. If he stays for more than seven days at any place (other than a hotel or other premises where travellers are accommodated) in any district other than the district in which his registered address is situated, he is required to report his presence in that other district to the Registration Officer thereof within seven days of his arrival. All Foreigners Registration Officers should take due action to implement these requirements effectively. The 'Notice' of instructions below Form A of the Registration Certificate should invariably form part of the certificate of Registration issued to all foreigners, so that they cannot plead ignorance of the rules when detected for breach of the same. This should be noted by the Foreigners Registration Officers. All Tibetan Refugees who had arrived in India in 1959 whether they are staying in camps or outside the camps were required to be registered under the registration of Foreigners Act/Rules with the respective registration Officers.

(e) Tibetans of Chinese origin who have come to India subsequently via Nepal on the basis of Identity letters issued by the Dalailama setup, have no legal standing in so far as their entry and stay in India is concerned. Legal action should be initiated against such Tibetan Nationals as per foreigners Act and Rules.

(f) Acquisition of immovable property by Tibetans should be fully governed by FERA 1973.

(g) Tibetans settled in rehabilitation centres or scattered in the State or staying outside the camp should possess passport or refugee certificate issued by the rehabilitation Division and they should have registered their names with the respective F.R.O. If any Tibetan refugee whether in the camps or outside the camps comes to adverse notice, appropriate action should be taken against such person under the foreigners Acts and Rules.

II. The following are the instructions regarding the movements and activities of Tibetans:

1. Whenever a Tibetan Refugee leaves the settlement of his registration for more than 14 days he should inform his departure and arrival to the concerned Registration officer. If a Tibetan Refugee leaves India without exit permit and tries to re-enter India, he should be dealt with under the provisions of passport (entry into India) Act/Rules and the Foreigners Act 1946 and he should be deported.

2. A Tibetan refugee should apply for extension of stay at least 90 days before the expiry of the period of stay.

3. A head-count of the Tibetan Refugees staying in a particular jurisdiction should be made by the FRO concerned on any particular day periodically.

4. Secret check may be exercised by the FROs and any one found indulging in undesirable activities violating the law of 1946, Passport (Entry into India) Act 1920 and the

Registration of Foreigners Act 1939 and the rules and Orders thereunder, action may be taken as per the above Act and Rules.

5. The Tibetans are required to obtain permission for carrying out their business, trading etc. FROs may ask them to apply for permission from Reserve Bank of India for carrying out their business and other commercial activities under Foreigners Exchange Regulation Act 1973. The F.R.Os should check, whether the Tibetan applicants seeking registration of property documents have complied with the requirements of Foreign Exchange Regulation Act.

6. Foreigners who want to visit Tibetan settlements in India are required to obtain permission from the Rehabilitation Division of the Ministry of Home Affairs, Government of India. Under any circumstances, Foreigners should not be allowed to visit the Tibetan settlement without valid permits. Children of foreigners under 16 years of age residing in India need not be registered as they are exempted from such registration under Clause 2 of the Registration of Foreigners (Exemption) Order, 1957, but they will be issued residential permits as required by Paragraph 7 of the Foreigners Order, 1949.

(24) Registration formalities for Foreigners visiting India on Long Term Visa:

a) All foreigners including foreigners of Indian origin visiting India on long term (more than 180 days) ‘Student Visa’ (including those who came for study of Yoga/Vedic culture/Indian system of Dance and Music), ‘Research Visa’, ‘Employment Visa’ and ‘Missionary Visa’ will be required to get themselves registered with the concerned Foreigners Registration Officer having jurisdiction in the place where the foreigner intends to stay, within 14 days of his/her arrival.

In order to facilitate the above, the Indian Missions, while issuing visa, shall invariably affix a stamp on such type of visas that ‘Registration required within 14 days of arrival in India’.

b) Foreigners visiting India on other categories of long term visa, including ‘Business visa’ would not require registration with the concerned Foreigners Registration Officer, provided his/her stay does not exceed 180 days on a single visit. If his stay is likely to exceed 180 days, he should get himself registered with the concerned Foreigners Registration Officer, well before the expiry of 180 days.

In order to facilitate the above, the Indian Missions while issuing visa, other than ‘Student visa’, ‘Research visa’, ‘Employment visa’ and ‘Missionary visa’ shall invariably affix a stamp on such type of visas that ‘Registration not required’ if stay on a single visit does not exceed 180 days.

These instructions will not apply to Pakistani, Bangladeshi and Afghan Nationals, whose travel control is governed by certain specific statutory requirements.

Note: Children below the age of 16 years are exempted from registration, but they will be issued Residential Permit for their stay in India by the FRRO/FRO concerned. Diplomatic/UN/Official passport holders are not registered with FRRO/FRO, as they are handled by the M.E.A.

#### **(25) P.I.O. Card Scheme (Persons of Indian Origin Card Scheme)**

**P.I.O.Card:** This scheme was introduced by the Ministry of Home Affairs, Government of India, New Delhi with effect from 31<sup>st</sup> March 1999, for persons of Indian origin who have settled abroad.

**Authority to issue:** The authority to grant a PIO card shall be an officer in an Indian Mission notified for the purpose (or) the Joint Secretary, Ministry of Home Affairs, Government of India (or) the Foreigners Regional Registration Officers, New Delhi, Mumbai, Kolkata (or) the Chief Immigration Officer, Chennai.

**Validity:** A PIO card shall be valid for a period of fifteen years from the date of issue, subject to the validity of the passport of the applicant.

**Fee for obtaining PIO Card:** The fee for a PIO card would be Rs.15, 000/- (or its equivalent in local foreign currency of the country concerned) payable along with the application. PIO card to children up to the age of 18 years will be issued at a fee of Rs.7, 500/- ((or its equivalent in local foreign currency of the country concerned) for a fifteen year card.

**Ineligible categories:** The nationals of Pakistan, Bangladesh, Sri Lanka, Afghanistan, Bhutan, Nepal, Iran, China and any other country that may be specified by the Central Government are not eligible for issue of PIO card. Further, if the applicant himself or either of his parents, grandparents or great grandparents held the nationality of these specified countries at any time, he will not be granted PIO card.

#### **Facilities extended to a PIO card holder:**

1. A PIO card holder shall not require a visa to visit India.
2. A PIO card holder will be exempted from the requirement of registration if his stay in India does not exceed 180 days.
3. In the event of continuous stay in India of the PIO card holder exceeding 180 days, he/she shall have to get himself/herself registered within 30 days of the expiry of 180 days with the concerned Foreigners Registration Officer at District Headquarters.
4. A PIO card holder shall enjoy parity with NRIs in respect of all facilities available to the latter.

#### **(26) Temporary Landing Permit (T.L.P) and Temporary Landing Facility (T.L.F)**

When any foreigner arrive in India without visa and is in possession of valid and genuine National Passport, then T.L.P/T.L.F can be granted to him under Para 14 of the Registration of Foreigners Order, 1948.

### **TLP**

Temporary Landing Permit is given to a foreigner by the Immigration Officer of the respective check post through which the pax is transiting India, provided he/she is in possession of confirmed OK onward journey ticket within 72 hours.

- (1) Persons to whom the Landing Permit facilities are not given:
  - (a) All persons entering by land
  - (b) Nationals of Pakistan, Bangladesh, Sri Lanka, Iran, Afghanistan, Somalia, Nigeria and Ethiopia.
  - (c) Landing Permit Facility will not be usually available to Nationals of People's Republic of China on landing by Immigration authorities. However, on the specific instructions of the Ministry of Home Affairs, Immigration authorities at any land or seaport may grant Group Landing Facility on a common sworn affidavit.
  - (d) Pax included in Suspect Index/Warning Circular.
  - (e) Persons holding Identity Certificates and holders of Travel documents of a foreign country.
  - (f) Those coming for seeking employment or to settle themselves in any profession.
  - (g) Those coming for study, includes study of Yoga, Dance, Music etc., and Research.
  - (h) Those coming for health resources (medical treatment, convalescence etc.)
  - (i) Foreign Missionaries.

Note: (i) Crew members of Non scheduled flights can be granted TLP up to 7 days. (ii) Crew members/Seaman of scheduled/unscheduled flight operated by scheduled operators and approval by MCA from time to time, may not be charged fee for granting landing permits up to a period of 7 days. (iii) The Seaman who arrives by ship and have to leave India either by another ship or by flight within 7 days may also be granted landing permits without charging fee. (iv) Crew members of flights operated by non-scheduled operators will be charged usual fee of US 40 \$ per person or equivalent in Indian rupees for granting landing permits.

### **TLF**

Whenever any foreigner arrives in India without visa and has genuine passport, TLF can be given in the following circumstances:

(a) Foreigners arriving in EMERGENT cases like death, serious illness in the family. In these cases, TLF can be granted up to 15 days. For further extension, foreigner is directed/advised to report to MHA/FRRO. Normal fee is to be charged.

(b) Passport is handed over to the Pax after checking LOC and affixing arrival stamp. Days of TLF are also mentioned above the arrival stamp.

(1) TLF when there is technical lapse in visa:

When the visa is not in proper form, unsigned, visa number not given and the Immigration Officers find it as technical lapse, then the pax is granted 15 days TLF with direction to report to MHA through FRRO to get it rectified. No TLF fee is taken in this case.

(2) Group Landing Permits:

Foreign tourists in groups of four or more arriving by air or sea sponsored by recognized Indian Travel Agencies and with a pre-drawn itinerary may be granted collective landing facilities for a special permit of time on the request of the Travel Agencies to the Immigration authorities. No individual of the group would be allowed to dropout from the group at any place. However, if any individual opts out of the group, he will have to apply for visa and pay necessary fee. This facility can be given for 60 days, on payment of 40 US \$, each tourist as TLF fee.

(27) Residential Permits: -

(1) Every foreigner, unless he is otherwise exempted, should obtain from the Registration Officer at the time of registration, a residential permit specifying the period for which he is permitted to stay in India. The period of stay in this permit coincides with the validity of the Visa. A foreigner is required to apply for extension of stay at least 90 days, before his permit is due to expire.

(2) Restrictions of sojourn in India:

(i) Every foreigner who enters India on the authority of a visa issued in pursuance of Indian Passport Act, 1920 (34 of 1920) shall obtain from the Registration Officer having jurisdiction, at the place at which he presents a registration report in accordance with rule 6 of the Registration of Foreigners Rules (1939) 1992, a permit indicating the period during which he is authorized to remain in India and also indicating the place or places for stay in India, if any, specified in the visa. In granting such permit, the said Registration Officer may restrict the stay of the foreigner to any of the places specified in the visa.

(ii) Every foreigner to whom provisions sub-paragraph (1) do not apply, shall obtain a permit indicating the period during which he is authorized to remain in India from the Registration Officer to whom he presents a registration report in accordance with rule 6 of the Registration of Foreigners Rules (1939) 1992.

(iii) Every foreigner to whom permit is issued under sub-paragraph (1) or sub-paragraph (2) –

(1) Shall not, if the permit indicates the place or places for stay in India, visit any place unless the period is extended by the Central Government to such other places.

(2) Shall, if the permit indicates the place or places for stay in India, report in person or in writing his arrival at, and departure from, such place to the Registration Officer having jurisdiction at such place within twenty-four hours after his arrival or, as the case may be, (before his intended departure) and

(3) Shall, unless the period indicated in the permit is extended by the Central Government, depart from India before the expiry of the said period; and at the time of the foreigner's departure from India, the permit shall be surrendered by him to the Registration Officer having jurisdiction at the place from which he departs.

*(Section 7 of the Foreigners Order, 1948)*

(28) Extension of Stay: -

FRRO/FROs may grant extension of stay in India to foreigners in the cases at their own level.

(a) To transit visa holders for the period necessary to make arrangements for onward journey provided the period of extension does not exceed the original period for which the transit visa was granted. If he needs further extension, he will be referred to MHA.

(b) To foreigners who are employed as technical experts in firms and whose stay in India would be in national interest. Extension may be granted for a period of four year on year to year basis, after getting approval from MHA in the beginning.

(c) To foreigners admitted into India for medical treatment, extension for the period of the treatment, provided it is certified that their continued stay in India is essential for such treatment.

(d) To foreign students, first and subsequent extension of stay in India who are studying for an academic course in a regular college or school, for a period of 5 years or completion of degree whichever is earlier on a year to year basis for the duration of their studies except in the case of 'Research Scholars' which may continue to be referred to the Government of India.

(e) To foreigners, who have been residing in India for a period of 5 years or more and are engaged in useful occupation, for a period of one year at a time.

State Government/FRRO can grant extension of stay in the following category of Foreigners.

(1) Foreigners of Indian origin can be granted extension of stay even if they have entered India on a tourist visa.

(2) Spouses and children of the foreigners of Indian origin.

(3) Spouses of Indian citizens living in India on long term basis can also be granted extension of stay up to a period of 5 years.

(4) Foreigners residing in India for the last 20 years or more on authorized stay.

(5) Foreign technicians, experts coming to India in pursuance of bilateral agreements between the Government of India and the Foreign Government or in pursuance of a collaboration agreement between the foreign and Indian firms provided the agreement has been approved by the Government. In such cases, the State Governments/FRROs may grant extension of stay up to the duration of the agreement or for a period of 5 years whichever is less.

(6) Children below 16 years.

(7) The facility of 5 year extension of stay will also be available to the spouse and children of the foreigners eligible for grant of such extension.

**(8) Foreign Journalists accredited with' Press Information Bureau'.**

(1) State Governments/FRROs may grant extension of three months to foreigners who have entered in to India on a tourist visa valid for three months, making the total validity of visa as six months counting from the date of issue of visa.

Generally, extension of stay in India has to be applied before 3 months in advance of the expiry of the visa. The Genuineness of the reasons furnished by foreigners should thoroughly be verified and got satisfied by the FRO and then only ESI should be recommended. The ESI proposals have to be forwarded to the State Government in duplicate through the respective District Collector (Civil Authority) and DIG, CID, Intelligence, Chennai.

(2) While granting extension of stay in India or forwarding applications of foreigners for extension of stay in India to the Government, it should be ensured that passports or other recognized travel documents are valid for sufficiently long periods. The passports should be valid for at least 60 days beyond the date up to which extension is applied for. Should a foreigner be not in possession of a passport valid for this period, he should, as an interim measure, be granted an extension of stay for a period of 60 days less than the expiry of his passport. Further extension should be granted only when he gets his passport renewed or obtains a new passport. In no case should passports of foreigners be taken away from them for the mere purpose of checking their validity.

Extension of stay in India – Procedural details and Check-list: -

(1) The State Registration Office functions as a liaison Office between the Foreigners Registration Officers and the Government. The Primary agency to regulate the movements of foreigners in the State is the Foreigners Registration Office at the District Unit-level. The Government and the State Registration Office depend heavily on the reports sent by the Foreigners Registration Officers and very rarely parallel enquiries are initiated by the State Registration Office. That makes it very essential on the part of the F.R.Os to discharge their duties carefully so that the object of enforcing various enactments pertaining to Foreigners is not defeated.

(2) The applications for extension of Visa which are sent routinely by F.R.Os to the State Registration Office should be promptly sent with all necessary details so that the matter can be dealt with expeditiously and overstyal of the foreigner as well as inconvenience to him, is avoided. The FROs should obtain relevant documents from the Foreigners seeking extension of stay in India. In this connection several Circulars have been issued and Unit Officers have to go through the Circulars.

(3) The following are the general documents to be sent along with the application for all the categories of foreigners.

(i) Applications duly filled and signed by foreigner in duplicate.

(ii) Photostat copy of passport along with Visa Page.

(iii) Registration Certificates issued by the F R Os.

(iv) "A I D S" Screening Certificate issued by a Medical Institution recognized by the Government of India. (All Foreigners who have attained 18 years and below 70 years of age intending to stay in India for more than one year are required to produce 'AIDS' Certificate)

(v) Financial Guarantee given by an Indian Citizen to a Foreigner on a Rs.10/- Stamp Paper.

(vi) Photostat copy of the Bank Account and remittance.

(vii) Police Report in English from the jurisdictional Police Station where the Foreigners reside.

The above documents are essential with reference to all categories of foreigners who seek extension of stay.

(29) Movement in India: -

(a) If, at any time, a foreigner proposes to be absent from his registered address for a continuous period of eight weeks or more or he is changing his registered address or he is finally departing from India, shall, before he leaves, inform in person or through an authorized representative or by registered post to his Registration Officer of his intention to leave either temporarily or permanently the jurisdiction of the Registration Officer. In case

he is returning, he should inform the Registration Officer of the date of return and in the case he is moving away, the change of address. Any changes made subsequently should also be intimated to the Registration Officer.

(*Section 11 of the Foreigners Registration Rules, 1992*)

(b) Every foreigner, who stays for a period of more than eight weeks at any place of a district, other than the district in which his registered address is situated, shall inform the Registration Officer of that district of his presence.

(30) Departure: -

(a) A foreigner who leaves India by Sea or Air, is required to report his intended departure to the Registration Officer of the district, and shall surrender his certificate of registration either to the Registration Officer of the place where he is registered or the place from where he intends to depart or to the Immigration Officer at the Port/Check post of exit from India. (*Section 15 of the Foreigners Registration Rules, 1992*). He shall obtain exit permit before departing from India and he should surrender the same at the check post or airport.

(b) If the certificate is surrendered to a person other than the Immigration Officer of the port or check post of exit, a receipt indicating such surrender of the document may be obtained and shown to the Immigration Officer.

(c) All foreigners who are departing from India either by Air, Road, or Sea, shall furnish or cause to be furnished in writing a true statement of particulars set out in form 'D' EMBARKATION CARD.

(d) Foreigners of Pakistan and Bangladesh Nationals, who are leaving by road or air are required to obtain 'Leave India Exit Permit'. They should surrender the Registration Certificate and Exit Permit at the Immigration Check post.

(e) Power to grant permission to depart from India:

(i) No foreigner shall leave India –

(a) Otherwise than at such port or other recognized place of departure on the borders of India, as a Registration Officer having jurisdiction at that port or place may appoint in this behalf, either for foreigners generally or for any specified class or description of foreigners; or

(b) Without leave of the civil authority having jurisdiction at such port or place.

(ii) Leave shall be refused if the civil authority is satisfied that –

(a) The foreigner has failed to comply with the formalities of departure prescribed under the Registration of Foreigners Rules, 1992;

(b) The foreigner's presence is required in India to answer a criminal charge;

(c) The foreigner's departure will prejudice the relations of the Central Government with a foreign power;

(d) The departure of the foreigner has been prohibited under an order issued by the competent authority.

*(Section 5 of the Foreigners Order, 1948)*

(f) Leave India Notice/Deportation:

Leave India Notice issued against a foreigner, whose continued presence in India is not desired for specific reasons and for violation of visa rules.

Leave India notice is issued u/s 3(2) (c) of the Foreigners Act, 1946, by the District Collector (Civil Authority), State Government/ Government of India. If the foreigner fails to leave the country within the time stipulated in the Leave India notice, then Deportation order is issued against him by the State Government/Government of India, on a special report, as the case may be.

**(g) Deportation of undesirable Foreigners on expiry of Imprisonment: -**

(1) Superintendents of Jails should always give advance previous notice to the concerned Superintendent, of the date and hour of the intended release of foreigners, against whom an order of deportation under Foreigners Act, 1946, has been issued so that suitable arrangements may be made for sending them out of India under police surveillance.

(2) When an undesirable foreigner is convicted and sentenced to imprisonment and it is considered desirable that he should be deported on the expiry of his term of imprisonment, an application for his deportation should be submitted to Government. If the Government considers that the foreigner should be deported, it will issue an order under Sec.3 of the Foreigners Act 1946 without waiting for his release. This order should be kept with the papers concerning the convict. When the time for the foreigners release approaches, the Jail authorities should communicate the date of release to the local Superintendent, who should then make necessary arrangements to take him over on release and serve the order of deportation by handing over a copy of the order to the foreigner under acknowledgement.

(3) The Superintendent who serves the order of deportation should give timely intimation of the departure of the foreigner to the representative concerned in India. He should submit a report to Government of the service of the order and should forward to Government along with the report, the duplicate copy of the order with service duly endorsed thereon, through the Registration Officer.

(h) Expenses of deportation:

Where an order is made in the case of any foreigner directing that he shall not remain in India or where a foreigner is refused permission to enter India or has entered India without permission, the Central Government may, if it thinks fit, apply any money or property of the

foreigner in payment of the whole or any part of the expenses of or incidental to the voyage from India and the maintenance until departure of the foreigner and his dependents, if any.

(*Section 14 of the Foreigners Order, 1948*)

**(31) Over Stayers:** -

(1) Immigration officers at places of exit have discretion to condone at the time of departure of foreigner, minor irregularities like overstay up to 3 or 4 days. In all other cases, where the foreigner has exceeded the condition of Visa or 30 days landing permit, notice should be taken of the overstaying in order to discourage such instances. Hippies tend to overstay in India and prosecution is called for in such cases. A Foreigner, who overstays in India, violates para 7 of the Foreigner Order 1948, and is liable for prosecution under section 14 of the Foreigners Act, 1948.

(2) Penal Fee:

(i) A penal fee of US \$30, over and above the normal visa fee for extension, is to be charged from the foreigner overstaying on an initially valid visa, irrespective of the fact that the overstay is condoned and extension of stay granted or the foreigner is asked to leave the country.

(ii) A penal fee of US \$30 is to be charged separately if the foreigner has not registered with the concerned FRRO/FRO within the stipulated time. If the foreigner has both overstayed his visa and also not registered within the stipulated time, then a total US \$60 would be charged from him as penal fee over and above the normal visa fee for extension.

(iii) The penal fee would be charged also from foreigners belonging to countries with whom there exists a visa fee free regime, i.e. even if they are not required to pay visa fee they would still have to pay the penal fee for overstaying and for non registration within the stipulated time.

(iv) If the expiry date of a visa falls on a holiday and the foreigner approaches the office on the next working day, NO penal fee needs to be charged.

**Regularization of Overstay:**

State Governments/FRROs/FROs may regularize overstay up to a maximum period of 30 days in genuine and deserving cases where overstaying has been for compelling/compassionate reasons, like medical grounds, non-availability of flights etc.

(3) Exit Clearance:

The State Government/Government of India are empowered to issue exit clearance to foreigners, if they had overstayed beyond 30 days and desires to leave the country, after regularizing their overstaying period.

(32) Obligation of masters of vessels, etc – (1) The Master of the person having management of any vessel arriving at or leaving any place in India shall –

(a) require any person who intends to disembark from or embark on any vessel for the purpose of entering or leaving India, to furnish in writing a true statement of the particulars set out in Form D, as the case may be.

(b) Cause Form D to be delivered to the Registration Officer at the place of arrival or departure.

(c) Take steps to ensure that no foreigner disembarks or embarks until authorized so to do by the Registration Officer.

(d) If so required by the Registration Officer, require any foreign passenger about to depart from India to surrender his certificate of registration and deliver such certificate to the Registration Officer.

(e) If so required, by the Registration Officer, furnish on arrival at the said place, a true statement in writing showing the name and nationality of every seaman employed on such vessel and at the time of departing from such place, take such steps as a registration officer may specify to ascertain whether or not, any such seaman as aforesaid, who is a foreigner is about to depart on board such vessel; and

(f) Generally, render to the Registration Officer, such assistance as he may reasonably require for carrying out the purpose of the Act and these Rules.

(*Section 16 of the Registration of Foreigners Rules, 1992*)

(33) Report to be made to and by hotel keepers: -

(i) Every keeper of a hotel shall require every visitor to furnish the particulars necessary for recording and sign, on his arrival at the hotel, his name and nationality in a register maintained for the purpose in Form F, if any such visitor is a foreigner shall further require him;

(a) on his arrival at such hotel to furnish the other particulars specified in items 4 to 10 of the said register; and

(b) at the time of his departure from such a hotel, to furnish the particulars necessary for recording in the said register, the date and time of his departure and the address to which he is proceeding.

(2) The register prescribed by sub-rule (1) shall at all time be made available for inspection, on the demand of any Registration Officer, any Magistrate or any Police Officer not below the rank of Head Constable.

(3) Every visitor to any hotel shall, on being required so to do by the keeper of the hotel, furnish particulars necessary for recording and sign, his name and nationality, in the register referred to in sub-rule (1), and if such visitor is a foreigner, shall also –

(a) on his arrival at such a hotel furnish the other particulars specified in items 4 to 10 of the said register; and

(b) at the time of his departure from such a hotel, to furnish the particulars necessary for recording, in the said register, the date and time of his departure and the address to which he is proceeding.

(4) Every particulars, other than the signature of the keeper of a hotel or a visitor, which is required by this rule to be recorded in the said register shall be recorded by the keeper of the hotel and in the English language, if he is so able, or otherwise, in an Indian language.

(5) If a visitor does not understand the English language it shall be the duty of the keeper of the hotel, if so requested to explain to the visitor the requirements of this rule and Form F.

(6) The keeper of the hotel, shall, as soon as may be but not more than twenty-four hours, after the arrival of any foreigner, transmit a copy of Form C, duly completed from the particulars furnished by such a foreigner, to the Registration Officer.

Note: The term hotel includes any boarding house, club, guesthouse, resorts or other premises of like nature.

**(34) Arrest, Death, Accident, Assault etc. of Foreigners: -**

(1) Matters relating to the arrest, death, accident, assault etc., involving foreigners should be directly intimated by the respective COP/SP (FRO) to the following authorities, within 48 hours of the occurrence of the incident, through wireless message.

(i) Deputy Secretary to Government of India, Ministry of External Affairs, New Delhi.

(ii) Deputy Secretary to Government of India, Ministry of Home Affairs, New Delhi.

(iii) Bureau of Immigration, Government of India, New Delhi (Address: Level-1, East Block-8, Sector-I, R.K.Puram, New Delhi)

(iv) Under Secretary to Government of Tamil Nadu, Public (Foreigners) Department, Secretariat, Chennai-9.

(v) Deputy Inspector General of Police, CID, Intelligence, Chennai-4.

In the case of death of a foreigner, the following particulars should be given in the report.

(i) Name of the deceased.

- (ii) Place of birth and nationality
- (iii) Particulars as to family connections.
- (iv) Approximate age at the time of death.
- (v) Particulars as to property (if any)
- (vi) Profession at the time of death
- (vii) Place and date of death.
- (viii) Cause of death and death Certificate in English.
- (ix) Dependents or relations/friends, if any, in India, if so, whether they are aware of the event.
- (x) Address of any relatives in the country of the deceased, if known.
- (xi) Length of service (if employed in any organization) and
- (xii) Remarks.

(2) The report should not be held up for want of any of the particulars not readily available. Information as and when becomes available should be sent promptly.

(3) Death of minors of foreign nationals also should be reported in the same manner.

(4) (a) When a foreign national arrested on a criminal charges or a civil charges, it is possible that the Foreign consular Mission in India may wish to assist the nationals of their countries in regard to their defence before a Court of Law/or take such other action as they may deem appropriate in accordance with diplomatic practice and therefore the arrested foreigner should be specifically asked (a) whether he would like his embassy to be intimated about his arrest, and (b) whether he would like to be visited by any official of the embassy. If he replies to any of these two queries or to both these queries, the reply should be conveyed along with the details of his arrest to the Ministry of External Affairs within 48 hours directly through quickest means by Fax or T.P. Message.

(b) As according to U.N.O. Convention on Consular Relations 1963 article 36 requires Communication and Contacts with Nationals of sending State.

(i) A consular Officer of a foreign diplomatic mission is free to communicate with his nationals under arrest in India,

(ii) A foreign national under arrest has freedom to communicate with his embassy.

(iii) If a foreigner under arrest so requests the competent Indian Authority, i.e., the Ministry of External Affairs shall inform the concerned foreign diplomatic mission without delay about his arrest and request.

(iv) Any communication from an arrested foreign national to his embassy in New Delhi shall also be forwarded by the Ministry of External affairs to the foreign diplomatic mission.

(v) A consular officer of foreign diplomatic mission has a right of consular access i.e., to visit his national in prison, custody or detention if the foreign national under arrest does not expressly oppose such a visit.

(c) Intimation of arrest should contain the following information:

(i) Address in foreign country.

(ii) Personal particulars.

(iii) Passport particulars.

(iv) Details of the offence leading to arrest.

(v) Information regarding the arrest of a foreigner who is not registered in this state will be passed on immediately to the Registration Officer in whose jurisdiction the foreigner has his registered address and intimation to the State Registration Officer. This will enable the Registration Officer with whom the foreigner is registered to keep a check on the movement of the foreigner.

(5) For preventing the possibility of the disappearance of foreigners who are involved in offences the following steps are useful.

(a) Prompt investigation of cases and putting up the person concerned for trial in the court quickly. The courts concerned could also be requested to expedite the disposal of the cases.

(b) Suitable restrictions on the movements of the foreigner concerned, including daily report to Police Station under paragraph 11 of the foreigners order 1948, when the offence which he is accused-of is of heinous in nature, like narcotic smuggling etc. This will assist the Police in keeping track of the concerned foreigner.

(c) While granting bail, the court could be moved to make the bail subject to conditions similar to those in (b) above. The court could also be moved to have the cases disposed of on a top priority basis.

(35) Prosecutions

Section 14 of the Foreigners Act 1946, provides for penalties for contravention of not only the provisions of the Act, but any Orders made hereunder. It provides not only for imprisonment up to 5 years, but also for fine in addition.

All offences under the Foreigners Act, orders, rules etc. are cognizable offences and they are non compoundable as they are offences against the state.

Arrest/Apprehension of Foreign Fishermen and Foreign Vessels for their illegal entry into Indian Territorial Waters --

In order to streamline the procedure for release of captured foreign fishing cargo boats, crew and fishermen, as per the directions of Government of India, Government of Tamil Nadu, have nominated the Secretary to Government, A.H.& F. Department, as STATE LEVEL NODAL OFFICER, to liaise with the concerned agencies such as Coast guard, Customs, Intelligence Bureau, State Police etc, who would be responsible for co-ordinating the activities of different agencies at the State level, involved in giving clearance to such foreign vessels/nationals.

The Superintendent of Police, Security Branch, CID, Chennai is a Member of the State Level Standing Committee.

The Government have also appointed the respective Coastal/District Collector and the District Magistrate as the DISTRICT LEVEL NODAL OFFICER, for co-ordinating the Joint Interrogation Committee Meeting, comprising officials of Customs, Coast Guard, State Police (Special Branch), Intelligence Bureau, Fisheries Department etc, which has to be conducted within a week of the such apprehension/arrest, to finalize its findings and reports sent to Government immediately.

Illegal entry into Indian territorial waters by foreign fishermen/crew/boats is in violation of the provisions of the MARITIME ZONE OF INDIA (REGULATION OF FOREIGN FISHING VESSELS) ACT, 1981 and PASSPORT (ENTRY INTO INDIA) ACT, 1920.

(G.O.Ms.No.276, Animal Husbandry & Fisheries (FS.VI.2) Department Dated: 24.12.1997)

(36) Registration under Registration of Foreigners Rules, 1992 - No Condonation of Offences --

In view of Section 8 of the Registration of Foreigners Act, 1946, the fact that a foreigner, who may have entered India in contravention of the Indian Passport Rules, 1950, has been registered, does not affect his liability to be proceeded against under the Indian Passports Act, 1967.

(37) Proof of Identity of Foreigners: -

Particular attention of all officers is drawn to the following instructions regarding the Registration of Foreigners Act, 1946.

(1) Burden of Proof: -Under Sec.9 of the Registration of Foreigners Act, 1946, the burden of proving that a person suspected of being a foreigner is not a foreigner, lies upon that person, and attention is drawn to Rules 8 and 9 of the Registration of Foreigners Rules,

1992, which give power to officers of and above the rank of Head Constable to demand the production of a passport and other proof of identity and to inspect certificates of registration.

(2) Acceptance of Passports: - A passport issued not more than five years before the date of production should normally be accepted as sufficient proof of identity under Rule 8 (1) of the Registration of Foreigners Rules, 1992. A renewed passport issued more than five years previously should also be accepted, if the Registration or other officer is satisfied that it establishes the identity of the foreigner. If, however, the photograph is faded or obsolete or the passport is in any way suspicious, further proof of identity should be demanded.

**(38) Correspondence relating to Passports and Visas: -**

All references relating to passports and grant of visas will be dealt with expeditiously at every stage and reports on such references will be sent to the Government within the time prescribed.

**(39) Enquiries relating to Foreigners: -**

All important enquiries under the Passports Act, 1967, Registration of Foreigners Act, 1992 and Foreigners Act, 1946, and the rules and instructions issued thereunder, will be made by a responsible officer not below the rank of Sub-Inspector, except in cases where it is required under the rules that an officer superior to him should attend to this work. Other routine enquiries may be entrusted to an intelligent and smart Head Constable. The enquiry reports should be prepared with care and should be based on facts, conjectures being avoided.

**(40) Registers and Records: -**

The Registration Officer will maintain a register of registrations and other records as contemplated in the executive instruction under the Registration of Foreigners Rules, 1992, and any other records as are ordered from time to time by the Government and the State Registration Officer.

**(41) Staff to deal with work relating to Foreigners: -**

(a) Educated, polite and intelligent staff should be posted to the Foreigners Section to deal with the work relating to foreigners at district headquarters. A separate room should be provided for reception of foreigners in those districts where this work is heavy. Records should be maintained in accordance with the instructions of the Deputy Inspector General of Police, C.I.D. (Intelligence). These records should contain essential information like the names and particulars of foreigners, their dates of arrival, the dates of expiry of their passports and visas, the purpose of their journey or visit and local addresses. Card indices should also be maintained. The dealing staff should keep the State Registration Officer promptly informed of the arrival and movements of all foreigners. The Superintendent should submit to the State Registration Officer, such information and statements as may be called for from time to time in this behalf.

### **(b) Immigration, Visa, Foreigners Registration and Tracking (IVFRT)**

(1) An application called IVFRT (Immigration, Visa, Foreigners Registration and Tracking) has become operational in the State. In most districts, two or three personnel have been trained to operate the software.

(2) Registration and other services afford an opportunity to the Police to present a positive image of the department. Foreigners must go back with a sense of satisfaction about the treatment and the quality of service rendered to them.

(3) Under IVFRT, there is a provision for a foreigner to choose a date for appointment for registration or other purpose. If he turns up at the office and finds he has to wait for long or is asked to come another day, it will create a poor impression about Police.

(4) It is necessary that senior officers familiarize themselves with the IVFRT application, the services available under it and the efficiency with which it is used.

(5) During their inspections of DPOs, DIGs and Zonal IGP must record their remarks on the functioning of IVFRT.

(6) During their periodical visits/inspections of CCRB/DCRB, they should record their remarks and instructions about IVFRT.

- *DGP's standing instruction No.62/2013, dated: 28.12.2013.*

### **(42) Central Foreigners Bureau and its functions: -**

(1) To implement the procedure under the Registration of Foreigners Rules, 1939, a Central Foreigners Bureau is set up by the Government of India in the Ministry of Home Affairs, New Delhi. The functions of the Bureau are:-

- (a) Maintenance of all records in respect of every foreigner from the time of grant of visa to the time of his departure from India;
- (b) Maintenance of up-to-date and complete statistics in respect of all foreigners in India;
- (c) Maintenance of records of movement of all foreigners visiting India;
- (d) Co-ordination of the work of all Registration Officers; and
- (e) Taking steps to ensure that foreigners leave India within the authorized periods of their stay.

(2) When a foreigner leaves India by a port or place of entry other than the one through which he enters, intimation regarding such departure will be sent by the Central Foreigners Bureau to the Registration Officer of the port or place of entry.

(43) List of Documents to be furnished by Registration Officers to the Central Foreigners Bureau and State Registration Officer: -

(1) A Registration Officer should furnish the following documents directly to the Central Foreigners Bureau, New Delhi, simultaneously sending copies of them to the State Registration Officer, Chennai:

- (a) Disembarkation/Embarkation Cards, completed by all foreigners entering/leaving India to be sent daily by the Port Registration Officer after keeping copies for his reference.
- (b) Part II of Form 'A' - original copy to be sent to the Central Foreigners Bureau and duplicate copy to the State Registration Officer.
- (c) Copies of reports of movements/itineraries submitted by non tourist foreigners registered in Form 'A'
- (d) Copies of reports of changes of particulars in registration certificates of non-tourist foreigners.
- (e) Return of extension of stay granted by the officers specially empowered in this behalf.
- (f) Warning Circulars.

#### **(44) Passport Verification**

##### **(a) Decentralization system of applying for passport at the Collectorates:**

As per the Decentralization system of submitting passport applications at the District Passport Cell (DPC) AT Collectorates, the DPCs have been earmarked as the Passport application receiving Centre. In this system, passport applicants have to submit their passport applications at their respective District Passport Cell (DPC) at Collectorates. The staff in DPC will check the passport applications and documents submitted by the applicants and forward the same to the respective COPs/SPs. COPs/SPs, in turn, will send one copy to local Police Station for conducting field verification and another copy will be kept at the DCRB for verifying the "Negative List" sent from Security Branch, CID and make endorsement after verifying the "Negative List". After receiving local police report, both the reports (field verification report and record check report) are being forwarded to the DPC at Collectorates, by the concerned COPs/SPs. Then, the same will be forwarded from DPC, to the Regional Passport Officers, Chennai and Trichy respectively. Based on these verification reports, RPOs will issue passport.

##### **(b) Applications received by RPOs, Chennai and Trichy:**

RPOs, in turn, will send both the personal particulars forms to the concerned COPs/SPs. COPs/SPs, in turn, will send one copy to local Police Station for conducting field verification and another copy will be kept at the DCRB for verifying the "Negative List" sent from Security Branch, CID and make endorsement after verifying the "Negative List". After receiving local police report, both the reports (field verification report and record check

report) are being forwarded to the RPO, Chennai/Trichy directly, by the concerned COPs/SPs. Based on these verification reports, RPOs will issue passport.

**(c) Passport Applications submitted at Post Offices:**

The Post Master will send the applications to the RPO concerned and further procedures are similar to that of (b) as mentioned above.

**791. Foreigners of good character not to be reported:--**

No report need be made about foreigners who have come to the Tamil Nadu on BONAFIDE purposes, or about whose conduct and demeanour there is nothing suspicious.

**792. Reporting Foreigners---**

Upon the appearance of a foreigner, about whose conduct or demeanour the Station-House Officer entertains a suspicion, he should submit a roll in Form No. 132 to the Superintendent through the Circle Inspector and the Divisional Officer, having the foreigner watched unobtrusively if necessary.

**(2) Foreigners (Report to Police) Order, 2001.**

[under the powers conferred by sub-section (4) of section 7 of the Foreigners Act, 1946 (31 of 1946) – Repeal of the Foreigners (Report to Police) Order, 1971.]

Where any person, who has reason to believe that a foreigner has entered India without valid document(s) or is staying in the country beyond the authorized period of stay, accommodates such foreigner in a premises, occupied, owned or controlled by him, for whatever purpose, it shall be the duty of such person to inform the nearest police station, within 24 hours, about the presence of such foreigner.

*(Section 2 of the Foreigners (Report to Police) Order, 2001)*

**793. Reporting movements of foreigners:--**

(1) The Superintendent will decide whether the movements of the foreigner should be watched or not. If he decides in the affirmative, the movements of the foreigner should be reported to the C.I.D. direct by post by the Station-House Officer concerned in Form No. 119 and to the Superintendent through the Circle Inspector and the Divisional Officer in the same manner.

**District Police to report the movements of Foreigners: -**

(2) The movements of foreigners, including their arrivals and departures, will be reported to the District Special Branch, direct by post by the Station House Officer concerned. Upon the appearance of a foreigner, about whose identity, conduct or demeanor, the Station House Officer entertains suspicion, he should send a special report to the

Superintendent, sending copies of it to his Circle Inspector and Sub-Divisional Police Officer. The foreigner should be shadowed unobtrusively, if necessary. The Superintendent should take action on such reports as instructed by the State Intelligence, from time to time. If a foreigner is suspected of having taken part in a grave crime, State Intelligence should be immediately informed by the Station House Officer or any Officer above him. The foreigner should not be lost sight of till orders are received on such reports.

(3) If the foreigner should move out, the Station House Officer of the Station whose limits he is about to enter, should be warned by the speediest means available to expect his arrival and the Superintendent will inform the Superintendent of the district to which he moves, of the movement.

*[Foreigners (Report to Police) Order, 2001.]*

#### **794. Watching (foreigner):—**

(1) A foreigner whose movements have been ordered, recommended to be watched, should not be followed nor escorted. Watching should be done unobtrusively only.

(2) The Station-House Officer of the Station, whose limits he is about to enter, should be warned by the speediest means available, to expect his arrival and the Superintendent should inform the Superintendent of the district into which he moves, of the movement.

#### **795. Complicity in grave crime to be reported to C.I.D.:**

If a foreigner is suspected of having taken part in a grave crime, the Security Branch, CID should be immediately informed by the Station-House Officer or any officer above him.

#### **796. Accounts given to be tested:**

The account given of themselves by foreigners should be tested as far as possible and not be accepted too readily.

#### **797. Certificates not to be given to wandering gangs of foreigners**

Members of wandering gangs of foreigners should on no account be granted safe contact passes or certificates by any Police Officer.

*(G.O. 848 Judl. 13th June 1903 and 2088, Revenue 12th July 1912.)*

#### **798. Suspicious foreigners: -**

(1) Members of wandering gangs of foreigners should be dealt with as "suspicious foreigners".

##### **(2) Negative list of Foreigners:**

Foreigners coming to adverse notice on various grounds have been classified into several categories according to the nature of offence committed by them and Circulars are issued against them by the Ministry of Home Affairs, Government of India, New Delhi, as detailed below:

**1. LOOKOUT CIRCULARS:** **Issued against Foreigners** and Indians who come to adverse notice for their involvement in Terrorist/Extremist/Militant activities, absconders etc and whose presence is required for some specific reasons.

Purpose: Such persons should not be allowed to enter India/leave India and necessary action should be taken against the individuals as required by the Originator.

**2. WARNING CIRCULARS:** **Issued against Foreigners**, for the following reasons:

1. Unauthorized stay 2. Long overstay
3. Forged Travel Document
4. Terrorist Activities 5. Visa Violations
6. Impersonation 7. Smuggling activities
8. Espionage activities 9. LTTE involvement
10. Mercenary 11. Drug trafficking

Purpose: Such persons should not be allowed to enter India even if they try to do so on the strength of valid travel documents, unless the visas on their passports mention the Number and date of Govt's authority under which the visas have been granted.

**3. PRIOR REFERENCE CATEGORY:** Issued against foreigners, for the following CIRCULAR reasons:

1. Violation of Visa Rules
2. Indulging in Missionary activities
3. Tabligh activities
4. Non-Registration with FRRO/FRO.
5. Habitual Overstay
6. Repeatedly visiting India
7. Narcotic offences (sale)
8. LTTE Supporter/sympathizer

Purpose: Such persons should not be allowed to enter India even if they try to do so on the strength of valid travel documents, without prior clearance of the Government of India.

**4. BLACK LIST CIRCULARS:** Issued against Pakistan and Bangladesh Nationals, for their illegal activities. They are placed under various categories, according to the nature of offence committed by them.

- |   |       |
|---|-------|
| 1. Anti Indian Propaganda                     | - 'A' |
| 2. Criminals/Smugglers/Forged<br>visa holders | - 'C' |
| 3. Dangerous from Security<br>point of view   | - 'D' |
| 4. Morally deprived persons                   | - 'M' |
| 5. Persons deported from India                | - 'P' |
| 6. Spies and saboteurs                        | - 'S' |

Purpose: Such persons should not be allowed to enter India even if they try to do so on the strength of valid travel documents, unless the visas on their passports mention the Number and date of Govt's authority under which the visa have been granted.

*[Circular Memo NO.SCA 7 No.6749/C, dated: 29.02.2004 of Security Branch CID]*

### **799. To be closely watched (Gangs of foreign nomads): -**

(1) Gangs of foreign nomads require close watching, as they are apt to be lawless and to terrorize the people.

*(G.O. 848 Judl. 18th June 1908.)*

(2) If they commit offences or are unruly, they should be proceeded against for specific offences committed and under the security sections of the Criminal Procedure Code.

(3) No licenses for arms should be granted to them. If found in possession of arms, they should be promptly disarmed.

(4) Gang of foreign nomads who come from beyond India may, if necessary, be removed from India under section 3 (2) (cc) of the Foreigners Act of 1946 (Act XXXI of 1946).

### **800. Reporting presence of foreign nomads:-**

The entry of a gang of foreign nomads into a District should be reported to the Superintendent by the Station House Officer direct, by wire if available, and their movements to the Security Branch, C.I.D. direct and to the Superintendent, in Form No. 119. The behaviour of the gang and any complaints or cases against its members should be noted in the reports.

## CHAPTER XLVI

### FINGER PRINTS AND PHOTOGRAPHS.

#### **801. Finger Print Bureau —**

(1) In each State there is a Finger Print Bureau in which the fingerprints of criminals are kept on record. Bureaux have been established at the following places:

Within India.

Place	Name of the State
Allahabad	Uttar Pradesh
Ahmedabad	Gujarat
Bangalore	Karnataka
Bhopal	Madhya Pradesh
Mumbai	Maharashtra
Kolkata	West Bengal
Bhubaneshwar	Orissa
Hyderabad	Andhra Pradesh
Jaipur	Rajasthan
Nagpur	Maharashtra
Patna	Bihar
Phyllaur	Punjab
Poone	Maharashtra Regional Bureau
Pondicherry	Pondicherry Union Territory
Shillong	Assam
Thiruvananthapuram	Kerala
Aurangabad	Maharashtra
Karnal	Haryana
Agartala	Tripura
Chennai	Tamil Nadu

(2)(a) There is a Central Fingerprint Bureau for India at Calcutta. The address is as follows:

“The Director,  
Central Fingerprint Bureau,  
Intelligence Bureau (M.H.A.),  
Government of India,  
30, Gorachand Road,  
CALCUTTA – 14.”

#### Object

In all criminal proceedings, personal identification plays an important role. Identification through fingerprint science is conclusive and infallible. For this purpose, each State maintains a Fingerprint Bureau where a record of fingerprints of criminals committing certain specific offences is kept.

*[As per Finger Print Manual]*

Address of Bureau.—

Reference to the Bureau at Chennai should be addressed to-

“The Superintendent of Police (Finger Print), Tamil Nadu Finger Print Bureau, Police Computer Centre (PCC), Chennai-600028.”

(b) Principal Items of Work of the Bureau

- (I) Recording finger-print slips of convicts;
- (II) Searching of fingerprint slips, referred to it to ascertain antecedents;
- (III) Comparisons and opinion on finger-impressions on documents in civil and criminal cases received from courts and other agencies;
- (iv) Comparison of latent prints and giving opinions, when required;
- (v) Single digit recording and searches;
- (vi) Action on absconder's reports;
- (vii) Evidence in court;
- (viii) Elimination work;
- (ix) Research work; and
- (x) Training.

(2)(b)- **FINGER PRINT STAFF – Duties & Responsibilities:**

The duties and responsibilities of the Finger Print Bureau are specified in the Finger Print Manual of the Tamil Nadu Finger Print Bureau. Certain additional responsibilities have been identified in the daily administration of various staff of the Bureau. The Finger Print Staff will adhere to these responsibilities listed below:-

(2)(c) **DSP/ADSP (FP):**

The National Crime Record Bureau has been imparting professional training to various ranks of police officers. The courses provide training on computers, computer based management information system, programming languages, Finger Print Science and computer based criminal information system. This will enable the trainee to become familiar with computers and to use computer efficiency for crime information and administration.

Considering the imminent requirement of training, operational and system administration, personal specialized courses have also been organized. DSP/FP shall undergo those special training, project work conducted by the National Crime Records Bureau, New Delhi and APPA, Hyderabad as and when they are required to do so, in connection with the modernization of criminal recording system.

Whenever a chance print is identified, the DSP/FP shall besides informing the Superintendent of Police concerned, should inform all the Superintendents of Police in the State along with a Xerox copy of the identified person including the Superintendent of Police to whose jurisdiction the identified person belongs. This step will ensure verifying the complicity of the identified person in all the other similar cases pending. If an individual SOC print is identified in cases concerned in more than one District, the DSP/FP may inform the fact to the Investigating Officers of all cases concerned. DSsP(FP) shall maintain a record of identified persons separately with all relevant details and follow it up till the arrest of the person is effected either in his district or elsewhere by reviewing it during the monthly crime meetings.

(2)(d) **Inspector (FP):**- He shall scrutinize the Part III GCR maintained in the Police Stations and update the Station- war register maintained at the SDFPB.

He will verify the conviction memo despatch register of the Police Station and ensure that all the conviction memos of the person convicted during the month have been forwarded to SDFP Bureaux

He will prepare the abstract of pending conviction memo for submission to the DSP/FP for discussion with the Investigating Officers/SHOs during their visit at SDFPB as well as for a review during monthly crime meeting conducted by the Superintendent of Police.

He will check the 40 digit computer code worked out by the Sub-Inspector (FP) before forwarding the same for search in the computer system.

He will make a search of the searchable chance prints received from other district units.

He will undergo special trainings, undertake project work etc. in connection with modernization of criminal recording system as and when reorganized to do so.

(2)(e) Sub-Inspector (FP): He will codify the daily arrested persons' FP Slips into 40 digit computer code correctly for search in the computer system and intimate the result of the search to the Investigating Officers.

-Circular No.448/FPB/95, DATED: 10.07.1995 of the Inspector General of Police, Planning & Coordination.

**(5) Superintendent of Police (FP):**

In addition to duties envisaged in the Finger Print Manual, the Superintendent of Police (FP) shall perform duties under section 293 of the Cr. P.C. 1973 and shall exercise powers vested in sub section (3) of section 293 of Cr.P.C.1973.

**(3) (a) Finger prints - Definitions**

'Fingerprints' are impressions of the papillary ridges on the fingers including thumb, either 'rolled' or 'plain'.

**(b) Rolled print**

A rolled print is obtained by placing the thumb or the finger upon a tin, glass or metal slab over which a thin film of printer's ink has been spread by means of the roller, the plane of the nail being at right angles to the plane of the slab, and then the thumb or the finger is turned over until the bulb surface which originally faced to the left now faces to the right, the plane of the nail again being at right angles to the slab. By this means the whole ridge surface of the thumb or fingers between the boundaries of the nail is evenly inked and then pressing it lightly upon the paper in the same way as it was pressed upon inked slab, a clear rolled impression of the thumb or the finger is obtained.

*[As per Finger Print Manual]*

**(c) Plain Print.**

A plain print is obtained by lightly pressing the inked bulb of thumb or finger upon the paper without any turning movement.

In all cases, Rolled and Plain impressions of both the right and left hands shall be taken.

*(Rule 4 (d) of Tamil Nadu Identification of Prisoners Rules, 2007)*

**(d) Unidentified -**

'Unidentified' means a person whose residence and antecedent are not known.

**Identified –**

'Identified' means a person whose residence and antecedents have been verified to be true by the police.

**(e) Untraced -**

'Untraced' means a person against whom no previous convictions could be established from the records of the Bureau.

Traced –

'Traced' means a person whose antecedents and previous history have been established from the records of the Fingerprint Bureau.

(f) Proficient —

'Proficient' means an officer who has been declared by a Superintendent of Police/Commissioners of Rural areas or in the City of Chennai by the Commissioner of Police to be qualified to take clear and well rolled finger impressions and clear impressions of the palms and soles of feet, on passing a test to be held by the Director, Fingerprint Bureau, Chennai. In each Police Station including Railway Police Station there should at least be two proficients. The proficients should be of the rank of either a Head Constable or a senior Police Constable.

**(i) Training of the Proficients**

Head Constables and Constables selected for the purpose should be trained at the District Crime Record Bureau of each district and at Record Section in the case of City Police Stations, in batches of 10 to 20.

(ii) The training will be for a period of 10 days as follows:-

<b>Day</b>	<b>Nature of training</b>
<b>Ist Day</b>	(1) The use of appliances for taking finger-prints and the reason why they should be kept scrupulously clean.  (2) How to take rolled prints and plain prints with explanation of difference between them.
<b>2<sup>nd</sup> Day</b>	(1) Explanation of 'deltas' and 'cores' in finger impressions.  (2) Practice in taking finger impressions.
<b>3<sup>rd</sup> Day</b>	(1) Explanation of all entries on a finger impression slip form.  (2) Explanation of all the abbreviations to be used in the finger-print slip for record.  (3) Explanation of the difference between fingerprint slips of convicted persons for record and fingerprint slips of reconvicted persons for record.
<b>4<sup>th</sup> Day</b>	(1) Method of taking palm-prints.  (2) Practice in taking palm-prints.

<b>5<sup>th</sup> Day</b>	(1) Method of taking foot-prints. (2) Practice in taking foot-prints.
<b>6<sup>th</sup> Day</b>	(1) Explanation of the single digit cards. (2) Method of taking impressions on single digit cards. (3) Practice in taking finger, palm and foot-prints.
<b>7<sup>th</sup> Day</b>	(1) Revision of the whole course. (2) Practice in obtaining fingerprints.
<b>8<sup>th</sup> Day</b>	(1) Revision of the instructions regarding entries to be made on fingerprints slips for search. Practice in taking prints.
<b>9<sup>th</sup> Day</b>	(1) Revision of the instructions regarding entries to be made on the fingerprint slips for record. (2) Practice in taking impressions.
<b>10<sup>th</sup> Day</b>	Test to be held by the Director, Fingerprint Bureau, Chennai.

(iii) The training will be imparted by the Dy.S.P. in-charge of the District Crime Record Bureau or an Officer who has received training in Fingerprint Science at the Fingerprint Bureau, Chennai.

(iv) The training programme should be fixed in consultation with the Superintendent of Police (FP), Fingerprint Bureau, Chennai, who will conduct a test on the last day of the training.

(v) On the conclusion of training and test, the successful candidates will be declared as proficients by the Superintendent or the Commissioner, as the case may be.

Superintendents of Police of the Districts and Commissioners of Police of the Cities shall issue necessary orders to declare them to be qualified to take clear and well rolled impressions. List of trained staff should be kept in the concerned section of DPO/CPO, as well as in DCRB

- *DGP's Circular Rc.No.18666/Cr.4(2)/2013, Dated: 30.01.2013*

**(g) Expert (FP) --**

'Expert' means an officer, who has been trained in the Finger Print Science and declared by the competent authority as an expert and an officer who passes the examination held by the All-India Board for Examination of Fingerprint Experts. Finger Print personnel posted in the Tamil Nadu Finger Print Bureau, Commercial Crime Investigation Wing of Criminal Investigation Department, Special unit of Directorate of Vigilance and Anti-

corruption and in Single Digit Finger Print Bureau of Districts are also called “Finger Print Expert”, holding the rank of Inspector (FP). ‘Foot Print Expert’ means, Scientific Officer of Mobile Forensic Science Laboratories and Scientific Officers of Physics Division of Tamil Nadu Forensic Science Department.

(*Rule 2 (iii) & (iv) of Tamil Nadu Identification of Prisoners Rules, 2007*)

(h) Bureau ---

'Bureau ' means a Finger -Print Bureau.

(i) ‘Suspect’ means any person under arrest or liable to be arrested for a criminal offence on suspicion of his being involved in the crime.

(j) ‘Convicted’ means a person who has been found guilty for the first time by any court of law for any offence.

(k) ‘Reconvicted’ means a person who, having been convicted on one or more previous occasions, is again convicted.

(l) ‘Searcher’ means an officer who has been declared by the Finger Print Bureau to be competent to examine and classify finger impressions, holding the rank of SI (FP).

(m) Absconder’s Slip: - This is a special form (Red slip) used in the Bureau. This slip is attached to the original F.P. Slip of the convict who is reported to be an absconder, O.V. or wanted in any crime.

[*Tamil Nadu Identification of Prisoners Rules, 2007*]

**(4) (a) Method of taking finger prints: Appliances--**

The appliances required for taking finger prints comprise a glass or metal slab, a rubber roller and a pot or tube of printer's ink. These must be kept scrupulously clean and free from dust, grit, and hairs. The slab should be freshly cleaned before use each day, all particles of old ink being rubbed off. The roller, when not in use, should be kept wrapped up in a piece of clean oiled paper. Both slab and roller should periodically be cleaned with soap, benzene or kerosene. The pot or tube of ink should be kept tightly closed when not in use.

(b) Preparation of appliances.

The slab must be perfectly smooth and should be wiped free of dust before use. A small quantity of the ink then should be put on the slab with the point of a knife and the roller used to bring it down to the finest possible film so that the glass is dimly visible through the ink. Experience has shown that it is easier to start with a very small quantity of ink and to increase it as necessary. If too much ink has been put on the slab, a sheet of paper laid on it and rolled over

with the roller will generally reduce it sufficiently. If the ink is dry and thick, it will be found that with a little perseverance it can be worked up smooth on the slab.

**(c) Inking the fingers.**

Before inking the fingers they should be thoroughly washed with soap, if necessary, and rubbed clean and dry, as the presence of slightest moisture on the finger will cause blotches and blur the finger impressions. Some persons perspire heavily and the presence of the sweat on the bulbs of the fingers may prevent the oily ink from adhering to the fingers resulting in the impressions being smudged. Under such circumstances denatured spirit or alcohol can be used with much advantage for drying the fingers. Only the inner portion of the upper phalanges of the fingers should be inked. To take 'rolled' impressions, place the finger on the inked slab, the plane of the nail being at right angles to the slab, and turn over till the bulb surface which originally faced to the left, now faces to the right. For a 'plain' impression, the ridge surface of the fingers should be inked at the same spot on the slab without re-inking the slab.

*[As per Finger Print Manual]*

**(d) Taking impression --**

Prints should invariably be taken on the authorized finger Print Form No 129 (for record) and Form 130 (for search). In the slip, space has been provided for the 'rolled' prints of all the ten digits as well as for the 'plain' prints of the four fingers of each hand and two thumbs. The heading of the slip are self explanatory.

**(e) Slips to be folded for taking 'rolled' prints -**

For convenience in taking 'rolled' prints, the slip should be folded at the line indicated and the fold placed in line with the edge of the table.

**(f) Order of taking prints --**

The 'rolled' prints of the right hand should be taken first, each finger being inked and impressed before the next finger in rotation is inked. When the 'rolled' prints of the right hand fingers have been taken, the operator should take the 'plain' prints of the four fingers of that hand simultaneously in the space provided for them on the slip. When the right hand has been finished the operator should proceed to take the prints 'rolled' and 'plain' of the left hand in a similar manner. The plain impressions of the right and the left thumbs should be taken simultaneously in the spaces provided.

**(g) Entry of details on slips –**

When the finger prints of both hands have been taken, the slip should be turned over and the subjects name, residence details and convictions filled in.

The subject should then sign the form or make his mark if unable to write and immediately afterwards, 'plain' print of his left thumb should be taken in the space provided for the purpose. The special criminal number and the regular criminal number assigned to each accused should be noted in the columns provided in the front page.

(h) Points to be noted in preparing slips.

The following points should be specially noted in preparing Finger Print Slips. --

(i) Impressions must invariably be taken with the tip of the finger printing to the top of the form, except in the case of the 'plain' print of the left thumb on the reverse of the slip.

(ii) The 'rolled' prints should show the complete contour of the bulbs of the fingers; one delta in the case of the 'loops' and two in the case of 'whorls' should be visible.

(iii) The 'rolled' print of each finger must be taken in the space allotted for that finger and the impression should not project beyond that space. The impression of only the upper phalanx of the finger should appear.

(iv) All names, whether of persons or places should be written legibly. All entries should be as concise as possible and convictions should be entered in chronological order.

(i) Deformities -

If a finger is missing or is so deformed that it is impossible to obtain impression, the fact should be noted in ink in the space allotted for that finger by the words 'missing' or 'deformed'. In the case of double fingers, the prints of both fingers should be taken, if possible and the print of the more prominent of the two invariably. Deformities cuts, scars and disease marks interfering with the clearness of the impressions should be fully described and it should be stated if they are temporary or permanent. Subjects suffering from open cuts or scars in any of the upper phalanges of the fingers should not (if this can be arranged) have the prints of such fingers taken until the cuts or scars have healed.

**(j) Persons whose fingerprints should not be taken --**

Finger prints of lepers are not to be taken on any account. Persons suffering from contagious and infectious diseases should not have their finger-prints taken until completely recovered.

**(k) Finger Prints by whom to be taken --**

Finger impressions shall be taken by a Finger Print Expert or a police officer of the rank of police constable or above, declared by a Superintendent or, in the City of Chennai by the Commissioner of Police, to be qualified to take clear and well-rolled impressions.

(*Rule 4 (m) of Tamil Nadu Identification of Prisoners Rules, 2007*)

**(l) Places for taking measurements and photographs –**

The finger impressions, foot-print impressions and photographs of any person shall be taken only at the following places:

- (i) Magistrates' Courts;
- (ii) Police Stations and Outposts, including police lock-ups and
- (iii) Prisons.

(*Rule 3 of the Tamil Nadu Identification of Prisoners Rules, 2007*)

**802. Persons whose finger prints are to be taken for record. ---**

The Finger Prints of the following persons (juvenile, adults, males, females or eunuches) should ordinarily be taken for permanent record.

(1) All persons convicted of offences under Chapters XII and XVII, Indian Penal Code, which are punishable with rigorous imprisonment for a term of one year or more.

(2) All persons convicted of any offence under Chapter VI, Indian Penal Code, or of sabotage and subversive activities against the State.

(3) All persons convicted of offences under sections 170, 302 and, 304 (murder for gain) 328, 338, 465 to 477-A and 489-A to 489-D, Indian Penal Code.

(4) All persons convicted under the Arms, Opium and State Excise Act, who are suspected to be smugglers in Arms, Opium or dangerous drugs as defined in the Dangerous Drugs Act (Act II of 1930); or entailing enhanced punishment on re-conviction.

(5) All persons convicted of smuggling gold, currency and valuable articles under Foreign Exchange Regulation Act VII of 1947.

(6) All persons ordered to execute bonds under Sections 109 and 110 Criminal Procedure Code (for offences against property only).

(7) All traffickers in Women and Children who are convicted under section 363, 363-A and 364 to 374 Indian Penal Code.

(8) All persons convicted under section 5 of the Telegraph Wires (unlawful Possession) Act (LXXIV of 1950) for unlawful possession of telegraph wires.

(9) All persons convicted under Section 3 of the Railway Property (Unlawful Possession) Act, 1955 for unlawful possession of Railway Property.

(10) All professional criminals and persons of dangerous character exterted from any area under any State Act,

(11) All foreigners exterted under Foreigners Act XXXI of 1946.

(12) All approvers in gang, dacoity and criminal conspiracy cases.

(13) All persons suspected of being professional itinerant criminals and persons of notoriously criminal reputation who habitually absent themselves from their homes and are believed to travel the other States for the purpose of committing crime and have been arrested by Police and whose finger prints have been taken, even if they are acquitted, provided, that in case of acquittal, permission for record of finger prints is obtained from the Court under Section 7 of the Identification of Prisoners Act (XXXIII] of 1920).

(14) All persons convicted for attempt or abetment (Section 5 or Sections 169, 114, Indian Penal Code) and Criminal conspiracy (Section 120-B Indian Penal Code) for various offences mentioned in this order.

(15) All Indian Nationals convicted outside India of any offence for which finger prints have been received at the State Bureau from those countries.

(16) All international criminals and absconders whose finger prints are sent to the State Bureau from countries outside India,

(17) All persons convicted under Explosive Substances Act (Act VI of 1908.)

(18) All persons convicted under the Official Secrets Act (Act. XIX of 1925).

(19) All persons convicted under the sections, 101, 126 and 128 of the Indian Railways Act (Act IX of 1890).

(20) Any other person whose finger prints are ordered to be maintained by the Government of India from time to time, subject to the provisions of the Identification of Prisoners Act (Act XXXIII of 1920).

(21) Persons notified under the Tamil Nadu Restriction of Habitual Offenders Act, 1948 convicted of offences under section 12 of the Act and any of the offences narrated in the Schedule to the said Act.

[G. O. Ms.1208, Home, 21st April 1964.]

(22) All persons convicted under sections 3, 5, 7 (2), 8 and 9 of the Suppression of Immoral Traffic in Women and Girls Act, 1956.

(23) Persons convicted under Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) and under the Temple Entry Authorization Act, 1947, (Madras Act V of 1947.).

(24) Persons convicted under Section 76 Excise Act, 1961.

(25) Foreigners when convicted for offences punishable with rigorous imprisonment for a term of one year or upwards under the Indian Penal Code.

(26) All persons, not specially provided for above, regarding whom it is considered desirable that there should be a permanent record. These include –

(a) Persons of disreputable antecedents,

(b) Persons who take part in violent crimes, whether political or non- political, involving injury to body, life or property and

(c) The following classes only of persons connected with political offences:

(i) Persons who use aliases or otherwise, endeavour to conceal their identity to facilitate commission of political crime; and

(ii) Persons about whom, because of their hidden activities, it is desirable that there should be permanent record.

*[Section 76 of Excise Act, 1961 and Model Police Manual]*

Note—(i) The taking of Finger prints of persons who are locals and convicted of offences to trivial nature, will be subject to the discretion of the Superintendent of police of the District concerned.

(ii) An extra set of finger print slips for all persons who are found to have been convicted in cases of house breakings or house thefts in Madurai town, wherever they might be arrested subsequently, should be taken and sent to the Single Digit Section, Madurai through the Superintendent of Police, Madurai District.

**(27) Method of taking measurement of foot-print impressions –**

A tin slab shall be inked with printers ink by means of a roller. The person to be measured shall be barefooted and shall place each foot in turn first on the inked slab and then upon a piece of paper kept ready at hand for the purpose of taking impression.

(b) Foot print impressions shall be taken by Foot Print Experts or a police officer of the rank of a Sub-Inspector of Police or above.

*(Rule 5 of the Tamil Nadu Identification of Prisoners Rules, 2007)*

**(28) Issuance of “Certificate of Finger Print Examination”-** utilizing the services of the Finger Print Personnel in the Districts-

(a) The Tamil Nadu Finger Print Bureau is furnishing Finger Print Experts Opinion and issuing "Certificate of Finger Print Examination" in Criminal, Civil and Department cases.

(b) As per procedures laid down in the Finger Print Manual (1993) Sl.No.246 (c), the Superintendent, DSP (FP), Single Digit Finger Print Bureau sections are competent to approve and forward the "Certificate of Finger Print Examination" to officers and courts in criminal cases. Investigating Officers shall obtain the required certificate in all police cases from the DSP/FP, Single Digit Finger Print Bureau at the respective districts/commissionerates. If the DSP/FP feels that the case is important, he may forward his report to the Superintendent (FPB) for checking.

(c) Issuance of "Certificate of Finger Print Examination" in matters pertaining to Civil and Department will continue to be issued by FP Expert in the Tamil Nadu Finger Print Bureau, Headquarters, Chennai

- *DGP's Standing Instruction No.43/2013, Dated: 26.08.2013*

### **803. Procedure regarding finger print slips to be sent for record by Station House Officers--**

(1) Station House Officers are responsible for taking the finger prints of persons, who, on conviction have to be finger printed under the previous order. Three sets of finger prints shall be taken on the arrest of the accused person and the name and other particulars filled in, immediately after recording the prints. In the case of finger prints of females, 'female' should be written on the front page top of form in bold letters. One set will be sent for search and the other two sets will be sent for record in the event of a conviction. The Station House Officer will, at the time of arrest, fill up the description of the arrested person in Form No, 129, sign on the first page and send one set for search to the Fingerprint Bureau, as contemplated in Police Standing Order No. 804 (1). If the person charged is convicted, all the particulars of the conviction should be filled in and if the convict has previous convictions, all particulars of his previous and present convictions in the chronological order with their Finger Print Bureau Serial Numbers shall be entered in the second and third sets of finger print slips and forwarded to the Crime Records Bureau together with the conviction memorandum (Form No. 127.) A bold note 'Reconvicted' or 'Unidentified' as the case may be should be made on the top of the Form No. 129 and the finger print slip should be folded in accordance with the directions on the form. If the prisoner is acquitted or discharged, the station House Officer will file the finger print slips taken by him along with the Station copy of the case dairy.

(2) All the Finger Print slips of convicted persons intended for record in the Finger Print Bureau, Chennai and other State Finger Print Bureaux should

be sent to the Single Digit Finger Print Sections of the respective districts. The Finger Print Expert concerned will scrutinize those Finger Print Slips and return such of those Finger Print Slips wanting in full particulars or for better prints to the Stations concerned and get them rectified. All the Finger Print currents accepted for record will be forwarded from the Single Digit Finger Print Section to the SP, Tamil Nadu Finger Print Bureau, Chennai for further action. Likewise the SP, Tamil Nadu Finger Print Bureau, Chennai will return the convictions memoranda with Finger Print Bureau Serial Numbers to the concerned District Single Digit Finger Print Sections from where the convictions memoranda will be forwarded to the Stations concerned.

(3) Should the Superintendent of Police decide on Form No.128 that the finger-prints of an accused person undergoing imprisonment in a prison are to be recorded, the conviction memorandum will be numbered and the finger-print slip is obviously unfit for record in the Bureau. The Finger Print Expert attached to the Single Digit Finger Print Section of the district in which the prison is situated, will prepare a fresh slip, keep it in an open file and await the arrival of the Finger Print Tester, who will proceed by according to the instructions in order No. 810 below.

(4) **Central Finger Print Bureau** -- Finger print slips to be sent for record at the Central Finger Print Bureau through the Finger Print Bureau, Chennai--

(a) A Central Finger Print Bureau has been formed by the Government of India and is located at No.30, Gorachand Road, Calcutta. Finger print slips of all persons convicted for the offences mentioned in P.S.O. No.802 should be sent to the Finger Print Bureau, Chennai and a duplicate finger print slip for each of these should be sent for record in the Central Finger Print Bureau. The finger print slip intended for record in the Central Finger Print Bureau should be sent through the Finger Print Bureau, Chennai and not direct. When sending finger-print slips for record, they should be sent in duplicate, one with the conviction memorandum for record in the Finger Print Bureau, Chennai and the other without the Conviction memorandum form for transmission to the Central Finger Print Bureau at Calcutta. In the cases of persons for whom additional slips have to be recorded in other State Bureau as per Police Standing Order No. 815 such duplicate finger print slips, as are necessary, shall also be taken and sent.

(b) The procedure prescribed by the Government of India for sending finger print slips to the Central Finger Print Bureau is detailed below. The Crime Records Bureau should scrutinize the clarity of the print and the correctness of the duties before sending the slips for record. While sending first finger slips for record, despatch memoranda should be used filling the relevant entries in all the

three foils of the form. In no case finger print slips of more than ten persons should be sent under a single despatch memorandum

(5) (a) One set of finger print slips of all persons convicted of any offence mentioned in P.S.O. No. 802 shall be prepared by the Crime Records Bureau for record in the Central Finger Print Bureau, in addition to the number of sets required for the State Bureau. One additional set of finger print slips/foot print slips of all persons convicted of any offence approved by the Government of India for recording finger prints at the Central Finger Print Bureau of National Crime Records Bureau, New Delhi shall be prepared by the District Superintendent of Police or Commissioner of Police, and sent to the Central Bureau through the Tamil Nadu Finger Print Bureau.

*(Rule 7 (b) of Tamil Nadu Identification of Prisoners Rules, 2007)*

(b) All the finger print slips of convicts for recording at the Central Finger Print Bureau shall be sent under triplicate despatch memoranda through the Tamil Nadu Finger Bureau.

(c) In cases where the Tamil Nadu Finger Print Bureau sends the finger-print slips for record to another Bureau, the Superintendent shall issue triplicate despatch memorandum along with these finger print slips.

(d) The State Bureau shall see that in no case finger print slips of more than ten convicts are sent under a single despatch memorandum.

(e) The State Bureau shall maintain a register to keep an account of the despatch memoranda sent by the Crime Records Bureau. The columns of the register shall be as shown in Form No. 136-A, Police Standing Order, Volume III.

(f) The State Bureau, on receipt of the print slips meant for record at the Central Finger Print Bureau, shall examine the clarity of the impressions, scrutinize the order of the impressions and entries on the slips and return to the District Office those finger print slips that are unfit for record and for want of necessary particulars.

(g) The State Bureau which is to issue despatch memoranda or sending finger print slips to the Central Finger Print Bureau shall also maintain a register as stated in paragraph (e) above.

(h) The State Bureau shall forward only such finger print slips that are fit for record and contain correct particulars to the Central Finger Print Bureau.

(i) The State Bureau shall keep an account of the finger print-slips returned to the district office for rectification of defects.

(j) The State Bureau shall see that all finger print slips returned for rectification of defects are submitted to the Central Finger Print Bureau under fresh despatch memoranda.

(k) All intimation regarding absconders shall be sent by the State Bureau under a despatch memorandum along with a finger Print slip (if available) with particulars of the case in which they are wanted and the office to which the intimation of arrest is to be given (IN BLOCK LETTERS).

(l) In the case of intimation regarding absconders whose spare finger print slips are not available, the State Bureau shall send a photo-stat copy (actual size) of the rolled impressions from the record finger print slip of the State Bureau under a despatch memorandum.

(m) The State Bureau shall see that finger print slips of persons convicted for the first time and the fingerprint slips of persons traced by the Central Finger Print Bureau, when convicted, are sent under separate despatch memoranda.

(n) In sending finger print slips of the persons traced by the Central Finger Print Bureau, the formula supplied by the Central Finger Print Bureau on the search slip shall be noted on the record finger-print slip.

(o) The State Bureau, on receipt of duplicate despatch memoranda with classification formula from the Central Finger Print Bureau, shall file one copy at the Bureau and send the other to the Single Digit Finger Print Section concerned.

(p) The State Bureau shall see that intimation regarding absconders is despatched to the Central Finger Print Bureau within a week from the date of receipt.

(q) The State Bureau shall see that all finger print slips meant for record at the Central Finger Print Bureau are despatched within a week from the date of receipt.

(r) The State Bureau shall see that one extra copy of each of the finger print slips of Inter-State, International 'auto' thieves, Idol and Curie thieves, hotel thieves, poisoners, forgers of currency, cheats and coiners is taken for single-print record at the Central Finger Paints Bureau and sent to the Central Finger Print Bureau with a short note on the modus operandi.

(s) The State Bureau shall bring to the notice of the Central Finger Print Bureau all new features regarding the science of identifications from the finger-prints observed by them and any forgery of finger print which they may come across.

(t) The State Bureau has the option to refer to the Central Finger Print Bureau for scrutiny any case of difference of opinion arising between two State Bureaux.

(u) The State Bureau may seek the help of the Central Finger Print Bureau in solving all problems relating to the science of identification from papillary ridges.

(v) All correspondence with the Central Finger Print Bureau shall be addressed to the Director, Central Finger Print Bureau No. 34; Gorachand Road, Calcutta-14.

(w) All correspondence, including Finger Print slips/Foot Print slips for search/record, with foreign countries shall be channelised through the Director, Central Bureau of Investigation, Interpol DAIVISION, Government of India, C.G.O.Complex, Lodhi Road, New Delhi – 110 003.

*(Rule 7(d) of the Tamil Nadu Identification of Prisoners Rules, 2007)*

**(x) Fingerprinting of Unidentified Dead Bodies**

(i) The fingerprints of all unidentified dead bodies should be promptly taken and sent to the State Bureau, Chennai, for comparison with the prints on record in the Bureau or elsewhere with a view to establish the identity of the dead bodies.

(ii) It is a wise precaution to wear gloves when taking fingerprints from a dead body, though the danger of poisoning from the corpse is very small.

(iii) The technique to be employed in taking fingerprints of a dead body will greatly depend on the state of the body.

(iv) If the body is fresh and its fingers flexible, finger-prints can be taken direct through the usual inking and rolling process. Before taking the prints it would be advantageous to dip the fingers of the dead body for a short time in hot water. Thereafter the fingers should be cleaned and all moisture removed. For this purpose any good solvent like alcohol or benzene could be used. After cleaning, the fingers should be thoroughly dried for the reason that body heat is absent in a dead body.

(v) The hands could be dipped in hot water for a short time to make them flexible. Where rigor mortis has appeared, usual inking and rolling process will not succeed and ink has to be directly applied to the fingers with a rubber roller and the print taken finger by finger on small pieces of paper by holding each piece in the palm of the hand, pressing it against the finger. If the prints are blurred, there is no objection to take more than one impression of a finger till a clear print is taken. Each finger slip should thereafter be pasted in its appropriate place. A curved metal or wooden spoon could, if necessary, be used for taking the prints.

(vi) If the fingers are clenched, they will have to be forcibly straightened either by bending the hands forward or backward at the wrist or forcibly stretching the fingers. In extreme case, tendons should be cut by a surgeon in order to straighten the fingers.

(vii) When the skin of the fingers is shrunken or wrinkled, on account of submersion in water, the surface of the fingers can be rounded out and smoothened by injecting glycerin, melted paraffin, hot water or air into the tissues.

(viii) If the prints obtained by the above methods are not found adequately clear and decipherable, the Medical Officer holding post-mortem should be asked to remove the skin from the fingers. The skin of each finger should then be placed in a labelled bottle or tube containing formaldehyde solution or in a solution of glycerin and alcohol for preservation and transport to the Bureau. The label of each container should indicate the name of the finger. A separate bottle or tube should be used for each finger.

(ix) The fingerprints or the dissected skins of fingertips or both, should be sent to the Bureau promptly with a forwarding report, furnishing details such as Police Station, Crime No., Section of Law, history of the case and date and time of (a) finding the dead body, (b) taking fingerprints and (c) post-mortem and dissection of finger skins.

(x) The fingerprint slips of the unidentified dead bodies should be sent for search to the Central Fingerprint Bureau, Calcutta. The word MALE or FEMALE, as the case may be, should invariably be recorded on the fingerprint search slips of the unidentified dead bodies.

(xi) In the case of all unidentified persons arrested in railway offences, one set of fingerprint slip should invariably be sent to the Central Fingerprint Bureau, Calcutta, in addition to those sent to the State Bureau, Chennai and the Bureaux of other States.

(xii) If, in the case of unidentified persons belonging to other States, it is not possible to establish satisfactorily the antecedents and criminal histories of such persons from the replies of State Bureau, Chennai and Bureau of other States, then the Station House Officer should send a fingerprint slip for a further search to Central Fingerprint Bureau, Calcutta.

(y) Collection of Blood, hair, saliva or semen – Blood samples, hair, saliva or semen shall be collected for DNA test.

*(Rule 8 of the Tamil Nadu Identification of Prisoners Rules, 2007)*

#### **804. Duties of the District Police and Search reference --**

(1) The finger-prints of all unidentified persons who are arrested as suspects or are under trial on a criminal charge will be taken on Form No. 129 by the Station House Officer and submitted to the Tamil Nadu Finger Print Bureau, Chennai for search (Form No. 130). In such cases, the search slip contain full details of the circumstances under which the suspect has come into the hands of the Police and also information regarding convictions with the Bureau serial numbers, if known. The Director, Tamil Nadu Finger Print Bureau, Chennai will return the slip duly filled in, for file with the foil in the Station. Resistance to or refusal to allow the taking of fingerprints is an offence under Section 186 of the Indian Penal Code read with Section 6 of the

Identification of Prisoners Act. If a person, who is required to allow his finger-prints to be taken, resists or refuses to allow the taking of the same, it will be lawful, under Section 6 (1) of the Identification of Prisoners Act, to use all means necessary to secure the taking thereof.

*[Section 6 (1) of the Identification of Prisoners Act]*

(2) For this purpose every person in custody whose residence and antecedents are not known or have not been fully ascertained during Police investigation, or of persons, who, though known, have been out of view for some time, will be considered to be 'unidentified'.

(3) The Finger Print Slips of persons obtained as per instructions contained in P.S.O. 804 (1) should be sent to the Single Digit Finger Print Section of the District by the Station House Officers. The Superintendent, Single Digit Finger Print Section will examine the clarity of the finger prints and whether all the particulars required, were filled in the search slip and on the finger print slip. He will return such of those finger print slips wherein the prints are not clear (or) the required particulars are not furnished to the Stations concerned and receive them back, after rectification. In all the finger print slips found fit for search, computer coding will be worked out in the Single Digit Finger Print Section and the computer data will be transmitted to the Police Computer Wing, Chennai by radio and the finger print slips with encoding will be forwarded to the Finger Print Bureau, Chennai for search result. The Director, Tamil Nadu Finger Print Bureau, Chennai will return the finger print slips with the result of search to the Single Digit Finger Print Section concerned and these finger print slips will be forwarded to the Stations concerned, from the Single Digit Finger Print Section of the District.

## **805. Action after conviction --**

(1) If the person is convicted, counterfoil should be returned to the Bureau with the finger-slips for record.

(2) Submission of finger print slips to the Bureau of the State of arrest as well as to the Bureau of the Home State --

(a) When an unidentified person is, or is reasonably suspected to be a resident of or has wandered to another State in India, or is suspected to have extended his operations to another State, reference should be made by the Station House Officer with copies of his finger print slips in the manner prescribed, direct to the Bureau of the State of which he is a native or of the States where his operations are believed to extend as well as to the Bureau at Chennai.

(b) When sending the finger print slips of an under trial prisoner or suspect for search, the names of the Bureau to which copies of the finger print slips have been sent for search should be noted on the search slip.

**(3) Method of proving previous convictions in traced cases ---**

If on the return of the search slip from the Bureau, it is found that previous convictions have been traced against the accused, steps should be taken to prove such previous convictions, when necessary, under the Section 298 Criminal Procedure Code, which requires---

- (a) that a certified copy of the previous conviction should be filed; and
- (b) that the identity of the accused should be proved.

**(4) Proof of last conviction will generally suffice: -**

In the case of a person who has been previously convicted more than once, it will generally suffice to prove the last conviction only, provided that the former convictions were proved in that case and are mentioned in the judgment.

**(5) Method of proving identity of accused: —**

The identity of the accused should ordinarily be proved by the evidence of a police officer, who is cognizant of the previous conviction, or by a prison officer who can recognize the accused as the prisoner who underwent the previous sentence of imprisonment, but if such witnesses to identity cannot be obtained, identity may be proved under Sections 45 and 73 of the Indian Evidence Act, 1872(Act I of 1872), as amended by Act V of 1899, by means of expert evidence, for which purpose the record slip must be obtained from the Bureau by which the accused was traced and the services of an " expert " requisitioned from the Chennai Bureau.

(b) When it is required to prove the identity of the accused person by means of his fingerprints traced in a Bureau, other than the Home Bureau, the following procedure will be observed:

(c) The Prosecutor will move the court to issue under Section 91 Cr. P.C. a summon to the Director of the Fingerprint Bureau, in possession of the traced slip, to produce from the records and send by post under a registered cover, the original fingerprint slip containing the fingerprints of the convict whom the prosecution alleges to be the accused, in order that the court may compare the fingerprints taken before it with the fingerprints on the slip on record in the Fingerprint Bureau. A spare copy of the slip containing the fingerprints and previous convictions of the convict concerned taken in the presence of the Magistrate should invariably accompany such summons and will be retained in the Bureau in place of the original slip sent to the court until it is sent back by the court.

(d) If, on the production of this slip, the accused does not admit that the prints on it are his, the court should be asked to proceed under Section 45 of the Indian Evidence Act and take the opinion of an expert summoned for the purpose from the Fingerprint Bureau, Chennai.

(e) If the slip is traced by the Fingerprint Bureau, Chennai, a demand on the summons for the production of the traced slip by the expert deputed to give evidence in the case will suffice and the issue of a separate summon under Section 91 Cr. P.C. can be dispensed with.

*[Section 91 Cr.P.C & Section 45 of Indian Evidence Act]*

### **806. Finger prints of adolescents sent to a special institution:--**

The finger prints of an adolescent sent to a special institution should be sent for record to the Bureau of the State of which he is a resident and a copy kept in the Bureau of the State in which he is convicted.

*[G.O. No. 442 Public 1st June 1923.]*

### **807. Finger prints of persons convicted in one State who are believed to have had their origin in another State: -**

The finger prints of persons convicted in one State, who are believed to have had their origin in another State, though not actually identified as residents thereof, shall be taken in duplicate and sent to the Bureau of the State in which they are convicted as well as to the Bureau of the State of suspected origin.

(b) When sending the fingerprint slips of an under-trail prisoner or suspect for search, the names of the Bureaux to which the copies of the fingerprint slips have been sent for search should be noted on each slip.

*[Finger Print Bureau Manual]*

### **808. Persons who are likely to pass quickly out of custody:---**

In the case of persons sentenced to fine or imprisonment in the sub-jail only, the Station House Officer will proceed as directed in Order No. 803 above. If the Superintendent or, subject to his general supervision, the Divisional Police Officer decides that it is unnecessary to send the finger prints for record, the slip will be destroyed. If he decides to the contrary, he will forward the finger print slips direct to the Bureau at Chennai for record and return the Conviction Memorandum to the Station House Officer. Such finger print slips and memoranda will be numbered and placed on the file but will not be submitted to the SI(FP).

### **809. Transfer to another prison:--**

If a convict is transferred from one District Prison to another prison before the arrival of the SI(FP), the Superintendent will forward the finger print slip and conviction memorandum to the Superintendent of the district to which the prisoner has been transferred, where it will be placed with the other slips of the district or Central Prisons, the finger print slips and conviction memoranda will be

sent to the Superintendent of the nearest district in which there is such a Prison. Such slips will, after test, be returned to the Superintendent of the district of conviction for transmission to the Finger Print Bureau at Chennai.

### **810. Responsibility of SI (FP) ---**

(1) On the arrival in a district of the **SI (FP)**, the files containing the conviction memoranda and finger print slips will be handed over to him, and he will proceed to test the slips at the Prison, and to complete all details which are required by the Bureau. In making the test, the tester will prepare for each prisoner slip in Form No. 131 and will satisfy himself that the prints have been properly taken in the original finger print slips; that they are those of the convict named in the slip; that all the particulars recorded in the slip are correct; that all convictions are properly and correctly entered and that the required number of copies have been taken. Any mistakes should be brought to the notice of the Superintendent. Finger-print slips on which the impressions are blurred or indistinct should be rejected and should be replaced by fresh slips prepared by the **SI (FP)**, but where the finger slips prepared by the Station House Officers are sufficiently clear those slips should be sent to the Bureau for record.

(2) After having tested the slips, the **SI (FP)** will note the word 'tested' with his initials and date (1) against the prisoners' names in the Prison admission registers (2) in the Crime Records Bureau, Finger-Print Register (3) on the back of the conviction slips and (4) on the history tickets.

(3) The **SI (FP)** is responsible for the correctness of the convictions and all other details entered by him or the Station House Officer on the reverse of the slip. He will sign each slip that he has tested and his signature will be held to show that he has verified the sentence, previous convictions and personal details of the convict from the judicial and jail records.

(4) Whenever the **SI (FP)** visits the jail, he will check the admission since his last visit and report all cases in which the fingerprint slips of convicted persons have not been sent for test. He will prepare the slips of all such persons and give them to the Superintendent concerned with his report.

*[Finger Print Bureau Manual]*

### **811. Disposal of finger print slips and conviction memoranda ---**

(1) Finger print slips and conviction memoranda after being tested, will be made over by the **SI (FP)** to the Superintendent of Police who will send the slips to the Chennai Bureau provided that the time of appeal is over or the appeal (if any) has been decided. If no appeal is preferred, a remark to that effect will be made on each slip. The acknowledgement form will be attached to each slip before transmission to the Fingerprint Bureau for record.

Note:- It will be the duty of the Station House Officer to intimate the Superintendent whether the person whose fingerprint slip is sent for record has or has not preferred an appeal and if an appeal is preferred, the result thereof. A note to this effect should be made in the District Crime Records Bureau below the conviction for which the fingerprint slip is sent for record.

*[Finger Print Bureau Manual]*

(2) All finger print slips sent for record in the Bureau shall be accompanied by their relative conviction memorandum. The Bureau will return the conviction memorandum duly signed by the **SP (FP)** with the Finger Print Bureau Serial Number noted against the heading provided for the purpose. On receipt of the conviction memorandum from the Finger Print Bureau, the Superintendent will send it for file to the Station House Officer who will enter the Bureau serial number in the concerned station records. In subsequent references to the Bureau, this serial number shall invariably be quoted.

### **812. Slips of convicts remarking unidentified to be distinguished ---**

In the case of convicts who remain unidentified, the word 'unidentified' will be written in red ink on the top of the reverse side of the finger print slip before it is sent to the Bureau. In the case of re-convicted persons whose finger prints are known or believed to be already recorded, the slip will be endorsed in a similar manner with the word "reconvicted" in order that it may attract special notice in the Bureau.

### **813. Number of copies of slips required for record ---**

The number of finger print slips required for record is as follows:—

(1) Of convicts other than those mentioned below:

(2) Convicted in this State, two sets of finger print slips will be taken, one for record in the Bureau of this State and the other for transmission to Central Finger Print Bureau, Calcutta for record.

(2) Of all convicts --

(a) Who are wanderers, unidentified or whose operations are known to extend beyond the limits of their own State, or

(b) Who, though themselves residents of the State of conviction, are really foreigners, and are thus likely to have relations with criminals of other States, or

(c) Who have been notified under the Tamil Nadu Restriction of Habitual Offenders Act, 1948, or are known or believed to be connected with organized gangs in other States or

(d) Who have been convicted of theft of firearms and ammunition or under the Arms, Opium or Dangerous Drugs Acts, in circumstances which render it likely that they are illicit inter-state dealers in Arms, Ammunition, Opium or Cocaine or other drugs; or

(e) Who have been convicted under section 328 Indian Penal Code, if the offence was of a professional type, or under Sections 231 to 253, Indian Penal Code and Sections 489-A to 489-D as many copies will be taken as are required for record in (a) the local Bureau (b) the Bureau of the States of which the convicts are alleged to be residents and (c) the Bureau of the States where their operations are known to have extended.

(3) Of foreigners convicted of an offence of the type in which finger prints would ordinarily be taken for record under the rules, the finger prints and photographs should be taken in DUPLICATE and sent by the Superintendent of the district in which the case was registered, for record in the local Crime Records Bureau and for transmission to the Central Bureau of Investigation, Ministry of Home Affairs, Government of India, through the C.I.D.

#### **814. Escape to be immediately reported to the Bureau ---**

When prisoner escapes from the custody of the Police or Prison and his finger-prints have already been taken prior to his escape, the finger print slip, whether it would otherwise be forwarded to the Bureau, or not under the rules, should be forwarded to the Bureau at once, with particulars of the circumstances of the escape, so that it may be placed on record. When the slip is already on record in the Bureau it would be enough to inform the Bureau, of the escape in order that the slip may be suitably marked in accordance with order No 815 below.

#### **815. Action on finger prints of ex-convicts absconding ---**

(1) If any person, whose finger print slip has been sent for record is subsequently declared as a proclaimed offender, or escapee from Prison or Police custody, or absconds after committing some offence, or an out of view Dossier Criminal, the Station House Officer will send immediately information to the Superintendent of Police in Form No 133 for transmission to the Chennai Bureau.

(2) On receipt of the report referred to in clause (1) above a red slip will be attached to the slip so that immediate information may be given to the Police by whom the absconder is wanted, in the event of the absconder's finger prints being subsequently traced. In such case, a copy of the red slip together with the absconder's classification number will be sent by the Bureau receiving the report to the other Bureau in which the absconder's finger prints are on record.

## **816. Report of deaths ---**

If a convict whose finger-prints have been taken, dies in Prison, the Superintendent of Police, if the deceased was convicted in his district, will forward a death report in Form No. 134 to Chennai Bureau. Should such convict die in prison after transfer, the Superintendent of Police of the district in which the prison is situated will forward the death report to the Superintendent of Police of the district in which the deceased was convicted, who will forward the same to the Chennai Bureau. Should a convict die after release from prison, the Station House Officer will forward the death report to the Chennai Bureau through the Superintendent of Police.

## **817. The Bureau classification —**

(1) All classification and arrangement of slips will be done in accordance with the instructions contained in Henry's Finger-Print Manual.

(2) Punctual disposal of search slips

All slips received for search will be returned within 24 hours of receipts, if possible.

(3) Distribution of slips by Bureau of State of conviction :-

All copies of slips taken for record are sent to the Bureau of the State in which the conviction is obtained and that Bureau will forward the copies intended for the Home and other Bureau, noting on each copy, the names of the other Bureau in which the slip is on record.

(4) Slips received for record to be carefully scrutinized :--

Every slip received for record will be carefully scrutinized before acceptance with regard to the clarity and order of impressions, details of convictions, etc. The accepted fingerprint slips should be classified by one officer and tested by another and then indexed and recorded. The acknowledgements of the recorded fingerprint slips along with the fingerprint formula and the Bureau serial number should be sent to the District Crime Record Bureau. The defective slips will be returned to the District Crime Records Bureau with an objection slip (Form No. 135) for rectification of defects and resubmission.

*[Finger Print Bureau Manual]*

## **818. Removal of slips on receipt of death reports: -**

The slips of persons reported to have died in Prison or Government Hospitals will be removed from the record and destroyed at once. In cases of the reported death of others, the date of death report will be marked in red ink across the slip which will remain in the record for another two years then it will be removed and destroyed.

## **819. Periodical elimination of finger print slips:--**

(1) All slips will be examined annually and in the absence of any special reasons to the contrary, those enumerated below will be withdrawn from record:-

*(G.O. Ms. No. 548, Public (Police), 20th Oct.1933.)*

(a) In the case of a person who is a professional criminal, note forger, coiner, arms smuggler, auto thieves, Idol and Curio thieves or a habitual offender notified under Tamil Nadu Restriction of Habitual Offenders Act, 1948 or of a District or Criminal Investigation Department gang, on his attaining the age of 80 years or on his death whichever is earlier or on his becoming physically unfit by reason of blindness, etc., to commit crime;

(b) In the case of a person who was a registered member of a notified tribe at the time of the repeal of the Criminal Tribes Act, 1924 if he had been convicted for any property offence or for any offence under section 24 of the Criminal Tribes Act 1924 or had been bound over under Section 109 or 110 of the Criminal Procedure Code and has not subsequent to his conviction or last conviction, as the case may be, been suspected of crime or convicted, on the expiry of 15 years from the date of his release or last release from prison, as the case may be; and

(c) In the case of any other persons

(i) If he has not more than two convictions in his native district not having been convicted outside his native district and has not, subsequent to his conviction or last conviction, as the case may be, been suspected of crime or convicted, on the expiry of ten years from the date of his release or last release from prison as the case may be; or

(ii) If he has been convicted outside his native district or has more than two convictions in his native district and has not subsequent to his conviction or last conviction, as the case may be, been suspected of crime or convicted, on the expiry of 15 years from the date of his release or last release from prison, as the case may be; or

(iii) on his attaining the age of 80 years, or

(iv) on his death whichever is earlier.

*(Rule 9 of Tamil Nadu Identification of Prisoners Rules, 2007)*

(2) To prevent the possibility of the wrongful destruction of any finger-print slip in the Bureau, slips withdrawn from record will be sent to the Superintendent concerned for information and destruction. The Superintendent of Police will pass them on to the Divisional Police Officer concerned for necessary action. If the Divisional Officer has any objection to the destruction of any particular slip, he should return it to the Bureau through the District Police Office explaining fully why he wants it to be retained.

(3) The destruction of slips of finger prints which are on record with other Bureau will be intimated to those Bureaux by the Tamil Nadu Bureau.

## **820. Private parties applying for the services of a Finger Print Expert --**

(1) No fee need be charged for giving evidence for one day by the personnel of the Finger Print Bureau when they are called to do so by the Court concerned. However, the Travelling Allowance and Daily Allowance admissible to the Finger Print Personnel under the Tamil Nadu Travelling Allowance Rules shall be borne by the private parties, when they are called to give evidence in Courts or Departments outside Chennai City. If their evidence is required for subsequent days, a fee of Rs.200, Rs.100 and Rs.50 per day for the Superintendent (FP) and Inspector (Finger Print) and SI (FP) respectively of the Finger Print Bureau, Chennai shall be levied. The fee shall be deposited in advance by the parties in Courts. In all cases, the fee when realized shall be credited to Government.

*(G.O. Ms. No. 3050, Home, 3rd December 1978).*

### **(b) Single Digit Finger Print Collection --**

(i) The object of single fingerprint collection is to provide means for the rapid identification of finger marks left at scenes of crime in cases where the culprit is unknown.

(ii) Single fingerprint collection has been introduced in the State Fingerprint Bureau to cover dangerous burglars, robbers and dacoits.

### **(2) Procedure for the submission of Fingerprints for the purpose of Record in the Single Fingerprint Collection --**

(i) Immediately after the arrest of a dangerous burglar, robber or dacoit, the Station House Officer should take in addition to the finger impressions in Form No.129, the finger impressions of the ten fingers of the accused on the single digit card and send it to the Bureau along with two sets of palm and footprints of the accused. These special forms should be sent direct to the State Bureau after disposal of the case, whether it ends in conviction or not.

(ii) The sets of palm and footprints should also contain independently, in the respective sets at the right bottom of the form and palm print.

(iii) The finger impression forms and palm impression forms of the convict should contain the name, parentage, residence, etc., of the convict, and invariably the signature of the Station House Officer with the address. Care should be taken to see that the prints are very distinct and show the whole contour of the bulb of the fingers. The fingerprints, palm and foot impressions which are meant for record in the single fingerprint collection should invariably be sent to the Bureau by name cover and marked as "Meant for S.D. collection". Care should also be taken to see that the prints are not damaged in folding the paper containing the prints.

**(3) Object of Single Digit Finger Print System --**

(a) All convicted persons' finger prints are classified and filed in accordance with 'Henry system' in which classification and filing are done taking into consideration each finger's pattern and ridge counting/tracing. Under this system though individual finger's pattern and ridge tracing/ counting are independently taken into consideration but the classification formula is arrived at based on all 10 fingers' prints collectively.

(b) To retrieve or search finger prints recorded under this system it is absolutely necessary to have ten finger prints taken in specific order.

(c) At the scenes of crime one can seldom find all the ten finger prints of the criminal. Solitary or a few finger prints found at the scene of crime cannot be searched on the records filed as per Henry System, to establish the identity of the criminal if his finger prints are already on records.

(d) To overcome this lacuna the 'Battley's System' is devised under which each finger print of the particular digit (finger) is classified and filed separately based on individual pattern and characteristics found in each finger print. A disciplinable finger print found at the scene of crime can be searched on the records filed under this system of single digit Finger Print Recording.

(e) This system too has its own limitations and if finger print slips of all the convicted persons are recorded under this system it may not serve the required purpose. Traditionally the finger prints of persons convicted for offences such as murder, dacoity, robbery, and house break & theft are recorded under this system. If such convicts repeat their previous 'Modus Operandi' in committing crimes, their finger print found at the scene of crime can be made use for searching on the Single Digit Finger Print records and fixing the identity of the criminals.

**(4) Organization and Functions of Single Digit Finger Print Units --**

(a) The units are created with the primary purpose of assisting the local police in identifying the criminals responsible for the crimes, through finger prints.

(b) The staff attached to the unit will visit the scene of crime if requisitioned by the local police under the jurisdiction of the respective unit. He will develop the chance prints and attend to the work of elimination, comparison and searching of the chance prints. At the time of examination of the scene of crime they may obtain the finger prints (palm and sole prints also if necessary) of the inmates concerned for speedy elimination process.

(c) The unit should possess single digit records of all the criminals of murder, dacoity, robbery, House break and thefts, Temple thefts or any other offences which the officer in charge of the unit feels necessary to be recorded.

(d) The officer in-charge of the unit should build up auxiliary records of Finger Print Slips (Ten digits) of potential criminals.

(e) Augmentation of the Single Digit Records and the Auxiliary Records should be given importance. To achieve the goal the officer in-charge of the unit may visit or depute subordinate officers to Police Stations or the District Crime Record Bureau under the jurisdiction of the respective unit to collect such Finger Print Slips.

(f) If and when Finger Tips are received by the unit from the Police Station the officer in-charge of the unit should prepare the fingerprint slips from them. After searching on the Single Digit Records and if it remains untraced the same F.P. Slip should be forwarded to the Bureau for further search.

*[Finger Print Bureau Manual]*

## **821. Photographs-Record—instructions ---**

(1) The District Police may have photographs taken

(a) of any object concerned in investigations which it is desirable should be examined in the CID Office but which cannot be conveniently sent there. Negatives should be not smaller than quarter plate no larger than full plate. When negatives are sent by post, they should be carefully packed in soft paper and enclosed in a wooden box.

(b) (i) of persons who are convicted of offences falling under Chapter XII or XVII of the Indian Penal Code and punishable with rigorous imprisonment for a term of one year or upwards and who are believed to be habitual criminals.

(ii) When their photographs are necessary for purposes of Investigation and under the orders of First Class Magistrates, of any person.

(iii) of foreigners when convicted for offences punishable with rigorous imprisonment for a term of one year or upwards under the Indian Penal Code: and

(iv) Of all prisoners who are classified by Superintendent of Prison on their own, as dangerous prisoners or dangerous escapee or whom the investigating Police so indicate to the Superintendent of Prison and in respect of whom the Superintendent of Police of a district receives a requisition from the Superintendent of a Prison located in his district to photograph the prisoner.

*(G.O. Ms. No. 259, Home, dated 28th January 1972).*

(v) Photographing a prisoner in a prison shall be done by a prison officer or a police photographer on the requisition of the Superintendent of Prison.

*(Rule 6 (b) of Tamil Nadu Identification of Prisoners Rules, 2007)*

NOTE (l) For photographing as above, Superintendents of Prisons will normally request the Superintendent of Police of the district where the prison is located.

(2) The photographs will be taken by the Police Photographer and the photographs will be handed over under an acknowledgement to the Superintendent of Prison who requisitioned the photographing.

(3) When any dangerous prisoner has before committed to a Prison, shown any tendency to escape and who by the nature of his offence would prove dangerous to the community, the officer in-charge of the investigation should make a point of intimating the Superintendent of the Prison concerned, through the escort Constable that such a prisoner is a potentially dangerous escapee or a dangerous prisoner and that it would be advisable for his photograph to be taken.

(4) The dress to be worn by a person when being photographed by the Police should be his ordinarily every day attire, provided that a professional impersonator may also be photographed in such costumes as he has adopted for the purpose for such impersonation.

*(Rule 6 (b) of Tamil Nadu Identification of Prisoners Rules, 2007)*

(5) In the case of persons whose History Sheets are on record or, are proposed to be recorded in the National Crime Records Bureau, one set of the photographs shall be kept in the office of the District Superintendent of Police or Commissioner of Police concerned and one set shall be sent to the National Crime Records Bureau.

*(Rule 7(c) of the Tamil Nadu Identification of Prisoners Rules, 2007)*

## **822 (A)- Photographs--Periodical enumeration ---**

All photographs will be examined annually and in the absence of special reasons to the contrary, those enumerated below withdrawn from record;

*(G. O. Ms. No. 548, Public, (Police) dated 20th December 1933)*

(i) In the case of a person who is a professional prisoner, not a forger, coiner, arms smuggler, Auto thieves, Idol and Curio thieves or a habitual offender notified under the Tamil Nadu Restriction of Habitual Offenders Act, 1948, on his attaining the age of 80 years or death, whichever is earlier ; and

(ii) In case of any other person

(a) If he has not more than two convictions in his native district (not having been convicted outside his native district) and has not, subsequent to his conviction or last conviction, as the case may be, been suspected of crime or

convicted, on the expiry of ten years from the date of his release or last release from Prison as the case may be, or

(b) If he has been convicted outside his native district or has more than two convictions in his native district and has not, subsequent to his conviction or last conviction, as the case may be, been suspected of crime or convicted, on the expiry of 15 years from the date of his release or last release from prison, as the case may be; or

(c) on his attaining the age of 80 years, or

(d) on his death whichever is earlier.

(*Rule 9 of Tamil Nadu Identification of Prisoners Rules, 2007*)

**(B) DUTIES & RESPONSIBILITIES OF POLICE PHOTOGRAPHERS:-**

The following shall be the general duties of Police Photographers attached to various wings of the department:

- 1) Covering all types of Scene of Crime (Homicide, Suicide, Arson, Accident, Hit and Run, House Breaking etc.)
- 2) Coverage of Law and Order Problem, Political Party Agitation, Road Roko, Hunger Fast, Rail Roko, Demonstration, Public Meetings and Processions.
- 3) Criminals Photographs.
- 4) All type of Finger Print Cases.
- 5) Exhumation cases and highly decomposed dead body, spot post-mortem.
- 6) All types of explosives cases.
- 7) Railway Police Cases.
- 8) SB CID-Confidential Work.
- 9) All types of Q Branch work.
- 10) Special Division and OCIU work.
- 11) CB CID, EOW, IDOL WING, CCIW, Cyber Crime, State Police Duty Meet works.
- 12) V&AC work.
- 13) Post Mortem of sensational cases.
- 14) Death in custody cases.
- 15) All types of documents- Police and Civil cases.
- 16) Prohibition Raid conducted by PE Wing.
- 17) All General Election Duty.

- 18) VVIP, VIP CONVOY and Bandobust duty.
- 19) Important Communal Functions and All important Religious Festivals.
- 20) Police Officers' photography training.
- 21) Maoist and Naxalite combing operation duties.
- 22) All Coastal Security combing operation duties.
- 23) All Government and Police Functions.
- 24) TNCF-various trainings, QRT Jungle, BDDS basic commando, rescue operations by SDRF team, Bomb Disposal, Firing Competitions, mock drill along with NSG etc.
- 25) To give evidence in Courts.
- 26) Any other duty assigned by superior officers from time to time.

## PART VII

### **POLICE SYSTEMS IN TOWNS OTHER THAN COMMISSIONERATES CHAPTER XLVII.**

#### **POLICE IN SELECT MOFUSSIL CITIES — DUTIES OF AND PROCEDURE IN CASES, ETC.**

##### **823. Organization of the Police in certain cities.--**

(a) Special Police Organizations are provided in certain cities. The orders in this part dealt with points peculiar to those organizations. In matters not specifically dealt with in this part, the general orders in other paras should be applied in so far as they are not inconsistent with these special orders.

(b) There are three types of Police Stations, as follows:

(i) Police Stations with a single Sub-Inspector who is the SHO.

(ii) Police Stations where there are more than one Sub-Inspector with functional division of work where the law and order Sub-Inspector who happens to be the senior most will be the SHO.

(iii) Police Stations with Police Inspectors as SHOs.

*[Model Police Manual & G.O.Ms.No.72, Home (Pol.XV), Dated: 28.01.2009]*

**(c) Classification of Police Stations –**

P O S T						
Type of PS	Inspector	SI	HC	Grade I	Grade II	Total

	L&O Cr.					
Heavy	1 1	3 2	6 2	7 3	37 18	80
Medium	1 --	2 1	4 1	4 1	23 13	50
Light	-- --	1 1	1 1	3 1	15 7	30
Metro I	1 1	9 3	10 2	25 10	45 14	120
Metro II	1 1	7 2	10 2	18 6	40 13	100

- G.O.Ms.No. 59, Home (Pol.14) Department, Dated: 21.01.2011

(d) **General Allocation of duties (Police Stations):-**

Work that should be taken up by Law & Order Wing, if investigation is completely entrusted to a separate Investigation Wing:

Law & Order work	Investigation work
<p>a) Sentry Duty</p> <p>b) Safe custody of Lock up</p> <p>c) Petition enquiry</p> <p>d) Enforcement of special and local laws and the subsequent investigation and court work</p> <p>e) Collection of intelligence on law &amp; order issues.</p> <p>f) Maintenance of weapons, VHF sets, vehicles and other station properties.</p> <p>g) Maintenance of Law &amp; Order- agitations/demonstrations, religious festivals/processions, public meetings/processions, VIP visits, etc.</p>	<p>A) Bodily Offences Investigation: All accident cases All bodily offences including crimes against women.</p> <p>B) Property Offences Investigation: All offences relating to properties- Thefts, burglaries, violent offences (Robberies, dacoities, murders for gain) and white-collar offences, such as misappropriation, cheating, forgery etc.</p>

(e) **Allocation of specific duties for Police Stations:**

Law & Order Wing	Investigation Wing
a) Sentry	A) Bodily Offences Investigation:
b) Reception	
c) VHF	a) Scriptory work
d) Writer/Scriptory work	b) Escort
e) Night beat	c) Court duty

f) Day Beat	d) Process duty
g) Prisoners Escort	e) Computer
h) Court Duty	f) Collection of Wound/PM/MVI certificates
i) Process Duty	g) Assistance to the IOs
j) Computer	
k) Collection of Intelligence	B) Property Offences Investigation:
l) Agitations, political meetings /processions, temple festivals, VIP visits, to meet emergencies in unforeseen situations and standby	a) Escort PCs.
m) Petition Enquiry	b) Court Duty
n) Interrogation	c) Process duty
o) Drivers	d) Computer
p) Assistance to the IOs	e) Bad character verification/surveillance.
	f) Interrogation
	g) Assistance to IOs

- *Letter No.A1/1769/IGP-NZ/2007, dated: 29.05.2008 based on recommendations of the Committee of IGP held in C.O. on 25.05.2008*

### **Opening of New Police Station/Out Post – Instructions.**

- i) Proposals for sanction of new Police Stations, bifurcation of existing Police Stations, Creation of Circles, Sub Division, redefining of jurisdiction, annexing Police Stations from one Sub-Division to another etc. should be sent through the Commissioners of Police/Zonal Inspectors General of Police/Range Deputy Inspectors General of Police concerned, who should record their views.
- ii) Latest Crime Statistics for the past five years and revised expenditure statement with reference to revised scales of pay etc., should be sent to the Director General of Police for consideration.
- iii) The following check list should be adopted to send a full-fledged proposal:

### **CHECK LISTS: A. FOR OPENING NEW POLICE STATION:**

1. Location and Name of the present Police Station under which the proposed Police Station lies.
2. Recommendation of the District Local Committee comprising of District Collector, Chief Judicial Magistrate and District Superintendent of Police.

3. Type of Police Station proposed.
4. Area covered by the Police Station
5. Populations coming under the proposed Police Station.
6. Distance between the existing Police Station and proposed Police Station.
7. Crime statistics during the last five years.
8. Draft Notification defining Police station and the Proposed Police Station (format enclosed)
9. Map showing the jurisdiction of existing Police Station and the Proposed Police Station.
10. Recurring and Non-Recurring expenditure with latest cost and without any omission.
11. Availability of Building.
12. Special reasons if any to justify the proposal.

**B. FOR CREATING ADDITIONAL ARMED RESERVE PLATOON:**

- i) Manpower required with infrastructure.
- ii) Recurring and Non-Recurring Expenditure.
- iii) Reasons in greater detail justifying the proposal.

For augmenting strength, as in B above.

For formation of Circle/Sub- Division/District, as in A above, except items No.3, 4, 5 & 6.

- i) Sub-Divisional set up (Names of Police Stations under each Sub-Division).

For change of jurisdiction:

As in A above except items No. 3, 4, 6 & 11

For annexing Police Station from one Sub-Division to another Sub-Division:

- i) As in A, except item Nos.3, 4, 5, 6, 9, 10 & 11.
- ii) Police Station Map
- iii) Jurisdiction map of both present Sub-Division and the Sub-Division to which it is proposed to be annexed.

Upgradation of Out-Post:

- i) As in A, except item No.11
  - ii) Present strength and infrastructure available in the existing Out-Post.

#### **Formation of Special Unit:**

As in B above.

## DRAFT NOTIFICATION: (English version)

In exercise of powers conferred by clause (s) of section 2 of Code of Criminal Procedure, 1973 ( Central Act 2 of 1974), the Governor of Tamil Nadu hereby declares that with effect from..... the mother villages specified in column 3 of the Schedule below shall cease to form part of the old Police Station specified in column 2 and shall form part of the new Police Station specified in column 4 thereof.

## SCHEDULE:

District	Police Station in which at present attached	Name/s of the mother villages/hamlets	Police station to which hereafter to be attached	Revenue	Judicial
(1)	(2)	(3)	(4)	(5)	(6)

**COMPARATIVE STATEMENT OF PROPERTY CRIMES FOR 5 YEARS  
FROM.....**

HEAD	YEAR I	II	III	IV	V
Murder for Gain					
Dacoity					
Robbery					
Burglary by day					
By Night					
Major Theft					
Cattle Theft					
Minor Theft					
Total					

Percentage of detection					
Value of property lost in Rs.					
Value of property recovered in Rs.					
Percentage of recovery					

#### VIEWS OF THE DISTRICT LOCAL COMMITTEE:

SUBJECT	Chief Judl. Magistrate	District Magistrate	District SP/COP	Approval of the District Collector
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- *DGP's circular No. 63324/RA II(1)/2005, dated: 19.04.2005*

**824. Divisional Officer-** The Police Force in city works directly under a Divisional Officer subject to the control of the Superintendent. It is divided into two main branches viz., (a) the law and order branch which includes the traffic section and (b) the Crime Branch. Each branch is in the direct executive charge of an Inspector. The traffic section will be in the direct charge of an Inspector (Armed Reserve) where there is one.

#### **825. Divisional Officer-His duties, etc. ---**

(1) Order No. 145 defines in general terms, the duties of a Divisional Officer appointed to a special city organization is, under the Superintendent, in direct executive charge of that organization and responsible for the executive performance and supervision of all work and police duty in the city. He will keep in the closest touch with the District Magistrate or Additional District Magistrate as the case may be, and the Superintendent and consult them on all matters of importance. He will be responsible for seeing that there is complete co-operation between all branches and sections of his charge.

(2) He will visit the Law and Order and Crime stations frequently and leave written instructions on all important matters. He will attend his office on all working days, receive petitions and interview visitors. He will personally investigate crimes and take over the direction and co-ordination work in reference to all outbreaks or series of crimes. He will interview investigating officers and the Special Branch Inspector and maintain close control over crime and Special Branch work in the City. He will arrange to get telephonic information in all cases and matters of importance and take suitable steps promptly. He will also keep in close touch with the Town

Magistrates and the leading officials and non officials of the City. He will himself check traffic points and outdoor duties frequently and will be responsible, that such duties are properly deputed and performed.

**826. Duties of the Law and Order Inspector —The Law and Order Inspector will** supervise all the work of his branch and maintain discipline among his subordinates. He will personally hold drill parades and kit inspection and will frequently supervise instruction classes. He will check night beats at least once a week and will move about in the city, morning and evening. He shall visit each Law and Order Station frequently, noting the time of arrival and departure in the Remarks Book and recording any instructions called far. He will visit the crime Station, the Central Crime Station and the Records Section frequently and will meet and maintain co-operation with the Crime Branch staff and the detective staff. He will make all police arrangements for important occasions. He will give the earliest possible information by Telephone, all important or sensational happening to the Divisional Officer. He will be responsible for acquiring an intimate knowledge of the discovery element of the city population and for taking necessary action with a view to their control by the use of Section 106, 107 or 110 Criminal Procedure Code.

### **827. Law and Order Sub-inspectors—Their Duties, etc. ---**

The Law and Order Sub-Inspectors will be in direct charge of the Law and Order Station, to which they are posted and will be responsible for the running of those Stations.

(2) They will record in the Station General Diary, details of work done by them, as it is done and all important matters which come under their personal notice. The originals of these diaries will be submitted daily to the Divisional Officer through the Inspector.

### **828. Detective Staff in Law and Order Station --**

The Detective Staff attached to each Law and Order Station should investigate in to the offences mentioned in P.S.O. 843(1) and check and keep track of local criminals and report on them and make local enquiries, as may be necessary or as they may be ordered to make, The Detective Sub-Inspector in charge of the Staff, will maintain a separate diary, which will be forwarded to the Crime Branch Inspector. He will also supervise the work and have disciplinary control over men under his charge.

(2) The Detective Staff in Law and Order Stations will work under the direct supervision of the Detective Inspector or the Crime Branch Inspector as the case may be.

## **829. Station General Diary ----**

The Station General Diary will be in the charge of the Sub-Inspector. All reports of non-cognizable case, accidents other than traffic reports, and all other occurrences not relating to traffic or crime shall be entered therein. In the absence of the Sub-Inspector, this will be in the charge of the person to whom the charge is made over by the Sub-Inspector.

## **830. Patrols and Rounds —**

(1) In each Law and Order Station there will be a minimum of three sections of Constables (A, B and C), each under a Head Constable, for section duty by day and night. Where an additional section of Constables is provided, its actual effective strength for duty, at a time, will be six men and these men will be distributed, two to each relief, to reinforce the section on duty.

(2) (a) Six men of each section will be on duty at a time, each day, one man of each section proceeding on off duty for a clear day off duty, his place being filled by the man returning that day from a similar day off. A man relieved for his weekly day off will proceed on off duty after the last spell of duty on which his section is engaged on the day of his relief and will return to his section for his first spell of duty on the third day.

(b) (i) The men of an additional section distributed for duty with the three main sections will be relieved for their weekly days off from the Sections concerned in rotation, one man at a time. The men so relieved from 'B' section duty on the first day will rejoin 'C' section duty on the third day and so on. The Station-House Officer of each station will draw up in advance, a list of Head Constables and Police Constables showing on which day of the following week each is allotted his off-duty and paste it on the Notice Board every Friday. This will be liable to alteration, should it be found later that a particular Constable or Police Constable is required for a particular duty e.g., to attend Court on his off-duty day. That Head Constable or Police Constable will then have his day off duty altered to the day preceding or the day following his allotted day, Head Constable or Police Constable due for off duty that day being interchanged.

*(G.O. Ms No. 1272, Home, dated 13th May 1958)*

(ii) No one on his off-duty may leave his headquarters without permission.

(iii) If, in the public interest, any Head Constable or Police Constable is not given a day off-duty in any week, he shall be granted remuneration for the extra time duty at the rate prescribed from time to time. Each Station House Officer will maintain a list of Head Constables and Police Constables who are eligible to draw this extra-time remuneration with full details as to the circumstances in which off-duty days could not be allowed. A copy of these entries should be sent to the District Police Office once in a month when such claims are preferred.

(iv) A Head Constable or Constable having had a day's leave during a calendar week, shall not be eligible for a day off-duty during the remainder of the week.

(3) The day for purposes of duty shall run from 7 a.m. to 7 a.m., the following day, the 24 hours being divided into five relief's -- four of these consisting of four hours each and one of eight hours.

(4) (a) The following table shows the cycle of section duties and the rotation of reliefs. The table covers four days of duty: --

Reliefs and hours.

Reliefs and hours (1)	Sections on duty for four days (2)			
	A	B	C	A
First 7 a.m. to 11. a.m.	A	B	C	A
Second 11 a.m. to 3 p.m.	B	C	A	B
Third 3 p.m. to 7 p.m.	A	B	C	A
Fourth 7 p.m. to 11 p.m.	B	C	A	B
Fifth 11 p.m. to 7 a.m.	C	A	B	C

(b) The indicence of a Constable's duty for a period of three days will thus be as follows:

First day. — Beat duty from 7 a.m. to 11 a.m. and from 3 p.m. to 7 a.m. - 8 hours.

Second day. — Night patrol from 11 p.m. to 7 a.m. — 8 hours.

Third day.--Beat duty from 11 a.m. to 3 p.m and from 7 p.m. to 11 p.m. — 8 hours.

(5) (a) Arrangements will be made to relieve the men on duty from 7 p.m. to 11 p.m. as far as possible in batches for half an hour for their evening meals. Ordinarily the actual period of night patrol of the fifth relief should be only from 12 midnight to 5 a.m. But the hours of patrol may be varied subject to the period of five hours of actual patrol duty not being exceeded.

(b) Night patrols will be so arranged by the Sub- inspectors as effectively to guard all main routes and junctions, which criminals must pass in coming and going. At important junctions, pickets in points of vantage and concealment will be substituted for patrols. The extent of the limits of each patrol should be restricted to ensure that men on duty can spot checking officers passing through their areas quickly and with certainty. They will be held responsible for doing so.

(6) The Section officers will march out their men so as to reach their patrol area or post at the time appointed by the Sub-Inspector and satisfy themselves that the instructions noted in their beat tickets are understood by the men. They will thereafter check the men on duty at suitable intervals.

### **831. Duties of Station Writer-General Duty and Section Head Constables**

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A Station Writer Head Constable and a general duty Head Constable will be permanently attached to each Law and Order Station and removed only on the order of the Divisional Officer. The Station Writer Head Constable will be present in the Station from 7 a.m. to 11 a.m. and from 4 p.m. to 8 p.m. or such extra time as may be necessary to complete the work on hand. He will attend to all telephone calls while in the Station, the telephone being placed on his table. The general duty Head Constable is the Sub-Inspector's assistant. He will be continuously on duty except in so far as he is allowed off by the officer in charge of the Station for the time being. He will be the officer in charge of the Station in the Sub-Inspector's absence, responsible for the general running and for the efficient performance of Station work.

(2) The Station Head Constables will work with the Sections and the Law and Order Inspector will arrange for each of them to be relieved for a day off duty after six days duty. The Station Head Constable will be responsible for the efficient patrol of his Station limits during the hours of duty of his Section, for seeing that regular checks on rowdies are made, that the areas where nuisances are prevalent are patrolled during the hours when nuisances committed and that rowdy characters are kept under control. Complaints of a petty nature should be referred to the Section Head Constable by the Sub-Inspector or the Station Writer promptly and it will be his duty to attend to them promptly. He will arrange for the performance of such other duties as may be allotted to him by his Sub-Inspector or officer in charge of the Station. Matters connected with the work of his Section will be recorded by him in the Section General Diary. Copies of Section General Diaries will be sent up daily through the Inspector as with the other Station diaries. When he leaves the Station he will nominate, under record, a senior Constable to be in charge of the Section and to maintain the Section General Diary,

### **832. Emergency mobilization of the Law and Order Police ---**

In times of emergency when it may prove necessary to mobilize an emergency force of the Law and Order Police, orders will be issued to stop weekly day off in all Stations or in any Station and the emergency force so mobilized, will be assembled and maintained on duty where its services may be required, for such period, as may prove necessary. To mobilize a larger force, additional Section may be withdrawn from Stations to which they may be attached.

### **833. General Diaries --**

There will be two Law and Order General Diaries in each Station, viz., the Station General Diary and the Section General Diary to be written up by the Head Constables in charge of the Section on duty from time to time. The Law and Order Sub-Inspector will close the two diaries daily at 7a.m, and submit them to the Law and Order Inspector. The Law and Order Inspector will forward all diaries to the Divisional Officer.

### **834. Sub-Inspectors' Instructions to Section Officers --**

Daily instructions to Section Officers will be recorded by the Sub Inspector or the Officer in charge of the Station in the Section General Diary regarding all such matters as required particular attention. Those instructions will deal with--

- (1) The notorious rowdies who are required to be looked up and the times when they should be checked.
- (2) Localities where nuisances are committed or which are liable to be obstructions and the times at which they specially require attention.
- (3) Reports of missing children.
- (4) Notices of cases requiring the interest or vigilance of Section men.
- (5) Particular localities to be specially visited for prevention of mischief or other crime.
- (6) Localities in which street gambling is likely to go on.
- (7) Areas in which there is menace of stray cattle.

### **835. Section Officer's Instructions --**

(1) Section officers will, as they come on duty, make a point of perusing the orders and the instructions recorded in the Section General Diary and the Telephone Message Book for their information and guidance, noting their having done so.

(2) The Section Officers shall detail and utilize the men available for duty to carry the instructions issued. They shall, when sending out their men, issue orders in their beat tickets, detailing the specific work required to be done, making a note in the Section Diary on their leaving and on their return.

(3) Section Constables sent out to attend to obstruction or nuisances in particular localities or any other work, may be instructed if they find no obstruction or nuisance, etc., or when they have done the work allotted in the places to which they were sent, to patrol through them smartly and return at once to the Station to be in awaiting or to be sent out to other places. Constables without specific work are not to loiter about the streets.

(4) Section Constables, when not employed on any patrol, shall remain in the Station, when they will receive instructions from the Section Head Constables in catechism, Police orders and the contents of the Crime and Occurrence Sheet. Special attention shall be paid to recruits and Constables new to the Station.

(5) Constables will note in their tickets, the time of their departure, from and return to the Station, giving reference to their note books for details of work done, which they will hand over to their Section Officer on return to the Station. The object of these work tickets is chiefly to serve as a ready reference by the men themselves as to the particular work they have to perform at a particular time, and also to assist officers, while out on Sections, in ascertaining on which duty the Constables have been deputed. Any shortcoming noticed by the officers should be noted in their tickets. On the return of Constables to the Station, it is the duty of the Section Head Constables to receive from the Constables, their tickets and note books and to see that these are properly written up, and ensure that the tasks allotted to them have been duly performed.

### **836. Night Rounds by Officers ---**

Checking of night duties will be divided among the Inspector and Sub-Inspectors of the Law and Order Branch, one officer being on checking each night in turn. A roster of checking will be prepared weekly for the ensuing week. Checking officers will visit all guards and Police posts within the area and sign the Sentry Relief Books. They will report the number of prisoners, if any, found in Police lock-ups.

### **837. Tappal orderlies and Process-servers ---**

Tappal orderlies and process servers attached to stations will report at the Station for the duty at 7 a.m. daily and wait there till they get their instructions for the day. They will leave the Station for meals or for relaxation only with the permission of the officer in charge of the Station, to be recorded in the Station General Diary. Their deputation on duty from the Station and their return to the Station from such duty will be recorded in the station General Diary.

### **838. Enquiries under Section 174 Criminal Procedure Code ---**

Enquiries under Section 174, Criminal Procedure Code, will be held by the Law and Order Inspector in all important cases, and as far as possible in other instances. When they relate to cases in charge of the Crime Branch or the Detective staff, the evidence will be presented by the Crime Branch Officers or the Detective staff in charge of the investigation.

### **839. Crime Abstracts ---**

Each Law and Order Station will maintain Crime Abstracts for the entire crime registered in the Station and handled by both the Law and Order and the Detective Staff, while the Central Crime Station will maintain separate abstract in respect of the crimes actually handled by them.

### **840. Traffic Section ---**

The Traffic Section will be generally under the direct control of law and order Inspector, but will be under the direct charge of an Inspector (Armed Reserve) where there is one. It will be divided into group centers, to each of which, a definite jurisdiction will be allotted. The staff' of each group centre will be under the direct executive charge of a Sub-Inspector (Armed Reserve) or a Sub-Inspector, responsible for the performance of all duties within his area and the maintenance of the records connected therewith. Definite sectional areas within group centers will be allotted to Traffic Section Head Constable. The Traffic Section will work in accordance with cycles of duty to be fixed having reference to local conditions. In each group centre, a General Diary and a Duty Roster in Form No. 104 will be maintained. Investigations of minor traffic cases, where investigations are necessary will, when a Sub-Inspector is in charge of a traffic group centre, be conducted by him. When a Sub-Inspector (Armed Reserve) is in charge, they will be conducted by him. The Law and Order Inspector will investigate important or complicated traffic cases personally.

### **841. Checking of the Traffic Police by Law and Order Sub-Inspectors/Sub-Inspectors (Armed Reserve) ---**

The Law and Order Sub-Inspectors will exercise the same degree of check over the work of the Traffic Police Staff working in their jurisdiction as they do over the Law and Order Police and note in the Traffic General Diary all defects and irregularities. In places where there are Sub-Inspectors (Armed Reserve) exclusively for Traffic duties, they will supervise the work of the Traffic Police Staff.

**842. Crime Branch** — The Crime Branch Inspector will be in direct charge of the Central Crime Station and in places where no separate Detective Inspector has been provided, he will also be in charge of the detective staff attached to the Law and Order stations. When he leaves the station, he will hand over to the senior Sub-Inspector present under record in the station general diary. Except as deputed for duty from time to time or allowed off meals or relaxation or rest under orders of the officer in charge of the station, recorded in the station general diary, all officers of the general crime station staff will always be on duty at the station.

**843. Investigation of cases --** (1) The detective staff attached to law and order station will be responsible for the investigation of all penal code crime, other than purely petty crime occurring in the city or security cases relating to habituals, and of such specially complicated offences under special or local laws as may be referred to it by the Superintendent or the Divisional Officer for investigation. Purely petty Penal Code crime, including petty by local or causal offenders and cases of hurt or grievous hurt in which the injuries are known to be of a minor character, will be handled by the Law and Order Police.

(2) The Central Crime Station will take up investigation of all important cases, cases which involve prolonged investigation over areas and property offences which form a series, and any other case that may be allotted by the Divisional Officer or the Superintendent of Police.

(3) One First Information Book will be maintained in each of the Law and Order and the Central Crime Station. The first information in all cases reported at any station, whether Law and Order or Crime Branch, will be immediately recorded in the Station where the crime is reported. First information brought to Law and Order Stations will be at once reported by telephone to the Central Crime Station. All information in the First Information Book maintained by the Crime Branch will be recorded whether reported direct to the Crime Branch or transmitted from one or other of the Law and Order Stations. All Crime Branch cases will show two numbers namely, that of the Law and Order Station in whose limits the crime occurred and that of the Crime Branch.

(4) All Stations records connected with crimes investigated by the Crime Branch or the Detective Staff will be maintained by the Crime Branch or the Detective Staff respectively and orders will be issued by the Divisional Officer fixing responsibility for the maintenance and posting up of these records. The entire Crime Branch staff will be continuously on duty, except during periods they are allowed off duty under record for meals or relaxation.

(5) Duplicate boards to be kept on the Slot and Spill or other convenient system will be maintained in the Central Crime Station. One board will show (a) the Officers, Head Constables and men in waiting in their order for duty (b) the officers allowed out off duty, with the date and hour when each is due back for duty and (c) the officers actually on outdoor duty with the crime numbers of the cases on which they are engaged and dates and hours fixed for submission of their reports. The second board will be a case board, which will exhibit cases pending investigation or trial under three heads, namely, current investigation cases, cases in which preparation of final reports has been ordered and cases pending trial. In regard to all these heads, the board will show the Officer in charge and the date and hour at which his next or

final report, as the case may be, is due. The Officers deputed for duty themselves will be responsible for altering and fixing the spills on the spill board, while the officer for the time being in charge of the Central Crime Station will post the case board in accordance with the orders and instructions issued from time to time. Officers and men in waiting, will proceed on duty only under the orders of the officer in charge of the Station, who will fix, on the spills concerned, a date and hour for each officer or man to return to waiting duty.

#### **844. Action by Crime Branch Officer ---**

The officer in charge of the Central Crime Station for the time being, will receive and record reports of cases by phone and will see to the recording of First Information in cases reported direct. He will, when a case is reported, promptly depute the Sub Inspector in waiting with the necessary assistance. In important cases, the Inspector himself may proceed to take-up the investigation, handing over to the next senior officer present. Crime Branch Officers deputed on case investigation will pick up the concerned First Information Reports at the Station record EN ROUTE to the scene of crime.

#### **845. Detective Staff — Check by Crime Branch Inspector --**

(1) The Crime Branch Inspector will visit Law and Order Stations frequently to check the work of the Detective Staff located there.

(2) Constant communication will be maintained by telephone and by reports and by personal contact between the Central Crime Station and its Detective Staff in law and order Stations. They will keep day to day check over known depredator and habitual offenders and will attend to all the work allotted to them and submit all reports required of them by the Crime Branch Inspector. All surveillance work and enquiries for absconding offenders should be attended by these detachments. Each detachment will make a routine report by telephone, daily each morning to the Central Crime Station dealing with the presence or absence and doing of bad characters and any other matters of importance within the Law and Order Station to which they are attached.

*(G.O. Ms. No. 2968, Home, 21st August 1965.)*

#### **846. Night duty in Central Crime Station ---**

It will be arranged as far as possible that from 9 p.m. to 7 a.m. there will be one Sub Inspector on duty in the Central Crime Station. When information received during the night demands the immediate presence of other officers, they should be summoned.

#### **847. Central Crime Station — Station Writer --**

A Head Constable will be deputed as Station Writer and he may be given a Constable as Assistant.

#### **848. Telephone Messages --**

When the telephone is used for the transmission of messages between Station and Station, the officer sending the message and the officer receiving it respectively will personally make a record of the message and the time at which it was sent and received. They will also record the name of the officer with whom they conversed. When the information conveyed by telephone is important, it will be recorded in the Station general diaries.

#### **849. Cases -- Publication to Crime and Occurrence Sheets:**

(1) On the day they register the case, Investigating Officers of all branches will report to the Record Section for publication in the Crime and occurrence Sheet, the following particulars of each case against property : --

- (a) Section of law and modus operandi.
- (b) Locality.
- (c) Station and Crime Number.
- (d) Date of occurrence, reporting and registration.
- (e) Brief particulars including place of occurrence and details of modus operandi.
- (f) As full and complete a list of the lost property as far possible, omitting nothing (it is for the Record Section to decide which items to publish and index; and investigation officers should not omit unidentifiable items, as they may be helpful in conjunction with other information available in Record Section).
- (g) As full a description of the accused as possible.

(2) Each morning with their reports about new cases for publication, Central Crime Station and the Detective Staff Investigation Officers will send to the Record Section a précis of the important information obtained in their previous day's investigations in pursuance of which further action can usefully be taken by the Record Section. The Record Section will publish this in the sheet under Caption "Old cases —Action required in Stations" and local Sub Inspectors will immediately act and report thereon. Information requiring urgent attention will also be telephoned to the Stations concerned in anticipation of publication.

## **850. Express Telephonic Report of important case and occurrences**

The Central Crime Station will report at once by telephone to the Divisional Officer, information of reports of grave or sensational or important crimes and occurrences. Similar express reports by telephone must be sent by local Stations to the Divisional Officer about charges of torture or other serious misconduct against Police Officers.

## **851. The Record Section:**

(a) The Record Section of the Crime Branch will, for the area of the City, perform all the functions and duties allotted to Crime Records Bureau in Chapter XXX of these orders. The Sub Inspector in charge of it will be directly responsible for all its work. It will keep in the closest touch and work in co-operation with the Crime Records Bureau. Its records and indices will cover at the City, Crime of a professional type, and the cases of all professional criminals, ex -convicts and suspects who are known to be or who might be active within the City. It will also maintain for the whole City area, a set of records corresponding in effect, a Station Crime History and to a Part III and General Conviction Register; and it will keep all the prescribed habitual offender's records. Its General Information files will be very-much more detailed than the General Information files maintained by the Crime Records Bureau. The Sub Inspector in charge of it will be directly responsible for keeping control of day to day surveillance in all its branches, and for the completeness of all criminal records.

(b) It will be open between 8 a.m. and 6 p.m. daily. If there are any urgent messages to communicate by telephone outside these hours, the main Central Crime Station telephone should be used.

(c) It will be subjected to the inspection of the Deputy Inspector General of Police, (Crime, C.I.D.,) and will conform to his general instructions. It will keep in close and constant communication with the local Railway Police staff.

## **852. Pending warrants and 'A' Lists:**

(1) When a person for whom a warrant has been issued is absconding and there is no immediate prospect of his arrest, the Case Diary file and warrant will be sent to the Records Section of the Crime Branch and action under section 82 and 83 Criminal Procedure Code will be instituted by the investigating officer concerned. The Record Section thereon will include the warrant in their pending warrant case file, and publish the warrantee in the 'A' list. It will thereafter be responsible for seeing that all necessary and practicable enquiries to trace the warrantee are made.

(2) It will publish a monthly 'A' List (list of absconding warrantees) and 'B' list (list of absconding warrantees arrested or no longer wanted) and annual

consolidated ‘A’ and ‘B’ lists as soon as possible after January each year. It will also publish monthly and annual lists of out of view active criminals. Alterations to these lists will be published in the daily Crime and occurrence Sheet and all Stations and officers will correct their lists therefrom. The names of all persons published in the lists of other jurisdictions, who are likely to come to the City will be included in these lists.

#### **853. Matter for publication in the Crime and Occurrence Sheet:**

Law and Order Stations and the Detective Staff will at once report to the Record Section for publication, all information they may get about missing children, lost property and so on. Information must also be sent to the Record Sections as soon as persons or property reported lost, whether in cases or otherwise, are found or absconding accused or out of view registered criminals are arrested or lost traced, so that the ‘property’ the ‘wanted’ and other indices and records can be kept up to date.

#### **854. Bad Character Rolls -- Forms ‘A’ and ‘B’:**

The Record Section will deal with Bad Character Rolls, Forms ‘A’ and ‘B’. But Bad Character Rolls and other correspondence from the moffussil to the City about criminals should be addressed to the Central Crime Station. Such communications received elsewhere or by Law and Order Stations should be sent forthwith to the Record Section for disposal.

#### **855. Extracts from Case Diaries for permanent record:**

The Record Section will go through all Case Diaries and Extract material useful for permanent record in Histories, General Information files and indices.

#### **856. Further general instructions adopted to local requirements:**

Subject to the orders in this Chapter, subsidiary detailed instructions for the working of City Police Forces adopted to special local requirements may be issued by the Superintendents concerned with the approval of the Director General.

#### **857- Identification of best Police Stations – Parameters for grading:-**

a) The Performance Measurement Criteria for Police Stations as prescribed by Ministry of Home Affairs, Government of India has 19 different heads to assess the performance of the Police Stations in Part-A with a weightage of 80%. The 19 head and the sub-heads specified in the performance measurement criteria are enclosed.

The Part-A performance measurement criteria prescribes positive and negative marks in its scheme of assessment and the objective is to ensure high level of positive performance by all Police Stations and to take adequate precautionary and preventive measures to ensure

that Police Stations do not get any negative marks and conduct themselves in an exemplary manner.

The Part-B of the assessment has a weightage of 20% for (a) infrastructure of the Police Station and approachability of the personnel. This parameter comprises not only of the physical infrastructure like the Police Station building, the rooms, the amenities, the furniture and their overall upkeep and maintenance, but also the discipline of the Police personnel and their approachability for the public. b) Citizen Feedback.

b) Commissioners of Police in Cities and Superintendents of Police in Districts shall identify the top ranking Police Station in their respective jurisdictions on the basis of the parameters fixed.

All Range Dy.Inspectors General of Police and Zonal Inspectors General of Police shall scrutinize the assessment done by the District Superintendents of Police.

The Commissioner of Police, Greater Chennai Police is requested to identify one Police Station per zone (4) as top ranking Police Station for Chennai City.

Assessment report of the top ranking Police Stations in their respective Cities and Districts shall be sent to Chief Office in the prescribed formats in Part-A and Part-B.

## **PERFORMANCE MEASUREMENT SYSTEM.**

### **I. Introduction**

Performance measurement is an essential exercise in any organization for evaluation of standards of service delivery and identification of techniques of improvement. Almost all processes of measuring performance require use of statistical models to determine results. An absence of standard performance indicators of Police functioning, however, makes the task of performance evaluation extremely difficult.

It is a common complaint of Police personnel that performance assessment is not carried out in a fair manner. In order to remove subjectivity from performance measurement to the extent possible, it was decided to identify certain parameters under which the outputs are quantifiable and which are common to all units being assessed in terms of their duties. DGP, Rajasthan formed a committee of senior officers to devise a system for objective performance appraisal of the work of Police Stations, they being at the cutting edge level of police service delivery.

### **2. Main Features:**

The Committee submitted its report in January, 2014 and identified 14 parameters for evaluation and proposed a scoring matrix. The parameters broadly cover the following aspects of Policing:

a) Crime Prevention and proactive measures.

- b) Action against anti-social elements.
- c) Disposal of cases.
- d) Detection work
- e) Back-end work
- f) Community Policing
- g) Maintenance of Law & Order

A scoring matrix has been created with positive marks for specific performance and negative marks for under-performance in certain parameters. The prevailing scoring matrix is as per Annexure-A. Points scored under parameters affected by the size of Police Station are first normalized with IPC registration of the previous year, before adding points scored under other parameters, to generate a monthly score of the Police Station. A District and State level merit list is prepared based on the monthly scores of all Police Stations. Separate merit lists are generated for GRP and Mahila Police Stations, while Special Police Stations like SOG, Cyber Crime PS, Tourist PS are not included under the system.

SCRB, Rajasthan has developed a web-based Performance Measurement System for Police Stations on the existing web-portal of Rajasthan Police for effective monitoring by senior officers as per the proposed Performance Measurement criteria.

### **3. Functioning of Online Monitoring System**

In the existing design of the Police website, the Police Stations are required to make regular entries in the FIR form at the time of registration and at various stages during the course of investigation. Similarly, other modules exist for Wanted Persons (Standing Warrants/Proclaimed Offenders/Absconders). The following scheme is used for capturing data required for evaluation:

- 1) Data entry and updates in existing modules populate figures in performance evaluation tables and marks are given as per approved marking scheme.
- 2) New online data entry forms created for one-time monthly entry by Police Stations for remaining parameters.
- 3) Entries in the FIR/other forms on the Web Portal can be made at any time.
- 4) Entries for the previous month in the online forms specially created for the purpose of Performance Measurement can be made only during the first 5 days of every month. On the mid-night of the 5<sup>th</sup> day, the system reads the data entries/update levels in all forms and calculates marks based on the approved marking scheme.
- 5) Entries by supervisory officers:

- a) District SP/Range DIGs'/Zonal IGP's entry in the event of a Law & Order situation necessitating the visit of the concerned SP/DIG/IGP due to inefficient handling by the SHO of the Police Station concerned. This results in award of negative marks to the Police Station.
- b) Capturing number of suspensions/arrests in Anti-Corruption trap cases of Police personnel posted at a Police Station. This too attracts negative marks.
- c) Penalty of 50 points for false entry during review by Crime Branch.

In place since May, 2014, online performance evaluation is a monthly exercise. The score & rank of a particular Police Station in the District/State is deployed on its login dashboard. All Police Stations and higher offices can review the reports of any Police Station. A Police Station can compare its score with any other Police Station.

In October, 2014, the system was upgraded to generate merit list of Circle Offices and Districts also based on the scores of their respective Police Stations. For this purpose, provision was made for awarding points by supervisory officers in addition to the scores of Police Stations (details as per Annexure A)

#### 4. Way Forward.

Timely and correct entries by Police Stations and close supervision by higher ranks is of paramount importance in the successful implementation of the system. The key benefits can be summarized as under:

1. Evaluation parameters declared in advance
2. Target based and focused approach
3. Transparent system of evaluation
4. No scope of favouritism
5. Constant motivation to improve
6. Healthy competition
7. Priorities remain in focus continuously
8. Flexible marking pattern in accordance with priorities

The system is not rigid and is proposed to be modified based on future needs and feedback received from field officers. There is a thought regarding inclusion of Addl. DCPs/Addl. SPs and CP/Range IGP in the Performance Measurement System. New parameters for evaluation are required to be identified and included into the system while reviewing and improving upon the existing ones. It is desired to develop a mechanism to assess the performance of individuals based on PMS.

This is only an initial attempt at fair and transparent performance evaluation. It is expected that the system would hold align individual goals with organizational objectives ultimately leading to better service delivery to the citizens and other stakeholders.

#### Annexure A

##### Performance Measurement Criteria for Police Stations:

S.No	HEAD	SUB-HEAD	DESCRIPTION	POINTS
1	MINOR ACTS	(i) R.P.G.O	13.RPGO-Seizure below Rs.1000	1/10 pt.
			More than Rs.1000 up to Rs.5000 Seizure above 5000	¼ point 1 point
			¾ RPGO (Gaming House raid	2 points
		(ii) EXCISE ACT  (No marks if accd is not arrested)	16/54 RE Act Up to 20 ltrs  20 to 100 ltrs  More than 100 ltrs  19/54 up to 20 cartons  20–100 cartons  100-500 cartons  More than 500 cartons	1 point 2 points 3 points 2 points 3 points 5 points 8 points
		(iii) NDPS Act  (No marks if accd is not arrested)	Ganja up to 1 kg  More than 1 kg up to 5 kgs  More than 5 up to 10 kgs  More than 10 kgs	1 point 2 points 3 points 5 points
			CHARAS up to 1 kg  above 1 kg	3 points 5 points
			Opium up to 1 kg  More than 1 up to 5 kgs  More than 5 kgs	2 points 3 points 5 points
			SMACK/BROWN SUGAR/HEROINE up to 100 grms  More than 100-up to 500	2 points 3 points

			grms More than 500-up to 1 kg More than 1 kg	5 points 8 points
			POPPY STRAW up to 100 kgs More than 100 kgs up to 500 kgs More than 500 kgs	2 points 3 points 6 points
			Drugs (Chemical) per case	3 points
		iv) ARMS ACT (No marks if accd is not arrested)	4/25 Arms Act per case 3/25 Arms Act per case	½ point 3 points
		v) EXPLOSIVE ACT	Up to 5 kgs Above 5 kgs	2 points 3 points
		vi) OTHER ACTS (Other than SC ST POA, POCSO, Dowry (P) Act Domestic Violence Act, Electricity Act etc.	Case in which sentence is- below 3 years above 3 years	0 point 2 points
2	PREVENTIVE ACTIONS	110 Cr.PC 122 Cr.PC 151 Cr.PC NAS/PASA Goondas Act  MV ACT	For each case For each case For each individual For each individual detained For each individual against whom complaint has been submitted 0-10 Challans per month 11-20 challans 21-50 challans	2 point 4 points ½ point 8 points  4 points 0 points ½ point 1 point

		(185 MV ACT)	51-100 challans More than 100 challans per month	2 points 5 points
		60 POLICE ACT	Up to 10 istgasa 11-30 31-50 More than 50	0 point 1 point 2 points 3 points
3	EXECUTION	STANDING WARRANTS	Per Standing Warrant Execution	4 points
		ARREST WARRANTS	Per arrest Warrant Execution	1 point
		PROCLAIMED OFFENDERS	Arrest of each PO	5 points
		POINTS IN LIEU OF THE ABOVE THREE IF THE PERSON ARRESTED IS WANTED IN ANOTHER PS	Execution of each standing/arrest warrant or arrest of every PO	1.5 times the points assigned for the same category above
4	DISPOSAL OF OLD CASES (Part-1)	173 (8) Cr.PC	Disposal of each case Addition of new case	2 points -2 points
		299 Cr.PC	Disposal/Accusation of each person charge sheeted Addition of each person charge sheeted	5 points -5 points
5	CASES UNDER CASE OFFICER SCHEME	CONVICTION	Conviction 1-3 yrs each case 3-7 years each case more than 7 yrs each case Life imprisonment/Death each case Acquittal each case Removal of case from Case	2 points 5 points 8 points 12 points -5 points

			Officer Scheme for reason other than prolonged absence of accused  Note: No marks would be awarded if the case is taken up in the scheme after key prosecution witnesses were examined by Court	-5 points
6	LAW & ORDER		If SP has to attend L&O problem in PS area	-10 points
			If IGP has to attend L&O problem in PS area	-20 points
7	TRAP BY ACB		For each police person trapped	-50 points
8	SUSPENSION		for each police person suspended	-20 points
9	DISPOSAL OF OLD CASES (Part-2)	REOPENED CASE	Disposal is less than or equal to new arrivals  Disposal is more than new arrivals	0 points  2 points
10	CRIME AGAINST WOMEN	RAPE	Disposal of cases in 15 days- 100%  Disposal of cases in 15 days- 80% below 100%  Disposal in 15 days- 60 % below 80%  Disposal in 15 days below 60%	10 points  0 point  -5 points  -10 points
11	CRIME AGAINST WEAKER SECTIONS	CASES UNDER SC/ST (POA) ACT	Disposal of cases in 15 days- 100%  Disposal of cases in 15 days- 90% below 100%  Disposal in 15 days- 80 % below 90%	5 points  2 points  0 point

			Disposal in 15 days 60% below 80 %	-5 points
			Disposal in 15 days below 60%	-10 points
12	PROPERTY OFFENCES (Theft, Burglary, Robbery and Dacoity)	RECOVERY (up to end of month under consideration)	below 10%	-8 points
			above 10-25%	-5 points
			Above 25-40%	-3 points
			Above 40-50%	0 point
			Above 50-60%	3 points
			Above 60-70 %	4 points
			Above 70-80 %	5 points
			Above 80%	8 points
13	VERIFICATION	PASSPORT/ARM S/ SERVICE	Report sent in 7 days 100%	8 points
			7 days 95-below 100%	5 points
			7 days 90- below 95%	0 point
			7 days 80- below 90%	-5 points
			7 days below 80%	-10 points
14	ROAD SAFETY	ACCIDENTS	No. of death in accidents in current month compared to number of deaths in accidents in corresponding month of previous year:	
			More than 120%	-5 points
			Above 110-120%	-3 points
			Above 100-110%	- 2 points
			90-100%	+3 points
			Less than 90%	+5 points
15	MALKHANA	DISPOSAL DURING THE MONTH	Disposal is less than new arrivals	0 point
			Disposal is equal to new arrivals	2 points
			Disposal is above 100% up to 110% of new arrivals	3 points

			Disposal more than 110% of new arrivals	5 points
16	FALSE ENTRY		For each false entry made	-50 points
17	PENDENCY		Up to 2% of regn of prev year  2-5% of regn of prev yr.  Above 5-8% of regn of prev year  Above 8-12% of regn of prev year  More than 12% of regn prev year	12 points  8 points  0 points  -5 point  -8 points
18	COMMUNITY OUT REACH	CLG MEETINGS	One or more meetings in month  No meetings	5 points  -5 points

Additional parameters to be taken into consideration by inspecting officers while awarding their marks-

1. General maintenance of Police Station Records
2. General standard of hygiene and sanitation in and around Police Stations
3. General cleanliness within the premises of Police Stations in accordance to the campaign “SWACH BHARAT ABHIYAN”
4. Optimum utilization of available resources
5. Efforts in creation of better infrastructure and resources for implementation of the concept of Smart Policing
6. Whether there is any complaint from public that behavior with him/her was not up to desired level
7. Whether discipline is properly followed or not

#### NOTES:-

1. Sum total of points obtained under items No.1-8 will be calculated first (M). This will then be normalized against the total IPC registration of the PS for the previous year, i.e., points scored (0)=  $M \times 100 / (\text{Total IPC registration for previous year})$

2. Sum total of points obtained under items No.9-19 will be calculated separately and added to '0'. The final points shall be:

$$P=0+(\text{sum total of points under items No.9-19})$$

3. Average of 12 months shall be calculated based on the points of preceding 12 months only. If less than 12 months have elapsed from the date of launch of the system, average shall be calculated based on the points of available months.

4. Rank shall be determined at the district and state level and displayed on the Home Page and PMS Report link.

5. Points of Circles are calculated by adding scores of PSs and scaling them to 85 points awarded by DCP/SP (out of 10) and those by CP/IGP (out of 5) are added to it to get score out of 100. Inspecting Officers allot 50% of their points to be taken into consideration the additional parameters.

6. Points of Districts are calculated by adding scores of PSs and scaling them to 75. DCP/SP is required to enter his L&O visits and CLG meeting details to obtain points out of 10. Points awarded by CP/IGP (out of 10) and those by supervisory ADGP (out of 5) are added to it to get score out of 100. Inspecting Officers allot 50% of their points to be taken into consideration the additional parameters.

7. If supervisory ADGP/IGP/SP is promoted/transferred or the post is vacant, points for the concerned circle/District will be awarded automatically based on the average of previous 3 months.

8. Points for PS May 2014 onwards and for Circles/Districts November, 2014 onwards will be recalculated based on the revised scoring pattern. Points scored based on the old scoring pattern will also be available for reference.

*DGP's Memo No.78271/Con 4(3)/2018, dated: 28.04.2018*

## **858- Case Laws and Guidelines on various functions of the Police Force:**

### **(i) Ragging in Educational Institutions- Prevention of:**

a) The punishment to be meted out has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents.

b) Every single incident of ragging where the victim or his parent/guardian or the Head of Institutions is not satisfied with the institutional arrangement for action, a First Information Report must be filed without exception by the institutional authorities with the local police authorities. Any failure on the part of the institutional authorities or negligence or deliberate delay in lodging the FIR with the local police, shall be construed to be an act of culpable negligence on the part

of the institutional authority. If any victim or his parent/guardian of ragging intends to file FIR directly with the police that will not absolve the institutional authority from the requirement of filing the FIR.

*DGP's Circular No:1897/155337/crime 4(2)/2006, dt:18.08.2007*

**ii) Confiscation of materials claimed to be Uranium- Procedures to be followed -Instructions Issued.**

- a) Atomic Energy Regulatory Board has come across incidents where the police had confiscated material that was claimed to be uranium by the persons who were in illegal possession of the material. On analysis, the material was found to be organic ion- exchange resin and not uranium. However without ascertaining the veracity of the claim, the information was being given to media causing widespread anxiety in several quarters including high Government offices. Also, such news item draws attention of the international organizations especially, illicit Trafficking Data Base office of the IAEA, which further enquires about details of the incident.
- b) In case where the confiscated material is suspected to be uranium, it is suggested that the local police follow the procedures mentioned in Annexure-I. Only after confirmation that the confiscated material is radioactive, the information be passed on to the media. Physical properties of uranium which may help in its identification in the first instance may be seen at Annexure-II. The above instructions shall be strictly followed without any deviation.

*DGP's circular No:151931/crime I(1)/2008, dt:06.08.2008*

**Annexure -I**

**HANDLING OF SUSPECTED URANIUM BY POLICE**

In case the confiscated material is suspected or claimed to be uranium, the following procedures should be followed:

2. The material should be kept in a polythene bag and should not be touched by bare hands.
3. The bag should be kept securely and about 1m distance should be maintained from the occupied areas. In case the confiscated material is suspected or claimed to be highly radioactive, it should be placed inside a closed room and the area with about 5m radius around the material should be cordoned off.
4. Experts should be invited for examination of the material to check whether it is uranium or not. For this purpose any of the following may be contacted.
  - i) Emergency Control Room (ECR), Crisis Management Group(CMG), Department of Atomic Energy, Mumbai -400 001, Tel.022-22023978,22830441, Fax:022-22830441.
  - ii) Director, Emergency Response & Director, Health Safety & Environment Group, BARC Trombay, Mumbai-400 085, Tel:022-25505313, 25593206, Fax: 022-25505313.

iv) Head, Radiological Safety Division, AERB, Mumbai-400 094, Tel:022-25574287,25990655,25990656, Fax: 022-25990650, 25562344.

Annexure -II

**PHYSICAL PROPERTIES OF URANIUM**

Uranium is a silvery, shiny, highly dense metal that is both ductile and malleable. Its melting point is 1,132<sup>0</sup> C and its boiling point is about 3,818 C.

Mined Uranium Ore which contains Uranium Dioxide (U<sub>3</sub>O<sub>8</sub>) is normally processed by grinding the ore materials and then chemical leaching is performed. This process yields dry powder form material consisting of natural uranium which is commonly referred to as ‘Yellowcake’. The ‘Yellowcake’ must be converted to Uranium Hexaflouride (UF<sub>6</sub>), Which is the form required by most commercial uranium enrichment facilities currently in use. The Yellowcake/ natural uranium lacks concentration of the fissionable isotope(U-235) and thus needs to be enriched before it can used as nuclear fuel. After enrichment, the fuel pellets are arranged in along zircaloy tube to form a fuel rod.

**iii) Procurement of SIM cards using false identity or forged documents- Prevention of -instructions.**

a) A number of instances of SIM cards being procured using false identity documents come to light. Either forged documents are used or documents belonging to another person are submitted by the customer to get the SIM cards based on such false or fabricated documents has serious internal security implications.

b) Following are the responsibilities of various stake –holders involved:

- i) Customer- He has to produce valid identity and address proof.
- ii) Vendor - He should record on the application form that he has seen the subscriber and verified the photo and documents with the original.
- iii) Service Provider- Service should be activated only after authorized representative verifies that all documentary requirements have been completed.

c) The following guidelines are already in force:

- i) Pre-activated SIM cards are not to be sold in the market.
- ii) The franchisee has the responsibility to lodge complaint in case of detection of forged documents.
- iii) Service provider is expected to lodge a complaint against the franchisee and customer, if the franchisee fails to act as state above.
- iv) In case the service provider fails to take action, the TERM Cell (Telecom Enforcement Resource and Monitoring Cell) may lodge a complaint against the service provider.

d) In spite of these guidelines, proliferation of SIM cards on false identity is being noticed. The following instruction is given for strict compliance:

i) Whenever an instance of procurement of SIM card by using false identity proof comes to light, customer should be prosecuted.

ii) Similarly, vendor also should be prosecuted for failure to comply with the requirement to see application and verify the photo and documents with the original before accepting the application form.

iii) If the service provider has failed to lodge complaint where warranted, action may also be taken against the service provider. However, it should be ensured that thorough verification is made to establish the negligence or failure before such action is taken against the service providers.

*-DGP's standing instruction 31/2013 dt:20.06.2013*

**iv) Prosecution under Transplantation of Human Organs Act 1994 by Appropriate Authority- Initiation of -Instructions**

- a) Transplantation of Human Organs and Tissues Act, 1994(TOHO) was enacted by parliament relating to removal, storage and transplantation of human organs for therapeutic purposes and for prevention of commercial dealing in human organs.
- b) Section 13 of the TOHO provides for appointment of an appropriate authority. Under sub-section (iv) of section 13 the Appropriate Authority will also have the power to investigate any complaint of breach of any provisions of the TOHO or any rules made thereunder. The State government has appointed the Director of Medical Services and Rural Health, Chennai as the Appropriate Authority.
- c) Section 22 of TOHO prohibits taking cognizance by a court except on a complaint made by an Appropriate Authority or the person who had made a complaint earlier to it.
- d) After filing a complaint petition before the Magistrate, the Appropriate Authority can seek action only under Chapter XV of the Cr.PC(private complaint procedure). Police cannot file a charge sheet under 173(2) Cr.PC.
- e) Under these circumstances, it is instructed that:-
  - i) Any complaint relating to offences of illegal organ transplant must be registered only under sections of IPC, such as cheating, fabrication of documents, etc. as the case may be.
  - ii) Sections of the TOHO Act should not be invoked in the FIR while registering a case.
  - iii) Police should investigate the case and file a charge sheet or final report pertaining to IPC offences.
  - iv) The state Government has authorized the Director of Medical Services and Rural Health, Teynampet, Chennai under the TOHO Act as the Appropriate Authority. A copy of connected records can hence be sent to his office for pursuing action as Appropriate Authority under the TOHO Act, to investigate

violation of the provisions of TOHO Act. The above instructions shall be scrupulously followed.

-DGP's standing instruction 36/2013 dt:23.07.2013

**v) Investigation under section 22 of the NIA Act- Instructions issued**

- a) The National Investigation Agency Act 2008 authorizes the National Investigation Agency (NIA) to investigate offences listed out in the schedule of the Act. The schedule provides that NIA can take up the investigation and prosecution of offences under the following Acts:-
  - i. The Atomic Energy Act,1962.
  - ii. The Unlawful Activities (Prevention) Act, 1967.
  - iii. The Anti-Hijacking Act,1982.
  - iv. The Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982.
  - v. The SAARC Convention (Suppression of Terrorism) Act, 1993.
  - vi. The Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002.
  - vii. The weapons of Mass Destruction and their Delivery Systems (both inclusive)
  - viii. Offences under
    - i) Chapter VI of the Indian Penal Code (45 of 1860) (sections 121 to 130)(both inclusive)
    - ii) Sections 489-A to 489-E (both inclusive) of the Indian Penal Code (45 of 1860).
- b) The procedures outlined in the Act are as follows:-
  - i) On registration of any scheduled offence, the SHO shall forward the report to the State Government.
  - ii) The State Government shall, in turn, forward the report to the Central Government.
  - iii) The Centre shall determine within 15 days whether the offence is a scheduled offence and whether it is fit to be investigated by the agency.
  - iv) Where the Centre is of the opinion that it is a scheduled offence and is fit to be investigated by the NIA, the centre shall direct the NIA to investigate the case.
  - v) The Centre may also suo motu direct the NIA to investigate a case if it is of the opinion that it is a scheduled offence.
  - vi) Where such a direction has been received, the local police shall not proceed with the investigation and shall transmit the relevant documents and records to NIA.
  - vii) Till the NIA takes up the investigation, it shall be the duty of the SHO to continue the investigation.
- c) As per section 10 of the Act, scheduled offences could be also be investigated by the State Police (where the NIA has not taken over the investigation). Where a Special Court has not been specified, the scheduled offences will be tried in the Court of Sessions of the

division in which such offences have been committed (vide Sec.22(3) of the Act). In the light of provisions of section 22 of the NIA Act, scheduled offences should be dealt with by Sessions of Court from the beginning i.e. from registration and the charge sheet should also be filed before the Sessions Court or the Special Court constituted for the purpose and that the Court proceedings of scheduled offence do not entail any committal proceedings.

- d) In the light of the above, the following instructions are issued:-
  - i) IG Intelligence (IS) shall be the nodal officer for communication of information about the occurrence of any scheduled offences to the State Government.
  - ii) On registration of any case relating to scheduled offence, the SHO shall send a message/report to the concerned Superintendent of Police or the Commissioner of Police, who in turn, will communicate the matter to IG Intelligence (IS).
  - iii) On receipt of information from the SP/COP, IG Intelligence (IS) shall in turn, inform the State Government, vide Section 6(1) of NIA Act.
  - iv) The local police shall continue with the investigation unless orders are received to transfer the case to NIA.
  - v) FIR should be sent to the Court of Session or to any Special Court constituted for the purpose of trial of case under NIA.
  - vi) The charge sheet shall also be filed in such court and not in the magistrate court.
- e) The following are the more common offences that come to the notice of the Police among the scheduled offences listed out in the NIA Act.
  - i) Offences under Unlawful Activities (prevention) Act,1967
  - ii) Sections 121 to 130 of IPC (Section, etc)
  - iii) Sections 489(a) and 489(e) IPC.(Counterfeiting)

*DGP's Standing instruction 17/2013 date: 17.04.2013*

#### vi) Security of ATMs- Guidelines

Measures to be taken for physical security at ATM installations, include the following:-

- i) Glass doors of the ATMs should offer a clear view into the ATM room.
- ii) ATM interiors should be well lit to ensure adequate visibility from outside as well as proper photographic resolution on video cameras.
- iii) 24 x 7 attendants OR 24 x 7 electronic surveillance.
- iv) Electronic surveillance may include video monitoring and recording, vibration sensors, ability to intervene through voice in the event of an untoward incident and a roaming quick response team that can be directed to the site in the event of emergency. Banks may choose an appropriate system depending upon

their assessment of the risk.

Where care takers/ attendants are not provided, hooter/ burglar alarm should be installed at the ATMs.

- v) Where ATMs are located at areas like railway stations, shopping malls, factories and office premises which attract constant footfall, deployment of attendants /care takers may not be necessary.
- vi) Banks will have an option of closing certain ATMs during night hours if they have low transaction and are located in high risk areas.

(b) Another area of concern is burglaries in cooperative banks, pawn shops, jewellery shops and finance companies, which are engaged in giving loans on pledging of gold jewellery. The owners of such business establishments must also be sensitized to install effective video recording and other precautionary measures such as burglar alarms.

(c) All Police stations shall maintain a list of sensitive places vulnerable to burglary / robbery /dacoity /theft such as banks, cooperative banks, ATMs, pawn broker shops, financial lending institutions etc. and ensure that these areas are covered by patrols and beats, especially during night hours.

*-DGP's standing instruction 83/2014, dt:28.05.2014*

**(vii) Admissibility of Electronic Evidence –Mandatory to produce certificate as per section 65B Indian Evidence Act – Instructions.**

1. During the course of investigation, print outs of Call Data Record (CDR), photographs, CCTV clippings, audio/video recordings e-mails, contents of websites, screen shots of social media, web pages applications are increasingly being produced as evidence.
2. In the above said cases, actual digital evidence i.e primary evidence is stored as an electronic record in the servers of the concerned service providers or the storage area of the electronic devices. The printouts, hardcopies, screen shots are in the nature of secondary evidence.
3. Every effort should be made to seize primary evidence in such cases i.e. the original memory card containing photographs / video graphs, the original hard disk and Digital Video Recorder (DVR) in the case of CCTV footage etc. However, if it is not possible or feasible to collect primary evidence then secondary evidence may be collected.
4. In order to make the secondary evidence in the form of printouts, hard copies or screen shots of the above said electronic records is admissible evidence in a court of law, it is essential that provisions of section 65B of the Indian Evidence Act

are strictly complied with. This has been reiterated by the Hon'ble Supreme Court in Anvar P.K.Basheer, (AIR 2015 SC 180).

5. Section 65B of the Indian Evidence Act states that any information contained in an electronic record, which is printed on a paper or copied on to a CD or other storage device can be treated as admissible evidence only if a certificate in the prescribed format is issued by a person occupying a responsible position in relation to operation of the relevant computer device.
6. A number of cases in which CDRs or print outs of other electronic records are cited as evidence, are ending in acquittal due to the non-compliance with this procedure and non issuance of certificates under section 65B of the Indian Evidence Act which makes crucial digital evidence legally inadmissible.
7. In all cases which are under investigation, the IOs shall get certificates under section 65B of the Indian Evidence Act from the concerned official for the printouts of digital evidences or for storage devices, which contain digital evidence. This certificate should be filed in the court along with the final report.
8. All IOs shall carefully peruse pending trial cases in their units and verify if any case has print outs of digital evidence such as CDRs, IP details, emails, screen shorts of web pages /application or in which digital evidence has been produced in CDs, pen drives, etc. If so, they shall check if a section 65B certificate is available. If not , such certificate shall be obtained and filed in the trial court as per procedure laid u/s 311 CrPC . Digital evidence and appropriate persons who issue a section 65B certificate are giving in Annexure-I
9. A few illustrations showing digital evidence that require certificates u/s 65B Indian Evidence Act along with the competent person who can issue such certificate is given in Annexure-II.
10. A model format of requests to be made to the MSP/ISP/Email/social network service providers along with samples of certificates issued by them are enclosed herewith for reference in Annexure-III.
11. Templates for certificates u/s 65B of the Indian Evidence Act to be issued by IOs/Complainants/Photographers/Videographers is enclosed herewith for reference in Annexure-IV.

12. Step by step procedure for the collection of CDRs, photograph/

Video graph/Audio clip and CCTV footage is set out in Annexure-V.

13. The Cyber Crime Cell of CBCID may be contacted at [cbcyyber@nic.in](mailto:cbcyber@nic.in) in case of any doubt or clarifications with regard to section 65B Indian Evidence Act certificates.

*Circular of ADGP CBCID, No.C4/237/005941/2016, dt:29.03.2016*

#### **ANNEXURE-I**

##### **Common digital evidence and appropriate persons to issue certificate**

##### **as per section 65B Indian Evidence Act**

SI. NO	Type of digital evidence	who should issue certificate under section 65B Indian Evidence Act
1	CDR (Call Data Records) obtained from the Mobile Service Provider (MSP)	The person who takes a printout of the CDRs from the server at the office of the Mobile service provider. Each page of the printout must be attested.
2	Hard copies of the photographs taken in the SOC or any other place.	The person who takes the print-copies of the photographs from the original memory card used in the camera has to attest each of the photographs and issue certificate u/s 65B IEA for authenticating the print –copies.  If the Person taking the print is different from the photographer, the section 65B certificate has to be taken from the person taking the print and NOT the photographer.
3	Copies of video footage/audio clippings taken at SOC or any other places	The person who transfers the video footage/audio clipping onto a CD or any other storage media, from the original memory card used in the camera /audio recording device, has to issue certificate u/s 65B IEA for authenticating such copies .The CD/DVD may also be attested.  It is reiterated that the person who actually takes the copy has to give the section 65 B certificate and NOT the person who recorded the audio /video.

4	CCTV video footages.	As far as possible the IO Should seize the original hard disks along with the Digital video Recorders (DVRs) containing CCTV footages. If this is done, section 65B certificate is not necessary, since these are primary evidences. However, if it is not possible to seize the original, the person who makes the copy of video footages in the form of CD or any other storage device from the original Digital Video Recorder should give section 65B certificate .
5	IPDR (Internet protocol Data Records) obtained from Internet Service providers (ISP).	The person who takes a printout of the IPDRs at the office of the Internet Service Provider.
6	Account information, creation and login IP logs for an E-Mail account obtained from E-Mail Service Provider.	<p>The person who takes a printout of the IP logs, at the office of the E-mail service provider.</p> <p>If these details are provided by email to the IO and he takes a hard copy or downloads the details onto a CD, it is the IO who has to give the certificate u/s 65B IEA for authenticating both the CD or hard copy must be attested by the IO .</p> <p>In case the IO downloads the certificate u/s 65B IEA sent in soft copy by the E- Mail service provider and any other email messages onto a CD or takes hard copy printout, the same procedure should be adopted.</p>
7	Account Information, creation and login IP logs for a Facebook account obtained from Facebook.	<p>The person who issues the IP logs at the office the face book</p> <p>If IO downloads the soft copy of the IP logs, account information provided by the face book in a CD and takes hard copy printout ,IO has to issue certificate u/s 65B IEA for authenticating both the CD and hard copy printouts by attesting in each page.</p> <p>In case the IO downloads the certificate u/s 65B IEA issued in soft copy by the facebook and any other facebook profiles / pages in a</p>

		CD or takes hard copy printouts, the same procedure to be adopted.
8	Printouts of screen shots of a web page /Facebook page/E-mail message produced by the complainant / witnesses.	Such printouts have to be attested by the person who has taken such printouts. The section 65B IEA certificate shall be obtained from those persons.
9	printouts of screenshots of whatsapp messages, images taken from a smart phone produced by the complainant /witnesses .	Such printouts have to be attested by the person who has taken such printouts. The section 65B IEA certificate shall be obtained from those persons.
10	Printouts of screen shorts of sms contents taken from a mobile phone or printouts of downloaded sms contents through some software application from a mobile phone .	Such printouts have to be attested by the person who has taken such printouts. The section 65B IEA certificate shall be obtained from those persons.
11	Website activity IP logs obtained from the server administrator of the website hosting firm .	The Sever Administrator of the website hosting firm who accesses the information from the sever and provides it.

## ANNEXURE-II

### **A few illustrations in which the certificate u/s 65B IEA have to be obtained**

1. Photographs of SOC is taken by 'A' using his digital camera. The memory card of the camera is primary evidence and should be seized. 'A' gives the IO the memory card. IO goes to a photo lab and asks 'B' to take hard copies of the photographs. Each photograph must be attested by 'B' who took the hard copy of the photographs and a certificate u/s 65B should be obtained from him.
2. 'A' taken photographs / Videograph of crime in his camera and copies it onto a CD and submits it to the IO. 'A' has to give section 65B of IEA certificate. If A handover the Camera to B and B takes copy on to a CD, section 65 B Certificate should be obtained from 'B ' and not from 'A'.
3. 'A' murders 'B' in a shopping mall. The commission of crime was captured in the CCTV in the mall. Efforts should be taken to seize the original hard disk as it is primary evidence. If original hard disk /DVR is seized, no certificate under section 65B of IEA is necessary, as it is primary evidence. However, if the video footage was copied on CD from the hard disk/DVR of the CCTV of the shopping mall, certificate under 65B of IEA has to be obtained from the person who copied the video footage onto the CD.

4. Incriminating evidence in the form of audio conversation related to a case, was recorded by 'A' in his phone. He copied the audio clip in a memory card and produced it to the investigating officer. Efforts should be taken to get the original memory card. If not possible, the copy of the video clip stored in memory card should be authenticated by a certificate u/s 65B of IEA from the person who copied the audio clip in the memory card .
5. 'A' threatens 'B' by sending emails. 'B ' prefers a complaint along with the printout of the threatening emails. Certificate u/s 65B of IEA has to be obtained from 'B'. 'B' has to attest each page of the printout of the threatening email.
6. 'A' sends abusive SMS to 'B'. 'B' prefers complaint along with a soft copy of SMS in CD & hard copy printouts. Certificate u/s 65B of IEA haste be obtained from 'B' for both the hard copy printout & the soft copy in CD. 'B' must attest each page of the hard copy of the printout.
7. 'A' posts obscene pictures in a whatsapp group where 'B' is also a member. 'B' provides the soft copy of the chat detail a along with the alleged obscene images in both hard copy printout and a soft copy in a CD/memory card along with the complaint. 'B' has to provide certificate u/s 65B of IEA for both hard & soft copies. 'B' has to attest each page of the hardcopy printout.
8. 'A' creates a fake face book profile /account /page and posts obscene /derogatory materials about 'B' . 'B' prefers a complaint along with the screenshot printouts of the alleged facebook profile /account /page. Certificate U/s 65 B of IEA has to be obtained from 'B'. 'B' has to attest each page of the printouts of the screen shot.
9. 'A' posts an anti –national / obscene video on youtube. 'B' prefers a complaint in public interest along with the downloaded copy of the video in a pen drive /CD .Certificate u/s 65 B of IEA has to be obtained from 'B' for the copy of the video in the pen drive /CD.
10. 'A' posts morphed pictures of 'B' in social media and portraying 'B' in an obscene or derogatory manner. 'B' prefers a complaint along with the screen shot printouts of the posts. Certificate u/s 65B of IEA has to be obtained from B. B has to attest each page of the printout of the screen shot.
11. A website was hacked/defaced. The access IP logs of the website were provided by'Y', the system administrator. Certificate u/s 65B of IEA has to be obtained from Y.
12. Investigation Officer obtains the IP logs of a suspect facebook page. The soft copy of the IP logs provided by the facebook was downloaded in a CD and hard copy printouts were also taken by him. IO has to issue certificate u/s 65B of IEA for authenticating both the CD and hard copy printouts.

13. The Time Zone Converter was used by the IO to convert time given in UTC (Co-ordinated Universal Time) by email service provider or social network service provider into IST (Indian Standard Time). The screen shot printouts of the Time Conversion table have to be taken and the IO shall issue certificate u/s 65B of IEA and attest the printouts.

**ANNEXURE-III**

**a) Formant for requesting certificate u/s 65 B IEA from the Mobile service Providers :**

**Police Department**

From	To
Investigation officer (officer Address)	The Nodal officer ..... (Relevant MSP) ..... .....

.....

U/s . 91 Cr. P.C

Sir ,

Sub : CBCID – Criminal Investigation -Want of Certified CDR as per sec 65 (B) of IEA- Requested – Regarding

Ref: ..... Cr . No. ..... / .....

\*\*\*\*\*

You are requested to provide certified hard copies of the CDR for the number .....for the period from .....to..... and the certificate under sec 65 B of Indian Evidence Act for producing the same before Court .It is also requested that the above mentioned CDR be preserved until the disposal of the case referred above at the court of law.

(Investigation officer)

**b) Formant for requested certificate u/s 65 B IEA for IPDR from the Internet Service providers:**

**POLICE DEPARTMENT**

From , To,  
Investigation officer , The Nodal Officer ,  
(Office Address) ..... (Relevant ISP)

Sir / Madam ,

Sub: CBCID – Criminal Case Investigation – Want of certificate copies of IPDR as per sec. 65  
B IEA – Requested – Reg.

Ref: .....Cr . No .....U/s .....

\*\*\*\*\*

You are requested to provide certified hard copies of the Internet Protocol Data Records (IPDR) for the following number / numbers, period stated against each and the certificate u/s 65 B of Indian Evidence Act for producing the same before the Court .

S.No.	IPDR NUMBER	PERIOD

It is also requested that the above mentioned IPDR be preserved until the disposal of the case referred above at the court of law .

(Investigation officer )

**C) Formant for requesting certificate u/s 65 B IEA for IP details from the Internet Service providers:**

## **POLICE DEPARTMENT**

From, To,  
Investigation The Nodal Officer ,  
(Office Address) (Relevant JSP)

To,

The Nodal Officer ,

.....(Relevant ISP)

Sir / Madam ,

Sub: CBCID – Criminal Case Investigation – Want of certificate copies of IP  
Details as per sec.65 B IEA – Requested – Reg.

Ref: ..... Cr. No. ..... U/s ..... \*

You are requested to provide the physical address for the following IP's for the date and time stated against each and the certificate u/s 65 B of Indian Evidence Act for producing the same before the Court .

S.No.	Internet Protocol Address	Time in UTC with date	Time in IST with date

It is also requested that the above mentioned IPDR be preserved until the disposal of the case referred above at the court of law .

(Investigation officer )

d) Formant for requesting certificate u/s 65 B IEA from the e-mail Service providers

## **POLICE DEPARTMENT**

From, To,  
Investigation The Nodal Officer ,  
(Office Address) .....( Email Service provider)

Sir / Madam ,

Sub: CBCID – Criminal Case Investigation – Want of certificate copies of User information and IP log as per sec.65 B IEA –Requested - Reg

Ref: ..... Cr. No. .... u/s....

\*\*\*\*\*

You are requested to provide the User information and IP logs of the following e-mail id / email ids for the period stated against each and the certificate u/s 65 B of Indian Evidence Act for producing the same before the Court .

S.No.	e-mail id	period

It is also requested that the above mentioned User information and IP logs be preserved until the disposal of the case referred above at the court of law.

(Investigation officer )

**f) Formant for requiring certificate u/s 65 IEA from the Social media Network Service Providers:**

## **POLICE DEPARTMENT**

From, To,  
Investigation Officer The Nodal Officer ,  
(Office Address) .(Social media Network Service Provider)

Sir / Madam ,

Sub: CBCID – Criminal Case Investigation – Want of certificate copies of User information and IP log as per sec.65 B IEA –Requested – Reg.

Ref: ..... Cr. No. .... U/s. ....

\* \* \* \* \*

You are requested to provide the User information and IP logs for the following URL/URLs for the period stated against each and the certificate u/s 65 B of Indian Evidence Act for producing the same before the Court .

S.No.	URL

It is also requested that the above mentioned User information and IP logs of the said URL/URLs be preserved until the disposal of the case referred above at the court of law.

(Investigation officer)

- f) A copy of certificate u/s. 65B of IEA issued by MSP –Aircel for authenticating Call Data Records(CDR)**

## CERTIFICATE

(U/s 65 B (4) (C) of the Indian Evidence Act 1872)

It is to certify that the CDR's produced of the Mobile Numbers 9942070842 for the search period from 24.07.2015 to 10.08.2015, has been generated from company's computer system contains page from 1 to 61 and its contents conform to the records and are true to the best of my knowledge. Further certified that the conditions as laid down in section 65 B (2) (a) to 65 B 2(d) of Indian Evidence Act 1872 regarding the admissibility of computer output in relation to the information and Computers & servers in question are fully satisfied in all respects.

- (a) The server output containing the information was produced by the computer during the period over which the same was regularly used to store or processing of CDRs regularly and the undersigned having lawful control over the said computer /Server Application .
- (b) During the said period ,the information of the kind contained in electronic record or of the kind from which the information is derived was regularly fed into the computer in the ordinary course of the said activities
- (c) Throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents ;and
- (d) The information contained in the record reproduced or derived from such information fed into the computer in the ordinary of the said activities.

Thanking you,

yours sincerely,  
For Aircel Limited

- g) A copy of certificate U/s 65 B of IEA issued by Email service provider Google for authenticating the Gmail account information.

## **CERTIFICATE UNDER SECTION 65 B THE INDIAN EVIDENCE ACT, 1872**

1. I, Kimberly Grambo am a legal assistant and the Records Custodian. I am employed by Google Inc.("Google") located at 1600 Amphitheatre parkway, Mountain View CA 94043. USA. I am authorized to submit this

certificate of authenticity on behalf of Google. I have personal knowledge of the following facts.

2. Google provides Internet based services to its subscribers, including Gmail, its free mail service. Google dose not verify any personal information that is submitted by a user at the time of creation of a Gmail account.
3. In the course of my normal duties, pursuant to a request for information received under section 91 of the Code of Criminal Procedure, dated June 24, 2014, received from Inspector of police S. Manickavel, and in compliance with the applicable Terms of Service and privacy policy applicable to Gmail, I have extracted the information Pertaining to the following Google account holders-

a. **PNJKUMARCEO@gMAIL.COM**

4. I state that attached hereto are true and correct copies of information pertaining to the said Google Account holders as of June 24, 2014. The information was extracted from Google Inc, network via my Mac Book Pro computer and an HP LaserJet printer both of which have been used by me regularly in the ordinary course of business to access and process data /information and which were working properly at the time. I used them to extract and print the information. The attached printout is a copy of the records sent by electronic mail to Inspector of Police S. Manikavel on June 24, 2014  
(Google) reference number 468048).
5. I state that the information contained in the attached documents is a record made and is of the type that is retained by Google in the ordinary course of its business activity. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user.
6. I state that the printouts are, to the best of my knowledge and belief, accurate records of the material available in electronic record in Google Inc's network.

---

**Signature of Record Custodian**

**Kimberly Grambo**

---

**Name of Record Custodian**

**Date : August 15, 2014**

Place: Google Inc., 1600 Amphitheatre Parkway. Mountain View , CA 94043. USA.

#### **ANNEXURE-IV**

- a) Certificate u/s. 65 B IEA issued by the person who takes print outs for authenticating the (screen short of a facebook page /printout of email /soft copy of threatening SMS in CD/pen drive, etc.\*)

#### **Certificate u/s 65 B Indian Evidence Act 1872 issued with regard to computer outputs.**

I, ----- state that the computer outputs (mention whether it is print out or soft copy in CD /pen drive etc.) of the ..... (facebook profile page /threatening SMS /email etc.) were taken from the computer system of the ..... (address of the place from where computer output was taken by the person).

The above said computer outputs/ printouts were produced by the computer system of (address where the computer output taken by the person) which was used regularly to store and process information for the purposes of activities regularly carried on over that period by me. During the Said period, information of the kind contained in the electronic record was regularly viewed and stored into the computer system of (address where the computer output taken by the person) in the ordinary course of the said activities. Throughout the material part of the said period, the computer was operating properly. The information contained in the electronic record reproduces such information fed into the computer in the ordinary course of the said activities. Each page of the printout was signed by me.

Date .....

(Signature, Name & address  
of the Complainant)

Note to IO:

\*The list is indicative not exhaustive.

- b) Certificate u/s. 65 B IEA issued by the investigating officer for authenticating (screen short of a facebook page /printout of email / soft copy of IP logs received from Facebook or other service provider in CD/Pen drive ,etc\*)

#### **Certificate u/s 65 B Indian Evidence Act issued with regard to Computer outputs concerned in Cr. No ..... u/s .....**

I, the undersigned, state that the following computer outputs (screen short of a facebook page/ printout of email/ soft copy of IP logs received from face book in CD/pen drive, etc.) were taken from the Computer system of (Office address where the computer outputs were taken).

Computer output of the (facebook, business record pages 1 to ... containing the IP log and account information of the facebook URL ...../ email/CD were taken by accessing the (facebook Law Enforcement Online Request System through our official e-mail id ...../ email of ..... ) and downloaded the same into the computer system of(Office address where the computer where taken)and printouts/soft copy were taken.

The above said computer outputs were produced by the Computer system of (Office address where the Computer output were taken) which was used regularly to store and process information for the purposes of activities regularly carried on over that period by me. During the said period, information of the kind contained in the electronic record was regularly fed into the computer system of (Office address where the computer output were taken) in the ordinary course of the said activities. Throughout the material part of the said period, the computer was operating properly. The information contained in the electronic record reproduces such information fed into the computer in the ordinary course of the said activities. (Each page of the printout was signed by me ).

Date.....

(Signature, Name, Note to IO:  
Designation of the IO)

c) A format of certificate u/s 65 B IEA issued by the person, who takes copies in CD or other storage devices/takes print-copies of photograph; takes/copies of videograph in CD at scene of crime/other places.

Certificate u/s 65B Indian Evidence Act issued with regard to photographs/videographs taken/copied on CD and print-copies of photographs concerned in Cr. No.....u/s.....

I, the undersigned, state that the.....numbers of photographs/videographs were taken at the scene of crime (address of SOC) in my official camera (make and model). The photographs/videographs were then copied by me from the above said camera to my computer system (official address of photographer/videographer). From my computer system, I copied the photographs in the CD and printouts were taken.

The above said computer outputs (photographs/videographs) were produced by the Computer System of (address where the photograph/videograph were printed/copied) which was used regularly to store and process information for the purposes of activities regularly carried on over that period by me. During the said period, information of the kind contained in the electronic record was regularly fed into the computer system (address where the photograph/videograph were printed/copied) in the

ordinary course of the said activities. Throughout the material part of the said period, the computer was operating properly. The information contained in the electronic record reproduces such information fed into the computer in the ordinary course of the said activities. (Each page of the printout was signed by me)

Date:

Signature, Name & address

of the photographer/videographer

**ANNEXURE-V**

**1. Procedure for the collection of Call Data Records (CDRs) and Customer Acquisition Forms (CAFs) from the MSP's:-**

Step-1 IO should request the Cyber Nodal Call of the respective

District/city Special Unit to provide CDRs/CAF of a particular number.

Step-2 Cyber Nodal Cell should send a mail to the concerned Mobile Service Providers (MSP) to provide CDRs/CAF.

Step-2A Cyber Nodal Cell should create a folder on their computer with the respective crime number as name and save the CDR on the folder. This folder should be retained until the trial in the case starts.

Step- 2B Cyber Nodal Cell should communicate the CDR to the IO

Step-3 After the investigation is over, IO should decide which portion of the CDR is to be filed in the court as evidence.

Step-4 IO has to request the Mobile Service Provider concerned through the Cyber Nodal Cell.

i) for the printed hard copies of the CDR duly attested on each page by the officer at the MSP who takes the print outs.

ii) for a certificate as per section 65B of Indian Evidence Act issued by the officer at the MSP who takes the print outs

iii) to preserve the relevant portion of the CDR until the disposal of the case.

Step-5 For Customer Acquisition Form (CAF), IO has to request for the original CAF as it is not an electronically generated document, from the Mobile Service Provider.

Step 6 If the MSP is not available to provide the original at that point of time, IO has to obtain the attested copy of the CAF and an undertaking from the officer concerned at the MSP that the original CAF will be produced in the court at the time of trial.

**2. Procedure for the collection of Photograph/videographs/Audio clips as evidence.**

Step 1 IO calls a photographer to the SOC

Step-2 IO should ask the photographer to use a new memory card in the camera to take photograph/videograph exclusively for this case. The IO should seize the memory card as it is primary evidence.

Step-3 If the IO saves photographs/videographs onto a pen drive/CD, the section 65B IEA certificate should be taken from the person who saves the photographs/videographs onto the pen drive/CD by mentioning serial no. of the pen drive/memory card and by obtaining attestation on the CD itself.

Step-4 If the IO takes hard print copies of the photos, the section 65B IEA certificate must be taken from the person who takes the hard print copies. The person should also attest each hard print copy.

Step-5 If photographs/videographs/audio clips are seized by the IO from someone, the IO should as far as possible collect/seize the original memory card used in the camera/mobile phone in which the photograph/videographs/audio clips are recorded. If the photograph/videographs/audio clips is stored in the phone memory, IO has to follow the steps 3 & 4 described above.

Step-6 Since the original memory card used in the camera is primary evidence, it is preferable if the same is marked as evidence in the court along with the copies made in accordance with section 65 B IEA.

**viii) (A)      Sexual harassment of working women in work places - preventing of -constitution of complaints committee – Instruction.**

The following guidelines and norms would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women.

**SUPREME COURT GUIDELINES AND NORMS:**

**PREVENTIVE STEPS:**

All employers or persons in charge of work place, whether in the public or private sector, should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of obligation they should take the following steps:

a). Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

c) As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing orders) Act, 1946.

d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

**CRIMINAL PROCEEDINGS:**

Where such conduct amounts to a specific offence under the Indian penal code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against, while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

#### **DISCIPLINARY ACTION:**

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

#### **COMPLAINT MECHANISM:**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

#### **COMPLAINTS COMMITTEE:**

The complaint mechanism, referred to above, should be adequate to provide where necessary, a complaints committee, a special counsellor or other support service, including the maintenance of confidentiality.

The complaints Committee should be headed by a woman and not less than half of its members should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such complaints committee should involve a third party, either NGO or other body, who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned, of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints committee to the Government department.

#### **WORKERS INITIATIVE:**

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer- Employee Meetings.

#### **AWARENESS:**

Awareness of the rights of female employees in this regard should be created, in particular, by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

#### **THIRD PARTY HARASSMENT:**

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

- *DGP's Memo No. 052854/Cr.4(I)/2001 dt: 23.03.2001*

#### (B)Steps for Conduct of Inquiry in Complaints of Sexual Harassment Complaints Committees

1. Complaints Committees have been set up in all Ministries/Department s and organisations under them in pursuance to the judgement of the Hon'ble Supreme Court in the *Vishakha* case. As per Section 4(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013("the Act"), the Internal Complaints Committee (referred to as "Complaints Committee" hereafter) is to be set up at every workplace. As per Section 4(2), this will be headed by a woman and at least half of its members should be women. In case a woman officer of sufficiently senior level is not available in a particular office, an officer from another office may be so appointed. To prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committees should involve a third party, either an NGO or some other body which is familiar with the issue of sexual harassment.

#### What is Sexual Harassment?

2. "sexual harassment" includes any one or more of the following acts or behaviour, (whether directly or by implication), namely:—
  - (i) physical contact and advances; or
  - (ii) demand or request for sexual favours; or
  - (iii) sexually coloured remarks; or
  - (iv) showing any pornography; or
  - (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.
3. The following circumstances, among other circumstances, in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -
  - (i) implied or explicit promise of preferential treatment in employment; or
  - (ii) implied or explicit threat of detrimental treatment in employment ; or
  - (iii) implied or explicit threat about her present or future employment status; or
  - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - (v) humiliating treatment likely to affect her health or safety.
4. As per Section 2(o) of the Act, the following places are included within the ambit of the expression "workplace":  
  
Workplace defined:

- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, etc. -- established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
- (ii) hospitals or nursing homes;
- (iii) any sports institute, stadium, etc., used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment-including transportation provided by the employer for undertaking such journey;

Initial relief

5. The Committee will also have the powers to recommend:-

- (a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- (b) to grant leave to the aggrieved woman up to a period of three months.

(The leave will not be deducted from her leave account.)

Complaints Committee to be Inquiring Authority

6. As per Proviso to Rule 14(2) of CCS (CCA) Rules, 1965, in case of complaints of sexual harassment, the Complaints Committee set up in each Ministry or Department etc. for inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules. Complaints Committee, unless a separate procedure has been prescribed, shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Rule 14.

Need for investigation

7. The Complaints Committees may act on complaints of sexual harassment when they receive them directly or through administrative authorities etc, or when they take cognizance of the same suo-motu. As per Section 9(1) of the Act, the aggrieved woman or complainant is required to make a complaint within three months of the incident and in case there has been a series of incidents, three months of the last incident. The Complaints Committee may however extend the time limit for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the stipulated period.

8. As mentioned above, the complaints of sexual harassment are required to be handled by Complaints Committee. On receipt of a complaint, facts of the allegation are required to be verified. This is called preliminary enquiry/fact finding enquiry or investigation. The Complaints Committee conducts the investigation. They may then try to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant. If it becomes necessary to issue a Charge Sheet, disciplinary authority relies on the investigation for drafting the imputations, as well as for evidence by which the charges are to be proved. Therefore this is a very important part of the investigation.

Dual Role

9. In the light of the Proviso to the Rule 14 (2) mentioned above, the Complaints Committee would normally be involved at two stages. The first stage is investigation already discussed in the preceding

para. The second stage is when they act as Inquiring Authority. It is necessary that the two roles are clearly understood and the inquiry is conducted as far as practicable as per Rule 14 of CCS (CCA) Rules, 1965. Failure to observe the procedure may result in the inquiry getting vitiated.

10. As the Complaints Committees also act as Inquiring Authority in terms of Rule 14(2) mentioned above, care has to be taken that at the investigation stage that impartiality is maintained. Any failure on this account may invite allegations of bias when conducting the inquiry and may result in the inquiry getting vitiated. As per the instructions, when allegations of bias are received against an Inquiring Authority, such Inquiring Authority is required to stay the inquiry till the Disciplinary Authority takes a decision on the allegations of bias. Further, if allegations of bias are established against one member of the Committee on this basis, that Committee may not be allowed to conduct the inquiry.

11. In view of the above, the Complaints Committee when investigating the allegations should make recommendations on whether there is a *prima facie* substance in the allegations which calls for conducting a formal inquiry. They should avoid making any judgmental recommendations or expressing views which may be construed to have prejudiced their views while conducting such inquiry.

#### Decision to issue Charge sheet, and conducting Inquiry

12. On receipt of the Investigation Report, the Disciplinary Authority should examine the report with a view to see as to whether a formal Charge Sheet needs to be issued to the Charged Officer. As per Rule 14(3), Charge Sheet is to be drawn by or on behalf of the Disciplinary Authority. In case the Disciplinary Authority decides on that course, the Charged Officer should be given an opportunity of replying to the Charge sheet. As per Rule 14(5), a decision on conducting the inquiry has to be taken after consideration of the reply of the charged officer.

13. If the Charged Officer admits the charges clearly and unconditionally, there will be no need for a formal inquiry against him and further action may be taken as per Rule 15 of the CCS (CCA) Rules.

#### The Inquiry-stages

14. In case the Charged Officer denies the charges and his reply is not convincing, the Charge sheet along with his reply may be sent to the Complaints Committee for formal inquiry, and documents mentioned in Rule 14 (6) will be forwarded to the Complaints Committee. As per Section 11(3) of the Act, for the purpose of making an inquiry, the Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

The Section 11(4) of the Act requires that the inquiry shall be completed within a period of ninety days.

15. The Disciplinary Authority shall also in terms of Rule 14(5) (c) appoint a Government servant as a Presenting Officer to present evidence on behalf of prosecution before the Complaints Committee/

Inquiring Authority. The listed documents are to be sent to the Presenting Officer. The Complaints Committee would, thereafter, summon the Presenting Officer and the Charged Officer. As a first step, the charged officer would be formally asked as to whether he admits the charges. As mentioned above, in case of any clear and unconditional admission of any Article of Charge, no inquiry would be held in respect of that Article and the admission of the Charged Officer would be taken on record. The inquiry would be held, thereafter, in respect of those charges which have not been admitted by the Charged Officer. The Charged Officer is also entitled to engage a Defence Assistant. The provisions relating to Defence Assistant are given in Rule 14(8).

16. The Inquiring Authority is, thereafter, required to ask the Presenting Officer to have the prosecution documents, listed in the Charge Sheet inspected by the Charged Officer. Copies of such documents, if not already given to the Charged Officer, would be handed over to him. The Charged Officer would, therefore, be required to submit a list of documents and witnesses which he wants to produce in support of his defense. The Inquiring Authority would consider allowing such documents or witnesses on the basis of their relevance. Normally, any document or witness which reasonably appears to be relevant and helpful in defense may be allowed.

Once the documents have been allowed, the Inquiring Authority would send a requisition for these documents to the custodian of such documents.

17. When the regular hearing commences, the Inquiring Authority would ask the Presenting Officer to produce the documentary evidence. Such documents as are disputed by the Charged Officer have to be proved by the witnesses before they are taken on record. The undisputed documents would be taken on record and marked as exhibits.

#### Examination of Witnesses

18. Summons would, thereafter, be sent to the witnesses listed in the Charge sheet. The Presenting Officer may choose to produce them in any order he finds appropriate. These witnesses would be examined in the inquiry in the following manner. The examination in chief would be done by the Presenting Officer where the Presenting Officer may ask questions of the witness to ascertain the facts. The witness would, thereafter, be cross-examined by the Defense. After the cross-examination, the Presenting Officer would be given an opportunity to re-examine the witness. In the examination in chief, leading questions are not allowed. These are however allowed in the cross examination.

19. The procedure of Inquiry requires opportunity to the Charged Officer to cross-examine all the witnesses that appear on behalf of the Prosecution. Failure to do so may be construed as a denial of reasonable opportunity to the charged officer, resulting in vitiation of the Inquiry. If the complainant appears as a witness, she would also be examined and cross-examined. The Inquiry Officer may however disallow any questions which are offensive, indecent or annoying to the witnesses, including the complainant.

20. If Inquiring Authority wishes to ascertain some facts for clarity, he may pose questions to the witnesses. This should however, be done in such a manner as to not show any bias for or against the Charged Officer. This has to be done in the presence of the Presenting Officer and the Charged Officer/Defence Assistant. No inquiry should be conducted behind the back of the charged officer. The witnesses will be examined one by one, and the other witness who are either yet to be examined, or have been examined are not allowed to be present during the examination of a witness.

### Daily Order Sheet

21. The Inquiring Authority would also maintain a document called Daily Order Sheet in which all the main events of the inquiry and including requests/representations by the Charged Officer or the Presenting Officer, and decisions thereon would be recorded. For example (i) if the Charged Officer refuses to cross-examine the witnesses, this should be recorded in the Daily Order Sheet (ii) the Daily Order Sheet should record that the Charged Officer had been advised that he has the right to engage a Defense Assistant (iii) it should also be clearly mentioned that the Charged Officer was also informed as to who are eligible to assist him as Defense Assistant.

(iv) the Daily Order Sheet should also record in case request of the Charged Officer for engaging a particular person as Defense Assistant is disallowed in the light of the existing instructions. Daily Order Sheet should be signed by the Inquiring Authority, Presenting Officer and the Charged Officer/Defence Assistant.

### Defence Evidence

22. After the prosecution evidence is over, the Charged Officer is required to submit his statement of defense. In this statement, the Charged Officer is required to briefly indicate his line of defense. After this, the Defense evidence will be taken. The evidence will be produced in the same order as the prosecution evidence. First, the documents allowed by the Inquiry Authority would be taken on record and then the witnesses called and their examination, cross examination and re-examination done. The only difference here would be that the Examination in Chief would be done by defense while the cross-examination would be done by the prosecution. The defense would then have the opportunity of re-examining the witness.

### General Examination of the Charged Officer

23. After the Defense evidence is over, the Inquiring Authority shall ask Charged Officer as to whether he wishes to appear as his own witness. In case he does so, he will be examined like any other defense witness. In case however, he declines to do so, the Inquiring Authority is required to generally question him. At this stage due care is required to be exercised that as per Rule 14(18) the purpose of this stage is to apprise Charged Officer of the circumstances which appear to be against him. This is to enable the Charged Officer to explain them to the Inquiring Authority. Presenting Officer and the Defence Assistant do not take any part in the General

Examination. Charged Officer may not be compelled to answer questions during examination by the Inquiring Authority.

### Brief

24. After this, the Presenting Officer would be asked to submit his brief. A copy of this brief would be given to the Charged Officer. Both the Presenting Officer and the Charged Officer may be allowed reasonable time for submission of their brief.

25. The Inquiring Authority then writes the Inquiry Report in which the evidence in support of the charges and against them will be examined. The Report should be a speaking one clearly bringing out as to the evidence on the basis of which any particular conclusion has been reached. Based on this analysis,, the Inquiring Authority will give its findings on the Articles as proved or not proved. In case

any Article of charge is proved only partially, then the Inquiring Authority should record the extent to which that Article has been proved.

#### Powers of the Committee to make recommendations

26. Normally, the Inquiry Officer is not allowed to make any recommendations in his report. Here the function of the Complaints Committee acting as the Inquiring Authority differs. The Complaints Committee may however, make recommendations including what has been mentioned in para 2 above:

- (c) to grant such other relief to the aggrieved woman as may be prescribed; or
- (d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs.

Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from the terminal benefits payable to the officer or his heirs.

Such compensation will not amount to penalty under Rule I I of CCS (CCA) Rules in terms of the Explanation (ix) to Rule I I inserted vide Notification of even Number dated 19-11-2014.

Committee may recommend action to be taken against complainant, if the allegation is malicious, or the complainant knows it to be false, or has produced any forged or misleading document.

The Committee may also recommend action against any witness if such witness has given false evidence or produced any forged or misleading document.

27. The Complaints Committee should also remember that as per the Section 16 of the Act, notwithstanding the RTI Act, 2005, information as regards identity and addresses of the aggrieved woman, respondent and witnesses, Inquiry proceedings, Recommendations of the Committee, shall not be published or communicated or made known to public, press or media in any manner. Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

28. With the above stage, the inquiry would be formally over. The Inquiring Authority should prepare separate folders containing the documents mentioned in Rule 14(23)(ii).

#### Suspension

29. A Government servant may also be placed under suspension before or after issue of a Charge Sheet where his continuance in office will prejudice the investigation, for example if there is an apprehension that he may tamper with witnesses or documents. Suspension may also be resorted to where continuance of the Government servant in office will be against wider public interest such as there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals. It may be desirable to resort to suspension in case of misdemeanor involving acts of moral turpitude.

#### Special provisions to deal with threats or intimidation

30. Disciplinary Authority may also dispense with inquiry under Rule 19(ii), and action may be taken without the inquiry when the Disciplinary Authority concludes that it is not reasonably practicable to hold such an inquiry. The circumstances leading to such a conclusion may exist either before the inquiry is commenced or may develop in the course of the inquiry. Such situation would be deemed to have arisen:

- (i) where the Government servant, through or together with his associates terrorizes, threatens or intimidates witnesses who are likely to give evidence against him with fear of reprisal in order to prevent them from doing so; or
- (ii) where the Government servant himself or with or through others threatens, intimidates and terrorizes the Disciplinary Authority, Members of the Committee, the Presenting Officer or members of their family.

Disciplinary Authority is not expected to dispense with the inquiry lightly, arbitrarily or with ulterior motive or merely because the case against the Government servant is weak.

**-Memorandum F. No.11013/2/2014-Estt(A-III), dated: 16.07.2015 of the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training.**

**(C) How and in what manner the identity of adult victims of rape and children who are victims of sexual abuse should be protected** so that they are not subjected to unnecessary ridicule, social ostracisation and harassment? The following are the guidelines issued by the Supreme Court of India in WRIT PETITION (CIVIL) NO. 565 and 568 OF 2012 and certain other cases, Dated: December 11, 2018:-

1. No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.
2. In cases where the victim is dead or of unsound mind the name of the victim or her identity should not be disclosed even under the authorization of the next of the kin, unless circumstances justifying the disclosure of her identity exist, which shall be decided by the competent authority, which at present is the Sessions Judge.
3. FIRs relating to offences under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of IPC and offences under POCSO shall not be put in the public domain.
4. In case a victim files an appeal under Section 372 CrPC, it is not necessary for the victim to disclose his/her identity and the appeal shall be dealt with in the manner laid down by law.
5. The police officials should keep all the documents in which the name of the victim is disclosed, as far as possible, in a sealed cover and replace these documents by identical documents in which the name of the victim is removed in all records which may be scrutinised in the public domain.
6. All the authorities to which the name of the victim is disclosed by the investigating agency or the court are also duty bound to keep the name and identity of the victim secret and not disclose it in any manner except in the report which should only be sent in a sealed cover to the investigating agency or the court.

7. An application by the next of kin to authorise disclosure of identity of a dead victim or of a victim of unsound mind under Section 228 A(2)(c) of IPC should be made only to the Sessions Judge concerned until the Government acts under Section 228A(1)(c) and lays down a criteria as per our directions for identifying such social welfare institutions or organisations.

8. In case of minor victims under POCSO, disclosure of their identity can only be permitted by the Special Court, if such disclosure is in the interest of the child.

9. All the States/Union Territories are requested to set up at least one ‘one stop centre’ in every district within one year from today.

(D) Fast Track trial in Rape cases- Directions of the Supreme Court of India in SLP (Crl) No.5073/2011 dated: 25.04.2014:

1. Upon receipt of information relating to the commission of offence of rape, the Investigating Officer shall make immediate steps to take the victim to any Metropolitan/preferably Judicial Magistrate for the purpose of recording her statement under section 164 Cr.PC. A copy of the statement under section 164 Cr.P.C should be handed over to the Investigating Officer immediately with specific direction that the contents of such statement under section 164 Cr. PC should not be disclosed to any person till charge sheet/report under section 173 Cr.PC is filed.

2. The Investigating Officer shall as far as possible take the victim to the nearest Lady Metropolitan/preferably Lady Judicial Magistrate.

3. The Investigating Officer shall record specifically the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan/preferably Lady Judicial Magistrate as aforesaid.

4. If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating Officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate.

5. Medical Examination of the victim: Section 164 Cr.PC inserted by Act 25 of 2005 in Cr.PC imposes an obligation on the part of Investigating Officer to get the victim of the rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim under section 164 Cr.PC

*-DGP's Circular Memorandum No.095737/Crime IV (3)/2014, Dated: 21.06.2014.*

**ix) Curbing of the prevailing problem of Missing Children- Guidelines:**

The following are the guidelines to be followed to curb the prevailing problem of “Missing Children.”

a). The problem of “ Missing Children” is a grave matter, which is a human rights issue. It needs to be made a “Priority” issue and appropriate steps taken by all unit officers.

b). Forming of a “Special Squad / Missing Persons Desk” at all Police Stations to trace missing children. It should have a “Registering Officer”, who is responsible for registering complaints of missing children. He/She should maintain complete records of efforts made by them to trace missing children and also write incident reports then and there in CD or GD as the case may be. He will also work as an “Enquiry Officer” and held responsible for entire process. The functioning of the

Squad should be monitored regularly by Superintendents of Police and instructions issued wherever necessary.

c). The Special Squad / Missing Children Desk in Police Stations to evolve some kind of mechanism in partnership with NGOs and Social Workers, whereby apart from rendering counselling to them, awareness raising activities are also carried out.

d). In respect of data base on Missing persons, clear instructions were already issued in Chief Office memo in C.No. 016781/Crime 3(1)/05, dated: 31.01.2005. It should be followed scrupulously.

e). The Special Squad will have partnership with NGOs and Preliminary Inquiry into missing persons could be outsourced to NGOs which deliver the best result in tracing the children.

f). Although Missing Children is not a cognizable offence and the very fact of missing of a child does not convey occurrence of a crime, it is advisable to register FIR, if a missing child does not come back or is not traced within a reasonable time.

g). All unit officers will provide **materials to the Media such as News papers and TV Channels to print without** charge, announcements and advertisements on missing children.

h). There is a need to keep special vigils at railway stations, bus stands, airports, sea-ports and such other places, which act as transit points for missing children.

j). supervisory officers shall critically review cases under “Missing Children” and strictly adhere to instruction already issued in this regard vide C.No.016781/Crime 3(1)/2005 dt: 31.01.2005

- **DGP's Circular No 147960/HR Cell/07 dt: 31.08.2007.**

**(X) Steps suggested to have effective search of kidnapped minor girls:-**

I. (1) Publish photographs of the missing person in the newspaper, telecast them on the Television promptly, and in any case not later than one week of the receipt of the complaint. Photographs of the missing person shall be given wide publicity at all the prominent outlets of the city/ town/ village concerned that is, at the railway station, interstate bus stands, airport, regional passport office and through law enforcement personnel at border check-posts. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case of a minor/major girl such photograph shall not be published without written consent of the parents/guardians.

(2) Make inquiries in the neighbourhood, the place of work / study of the missing girl from friends, colleagues, acquaintances, relatives etc. immediately. Equally all the clues from the papers and belongings of the missing person should be promptly investigated.

(3) To contact the Principal, Class teacher and students at the missing person's most recent school / educational institutions. If the missing girl or woman is employed somewhere, then contact the most recent employer and her colleagues at the place of employment.

(4) Conduct an inquiry into the whereabouts from the extended family of relatives, neighbours, school teachers including school friends of the missing girl or women.

(5) Make necessary inquiries whether there have been past incidents or reports of violence within the family.

**I Thereafter, the investing officer shall:**

- a) Diligently follow up to ensure that the records requested from the parents are obtained, and examine them for clues.
- b) Hospitals and mortuaries be searched immediately after receipt of the complaint
- c) The reward for furnishing clue about the missing person should be announced within a month of her disappearance.
- d) Equally hue and cry notices shall be given within a month.
- e) The investigation should be made through women police officers as far as possible.
- f) The concerned Police Commissioner or the DIG/IG would find out the feasibility of establishing a Multi-Task Force for locating missing girl children and women.
- g) Further, the investigating Officer should immediately verify the red light areas and try to find out the minor girls. If any minor girl: (may or may not be recently brought there) is found, her possession be taken and she may be sent to the local Children's Home (Sec. 34 of the Juvenile Justice [Care and Protection of Children] Act 2000), and the Investigating Officers to take appropriate steps that all medical / other facilities are provided to her.

III All Superintendents of Police in districts and Commissioners of Police in cities shall ensure that the Investigation Officers follow these steps when any such occurrence takes place.

*DGP's Circular No. 003610/ Cr.4(1)/2008 dt: 10.02.2009.*

**XI. Special courts to try offences against children**

- a) Section 25 of Commissions for Protection of Child Rights Act, 2005 provides that the State Government may specify a Court of Session for each district to be children's Court to try the offences against children or violation of child rights. In G.O. Ms. No. 241, Home (Courts-II) Department dated 20.03.2009, the State Government have issued notification under this provision, specifying a Court of Session in 29 districts as Children's Court to try offences against children or violation of child rights in addition to the regular work. According to this notification, Mahila Courts in the following districts are designated as Special Courts under CPCR Act 2005:-

- |                |                  |
|----------------|------------------|
| i) Chennai     | vi) Perambalur   |
| ii) Coimbatore | vii) Pudukkottai |

- iii) Cuddalore
- iv) Kanchipuram
- v) Madurai
- viii) Salem
- ix) Trichy
- x) Tirunelveli

b) In the following districts, Principal District Sessions Courts are specified as Children's Court:-

- i) Dharmapuri
- ii) Dindigul
- iii) Erode
- iv) Kanyakumari
- v) Karur
- vi) Krishnagiri
- vii) Nagapattinam
- viii) Namakkal
- ix) Nilgiris
- x) Ramanathapuram
- xi) Sivagangai
- xii) Thanjavur
- xiii) Theni
- xiv) Thoothukudi
- xv) Thiruvallur
- xvi) Thiruvannamalai
- xvii) Vellore
- xviii) Villupuram and
- xix) Virudhunagar

c) This order further states that Special Courts for Thiruvarur, Ariyalur and Tiruppur will be notified separately.

d) Section 28(1) of the Protection of Children from Sexual Offences Act, 2012 (Central Act.32 of 2012) reads as follows:-

“(1) For the purposes of providing a speedy trial, the State Government shall, in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a court of Sessions to be a Special Court to try the Offences under the Act.

Provided that if a Court of session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purpose, under any other law, for the time being in force, then such court shall be deemed to be a Special Court under this section.

e) The Hon'ble High Court has directed that in view of this provision, the Children's Court already notified in G.O..Ms.No.241 Home (Courts.II) Department dated: 20.03.2009, are deemed to be Special Courts under the Protection of Children from Sexual Offences Act, 2012

f) These instructions shall be adhered to in respect of cases registered under Protection of Children from Sexual Offences Act, 2012.

- *DGP's Standing instruction No. 11/2013 dated: 06.04.2013*

xii) Implementation of “ Save the Child Campaign” focusing on preventing exposure of kids to tobacco.

A) Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade & Commerce, Production, Supply and Distribution) Act (COTPA 2003) has the following key provisions:-

- i. Prohibition of smoking in public places (section 4)
- ii. Prohibition on all forms of direct / indirect advertisement, promotion and sponsorship of tobacco products (section 5)
- iii. Prohibition on sale of tobacco products to minors and within a radius of 100 yards of educational institutions (section 5)
- iv. Mandatory depiction of specified health warnings on all tobacco products (section 7)
- v. As per section 13 of COTPA, any police officer, not below the rank of sub-Inspector, has been notified to take action against violation of any of these provisions.
- vi. For effective enforcement of COTPA 2003, the implementation system shall be institutionalized. Towards this end, steps shall be taken to incorporate COTPA violations as part of agenda item in the monthly crime review meetings at the district level. At State level, information shall be collated and sent to Ministry of Home Affairs and Ministry of Health & Family Welfare, New Delhi in the prescribed format thrice a year. (format enclosed).
- vii. In view of the health hazards posed by tobacco products in general and of smokeless tobacco products like gutkha, a coordinated effort has to be made to discourage its consumption through various means – social, economic, educational and legal. The field formations of the security apparatus also need to be sensitized to contain the menace.
- viii. Since COTP Act is a social law, enacted in the interest of public health to protect the youth and the vulnerable from adverse effect of tobacco use and second hand smoke, this law should be considered as a part of Social Policing as well.

All Superintendents of Police in districts and commissioners of Police in cities shall strictly enforce the provisions of COPTA 2003 and implement the instructions put forth above earnestly.

**-DGP's standing instructions No. 78/2014 dt: 12.05.2014**

Format for Information collection

Sl.No	COTPA Violation	Total number of persons fined/ challaned	Total Amount Collected (INR)	Total number of persons fined/challaned till date	Total amount collected (INR) till date
		Name of the Month		Cumulative figures	

1	Section 4			
2	Section 5			
3	Section 6 A			
4	Section 6 B			
5	Section 7			

**(B) Police - Strict enforcement of section 77 of the Juvenile Justice Act for the protection of children from exposure to tobacco-Instructions**

- (i) All Commissioners of Police in Cities and all Superintendents in Districts shall ensure that the officers under their jurisdiction strictly adhere to the changes in the Juvenile Justice Act (JJ Act),2015 which came into force on 15th January,2016.
- (ii) As per Section 2(12)of the JJ Act" child" means a person who has not completed eighteen years of age; Section 2(18),of the Act defines "Child Welfare Police Officers" are officers designated under section 107(1)of the Act.
- (iii) As per Section 77 of the Juvenile Justice Act, it is an offence against a child, if a person gives or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.

. The purpose of the above provisions of the Act is to ensure by all means a complete protection to the children below the age of 18 years from exposure to tobacco, for it's a known fact and evident from several studies that if a person is not addicted to tobacco use till 18 years, the chances of him taking up the habit thereafter is very slight. Every police officer in order to discharge his duty in conformity with objectives and legal provisions of this special Act, must have a special knowledge of the provisions of the above mentioned Act.

- **DGP's Circular No.029917/Cr 4 (3) /2016 dated: 03.05.2016**

**(xiii) (A) The Supreme court of India on 12 September 2013 in Civil Writ Petition 36 of 2009 issued modified guidelines regarding the Measures for Prevention of Fatal Accidents of Small Children due to their falling into Abandoned Bore wells and Tube Wells.**

The revised or the modified guidelines are as follows:

The owner of the land or premises, before taking any steps for constructing bore well or tube well must inform in writing at least 15 days in advance to the concerned authorities in the area.

Registration of all the drilling agencies, i.e., Government, Semi-Government or Private should be mandatory with the district administration or Statutory Authority wherever applicable.

Erection of signboard at the time of construction near the well is mandatory.

**The following details should be included on the signboard:**

- I. Complete address of the drilling agency at the time of construction/rehabilitation of well.
- II. Complete address of the user agency or owner of the well.
- III. Erection of barbed wire fencing or any other suitable barrier around the well during construction.
- IV. Construction of cement or concrete platform measuring 0.50.x0.50x0.60 meter (0.30 meter above ground level and 0.30 meter below ground level) around the well casing.
- V. Capping of well assembly by welding steel plate or by providing a strong cap to be fixed to the casing pipe with bolts and nuts.
- VI. In case of Pump repair, the tube well should not be left uncovered.
- VII. Filling up mud pits and channels after completion of works.
- VIII. Filling up abandoned bore wells by clay, sand, boulders, pebbles or drill cuttings from bottom to ground level.
- IX. On completion of the drilling operations at a particular location, the ground conditions should be resorted as before the start of drilling.
- X. District Collector should be empowered to verify that the above guidelines are being followed and proper monitoring check about the status of boreholes or tube wells are being taken care through the concerned state or Central agencies.
- XI. District or Block or Village wise status of bore wells or tube wells drilled. In the rural areas monitoring of these should be done through Village Sarpanch and the Executive from the Agriculture Department. In case of urban areas, the monitoring should be done through Junior Engineer and the Executive from the concerned Department of Ground Water or Public Health or Municipal Corporation.
- XII. If a bore well or tube well is abandoned at any stage, a certificate from the concerned department of Ground water or Public Health Municipal corporation or Private contractor must be obtained by these agencies.

Information on all such data on the above should be maintained in the District Collector or Block Development Office of the State.

**B) Prevention of fatal accidents – small children falling into open or abandoned bore wells**

The following instructions shall be strictly adhered to :

- i) Local bodies/VAOs should inform the police in case of default of safety guidelines by drilling agencies concerned.
- ii) Tough deterrent action should be initiated against the agencies concerned which fail to follow the safety guidelines.
- iii) Action taken by the police should also be highlighted in the media in order to act as deterrent.
- iv) The scope for action against the concerned drilling agency and any others responsible should be explored.
- v) SPs/ COPs shall convene meetings with the drilling agencies located in their jurisdiction and impress upon them, the safety guidelines to be followed and also warn them that any omission or neglect resulting in any mishap will render them liable for criminal action apart from any civil liability that arises on account of injury or death.
- vi) A comprehensive list of such drilling agencies must be maintained in the District Special Branch office

***DGP's standing Instruction No. 80/2014 dt: 21.05.2014***

**xiv) Procedure to be adopted for transfer of cases to another State/District**

**A. The following procedures shall be adopted:-**

- i. Transfer of cases can be ordered by the concerned SP or Range DIG or Zonal IG, as the case may be, within their jurisdiction.
- ii. Only proposals involving transfer of cases between different zones or Commissionerates or to another state, will need to be sent to chief office.
- iii. ADGP Law & Order will approve and issue orders, if both the units concerned are under his control.
- iv. If the case involves, transfer form or to Chennai city or transfer to another State, it should be put up to the DGP for orders with remarks of ADGP Law & Order.

***DGP's Instructions in C.No. 135 /DGP-TN/Camp/2013 dt: 04.07.2013***

**Procedure to be adopted for transfer of cases to another State/ District.**

**B. The following instruction are for strict compliance:-**

- i. Any proposal for transfer on point of jurisdiction should be sent without delay.
- ii. The proposal should be sent after required preliminary investigation.

- iii. Statements of the complainant and other witnesses, as are necessary to establish the place of occurrence, must be available in the CD file.
- iv. The S.H.O should initiate a proposal in the proforma enclosed. The CD file should be sent to the SP/COP along with the proforma.
- v. The SP/COP will forward the proposal along with his remarks/ recommendations through proper channel.
- vi. ADGP (L&O) will approve and issue orders, if the units concerned are within his jurisdiction. If it involves transfer from or to Chennai city or transfer to other State, it should be put up to the DGP for orders with remarks of ADGP (L&O)
- vii. Once proceedings are received approving the transfer, the CD file along with the proceedings should be forwarded to the concerned by the SP/COP. (or DGP of another State, if it involves transfer to another State).
- viii. It should be ensured that if the case has to be transferred to another state, authenticated English version for all material in Tamil enclosed.

**-DGP Standing Instruction No. 22/2013 dt: 13.05.2013.**

Proposal for transfer of case to another district /state on point of jurisdiction

1)	P.S Cr.No. Sec.	
2)	Date of occurrence	
3)	Date of Report	
4)	Gist of the case	
5)	District /State& Station to which to be transferred	
6)	Sequence of events <ul style="list-style-type: none"> <li>a. Events that took place in the jurisdiction of the Station, where case has been registered</li> <li>b. Events that took place in the jurisdiction of the station, to which the case is to be transferred</li> </ul>	
7)	Reason and justification for transfer of the case	
8)	Dates of CDs	
9)	No. of statements recorded u/s.161 CrPc	
10)	If the case is to be transferred to another state, are authenticated English version for all materials in Tamil enclosed?	
11)	Opinion of legal officer	
12)	Name, Designation of legal officer	

13)	Remarks& Recommendation	
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	Rank	Name	Post	Remarks	Signature & Date
i) SHO					
ii) Circle Inspector					
iii) SDO					
IV)SP/DC					
v) DIG/ JC					
vi) Zonal IG/ COP					
vii) ADGP L&O					

#### **xv) Referring of cases to Central Bureau of Investigation Inquiry-guidelines**

- (a) As per the provisions of Section 6 of the Delhi Special Police Establishment (DSPE) Act, 1946, consent of the concerned State Government is required to enable the Central Government to extend the powers and jurisdiction of Special Police Establishment to that State under Section 5 of DSPE Act,1946.
- (b) All Superintendents of Police and Commissioners of Police shall follow the guidelines given below:-
- (c) In order to enable the department to examine the feasibility of undertaking investigation by the CBI and to avoid delay in processing the case, a self contained note along with the notification under section 6 of the DSPE Act 1946, should be sent. A proforma for the self-contained note is appended.
- (d) When a case has been referred to CBI, pending the decision of the Central Government, the investigation by the Local Police must continue and should not be stopped or delayed in anticipation of the case being taken over by CBI for investigation. It may also be mentioned that CBI generally takes up a case in which an FIR has already been registered by the Local Police. In addition, CBI may also take up an enquiry and register a Preliminary Enquiry in special circumstance. However, there is no provision to make an informal enquiry into any matter.

*DGP's Memorandum No.193248/Cr.4(1)/2006, dated: 27.09.2006*

Proforma for making reference to Central Government for CBI inquiry/investigation

1.	Brief facts of the case to be investigated. (Details as regards the Crime - what, how, when, where and by whom may invariably be indicated)	
2.	Copy of the FIR (if a case has already been registered by the local Police), If FIR is in local language, the English translation may be provided.	
3.	Result of investigation done by the local police, including details of seizures/arrest made and the present status of the arrested accused i.e. whether on bail or in custody.	
4.	Details of court case, if any, filed in the matter.	
5.	Justification for referring the matter to CBI including inter-state or transnational ramifications.	
6.	Reasons regarding local/ State Police, not being in a position to investigate the matter.	
7.	Whether the State Government will be ready to place resources-manpower and logistic support including camp office and vehicles at the disposal of CBI, in case required, in connection with the investigation of the case.	

xvi) **Guidelines of the Supreme Court of India on handling of cases of medical negligence** (*Jacob Mathew v. State of Punjab and another – 2005 SCCL.COM 456.*

Criminal Appeal No. 144-145 of 2004 decided by the Supreme Court on August 5, 2005):

1. A simple lack of care, an error of judgment or an accident, even fatal, will not constitute culpable medical negligence. If the doctor had followed a practice acceptable to the medical profession at the relevant time, he or she cannot be held liable for negligence merely because a better alternative course or method of treatment was also available, or simply because a more skilled doctor would not have chosen to follow or resort to that practice.
2. Professionals may certainly be held liable for negligence if they were not possessed of the requisite skill which they claimed, or if they did not exercise, with reasonable competence, the skill which they did possess.
3. The word ‘gross’ has not been used in Section 304A of IPC. However, as far as professionals are concerned, it is to be read into it so as to insist on proof of gross negligence for a finding of guilty.
4. The maxim Res ipsa loquitur (Let the event speak for itself; no other evidence need be insisted) is only a rule of evidence. It might operate in the domain of civil law; but

that by itself cannot be pressed into service for determining the liability for negligence within the domain of criminal law. It has only a limited application in trial on a charge of criminal negligence.

5. Statutory Rules or executive instructions incorporating definite guidelines governing the prosecution of doctors need to be framed and issued by the State and Central governments in consultation with the Medical Council of India (MCI). Until this is done, private complaints must be accompanied by the credible opinion of another competent doctor supporting the charge of rashness or negligence. In the case of police prosecutions, such an opinion should preferably from a doctor in government service.
6. Doctors accused of rashness or negligence may not be arrested simply because charges have been levelled against them; this may be done only if it is necessary for furthering the investigation, or for collecting evidence, or if the investigating officer fears that the accused will abscond.

xvii) **List of Help lines in operation:**

Police:	100
Fire & Rescue Services:	101
Ambulance:	102, 108
Traffic Police:	103
National Emergency:	112
Women Helpline:	1091
Coastal Security Helpline:	1093
Child Helpline:	1098
Railway Police Helpline:	1512
Elders Helpline:	1253

xviii) **VICTIM COMPENSATION FUND**

The Hon'ble Supreme Court of India, in its order dated: 18.07.2013 in Writ Petition (Criminal) No. 129/2006 has issued the following directions:

- i) Acid attack victim shall be paid at least Rs.3 lakhs as the after care and rehabilitation cost.
- ii) Of the amount, Rs.1 lakh shall be paid to the victim within 15 days of occurrence to facilitate immediate medical expenses.
- iii) The balance of Rs.2 lakhs shall be paid as expeditiously within 2 months thereafter.

In accordance with the orders of the Supreme Court of India, dated: 11.02.2011 and dated: 18.07.2013 in Writ Petition (Criminal) No. 129/2006, the Government accord sanction for the formulation of a new scheme viz "Tamil Nadu Victim Compensation Scheme, 2013" under

section 357 A of the Code of Criminal Procedure to mitigate the grievances of the victims of crime in providing compensation to the victims/dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. The Government also accord sanction for creation of a new Fund viz “Victim Compensation Fund” and direct that the “Victim Compensation Fund” shall be administered as per the guidelines given in the Notification annexed to this order.

The Government also direct that the authorities competent to accord sanction and disbursement of compensation under the existing scheme of “Victim Assistance Fund” shall exercise the power of drawal and disbursement of compensation amount under the newly formulated “Victim Compensation Fund” and they shall make suitable deduction of payments while drawal and disbursement of compensation amount under the “Victim Compensation Fund” in order to avoid duplication in claiming and disbursement of compensation to the victims/their dependents.

The Government also direct that the existing allocation of Rs.2 crore made to the “Victim Assistance Fund” under the head of account:

“2235 Social Security and Welfare – 60 other Social Security and Welfare Programmes – 200 Other Programmes – I. Non Plan – CI. Victims Assistance Fund – 51. Compensation – Other Compensations (DP Code 2235-60-200-CI-5120”

be utilized for sanction, drawal and disbursement of compensation amount awarded by the Trial Court, State Legal Services Authority and District Legal Services Authority under Section 357 A of the Code of Criminal Procedure.

- *G.O.Ms.No.1055, Home (Pol.XII) Department, dated: 30.11.2013.*

Tamil Nadu Government Gazette, Extraordinary, dated: 30.11.2013-Part II Section 2:

3 (2): The Victim Compensation Fund shall consist of:-

- a) Budgetary allocation for which necessary provision shall be made in the annual budget by the State;
  - b) Fine imposed under section 357 of the Code and ordered to be deposited by the Courts in the Fund.
  - c) Amount of compensation recovered from the accused under clause 8 of the Scheme.
  - d) Donations and contributions received from International or National philanthropist or charitable institutions or organizations or individuals.
- (3) The Home, Prohibition and Excise Department shall be the Nodal Department for regulating administering and monitoring the Scheme.
- (4) The Director General of Police, Tamil Nadu, Chennai-04 shall be accountable for his functions under the scheme and for furnishing periodical returns of the amounts remitted to him by the State Government though the Nodal Department.
- (5) The Funds shall be operated by the Director General of Police, Tamil Nadu, Chennai-04

4 (1) A victim or his dependents shall be eligible for the grant of compensation under the scheme where:-

- (a) A recommendation is made by the Court under sub-section (2) or (3) of Section 357 of the Code or the Victim or his dependents make an application to the State or the District Legal Services Authority for award of compensation under sub-section (4) of Section 357-A of the Code.
- (b) The victim or his dependents shall report the crime to the officer-in-charge of the Police Station or any senior Police Officer or Executive Magistrate or Judicial Magistrate of the area within forty eight hours of the time of occurrence of the crime. Provided that the State or the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone any delay in reporting the crime.
- (c) The offender is traced or identified and a trial has taken place, the victim or his/her dependents have co-operated with the Police and the prosecution during the investigation and trial of the criminal case.
- (d) The crime on account of which the compensation is to be paid under this scheme has occurred within the territorial limits of the State.
- (e) 5. (1) Whenever a recommendation is made by the court under sub-section (2) of Section 357-A of the Code or an application is made by any victim or his dependents under sub-section (4) of said Section 357-A to the State or the District Legal Services Authority, the State or the District Legal Services Authority shall examine the case, verify the contents of the claim with regard to the loss or injury caused to the victim arising out of the reported crime. The said Authority may also call for any other relevant information which may be necessary in order to determine the genuineness of the claim for compensation. After verifying such claim and conducting due enquiry, the State or the District Legal Services Authority shall award adequate compensation within two months, in accordance with the provisions of the Scheme.

(2) Compensation under the Scheme shall be paid subject to the condition that if the trial court while passing judgment at a later date, order the accused person to pay any amount by way of compensation under sub-section (3) of section 357 of the Code, the victim or his dependents shall remit an amount equal to the amount of compensation paid under the Scheme or the amount ordered to be paid under sub-section (3) of said Section 357, whichever is less. An undertaking to this effect shall be given by the victim or his Dependents before the disbursal of the compensation amount. The trial Court, appellate Court, the Court of Session or the High Court, while releasing the compensation amount paid by the accused persons under sub-section (3) of Section 357 of the Code to the victim shall ensure that the victim has remitted back the compensation amount disbursed by the State under section 357- A of the Code so as to avoid payment of double compensation for the same loss or injury.

(3) The State or the District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of loss or injury

caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses, etc. The compensation may vary from case to case depending on the facts of each case.

(4) The quantum of compensation to be awarded to the victim or his dependents shall be subject to the maximum limit specified in the Schedule

(5) The amount of compensation decided under the Scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund. While making payment of the amount of compensation, the District Collector or the Commissioner of Police shall ensure that all the provisions of the Scheme are strictly complied with.

(6) Any other compensation paid to the victim or his dependents by the State Government in relation to the crime, such as insurance, ex-gratia, Hon'ble Chief Minister's Public Relief Fund, Hon'ble Chief Minister's Accident Relief Fund, Victims Assistance Fund or interim relief under the scheme or any payment made under any other Act or any other State-run Scheme, shall be considered as part of the compensation amount decided under the Scheme. The victim or his dependents who have already received compensation amount from the other sources mentioned above shall be deemed to be compensated under the scheme and shall not be entitled to separate compensation. If the compensation amount decided under the scheme exceeds the payments made to the victim or his dependents from the other sources mentioned above, the balance amount shall be paid from the Fund.

(7) The award of compensation made by the Motor Accidents Claims Tribunals under the Motor Vehicles Act 1988 (Central Act 59 of 1988) shall not be compensated towards the compensation decided under the scheme.

(8) The State or the District Legal Services Authority, to alleviate the suffering of the victim, may order for immediate first aid facility or medical benefits to be made available free of cost on the certificate of the Police Officer not below the rank of the officer- in- charge of the Police Station or a Magistrate of the area concerned, or any other interim relief, as it may deem fit.

6 (1) Notwithstanding anything contained in this Scheme, the State or District Legal Services Authority shall award an interim relief of Rupees three lakhs to the acid attack victims under sub-section (6) of Section 357 A of the Code, as the after care and rehabilitation cost on the certificate of the officer-in-charge of the Police Station or the Magistrate of the area concerned. Out of the said amount, a sum of Rupees one lakh shall be paid to the acid attack victim within fifteen days of the date of reporting of the crime and the balance amount of Rupees two lakhs shall be paid to the victim within two months after the date of sanction of initial relief of Rupees one lakh.

(2) The amount of interim relief shall be subject to the provisions of clause 5 as may be applicable and it shall be sanctioned, drawn and disbursed to the acid attack victims by the

authorities as specified in clause 7

7(1) The Secretary to Government, Home, Prohibition and Excise Department shall sanction the compensation amount awarded by the State Legal Services Authority. The District Collectors concerned in respect of the Districts and the Commissioners of Police in respect of cities coming under a Police Commissionerate shall draw and disburse the above compensation amount to the victims or his dependents within one month from the date of receipt of sanction order from the Home, Prohibition and Excise Department.

(2) The District Collectors in the Districts and the Commissioners of Police in Cities coming under a Police Commissionerate shall sanction the compensation amount awarded by the District Legal Services Authority or the trial Court. They shall draw and disburse the sanctioned amount to the victims or his dependents within one month from the date of receipt of award from the District Legal Services Authority.

8. Copy of order of compensation passed under the Scheme shall be placed on record of the trial Court to enable the Court to pass order of compensation under sub-section (3) of Section 357 of the Code, if any.

9. The State or the District Legal Services Authority, if deem it proper, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or his dependents from the person responsible for causing loss or injury as a result of the crime committed by him.

10. No claim made by the victim or his dependents under sub-section (4) of Section 357-A of the Code shall be entertained after a period of six months after the date of commission of the crime.

Provided that the State or District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

11. Any victim or his dependents, aggrieved by the denial of compensation by the District Legal Services Authority may file an appeal before the State Legal Services Authority and any victim or his dependents aggrieved by the denial of compensation by the State Legal Services Authority may file an appeal before the State Government within a period of ninety days from the date of receipt of the order of such denial of compensation.

Provided that the State Government or the State Legal Services Authority as the case may be, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

**APPENDIX**  
**THE SCHEDULE**

S.No.	Particulars of loss or injury	Amount of compensation
1.	Loss of life.	Up to Rs.3.00 lakhs
2.	Loss of any limb or part of body (more than 80%)	Up to Rs.2.00 lakhs
3.	Loss of any limb or part of body (more than 50%)	Up to Rs.1.00 lakhs
4.	Loss of life due to acid attack	Up to Rs.3.50 lakhs
5.	Rape	Up to Rs.3.00 lakhs
6.	Loss or injury causing severe mental agony to women and children in cases like human trafficking, kidnapping, molestation etc.	Up to Rs.1.00 lakhs

The following expenses shall be payable in addition to the compensation outlined above:-

1.	Funeral expenses	Rs.2,000/-
2/	Medical Expenses-Actual expenses incurred before death or on account of injury as supported by bills or vouchers.	Up to Rs.1,50,000/- (can be brought under Health Insurance Scheme)

The Health Department shall take measures to provide treatment to the victims of acid attack under the Hon'ble Chief Minister's Comprehensive Health Insurance Scheme.

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### **xix) REMOVAL OF DIGITAL BANNERS & PLACARDS**

Guidelines of the Hon'ble High Court of Madras in W.P.Nos.30233/2011 etc, dated: 09.01.2014 regarding erection of digital banners on road margins, road medians and also in footpaths:-

- i. The respective District Collectors, Head of the Department and Officials of Local Bodies as well as Jurisdictional Commissioners of Police and Superintendents of Police are directed to ensure that no digital banner and placards shall be put up in violation of the provisions of the City Municipal Corporation Act, 1919 (Amendment Act No.2/2011), Madurai City Municipal Corporation Act, 1971, Coimbatore City Municipal Corporation Act, 1981, The Tamil Nadu District Municipalities Act, 1920 and the Tamil Nadu Urban Local Bodies (permission) for Erection of Digital Banners and Placards Rules, 2011 and amendments etc., and take all effective and sincere steps for the prevention of such unauthorized erection of digital banner, placards and hoardings.

- ii. In the event of violation of any of the provisions of the above Acts, criminal prosecution shall be launched against the concerned individuals forthwith in accordance with law and periodical monitoring shall be done.
- iii. The above said officials are directed to hold periodical review meetings, preferably once in three months to review the implementation of the statutes, rules and regulations and orders passed by the Court with regard to the erection of digital banners, placards and hoardings.

All the Commissioners of Police in Cities and all Superintendents of Police in Districts are requested to strictly adhere the above guidelines.

- *DGP's Circular Memorandum in Rc.No.218387/Genl.1/2014, dated: 20.09.2014.*

## **XX) POLICE TO ORGANIZE FUNCTIONS ON OCTOBER, 31 EACH YEAR IN SCHOOLS AND COLLEGES.**

The Joint Director & Conference Secretary, Intelligence Bureau (Ministry of Home Affairs), New Delhi, in his letter No.10/Police (L)/2016 (26)-783, dated: 13.07.2016, has sent the actionable point on PM's directives given during DGsP/IGsP Conference – 2015 recommending Police to organize functions on October, 31 each year at local Schools where the Martyr had studied to pay homage to them, so as to inspire the younger generations. Students from School/college should also speak on the background and valour of martyr during such functions and to co-ordinate with CAPFs in respect of Martyrs of such CAPFs.

Therefore, all the Commissioners of Police in Cities and the Superintendents of Police in Districts are requested to instruct all the SHOs under their control to coordinate with CAPF, in respect of Martyrs and organize function on October 31 each year at the School Level and College Level to pay homage to the Martyrs.

An action taken report shall be sent to the MHA by Nov 5<sup>th</sup> each year.

- *DGP's Circular Memorandum No.002337/Con 4 (3)/2015-26.*

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