Chapter III

POLICE: ORGANIZATION, INVESTIGATION OF CRIMES AND SAFEGUARDS FOR THE PROTECTION OF HUMAN RIGHTS UNDER THE CONSTITUTION OF INDIA

3.0.0 INTRODUCTION

The police is a state subject and its organisation and working are governed by rules and regulations framed by the state governments. These rules and regulations are outlined in the Police Manuals of the state police forces. Article 246 of the Constitution of India places the police, public order, courts, prisons, reformatories, borstal and other allied institutions in the State List. Superintendence over the police force in the state is exercised by the State Government.¹ The head of the police force in the state is the Director General of Police (DGP), who is responsible to the state government for the administration of the police force in the state and for advising the government on police matters. To enable the police have greater and speedier reach and the public to gain easier access to police help, police posts have been set up under police stations, particularly where the jurisdiction of the police station, in terms of area and population, is large.

Procedural law describes the procedure to be followed in a criminal case from registration, investigation and to its final disposal after a proper trial by a court of law. The police are not empowered to take cognizance of all penal offences. Criminal law makes a distinction between two categories of offences- cognizable and non-cognizable.² Criminal Investigation Departments or CIDs, as they are popularly known, are specialized branches of the police force. They have two main components - the Crime Branch and the

¹ Section 3, The Police Act, 1861.
² The First Schedule of Cr.P.C lists all offences in the IPC and mentions whether they are cognizable (255 of the offences) or non-cognizable (122 of the offences).
Special Branch. The officer in charge of the CID generally supervises the work of both branches, though some states appoint a separate officer in charge of the Special Branch.

Arrest has far reaching consequences; the social status and dignity of an individual suspect becomes at stake, even his discharge cannot blot out the stigma consequent upon arrest. There are financial implications for the arrested person and his family. The public suffers its repercussion as we. Naturally, it needs to be ensured that arrests are not affected in a frivolous manner and that the rights of arrested persons are fully guaranteed. Towards this effect, The Cr.P.C. laws down safeguards such that the rights of persons enshrined in Art. 21 and 22(1) are not violated. However, it has been some time before the statutory provisions have been understood in all its implication and they have been given effect to. Mostly the criminal administration system ignores such safeguards and the judiciary for quite some time has been lax about ensuring the proper observance of prisoner's rights. So there have been many later declarations and statutory enactments which reaffirm the faith in the rights of arrested persons. The endeavour is to look into various rights of arrested persons, enshrined in statutes, conventions and lucidity pronouncements.

Keeping the above points in mind, the research scholar conducted a study on (a) the organisation of police, (b) investigation by the police and (c) safeguards for the arrested under the Constitution of India and the criminal procedure code for the protection of human rights of the arrestee, in this chapter.

3.1.0 Police - Organization

The Police in a democratic polity, perform multiple and complex tasks. Towards this objective, the police have to be an effective organization for the prevention, detection
and investigation of crime, maintenance of law and order, protection of lives, liberties, and honour and possessions of the people, to bring offenders to justice and to render honest and impartial service to the people. However the changing internal security scenario has added a new dimension to the tasks of the police and brought the Police Force closer to the center-stage of governance. Within the increasingly tentative internal security situation in large parts of the country, consequently, it is an urgent imperative to secure a police organization that is structurally cohesive, functionally competent and operationally oriented to fulfil the wide-ranging goals of the organization in providing efficient as well as qualitative services to the people. In performing this role, the police must maintain highest standards of integrity, professionalism and service orientation while acting within the framework of the Constitution and laws of the land.

3.1.1 History of Andhra Pradesh Police

3.1.1.1 Police History

The police in India are as old as the nation herself. Ancient India saw police as an instrument under the kings. They were ministers or important individuals who were vested with police functions. The Moghul period some kind of organized patterns set into the police system. However there were glaring differences between systems of policing from one state to another which was noticed by the British. Realizing the need for a unified policing system in India, the British by a process of experimentation evolved the existing pattern of Police that was embodied in the Indian Police Act, Act-V of 1861. Modeled on the pattern of the army, the police personnel are to be utilized mainly for quelling disturbances by the civil population. This system has been the basis for the formation and functioning of all police systems in India that are constantly waging a war against internal enemies.
The Andhra Pradesh Police came into existence along with the formation AP State. Some parts of the present Andhra Pradesh state was ruled by the Asaf Jah dynasty. Some area was for a long time under the Vijayanagar dynasty that was founded by Sri Krishnadevaraya. The organization of the police during this period was called the Kaveli System or the Hindoo Police. In each village, town, city and district were stationed officers of police with gradations of rank and numbers of retainers commensurate with their ranges, from that of the humblest Kavilgar to the most powerful Poligar. The Kavilgars were entrusted the internal security and tranquility of the state. They were armed and paid by means of contributions from every inhabitant in addition to an assessment amount. The Poligars were expected to join the king’s army in times of external danger. They were entrusted with the safety of public property and were armed with the means and paid for the purpose of protecting it. They were held responsible and questioned for all thefts, robberies, depredation, detection and apprehension of public offenders. When the British came in the 19th century they introduced a system of policing that initiated a process of transition from military diplomacy to a modernized system.

It was the Madras Act XXIV of 1859 which marked the beginning of the Madras Police and shortly later, the Police Act of 1861 instituted the system of police which forms the foundation of modern day police in India. The "Ceded Areas" of Andhra, as they were popularly known, continued as a part of the Madras Police and it was only in October 1953, after the birth of a separate Andhra State, that the Andhra State Police gained individual existence. Finally with the formation of the Andhra Pradesh State on the 1st November 1956 integrating the Telugu speaking areas the modern day Andhra Pradesh Police came into existence.
The Police Act 1861 instituted the system of policing which is in force in India today. It is Act V that regulates the organization, recruitment and discipline of the India Police. With the induction of the Police Code in 1865 and the creation of the post of Inspector General of Police, there was a marked improvement in the law and order scenario in the country.

The Andhra Pradesh Police force was born out of the integration of two separate police forces—the police force of the ex-Andhra state and that of the Telangana area in the erstwhile Hyderabad state. The condition of the state during the mid 19th century was one of great anarchy and confusion.

Telangana: The territory of Telangana was ruled by the dynasty of the Nizam founded by Asaf Jah, a general in the army of the Mughal emperor Aurangazeb. He and his successors ruled the entire Deccan region with assistance and guidance from the French. In the districts the policing work was performed by irregular troops—the Sibandi peons, the Nizamats and the village servants. In the Marattawari districts the task was assigned to the Ramosis and Jaglias; in the Kanara districts the task of policing was assigned to the Setsindhis and Talayaris while most of the Telangana region was monitored by the Mannevars and Mazkuris. Armed with the authority to investigate arrest, liberate or punish the guilty these village servants in return for the police duties performed by them held lands and received a share of the yield from the villagers.

Andhra: Most of the Andhra region was for a long time under the Vijayanagar dynasty that was founded by Sri Krishnadevaraya in 1509. The organization of the police during this period was called the Kaveli System or the Hindoo Police. In each village,
town, city and district were stationed officers of police with gradations of rank and numbers of retainers commensurate with their ranges, from that of the humblest Kavilgar to the most powerful Poligar. The Kavilgars were entrusted the internal security and tranquility of the state. They were armed and paid by means of contributions from every inhabitant in addition to an assessment amount. The Poligars were expected to join the king’s army in times of external danger. They were entrusted with the safety of public property and were armed with the means and paid for the purpose of protecting it. They were held responsible and questioned for all thefts, robberies, depredation, detection and apprehension of public offenders. When the British came in the 19th century they introduced a system of policing that initiated a process of transition from military diplomacy to a modernized system.

With the advent of Independence of India in 1947, the Nizam of Hyderabad envisaged an independent suzerainty of his dynasty and Muslim rule. However the police action in September, 1948 dispelled the Nizams notions and after strenuous efforts by the police and army to restore law and order, Hyderabad became a part of the Indian Union on the 26th January 1950.

A land of multifarious hues and people that boasts of a strong and uncompromising yet empathetic and responsive Police Force. Soft temperaments laced with firm action, the Andhra Pradesh Police, created on 1st November, 1956 with a rich, colorful and varied history was born of the amalgamation of two separate police forces—the police force of the erstwhile Andhra state and that of the Telangana area in the erstwhile Hyderabad state.
3.1.1.2 Police Vision & Mission

**Vision:** Andhra Pradesh Police Department is committed to delivering the most efficient, effective, productive, and quality police service to the community. The department is dedicated to the advancement of a cooperative partnership with the community to develop better community policing, improved communications and reduced crime. The Police Department strives to develop a comprehensive strategy to resolve public safety issues, and enhance the quality of life within our community. The Andhra Pradesh Police Department is an open, friendly and community-minded organization devoted to quality public service, unyielding in purpose and dedicated to live by values reflecting a genuine desire to care for the safety and well-being of the public.

**Mission:** The officers and men of Andhra Pradesh Police Department are committed to providing professional law enforcement services, protecting the rights of individuals, preventing crime, and building community partnerships. The Police Department serve the community with integrity, diversity and quality and to provide proactive interaction with the community to enhance the feeling of safety and security in the state. The Andhra Pradesh Police Department is committed to serve the needs of the citizens of India by providing an efficient and effective level of service through crime prevention and protection programs.

3.1.1.3 Police Hierarchy

The hierarchy of Andhra Pradesh Police Department makes for a tree like hierarchical structure with Director General of Police at the top. It also includes information about the different zones under which the police force works that includes Hyderabad Region, Rayaseema Region, Warangal, and Andhra regions.
**Police Organization**: The police force of the Andhra Pradesh State is under the general control and supervision of Director General and Inspector General of Police appointed by the State Government. Office of the Director General and Inspector General of Police, which is also called as Chief Office or DGP Office, consists of

1. Police headquarters with State Control and Communication complex.
2. Administrative Wing.
3. Law and Order Wing.
4. Technical Wing.
5. Recruitment and Training Wing.

The Director General and Inspector General of Police, hereafter referred as Director General of Police (DGP) is assisted by:

1. Addl. DGP (Law & Order)
2. Addl. DGP (Administration)
3. Special/Addl. DGP (Crime Investigation Department)
4. Addl. DGP (Intelligence and Security)
5. Addl. DGP (Armed Police)
6. Addl. DGP (Technical Services)
7. Special/Addl. DGP (Recruitment & Training) and Chairman, State Level Police Recruitment Board (SLPRB).
8. Addl. DGP (Traffic, Planning & Highway Patrolling), Hyderabad.
10. IGP (Greyhounds)
11. IGP (Homeguards)
12. Director, A.P. Forensic Science Laboratory (APFSL)
Different Types of Police in Andhra Pradesh

As per manual book of police the following is the different types of police in Andhra Pradesh.

1. Andhra Pradesh Special Police
2. Armed Reserve Police
3. Special Armed Reserve Police
4. District Police
5. Commissioner of Police, Hyderabad City
6. Traffic Police
7. Women Police
8. Crime Investigation Department
9. Department of Intelligence and Security
10. Police Communication
11. Police Transport Organization
12. Police Home-Guard Organization
13. Police Computer Services
15. Department of Counter-Intelligence
16. Department of Cyber Crime
17. Central Crime Station & Detective Police
18. Department of Special Investigation Team
19. Department of Prosecution
20. Anti-narcotic Cell
21. Vigilance Cell
22. Department of Mounted Police
23. Department of Bomb Disposal and Dogs Squad
24. Department of Correctional Institutions
25. Department of Anti-Corruption Bureau
26. Department of District City State National Crime Records Bureau
27. Department of Finger and Foot Print Bureau and Photographic
28. Department of Clues Team (Scientific Investigation Forensic Science Laboratory)
29. Department of Recruitment and Training

The Articles 256 and 257 Executive Power of the states is subordinate union parliament – the centre protect the states. They are:

1. Border Security Force
2. Central Reserve Police
3. Central Industrial Security Force
4. Central Bureau of Investigation
5. Central Intelligence Bureau
6. Railway Protection Force
7. Coastal Guard
8. Indo-Tibetan Border Police
9. Rapid Action Force
10. Director of Enforcement
11. Research and Analysis Wing

The organization chart of Director General of Police is presented and separately attached hereunder.

The State is divided into six (6) Zones, each headed by a IG/DIGP The cities of Hyderabad, Vijayawada and Visakhapatnam are headed by the Commissioners of Police.
The Addl. DGP (L&O) will have supervision over the Zonal IsG/DIsGP and Commissioners of Police except that of Hyderabad city besides supervision over Chief Public Relations Officer, whose office is located in the Chief Office.

The Addl. DGP (Administration) is assisted by IsGP (a) Personnel, (b) Legal, (c) Budget and Organisation, (d) Provisioning and Logistics, (e) Coordination and (f) Welfare and Sports. He is also assisted by a DIGP (Administration) in the office administration of the Chief Office. There is one Chief Accounts Officer to assist the IGP Budget and Organisation. The DGP Printing Press will be under the charge of a technical officer of the rank of DSP as Manager borrowed from the Government Printing Press or recruited. The DGP Press shall be under the administrative control of DIGP (Administration).

The Special/Addl. DGP Crime Investigation Department (CID) is assisted by (1) IGP PCR & Telangana (2) IGP Administration, Legal and Rayalaseema (3) IGP Economic Offences and Hyderabad City (4) IGP Gender Offences and Coastal area (5) IGP Railways (6) IGP State Crime Records Bureau (SCRB) assisted by Director, Finger Print Bureau (FPB) and (7) 4 DIsGP one each for organized crime & narcotic cell; property offences; PCR & Social Justice and Human Rights. There is also a legal branch under him for rendering legal assistance in the criminal cases.

The Addl. DGP (Intelligence and Security) is assisted by 2 IsGP one for Intelligence and one for Security. There shall be 3 more DIsGP, one each for General Intelligence, Operations and Special Intelligence Branch (SIB).

The Addl. DGP (Armed Police) is assisted by IGP and DIsGP APSP.
The Addl. DGP (Technical Services) is assisted by 3 IsGP - one each for Police Transport Organisation (PTO), Communications and Police Computer Services.

Special /Addl. DGP (Recruitment & Training) and Chairman, SLPRB is assisted by Director, APPA, IGP Training and IGP Recruitment.

The Additional Director General of Police (Traffic, Planning and Highway Patrolling) monitors and co-ordinates the functions of various agencies relating to road safety measures with Headquarters in DGP Office, Hyderabad.

The Commissioner of Police, Hyderabad who is of the rank of Spl./Addl. DGP is assisted by Addl./Joint CsP who in turn are assisted by Dy. Commissioners of Police, in charge of law and order, crime, traffic, administration, special branch and armed reserve and by Commandant, Special Armed Reserve - Central Police Lines (SAR-CPL) Amberpet, Hyderabad.

Each zone / range in the state consists of 3 or more districts. Each district is headed by a Superintendent of Police (District Chief of Police) assisted by two Addl. SsP. The Addl. SP (L&O) will also be in charge of Administration and Armed Reserve. The other Addl. SP will be in charge of district investigation squads and District Crime Records Bureau (DCRB). In some districts depending upon the need, one more Addl. SP is posted to supervise special operations. The district special branch works under the direct supervision of the Superintendent of Police.

1. The Superintendent of Police in the district is also assisted by sub-divisional police officer of the rank of ASP/DSP, each in charge of a sub-division. A sub-division is further divided into circles headed by Inspectors of Police.

2. Each circle is sub-divided into police stations under a Sub-Inspector who is called the Station House Officer with assistant sub-inspectors, head constables and
constables and wherever necessary with an additional sub-inspector to assist him. Some police stations have out-posts and check-posts attached to them and each is manned by ASIs/HCs with constabulary assistance. They are located wherever necessary for the prevention and reporting of crime.

3. The basic functional unit of police is the police station, which is called station house as notified by the Government as per section 2(s) of Cr.P.C. with clearly defined jurisdiction. These police stations are classified as law and order police stations, detective police stations, traffic and high way police stations, women police stations and railway police stations. Each of the above categories is primarily meant for certain specific police functions as contained in this Manual.

4. In all Commissionerate Cities and in 'A' grade municipal towns, there shall be separate police stations - one for law and order and another for crime and investigation called as detective police station (DPS).

The Commissioner of Police, Hyderabad, is assisted by Addl. CsP/Jt. CsP, and Dy. Commissioners of Police in charge of law and order, crimes, traffic, special branch, administration and armed reserve and Commandant, SAR CPL

1. For the purpose of law and order, the city is divided into zones, each under the charge of Dy. Commissioner of Police (DCP) of the rank of Superintendent of Police. Each zone is sub-divided into divisions headed by an officer of the rank of Asst. Commissioner of Police (ACP). Sub-divisions are further divided into police stations under the charge of an Inspector assisted by sub-inspectors, assistant sub-inspectors, head constables and constables. The Dy. Commissioner of Police of the respective zones are responsible for law and
order, maintenance of public order and peace and prevention and detection of crimes in their respective areas.

2. The investigation branch of city police is headed by Deputy Commissioner of Police and consists of crime records and criminal intelligence wing, juvenile bureau, modus operandi bureau, specialized investigating teams and divisional investigating teams including the CLUES team. Addl Deputy Commissioner of Police/Asst. Commissioner of Police supervises these teams, generally headed by an Inspector. The city crime branch, which is known as detective department, handles all grave, sensational and white-collar crimes other than simple cases, which are dealt by the law and order PSs. For the purpose of investigating the crimes, each division has a divisional detective ACP, assisted by Inspectors and sub-inspectors etc. The detective department also handles cases as entrusted by the Commissioner of Police, Director General of Police and the Government. In addition, all important and sensational cases will also be dealt by the city detective department.

3. For the traffic control, regulation and enforcement of traffic rules, the city is divided into traffic divisions co-terminus with law and order zones, each headed by ACP Traffic. Each division consists of a number of traffic police stations headed by an Inspector assisted by sub-inspectors, assistant sub-inspectors, head constables and constables. The overall control over the traffic force in the city vests with the Dy. Commissioner(s) of Police, Traffic. Traffic offences will however be investigated by the respective law and order PSs.

4. The city special branch is headed by a Dy. Commissioner of Police assisted by Addl. DCP / Asst. Commissioner of Police with a complement of Inspectors, sub-inspectors, assistant sub-inspectors, head constables and constables.
5. The city police has its own armed reserve called City Armed Reserve including city guards and mounted police, headed by a Jt./Dy. Commissioner of Police, Headquarters and assisted by an Addl. DCP and ACsP, who are assisted by Reserve Inspectors (RI), Reserve sub-inspectors (RSI), Asst. reserve sub-inspectors (ARSI), Head constables (ARHC) and Constables (ARPC).

6. A force called the Special Armed Reserve (SAR) under a Commandant of the rank of Superintendent of Police assisted by Asst. Commandants of the rank of DSP with its complement of Reserve Inspectors, Reserve sub-inspectors, Asst. Reserve sub-inspectors, head constables and constables is stationed at Central Police Lines (CPL), Amberpet, Hyderabad. This force is intended as a stand-by in emergencies and for providing escorts for treasuries, prisoners, ballot boxes, examination question papers and other similar duties. It also provides the police personnel required for staff officers in DGP office. It is under the administrative control of the CP Hyderabad.

7. The cities of Vijayawada and Visakhapatnam are headed by Commissioners of Police who are of the rank of IG/DIGP. Thestructure and functions of the police in these commissionerates is similar to that of Hyderabad City.

The Crime Investigation Department (CID) of the State is the main investigating agency of the State consisting of investigating units and teams, the State Crime Records Bureau and the Finger Print Bureau. The Women's Protection Cell, the sniffer dog squad and the bomb disposal teams also form part of crime investigation department. Special/Addl DGP heads the crime investigation department, assisted by IsGP, DIsGP and SsP. The investigating teams of CID are generally headed by DSSP/Inspectors with
sub-inspectors, head constables, scientific assistants and other specialized personnel. These teams are located either at the State Hq. or at such places as prescribed by the Government. These teams are supervised by SsP/DlsGP/IsGP. The CID will undertake all criminal cases as entrusted by the DGP and the Government besides undertaking direct investigation of specified offences. The legal branch in CID, consisting of Chief Legal Advisor of the rank of District and Sessions Judge, Legal Advisor and Asst. Legal Advisors, tenders legal opinion and advice on all crime matters during investigation, trial and appeal etc. The CID shall be responsible for updating and maintenance of all crime records in the State and shall be in overall charge of criminal intelligence. CID is a nodal agency in the State for INTERPOL.

There are (3) Railway Police Districts in the State under the control of IGP Railways who reports to the Director General of Police (DGP) through the Special/Addl. DGP CID. Each Railway Police district is headed by a Superintendent of Police, who is assisted by one or more DSsP, each in charge of a Railway Police sub-division. Railway Police sub-divisions are divided into Circles under Inspectors and Police Stations under sub-inspectors with asst. sub-inspectors, head constables and constables.

The Intelligence department is headed by an Addl. DGP assisted by IsGP, DIsGP, SsP., Addl. SsP., DSsP., Inspectors, sub-inspectors and other ranks including ministerial staff. The Shorthand Bureau, the Special Intelligence Branch, the Security Wing and Counter Intelligence Cell also function as part of the Intelligence Department.

Addl. DGP Armed Police will be in charge of APSP Battalions, and will be assisted by IGP APSP. At present, there are 17 Andhra Pradesh Special Police Battalions
Under a Commandant assisted by Addl. Commandant and Asst. Commandants. Each battalion is divided into active companies, which are again sub-divided into platoons and sections. The battalions are controlled by an officer of the rank of IGP assisted by 4 or more DIslsGP. The movement and disposition of these battalions are subject to the orders of the DGP. However in grave emergencies, the Commissioners of Police, the Zonal IsG./DlsGP may move them in anticipation of approval of the DGP.

The Police Transport Organization (PTO) serving the transport requirement of Police Department with its complement of technical and administrative staff is controlled by the Director who is of the rank of IGP. He is assisted by different ranks of technical and non-technical police officers and other technical staff. The IGP (PTO) reports to the DGP through the Addl. DGP (Technical Services). The Police Communications branch of the State is under the control of the Director of the rank of IGP (Non-cadre), assisted by technical persons of the rank of DIGP, SP, DSP, Inspector, SI, ASI, HC and Constable. The Director, Police Communications reports to the DGP through Addl. DGP (Technical Services).

The Police Computer Services is headed by an officer of the rank of IGP who will report to the DGP through the Addl. DGP (Technical Services).

There is a State Level Police Recruitment Board (SLPRB) under Special/Addl. DGP (Recruitment & Training) who is also designated as Chairman of the Board. The Board recruits officers of and below the rank of subinspectors and Reserve subinspectors by conducting competitive examinations. The Chairman is assisted by IGP (Recruitment). The Special/Additional DGP (R&T) and Chairman, State Level Police
Recruitment Board is overall in charge of recruitment and all training institutions in the State including AP Police Academy (APPA).

The Training wing of the police department has various institutions to train officers and men. The prime institution of training is the Andhra Pradesh Police Academy at the State headquarters headed by the Director of the rank of an IGP. The other training institutions are Police Training Colleges headed by SsP/Addl.SsP. Every unit of Police establishment shall have a small and compact training institute. All the Police Training Colleges in the State are under the charge of IGP Training who is assisted by DIGP Training.

The duties and responsibilities of the Addl. DGP Traffic Planning and Highway Patrolling (TP & HP) shall be mainly to advise the government on the road safety policies and implement the decisions of the State Road Safety Council and oversee the functions of District Road Safety Council- He also collects and analyses statistics relating to road accidents, studies and identifies the causes, recommends and monitors the implementation of measures to improve traffic conditions. It is also his duty to devise better methods of training to drivers and to monitor the working of highway patrols.

A specialized force called "Greyhounds" is under the charge of IGP Greyhounds. It is a commando unit for anti extremists and other special operations and also for imparting specialised training to police personnel in jungle warfare. IGP Greyhounds will function directly under the Director General of Police (DGP).

The Home Guards organization is a voluntary organization trained and administered by the police department. The Director General of Police (DGP) is the
Commandant General of Home Guards of the State. The IGP Home Guards will be in charge of the entire Home Guards Organization in the State. In the cities, the Commissioners of Police and in the Districts, the SsP are in charge of training and deployment of Home Guards to various organizations that require their services.

A.P. Forensic Science Laboratory (APFSL) is headed by a Director who is of the rank of IGP (Non-Cadre) and reports to the Director General of Police (DGP). APFSL provides all possible help that modern science can render in crime detection to investigating officers. It also tenders expert scientific opinion in criminal / legal cases. Technical persons of various ranks assist Director in discharge of his duties.

The Department of Prosecution of the State headed by the Director of Prosecution, Functions under the Control of Law Department. The Prosecution Branch oversees the work of all prosecuting officers who conduct police cases in various criminal courts in the State.

3.1.1.4 Powers and Duties of Senior Officers

(a) Director General of Police

The Director-General of Police is the head of the Police Department of the State. His main role is Law enforcement and thereby, to promote the dynamic Rule of Law. The functioning and administration of the police throughout the State are vested in him. He advises the Government on all police matters, both administrative and operational. He is responsible to the Government for the internal management, economy, equipment, training, discipline and efficient discharge of duties by all members of the force. He is ultimately responsible for making the Police organization fully efficient at all levels for
preventing and detecting crime, maintenance of public order, law and order, safety and security and preservation of peace. He has to keep the Government informed of the state of crime and all political, communal, subversive and terrorist movements throughout the State and to advise the Government as to the manner of dealing with them. Subject to approval of the Government, he is vested with powers to frame such orders and regulations as may be necessary and expedient related to the prevention and detection of crime, promotion, preservation and maintenance of law and order, public order, public safety and security of the State and also related to the general management, utilization and deployment of the police force, the places of residence, classification, rank and particular service of the members there of, inspection and description of arms, accoutrements and other necessities to be furnished to them, institution, management and regulation of any police fund and prescribing books, register and returns to be submitted by the said force. He is also vested with powers to frame such orders and regulations related to the collection and communication of intelligence and information, and all such other orders and regulations related to the said force as he deems expedient from time to time for preventing abuse or neglect, for ensuring adherence to the guidelines of superior courts in the matters of investigation, arrest and other related matters and for rendering such force professionally efficient in the discharge of all its duties. He is the chief authority to coordinate and direct operations for the maintenance of public order, security and law and order, particularly in the event of widespread strikes, industrial unrest, riots, communal, subversive, terrorist disorders, or violent political movements. Police action and dispositions necessary to combat such disturbances or movements will be under his general direction and control. The strength of the police force as a whole and of various ranks is fixed by the Government. Any permanent increase or reduction in respect of these, in a Unit can be done, with prior approval or sanction of Government. It will,
however, be within the powers of the Director General of Police (a) to re-allocate the strength within the police Units according to the exigencies of the administration arising from time to time, provided it does not exceed the total approved strength and ranks of the district or equivalent formations and (b) in the interests of improving quality of investigation or for more effective supervision or for improving technical support, to convert any posts from one rank or category or class to the other in respect of executive, ministerial and technical wings of the department and to position them anywhere with the approval of the Government.

The Director General of Police shall have the powers of a District Magistrate throughout the State. These powers will be exercised in accordance with the provisions of the Code of Criminal Procedure 1973. He shall devote himself to planning, improving and making the entire state police an effective and impartial law enforcement agency, utilizing fully the latest concepts of police management, training and modern science and technology, including the application of Information Technology in the police department.

Upgradation of skills for career development through training including on the job training and the improvement of supervisory and monitoring system in the police department shall be one of his core functions. He shall be the Chief of all Police Officers. He shall remain responsible for policy, direction and supervision of the entire State police and for ensuring coordination between different wings of the police and with other departments of the State and other States. He shall exercise all disciplinary and financial powers of a Head of Department and as authorized by the Government.
The Director General of Police shall send reports to the Chief Secretary to the Government, with copies to the Chief Minister, the Home Minister, the Principal Secretary to the Government, Home Department and the Secretary to the Governor, on the subjects mentioned below. However, the Ss.P., IsG/D.Is.GP, Cs.P/Addl. DGP/Addl. DGP CID may also send directly the reports to the government as above under intimation to DGP to save delay.

A. Disturbances occasioned by communal or caste or regional, or linguistic considerations.

B. Terrorist and subversive incidents and matters concerning internal security.

C. Riots involving breach of peace or death of any person, if they are of a specially grave nature.

D. Riots involving the use of fire arms and/or explosives.

E. Assault on the police, in which death or serious injury to the police is reported.

F. Cases of possession or manufacture of use of bombs or explosives resulting in death or grievous hurt.

G. Serious fire accidents which involve loss of properties worth one lakh of rupees and above, or loss of human life, even by implication, irrespective of properties lost and their value or accidents involving serious irregularities attributable to mischief or foul play.

H. Fasts, Hartals, Strikes and Satyagrahas of all kinds.

I. All incidents in which fire is opened by Government servants.

J. All cases of alleged torture by the police or death or grievous injury caused while in police custody.
K. All other important and grave occurrences not covered by items (A) to (J) above, which may be of interest to the Government.

L. Caste-motivated offences of murder, violence resulting in grievous hurt, rape and serious mischief or arson committed on members of S.C s and STs.

M. Organized crime that affects civic life and security.

N. Any other matter on which the Government may call for a report.

Copies of reports on item ‘G’ shall also be sent to the Principal Secretary Revenue Department. Likewise copies of reports on such matters as strikes and student agitations shall be sent to the Minister and Secretary concerned. His other important functions and responsibilities include, the enforcement of Code of Conduct among the Police Officers of all ranks, Police welfare and housing and a proper mechanism for redressal of grievances. In the discharge of these functions the DGP has full authority to delegate and entrust any of the functions to the officers subordinate to him as permissible under rules and regulations.

(b) Addl. DGP (Law and Order)

The Addl. Director General of Police (L & O) is the staff officer of the DGP to assist him in supervision of the police of all the districts in the state in the matters of prevention of breach of peace, maintenance of public order, law and order, planning and implementation of operations and in dealing with all situations including terrorist and subversive activities, communal, caste, or regional or other widespread agitations subject to the control of DGP.

The following are functions and duties of Additional Director General of:-
**Functions:** A. Assisting DGP in the supervision, management and leadership of the Police, and in maintaining discipline, morale and high professional standards of work at all levels;

B. Organization and implementation of preventive measures, particularly Police beat system, patrols and surveillance;

C. Personal direction of measures necessary for maintenance of peace, public order, law and order and security and assistance to DGP in operations, coordination and reporting;

D. Organisation and implementation of Community Policing schemes, police community relations and promoting mutual understanding and trust;

E. Supervision of work as allotted and any other function related to these as instructed by the DGP.

**Duties:** A. Annual inspection of zonal IsG/DIsGP offices & one district office in each zone;

B. Meetings and scrutiny of work of officers in the District with reference to specific items of allotted work;

C. Scrutiny and compliance with the Code of Conduct, police regulations and providing guidance through proper instructions in the monthly reports of the Superintendent of Police and the Zonal IsG/DIsGP;

D. Attend meetings on subjects of his charge on his own or on behalf of DGP;

E. Coordination and cooperation within Police, with other branches, CID, City police and other States;

F. Provide assistance, wherever necessary, in the matters of investigation of cases apprehension of offenders, searches seizures and preservation of scene;
H. Preparation of schemes and contingency plans for maintenance of peace and order in connection with elections, major festivals and fairs or agitations or violent incidents and their implementation both at the State and local levels by concerned officers;

I. Visit personally areas of serious breaches of peace or misconduct by police and direct operations to control the situation

J. Any other duty incidental and necessary to the above as directed by the DGP;

(c) Addl. DGP Crime Investigation Department (CID)

The main role Addl DGP (CID) is to ensure performance of one of the most vital functions of police i.e., investigation and detection of cases in the State subject to the general control and supervision of the DGP. He is directly responsible for efficient functioning of investigation, coordination and supervision of all investigation of CID cases in the State, and for ensuring coordination with other States, National Agencies and through them with other countries. He shall plan and implement schemes to employ latest advances in Science and Technology in the field of investigation, to upgrade investigative skills of Police Officers, to build an effective criminal records and intelligence system and to ensure integrity and impartiality in investigation. He shall allocate tasks and duties to various officers in CID including coordinating function. The Addl. DGP CID will have full powers of Head of Department (HOD) in financial matters. He shall also have all disciplinary powers in accordance with the APCS (CC&A) rules existing in so far as CID staff is concerned. Where specific crimes as contemplated in order No.33-8 are registered and investigated, progress reports in those cases, if required, shall be sent to the Government by Addl. DGP, CID.
The following are the functions of Additional DGP (CID):-

A. Supervision and control as head of the CID;
B. Administrative and operational control of the State Crime Records Bureau (SCRB), Finger Print Bureau (FPB).
C. Mutual cooperation and liaison with other states, national agencies such as CBI, NCRB, Interpol, MHA, NCB, Enforcement Directorate, Enforcement Wing of Customs, Excise, Banking, CBDT and RPF;
D. General direction, supervision and coordination of investigation of cases;
E. Maintenance, up-dating, custody and use of criminal records, and criminal intelligence systems;
F. Organize research, study and analysis of crime and rendering advice to frame guidelines on measures to prevent and detect crimes;
G. Constantly update and apply the scientific and technological aids available for crime detection, their adoption and application by the field staff;
H. Assist the DGP in directing operations to control outbreak of crime, investigation of offences in situations of serious and widespread riots or agitations and in compiling necessary reports to Government and others;
I. Keep DGP and the Government informed of the state of affairs in his charge from time to time.

The following are the duties and responsibilities Addl. DGP (CID). He will conduct annual inspection of the work records of Inspectors General working in the CID. He shall ensure frequent visits and annual inspections of Districts, Railways and City Crime Branches by himself or by IsGP CID, nominated by him. The SP of the district
may be present during such inspections. However Addl. DGP, CID, himself will do the annual inspection of SCRB, FPB, and Research Wing. His other duties include:

A. Personal visits to places of investigation of serious crime, which is likely to generate insecurity, panic or attract widespread public and media attention;

B. To assess the quality, conduct, performance of Investigating Officers, efficacy of methods and handicaps experienced by them by touring and to take such remedial steps as required for quality investigation and for effective coordination;

C. To arrange and monitor collection, storage, updating, retrieval, and use of data on crime, criminals, opening and maintenance of dossiers, collection and dissemination of criminal intelligence;

D. Introduction of automatic search facility for fingerprints and equipment for identification by portrait building with accessibility of such facilities by Investigators all over the State;

E. Publication of Gazettes for internal use, Analysis reports, and lapses noticed in cases disposed off in courts;

F. Provision of adequate working space, equipment, transport, communication, stationery and funds required for all investigating teams;

G. Update investigative skills and assign specific tasks to the Research Wing particularly the study of judgments, journals and publications, Acts and laws which police have to enforce, and communicate constantly the results to all the concerned in the form of guidelines;

H. To ensure that the disposal of every case after investigation by CID has the approval of at least one superior officer above the immediate superior of IO except in very minor cases. The authority whose approval is necessary is the highest officer who receives the case diary of a particular case in a regular
basis. In respect of grave crimes the final decision shall be that of the IGP CID concerned. In cases of specially grave nature the final authority for approval will be Addl. DGP CID. Any case may however be placed by Addl. DGP CID for approval before DGP.

(d) Addl. DGP (Administration)

The role of Addl. DGP (Administration) shall be to perform all administrative, personnel, legal, welfare and sports, provisioning and logistic functions and budget and organization of the Department subject to the control of DGP. His functions are -

A. Supervision of the work of the Chief Office as allotted;
B. Personnel and financial management of the department, except Training and Recruitment;
C. Efficient management of provisioning, logistics, their modernization and better administration.
D. Evolve procedures that would ensure economy and cost effective measures and eliminate delays by adopting simplified procedure.
E. Ensure that necessary financial powers are made available to field officers for more efficient performance of principal police duties like investigation and maintenance of law and order and public order.
F. Preparation and implementation of schemes aimed at welfare and health of the force and their families and also to promote sports activities.

(e) Addl. DGP (Intelligence)

Intelligence and Security Wing of the Police Department are very important functional organs of the Govt. The Addl. DGP Intelligence and Security is assisted by such number of officers of different ranks as decided by the Government in consultation
with Director General of Police from time to time. His role and responsibility are to arrange collection of intelligence relevant to and connected with public order, security of the State and of important personalities, law and order, communal, caste, linguistic, industrial, political, agrarian tensions, upheavals, terrorist and subversive activities etc. He will conduct enquiries connected with these matters and arrange timely dissemination of intelligence to avert violent situations. He is in-charge of the Intelligence Department of the Police and is responsible for coordination of intelligence work of all Units maintaining quality and high professionalism. He shall assist DGP in the timely communication of information to the Government and others on need to know basis. In the performance of this sensitive assignment the Addl. DGP shall utilize all resources available to him. The functioning of the Intelligence Department shall be in accordance with the Manual prescribed for State Intelligence and local Special Branch Units of the Districts and Cities.

The Addl. DGP Intelligence and Security will also be responsible for maintenance of internal Vigilance in the department enforcing the strict implementation of conduct rules. He shall organise Vigilance checks in the department and identify, report and take action with the approval of the DGP in the areas of graft in the department.

The Addl. DGP, Intelligence and Security, should ensure either by himself or by one of IsGP or DIsGP of Intelligence, inspection of all District SpecialBranches/ City/Railway Special Branches as well as Regional Intelligence Units during the year.

(f) Addl. DGP (Recruitment and Training)

The Additional DGP (R&T) is the Chairman of State Level Police Recruitment Board (SLPRB). His main function is timely recruitment and training of all police ranks.
He is the Chairman of State Level Police Recruitment Board (SLPRB). His main function is timely recruitment and training of all police ranks. He shall, subject to relevant rules, plan and implement effective recruitment procedures and arrange all induction, in-service, on-job training programme for the department. The heads of all training institutions will report to him through IGP Training while Director APPA will report to him directly. IGP (Rect.) assists him in recruitment.

It shall be his duty to keep the police personnel in a high state of efficiency by devising appropriate, relevant and effective training programs including on the job training. The Training institutions attached to various Units and Wings of police department will work under the administrative control of respective Units/Wings. The designing, up-dating and running of on-job training and other courses by effective use of institutional as well as distant education concept shall be done by the concerned with his approval. It shall be his responsibility to guide and ensure sound methodology. Towards this end he is authorized to issue instructions to all officers in the department. Recruitment procedures have to be simple and transparent. He should undertake a constant review of both training and recruitment procedures to keep them update. He shall ensure the use of latest equipment and aids to training. He shall report to the DGP and keep him informed of the state of recruitment and training. He shall exercise such powers as are delegated to him and take all decisions by obtaining DGP’s approval wherever necessary. He shall inspect APPA and at least two other training establishments every year. The testing and examination procedures, framing of correct syllabi, preparation of lesson plans, preparation, printing and distribution of reading material, textbooks, other literature and training aids in the nature of slides, videotapes shall be done and constantly monitored by the APPA and other training institutions under his direction. All training
programme including those conducted in Units, Districts and City that require DGP’s approval should be routed through him. The deputation of officers for training outside the State and country or to institutions other than police Units within the State should be routed through him for final approval by the DGP. He shall maintain liaison with BPR&D and other advanced training Institutions in the country and abroad.

(g) Commissioner of Police, Hyderabad City

The Commissioner of Police, Hyderabad city shall be responsible for all aspects of policing in respect of the City of Hyderabad besides duties cast on him by the Hyderabad City Police Act. He also functions as Addl. District Magistrate for the City of Hyderabad. He acts as such directly or through Dy. Commissioners. He has the licensing powers under the Cinematograph Act, Arms Act and other Acts on par with District Magistrate of a District. He has power to detain persons under the Preventive Detention Laws. He reports to DGP and keeps him constantly informed of all developments in the City. He should maintain close liaison with Addl. DGsP Law & Order, Administration, CID and Intelligence. It shall be his duty to frame and up-date regulations for the efficient discharge of duties by the City Police and lay down clear policies and orders in respect of all licensing and permit procedures. Copies of the reports sent by him to Government should be marked to DGP. Special Armed Reserve at Central Police Lines Amberpet shall also be under the administrative control of CP Hyderabad. The Commissioner of Police has full financial powers of a Head of the Department.

3.1.1.5 Andhra Pradesh Special Police

The DGP / Addl. DGP (Armed Police) is the head of the Armed Police consisting of all APSPBns in the State. IGP and DIsGP APSPBns assist him in his duties. His role is
supervision of the functioning of all APSPBns. in the State inclusive of administrative, personnel, logistics, provisioning and deployment matters etc. He shall be responsible for keeping the force under him in a state of high discipline, morale and training. High priority should be given to the welfare, allocation of duties, health, clothing, equipment and living accommodation. He shall ensure that the concerned IG/DIGP under him inspect all the units under them once a year. The manual of instructions of APSP shall be updated from time to time under his supervision and shall be implemented effectively.

**Technical Services:** The Addl. DGP (Technical Services) will be incharge of Police Transport Organization, Police Communications and Police Computer Services. His functions are mainly to have overall supervision and control over these three technical wings. These technical wings are headed each by one IGP, who will have complete control over the administration, personnel and execution of works in their respective wings. Inspector General of Police IsGP hold vital senior management and operational positions, based on functional division. They should study and formulate policy in respect of the subject handled by them and guide the unit officers in the state in respect of that subject. They should be well informed of the matters under their charge and with this ability, should guide their subordinates working under them. Every Inspector-General of Police having executive duties should send his tour programme to the Director General of Police and to the Unit Officers, SP and DM. He will also forward to the Director-General of Police by the fifth of each month a monthly return showing the details of his tours and inspections in the previous month in Form 4. Besides Head of Zones, IsGP are posted to organizations and establishments such as DGP office, APSP, City Police, Intelligence, CID, Traffic and highway police or to some other positions in
the Police Department and other wings of State Government. Officers of the rank of DIGP also may be posted as DIGP of Zones/Ranges.

3.1.1.6 Police Station

In all ‘A’ grade municipal towns and Commissionerates there will be separate police stations for Law and Order, Crime investigation and Traffic, for efficient police functioning. Where a separate police station for crime investigation and traffic cannot be established, these duties will be performed by the law and order police station with additional strength. The duties of SHOs of law and order, investigation and traffic P.S. are detailed in Order No.101 to 104. These police stations as far as possible will be headed by Inspectors of Police as station house officers (SHOs), assisted by sub-inspectors and other staff. This is more so in the case of crime and investigation police stations, as experience counts for successful investigation. Besides maintaining law and order, successful investigation and prosecution of cases are the basis for controlling crime and criminals. In view of this, the investigative/crime police stations should be equipped with police officers having an aptitude for scientific interrogation of criminals and detection of crimes. To meet these ends trained staff with skillful application of scientific and modern techniques without resorting to obsolete and rule of thumb methods should be posted. Crime police stations must be provided with modern and scientific equipment, essential personnel to aid investigation like photographers and assistance from forensic department and dog squad.

Sub Inspector – Station House Officer (General)

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 utilisation 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. The image of the police department basically reflects on the conduct and behaviour of the Sub-Inspector and his staff in the station, as it is at that point, public has a direct access with the police. The Sub-Inspector and his staff should behave politely and courteously with the public giving an impression of friendly approach. Active co-operation from Maithri Committees shall be solicited in the matters of L&O, crime, prevention etc. All illegal methods or ill treatments against persons should be avoided at all costs giving way to an impression to the public that the police are there to extend their helping hand in the discharge of their duties. The Sub-Inspector must respect human values and human dignity and should know that powers are vested in him to discharge his duties legitimately but not to arrogate to satisfy his ego and vanity. If he crosses his limits he will be doing so at his risk as the department will not come to his rescue.

He should assign duties to his staff and personally ensure that these duties are correctly performed. 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 orders of senior. 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 handover his current notebook to his successor when he goes on transfer.
He shall acquire full local knowledge and become acquainted with the people of his station limits especially the village Secretariat and Panchayat officials and enlist their co-operation in prevention of crime and breach of peace. He should also involve Maithri Committees in this regard. The S.H.O. 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.

3.2.0 Investigation by the Police

Investigation starts with the filing of First Information Report (FIR) at the police station. Offences are classified as:-

A. Cognizable, and

B. Non-Cognizable

1. The nature of offences in IPC as cognizable or non-cognizable. The cognizable or non-cognizable nature relating to offences under special and local laws, if there is no specific mention in those acts.

2. Section 154 Cr.P.C. lays down that when an officer incharge of a police station receives information relating to commission of cognizable offence he shall record it verbatim and enter the same in a printed form. If the information is given orally, it should be reduced into writing by him or by his subordinate under his direction and secure the signature or thumb impression of the informant. The information so reduced shall be read over to the informant. After entering the information in the printed format shall be registered First Information Report (FIR) under appropriate sections of law. A copy of the F.I.R. after registration shall be furnished to the informant free of cost. Refusal to register the information about a cognizable offence is
punishable under section 217 IPC. The informant can send the information even by post to the SP of the District who shall register the same as an FIR himself or get it registered if he is satisfied that the contents show a cognizable offence and investigate or direct any subordinate to investigate. The SP also may cause an enquiry against the officer who refused to register and take appropriate action. The brief contents of the F.I.R. shall be entered in the General Diary (GD).

3. Information relating to the cognizable offences should be registered even if they are presented in a police station not having jurisdiction and such registration should not be refused on the point of jurisdiction. After registration it should be transferred to the concerned police station. This type of prompt action will save not only delay in the registration of F.I.R. but also prevent inconvenience to the informant. In addition, the police station where F.I.R. is registered, to begin with, can initiate action without loss of time.

4. The refusal to sign or to put the thumb impression as the case may be on the F.I.R. is an offence under section 180 IPC.

5. In case of oral complaint, care should be taken to ensure that the FIR contains all the essential facts to avoid contradictions by way of omission when the informant is examined in the court. In view of this when the SHO records the oral statement of the informant, he should put questions and elicit required information from the informant.

6. Whenever a report relating to commission of non-cognizable offence is presented in a police station the SHO shall enter the substance in the G.D. and advise the informant to go to court and present it there as he is not competent to register and investigate such cases. But if one of the offences among the
contents of the report is of cognizable nature it becomes a cognizable case and he must register and investigate the case.

7. Sometimes informants directly go to courts and present even cognizable report. If the court endorses such reports or endorses a non-cognizable report when presented to the court, such reports on endorsement shall be registered by the SHO and investigated. But when a non-cognizable report is endorsed by the court, the SHO shall not arrest the accused without the orders of the court.

8. Complaints made by telegrams or telephones need not be recorded immediately as F.I.R. unless authenticity is verified or a statement has been recorded or a written report obtained from the sender. The factum of receipt of telegram or telephonic information has to be noted in the station general dairy (GD).

9. A vague rumour should be distinguished from an oral report and should not be reduced into writing but entered in the G.D. When the information is well founded after immediate enquiry by the SHO about its authenticity, the report should be obtained and the case registered.

10. The SHO can register a cognizable offence on his own information also and need not wait till somebody gives report.

3.2.1 FIR Book

1. All cognizable offences and reports forwarded by courts on endorsement including non-cognizable cases shall be registered in the FIR book.

2. For administrative reason the information pertaining to following may also be registered in the pro-forma of the FIR. However, the offences so registered
will not be given FIR number, but details shall be recorded in special registers maintained for this purpose.

A. All cases of suicides and accidental deaths where inquest is conducted under Section 174 (3) Cr.P.C.

B. Accidental fires, missing of persons, missing cattle, etc.

C. Cases booked under sections 41, 107 to 110 and 102 Cr.P.C.

3. If the report is made at a police outpost, FIR should not be registered by the in charge, as he is not the SHO. He shall record the statement of the informant and send it immediately to the police station for registration after entering the substance in the outpost G.D. However if a written report is presented its gist will be entered in the outpost G.D. and the report will be sent to the police station for immediate registration. The in charge of the outpost shall then proceed to the scene of occurrence and shall take steps to preserve the scene and evidence, arrest the accused if warranted and recover weapon of offence or stolen property or take any other necessary step if any, pending arrival of SHO to conduct investigation.

4. If the officer in charge of police station receives a report during his tour, he should send it to the station with due endorsement for registration. In the meanwhile he can commence investigation.

5. Whenever statements are reduced into writing by SHO in property offences the description of stolen property should be incorporated in detail as far as possible. Similarly in cases of rioting the number of accused should be mentioned precisely and if possible they should be identified by name or description.

6. Though FIR is to be registered before Investigation commences, it need not be
taken always as a precondition. If a report of a serious crime is received by SHO he may leave post haste to the scene directing the next subordinate who is holding the charge of the SHO in the station to register a case. For example, if SHO is informed that a serious breach of peace is occurring in his jurisdiction or a murderous attack is taking place, It is the duty of the SHO to proceed to the scene at once.

### 3.2.2 FIR - Whom to be sent

1. The FIR in original shall be sent to the Magistrate having jurisdiction without delay. One copy of the FIR will be retained in the station and one copy each; will be sent along with the station house GD to the Inspector, the Sub-divisional Officer and the SP. When the Magistrate having jurisdiction is not the local Magistrate, a copy will be sent to the latter also. Carbon or photocopying process or any other copying process may be used to make the copies of FIR. The original written complaint made by the complainant shall be attached to the original FIR meant for the Magistrate, but copies of It will be made and attached to the other copies of FIR. One copy of FIR shall invariably be given to the complainant free of cost, even if the complainant does not ask for it.

2. There are several laws both Central and State in which certain offences are cognizable. The officer in charge of the Police Station receiving Information disclosing a cognizable offence under any of these laws shall take action to record the FIR. If the special Act is directly concerned to any department, a copy of the FIR may be marked to them for Information. For example in cases under Narcotics Drugs Psychotropic Substances (NDPS) Act a copy of FIR
should be sent to the Inspector of Narcotics Control Bureau or Central Excise Officers having jurisdiction. Similar procedure should be followed in respect of cases registered by the Police pertaining to Central Excise, Customs, State Excise and Prohibition departments.

3. There are certain cognizable offences under certain Special Acts where the police officials of certain ranks are only empowered to Investigate, whereas in certain offences it is not the police but the officer of specified department and agencies are empowered to Investigate. In such cases, any Information disclosing cognizable offence received, should be registered and forwarded to the police Officer competent to investigate such case or to an officer of any other department, competent to investigate.

Registration of cases reported at police stations other than the jurisdiction police station

1. When an offence committed within the railway police jurisdiction is reported to local Police Station in a district or vice versa, or when a crime committed in the jurisdiction of another police station within this state is reported to the SHO of a Police Station, the station which receives the report shall forthwith register FIR, enter the substance of FIR in GD and inform the police station having jurisdiction by telephone or radiogram or e-mail or telegram. This shall be followed by immediately despatch of the FIR by the speed post or any other reliable means, transferring the case. The police receiving the information first, should take all initial necessary steps, as they would, in a case occurring in their own jurisdiction.
2. If the place of occurrence is near and is easily accessible from the police station the SHO or the investigating team will at once proceed to the spot, take up investigation and continue till relieved by the police having jurisdiction. Simultaneously, action will be taken to send immediate intimation to the police station having jurisdiction. When the investigation is taken over by the latter, the FIR should be transferred.

3. If the place of occurrence is far away, immediate intimation should be sent to the police having jurisdiction by the quickest possible means and the FIR transferred to them simultaneously. Similarly if a report disclosing a cognizable offence that was committed outside the State is presented, it will be registered and the substance entered in the GD, and the FIR so registered shall be forwarded at the earliest to the concerned SHO and if not known, to the concerned Superintendent of Police or DGP of the state by any reliable means. 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 apprehended immediately they should be arrested and produced before the local Court having jurisdiction and intimation of their arrest should be promptly sent to the police station within the jurisdiction of which the offence has occurred.

The police to whom a cognizable offence is first reported shall register the case and take up the investigation, where the offence has been committed close to a boundary between stations and it is at first doubtful in which station limits it has occurred. The Police Station, which should retain the investigation, should be subsequently settled. The
police station, which first gets the information of the case, should register it, take it up for investigation and endeavour to detect it.

3.2.3 FIR and Its Value

The FIR is an 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 filing 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. It is necessary that the drawing up of this document is done with utmost care and accuracy and with all available details.

General Instructions to Investigating Officers: Power to investigate cognizable offences:

1. A police officer in charge of a police station is empowered to investigate every cognizable offence within the jurisdiction of that police station. Even if the police officer investigates a cognizable offence registered in his police station but beyond that jurisdiction, it cannot be questioned.

2. If a police officer intends to investigate a non-cognizable offence, he can take the orders of the court and investigate, but he shall have no power to arrest without a warrant.

3. The Magistrate may under section 156(3) Cr.P.C. order the police officer to investigate any cognizable offence. Further, any Magistrate may direct an investigation to be made by a police officer on a private complaint received by him, of an offence, which may be either cognizable or non-cognizable. In both
the cases referred for investigation either under section 156(3) or under section 202 Cr.P.C, the police officer has to necessarily register the crime in his police station and issue FIR immediately before taking up investigation. It is only that police officer, to which the matter is referred, has to investigate that particular case and that police officer cannot further endorse the crime for investigation by any other or subordinate officer. After completing the investigation, the police officer in both the types of cases, has to submit his police report to the Magistrate under section 173 Cr.P.C.

4. Even after submitting final report under section 173 (2) Cr.P.C. either by way of charge sheet or by way of referred charge sheet, the police officer is not precluded from collecting further evidence of the offence during further investigation. In case the police officer finds any relevant oral or documentary evidence even after filing charge sheet, the police officer has to forward the same to the Magistrate by way of further report, which is generally termed as additional information or additional charge sheet under section 173 (8) Cr.P.C.

5. After registration of the offence and sending FIR, the police officer has to proceed in person or he shall depute one of his subordinate officers to proceed to the spot for investigation and also for taking measures for discovery and arrest of the offender (section 157 Cr.P.C). In case the offence is not of a serious nature, the police officer need not proceed in person or depute a subordinate officer to make investigation on the spot. (Section 157 Proviso (a) Cr.P.C). If it appears to the police officer that there is no sufficient ground for entering on investigation, the police officer need not investigate such a case (Section 157 Proviso (b) Cr.P.C). Where the police officer does not
investigate the case as no sufficient ground for investigation is found, then the police officer shall prepare case diary and send final report. Investigation to be impartial.

6. Investigating officers should have open mind in their investigation. It must be understood that the aim of investigation is only to find out the truth.

Examination of the scene of offence and incident control

1. As soon as the information about an offence is reported, SHO shall, by quickest available means, proceed to the scene of offence after registering the FIR or making arrangements for the same depending on the nature of offence reported. It is important that the Investigating Officer and his team proceeds to the scene of crime as expeditiously as possible and perform their respective functions. Particular care should be taken for preservation of the scene, collection of all material and other evidence. Steps should also be taken for arrest of accused or pursuit of the accused if warranted and justified for the investigation of the case. The instructions of the Inspector investigating the case and authorized to investigate that case shall be complied with by all subordinates concerned.

2. The search of the scene and its surroundings should be made patiently, methodically and in a definite order and not in a hurried or haphazard way lest valuable clues are missed or lost. Special attention should be paid to the floor, walls, ceiling, window sashes and all protuberances and edges, which are likely to bear traces. Nothing capable of bearing fingerprints or other trace should be ignored. The procedure as laid down below should be followed.
3.2.4 Protection of Crime Scene

The first action of the investigating officer who first reaches the scene should be to secure the crime scene from unauthorized persons by setting up barricades/tapes and cordonning off the area required. The best physical evidence is normally found at the place where use of force against persons or property has taken place. Sometimes valuable pieces of evidence may be discarded or dropped or it may fall off accidentally or inadvertently at some distance from the scene of crime. Such spots also need proper protection. All such critical areas should be secured from intruders and stray animals or neighbours, friends, sympathisers, curious onlookers, newspaper reporters, press photographers and others who are not officially connected. The whole area should be cleared of all unauthorized persons in quickest possible time. The Press and other Media should be requested to keep beyond the barricaded/secured area. The following steps should be taken for protection of the scene of the crime:

A. Cordon off the scene and surroundings, access and exit points effectively.

B. Identify and persuade to retain the person who first informed the Police. Otherwise, note his address, telephone number etc.

C. Persons who are likely to provide information, investigative leads and other pertinent details should be segregated and examined for collecting all possible information, Eye-witnesses should be requested and allowed to stay at earmarked place for examination.

D. Physical evidence should be protected from pet animals like dogs, cats, rabbits, etc., and also rats, mice and birds, as also from adverse environmental influences such as wind, rain, sunlight, dust, smoke, moisture, etc.

E. No physical evidence should be disturbed from its original position without properly recording it. Jewellery, keys, currency notes and other valuable items
with evidentiary value, vulnerable to theft from the scene, should be removed and preserved after a seizure list is drafted.

F. During the preliminary inspection of the crime scene care should be taken to ensure that nothing is inadvertently dropped such as cigarette butts, match sticks, empty packs of cigarettes, match boxes, ash, etc. and nothing is touched that may cause interference with the fingerprints, footprints, etc., and nothing is added such as hair etc.

G. All physical evidence/traces should be lifted only after recording and thoroughly searching the crime scene. Where traffic is to be restored or place required for use, the examination of scene and other work should be completed as expeditiously as possible but with thoroughness.

H. It should be borne in mind that evidence may not always be visible to eye. Even if visible, it may escape a non-observant eye or may not appear relevant. It is therefore necessary that the scene or places be subjected to close scrutiny both by experts (Clues Team) and the Investigating staff.

3.2.5 Steps to be taken by the Investigating Officer

(i) First aid to the injured: In the event of a person being dangerously wounded, the Police Officer who first arrives on the scene should render such first aid as is possible and necessary, without in any way disturbing the crime scene and take immediate steps to procure medical aid or send the wounded person without loss of time to the nearest hospital or dispensary for treatment. This should be done before entering on the formalities of the investigation etc., as the delay thereby incurred might cause serious risk to the life of the person so wounded. In nearly all cases, it should be possible for the
Investigating Officer to note the position and nature of the injuries while arrangements are being made to procure medical aid or to send the injured person to a hospital.

(ii) *Preservation of evidence*: Simultaneous steps should be taken to preserve all valuable items or objects of evidentiary value at the scene. This is vital, as certain types of evidence is likely to get evaporated, decomposed, putrefied, degenerated or may undergo other chemical or biological changes with time and other environmental factors. Suitable containers like polythene or glass bottles, polythene bags, paper, envelopes, aluminum foils, etc. and preservative substances should be kept ready for proper preservation of evidence. Depending on the nature of evidence suitable preservatives should be added under expert advice. Examples: Tissue samples should be preserved in 20% Dimethyl Sulphoxide saturated with Sodium Chloride for DNA analysis and Viscera should be preserved in saline etc.

(iii) *Recording of the Crime Scene*: The police have a limited time and opportunity to make an in-depth study of the crime scene in an undisturbed state. No time should therefore be lost to record as accurately as possible the conditions existing when investigating officer arrives at the scene. Such a record will help the on-going investigations, reconstruction of the scene of crime and also presentation in the Court. The judiciary and defence counsel need convincing evidence to substantiate the conditions and circumstances reported prevailing at the time of the crime. It is therefore necessary to make a visual presentation that shows the various evidentiary items, witnesses and their interrelationship with the scene of crime. The methods of crime scene recording are Photography, Sketch, Observation notes, Videography and Audio tape recording.
(iv) Analog or Digital Photography: Photography is a useful method to make a permanent record of the crime scene and facilitates the reconstruction of the crime scene and description of the method by which the crime was committed. Photography is the best method of recording, serving several purposes including:

- A method of recording and storing information more accurately and for a much longer period than the human mind.
- A method by which evidence of transient and perishable nature can be recorded.
- A method by which certain details of evidence not normally perceivable by the human eye can be arrived at.
- A method by which vital and crucial facts can be illustrated two dimensionally.

Digital photographic cameras currently being used by CLUES teams facilitate quick reviews and recall of photographs on the screen and also permit transfer of data to FSL Hqrs., or any other location through computer and modem. Hence the investigation Officers (IOs) should prepare to capture the crime scene photo through Digital cameras.

As per section 9 of the IE Act, photographic evidence is admissible to explain or introduce a fact. To ensure that the facts recorded by the photographic process represent a truthful picture, they should be (a) relevant and material to the case (b) faithful and truthful reproduction of facts, events, evidence etc. (c) free from distortion with correct tones, perspectives, positions and interrelationships and (d) should not be of a nature that arouses undue prejudice or sympathy.
(v) **How photographs should be taken:** The scene of crime is available for a limited period only, with no scope for trial and error. Care is essential to obtain as much information from it as possible, as early as possible both by still photography and videography.

A. The scene of crime should be kept undisturbed before taking the photographs.

B. The working condition of camera, lens, flash, batteries, film, etc. should be checked before attempting any photograph. The film other recording medium such as tape, floppy, CD-R etc. used should be appropriate for the lighting conditions and capabilities of the camera.

C. Before commencing the work, the whole area should be inspected and all the shots required should be carefully planned.

D. While planning the number of shots, ensure that enough overlapping shots are included to sequentialise the scene.

E. Initially sufficient number of shots should be taken to give an overall perspective of the place of occurrence, approach to the place, entry, access and exit points.

F. While photographing evidentiary items, indoors or outdoors, enough overlapping shots and close-up shots should be taken to bring out interrelationships and to capture minute details. It is better to have three views taken viz.; overall view, mid-range view, and close-up view of all important items of evidence.

G. All photographs should be taken at eye level. In some unusual cases aerial views or below normal views may be taken depending on the crime scene and surroundings.

H. The chance fingerprints, footprints, etc. left at the scene of crime, should always be exposed from a close distance.
I. A scale or foot rule should be placed beside evidentiary items such as footprints, knife, injuries, cut marks, etc. to indicate the actual size in the enlarged photograph.

J. It is worthwhile to include separate numbered cards or plates for each evidentiary item so as to ensure proper identification at a later stage.

K. After unloading the film and any other recording medium, it should be properly labelled, with details of the place, event, police station, date, case number, etc.

L. The observation notes should cover the following points: -
   • Name of the photographer and address
   • Date and time each photograph was taken
   • Distance maintained between the lens and the object and direction
   • Technical information such as Type of Camera, Focal length of lens, Speed of the lens, Effective aperture, Shutter speed, Film speed, Type of Flash. Similar information should also be maintained to digital still or video cameras.
   • Special techniques such as oblique light, flood lamps, flashlight, UV light, Polilight, Filters etc., if used, should be noted against each shot.
   • Light and weather conditions in cases of outdoor shots.

(vi) Videography and Audio Tape Recording: Like photography, videography and audio tape recording are useful in making a record of a crime scene, which help in scene reconstruction at later stage. In certain crimes like arson, videography provides an overall view of the scene and allows investigators who could not be present at the scene to visualize the important pieces of evidence and their relationship to one another.
Videotaping should be used to supplement the information that is collected from other recording procedures viz., photography, digital photography, sketching and observation notes. A videotape review conducted with all the connected personnel will help reconstruction of the crime scene. It is advantageous because of its freeze frame capability, which allows Investigating Officers to replay, study and discuss particular scenes as often as necessary for reconstruction and continue the investigation. It is also possible to locate certain minute pieces of evidence recorded immediately after the incident but overlooked for collection. The process of video documentation is similar to still photography. In a burglary case for example the Videography should start at the actual/suspected point of entry, cover the crime scene, point of exit and line of retreat. All-important spots can be focussed through a zoom lens and more time can be allotted to cover from all angles. Further the voice recording capability can be used to describe what is seen while recording simultaneously. This capability can be also used in presenting to the Court to serve as a convincing proof. All the precautions suggested earlier for photography should also be followed for these recordings.

**(vii) Sketching the Crime Scene:** After the scene is photographed, it should be sketched to provide measurements indicating the relative distance and position of the various items of evidence and their interrelationships.

1. The sketch is the first visual record of the condition of the crime scene. It portrays the crime scene and items within that scene that are of interest to the investigation. Sketches properly prepared are useful during the interrogation of witnesses, in making notes in the case diaries and in presenting information to the court. The sketch complements the photographs and notes made while observing the crime scene. The ultimate purpose of the crime scene sketch
drawn as per set scale and plan, which is also known as crime scene planning, is to represent the facts of the crime with such clarity and precision that the crime itself may be reconstructed from the details. Courts rely to a great extent on sketch of the scene prepared.

2. The Investigating Officer should make a rough sketch of the crime scene on the basis of his own observation but not what is stated to him by witnesses as such a sketch will be hit by 162 Cr.P.C. Even if the sketch contains some out of his own observation and some out of what is stated by witnesses, such sketch will be inadmissible in courts, as admissible part cannot be separated from inadmissible part. The sketch need not be drawn to scale, but should indicate accurate distances between objects, dimensions of areas and relative directions. The items to be included in the sketch and the number of copies should be determined at the outset. All sketches should cover the following aspects.

A. In the case of indoor scenes, the size of the window(s) and room(s) and in the case of outdoors, area dimensions with reference to some fixed objects like trees, electric or telephone poles, lamp posts or other landmarks should be indicated.

B. The approach to the crime scene such as roadways, streets, by lanes, pathways, etc. should also be drawn to facilitate reconstruction.

C. The orientation of the scene with reference to "magnetic north".

D. The apparently visible items should be indicated by accurate measurement from at least two fixed points.

E. The position of eyewitnesses and accused persons and places indicating all stains, footprints, tyre or drag marks and other objects of victim or accused.
3. The following information must invariably be mentioned on the ketch.

- The 'investigator's full name, rank, address.
- Crime number, section of law, police station, and district
- Address of the crime scene, its position in a building, landmarks and compass direction
- The visible items of physical evidence and critical features of the crime scene. A legend to the symbols may be used to identify objects or points.

4. The rough sketch once drawn should not be altered. A smooth or fair sketch should be prepared on the basis of the rough sketch. The smooth sketch also known as crime scene plan drawing is prepared as per a convenient scale and plan from the details of rough sketch. Colour drawing will be helpful to distinguish various objects or the features of an object.

(viii) **Methods of sketching:** It is important that measurements shown on the sketch are as accurate as possible and are made and recorded uniformly. An erroneous measurement becomes difficult to explain and can introduce doubt in the minds of judges and others concerned not only regarding the authenticity of the crime scene processing, but also the competence of investigator. The investigator should, therefore, follow a standard method of sketching depending on the nature and background of a case. Standard methods normally adopted for sketching are described below.

**(a) Coordinate Method or Baseline Method:** This method uses the principle of measuring the distance of an object from two fixed points. The fixed points are normally selected in such a way that they are straight and most of the evidence is located in the vicinity. The line joining these points is known as the baseline. In indoor scenes one side of a wall of the room where the crime occurred can be taken as the baseline. In outdoor
scenes any two trees or other fixed points can be joined and taken as the baseline. Once
the baseline is fixed all measurements should be taken by drawing a perpendicular line
from the evidentiary item to the baseline. The distance between the nearest fixed point
and the point where the perpendicular line meets the baseline should also be taken. These
two measurements will help locate and fix the position of each item and its relationship
with other items.

(b) Triangulation method: This method is particularly suitable for outdoor
locations. Two or more fixed points should be located and they should be as widely
separated as possible. The evidentiary item need not be very close to the fixed point but
should be located by measuring along a straight line from the fixed points.

(c) Cross-projection method: The cross-projection method of sketching is useful
when the evidentiary items are on the ceiling, wall or elsewhere in an enclosed space. The
walls, windows and doors in a cross projection sketch are drawn as though the walls are
extended flat on the floor. The measurements are taken from any two wall corners or roof
corners to the evidentiary item.

(d) External wound sketch: The methods discussed above are used to record the
position of various items of evidence including any deceased persons but do not include the
position of wounds on the victim. To record wounds, an external wound sketch, may be used. A
wound sketch showing a wound of a shooting victim with a bullet wound in the forehead.

3.2.6 Crime Scene Observation Notes

1. The officer making the search should take down accurate and detailed notes,
supported by accurate sketches drawn to scale, showing the whole layout and
the exact places where the articles, etc. were found. It is not sufficient to say
that an article was in a certain room or on a particular table, but its exact
position must be noted and, if necessary, an enlarged sketch of that portion of the scene must be drawn. In all-important cases, photographs, video graphs and where possible laser impressions should be taken of the scene and of the objects on which any useful clues are found.

2. The successful investigation of a case rests on the ability of the investigating officer to gather maximum information from various sources in a limited time in order to use it subsequently. The Police officer cannot easily and accurately recall past events for crime scene reconstruction or for court testimony after a lapse of time. Sometimes many seemingly unimportant details may prove to be of utmost utility as evidence and in the investigation process. Hence the investigating officer should enter all details, observations, data, statements as and when they occur in his observation notes and case diaries and should personally get these sketches prepared taking fullest assistance of his team, scientific personnel and other experts. He should see that the team members work efficiently, professionally and cohesively. The need for observation notes arises at various stages of investigation and it serves the following purposes:

A. Future evaluation of evidence, preparation of charge sheet and deposition in the court. The courts and defense counsel may also demand the detailed notes and records maintained.

B. Photographs provide only a two-dimensional representation of the crime scene, whereas sketches are useful for fixing the location of various items at the scene. Other intricate details such as the colour, design, pattern, type, model, brand, serial number, etc. of the various items, which may be required for the investigation, can only be recorded in the observation notes.
3.2.7 Guidelines for Recording Observation Notes

A. **Method of Recording:** The notes should start with the time of receipt of first information. The notes can be recorded as and when the observations are made and need not be in sequence.

B. **Date, time and location:** The time and date of arrival at crime scene and the details of its location, environmental conditions (smoke, rain, dusk, dawn, etc.), the names of persons present at the scene on arrival, should be recorded.

C. **Description of the victim and clothing:** The name, age, height, weight, complexion, colour of hair and eyes and, if possible, the date of birth of the victim should be noted. Outer garments should be described in terms of type of garment and colour.

D. **Wounds on the victim:**

   The exact location of a wound or injury, its type, size and in the case of a bruise, its colour.

E. **General Description:** Damage to items and any apparent disturbance of the normal arrangement of furniture or other objects and also the presence of objects that seem unusual in the context of the scene.

F. **Recognition of each significant item of evidence:** The description of each significant piece of evidence found or identified with special techniques with complete details, such as the time when it was found, the exact location, who found it, how it was marked, sealed and packed.

G. **Missing items:** The purpose of this entry is to note items that should have been normally associated with the crime being investigated, but which are absent at the crime scene or on the victims or deceased. For example, an item of clothing missing from the victim's body that could not be located at the
scene of crime and which, if found later from the suspect or elsewhere, should be useful in linking evidence and suspect or vice-versa.

H. **Other important information:** The condition of doors, windows, locks, wrist watches, clocks, water taps, electric lights, and other household gadgets as well should also be recorded carefully.

I. **Miscellaneous:** Any other details not included in photographs and sketches such as condition of surroundings, minute details on various items of evidence such as serial number, model, make of firearm, etc., should be recorded. The investigating officer can reorganize all these notes for preparing his case diary and charge sheet.

### 3.2.8 Searching the Crime Scene for Physical Evidence

A. The primary purpose of inspecting the scene of crime is to search for any evidence left behind by the criminal while committing the crime. Such evidence will be invariably present in all scenes of crime is based on the principle of exchange propounded by Prof. Locard in 1928, which says: "Whenever any two objects or materials, animate or inanimate, come into contact with each other, there is always transference of material from each object on to the other". Such transference may be large or small, visible or invisible, detectable readily or difficult to detect, but such transference does occur. It is therefore the primary responsibility of Investigating Officers to search, identify and collect such evidence independently or with the assistance of 'CLUES' Team.

B. The crime scene is highly dynamic and is constantly undergoing change. It is also fragile, in the sense that the evidentiary value of the items it contains can
be easily lost or downgraded. Usually there is only one opportunity to search the scene properly. Hence making a good overall survey of the scene is quite essential.

C. A competent search of a crime scene requires a thorough understanding of crime, its nature, extent of damage, people aggrieved, property lost or damaged and the manner in which the offence was committed. All items should be searched with equal care and concentration. The search should be carried out carefully, avoiding unnecessary disturbance of the scene.

D. Based on the initial survey the investigator should first develop a hypothesis that will serve as the initial framework of the investigation. The hypothesis is simply a set of rational assumptions about how the crime was committed and the general sequence of acts that were involved. The hypothesis must be constantly reassessed in the light of each new fact or clue that is uncovered. There is often a tendency to arrive at unfounded assumptions. For example, if the Investigating Officer has substantial evidence that a murder was committed where the body was discovered, he may be tempted to ignore a fact or clue that does not fit the framework of that idea. Such inflexibility must always be avoided in the crime scene search. The Investigating Officer must be willing to modify or change altogether his initial ideas concerning any aspect of perpetration of crime. It is only through such a process of reassessment that the full value of the Investigating Officers experience can be realized.

E. By the time an initial survey of the scene is completed, the investigator should have noted the obvious items of evidence to be collected, and decide in what order he will collect evidence, what should be searched for, and how the tasks
and areas have to be divided. The methods of searching the crime scene for physical evidence is given below.

3.2.9 Search Methods

A. **Spiral method:** The search is conducted following a spiral pattern working from outside to inside towards the centre or focal point (towards the body, safe or any other key feature) or vice versa, either clockwise or anti clockwise. It is an effective search pattern for single person search, with a very high probability of locating minute evidence like fingerprints, footprints, etc. Also, there is not much likelihood of the evidence being destroyed by the investigator's movements.

B. **Radial method:** In this method, the investigator works outward from the centre along the radial, and moves in circles of increasing circumference repeatedly. This method provides a double check on the searched area and is one of the best methods available for both indoor and outdoor searches. This method is preferred if more than one officer is conducting the search.

C. **Strip method:** This is a sector search, useful both for indoors and outdoors, in which the crime scene is divided into segments or strips. The method works well if the area to be searched is square or rectangular in shape with clearly
marked boundaries. The search may be conducted by one or more officers depending on the size of the area and availability of officers.

D. **Grid method**: Grid method is a slight modification of the strip method. This method is useful for small areas especially indoors. The area is divided into grids. In this method a single person can search the entire area by moving at right angles, and covering all the squares of the grid.

E. **Zone method**: If the crime scene is large and enough personnel are not available, it is advisable to divide or subdivide the area into smaller zones and sub zones and use this method of search. The method is particularly useful for searching in details the enclosed areas where items such as almirahs, safes, etc., have to be carefully inspected and for cars or carriages which may contain minute trace evidence, necessitating a thorough search of all nooks and corners.

### 3.2.10 Types of Physical Evidences

Types of physical evidence normally encountered are as shown below:

- **Body fluids**: Blood, semen, saliva, sweat, tears, milk, urine, faecal matter.

- **Body parts and body materials**: Skull, flesh, teeth, bones, nails, and broken bone pieces, viscera materials preserved during autopsy.

- **Containers**: Containers of powders, chemicals, drugs, poisons, narcotics, inflammable liquids, miscellaneous substances including glass, plastic, tin, phials, bottles, cans, drums, gunny bags, and any other enclosed articles.

- **Documents**: Papers, books, cheques, receipt, counterfoils, bills, files, carbon papers, letter pads, writing materials viz., pens, ink, seals, stamps and their impressions, photocopies, negative and positive photos etc.
Explosives: Remnants of an explosion, springs, wires, timing devices, chemicals, stones, cotton, paper, fillers, residual and unexploded portions of explosives, explosive devices.

Fibres: Natural or synthetic fibres adhering to clothes, upholstery, seat covers, drapery, or any other articles.

Fingerprints: Fingerprints - latent, visible, semi-visible

Footprints: Footprints - cast, lifted.

Fire, arson: Burnt remains, inflammable materials, fire remnants and burnt remnants accelerants, other arson related articles.

Firearms: Firearms - country made, factory made

Ammunition: Live-cartridges, empty cartridge cases, bullets, pellets, wads, gunpowder, discharge residues from hand, etc.,

Glass: Fragments, pieces, sheets, bangles, articles.

Hair: Animal or human hair.

Impressions: Impression metals serial numbers on metals - cast, engraved, etched or punched. Other marks on metallic parts, filed, erased, stamped, etc. Impressions not included in any other category such as type writer impressions, shoe prints, glove impressions, tooth impressions, fabric impressions, bite-mark impressions, lip impressions, etc.

Soil and dust: Soil, dust, debris, mud, dirt, occupational dust in the form of stains, lumps, particles, powder, etc.

Tools & Implements: Razor blades, penknives, screwdrivers, hammers, punches, files, engravers, needles, crowbars, hacksaws, cutting pliers, sickles, spades, axes, swords, and any other sharp metallic house hold or industrial implements.

Tool marks: Cut marks, shear marks, punching marks, levering marks, file marks, chisel marks, drill marks, struck marks, depressed marks.
Wood and: Any fragments of wood, sawdust, or any vegetable matter on clothing shoes, tools, body etc., and materials like seeds, bark, leaves, etc.

Vegetable matter: Stains, impressions, prints, articles or other materials that is likely to link the crime or criminal with the victim or scene of crime.

The following are the instructions for lifting, packing and forwarding physical evidence

A. Physical evidence should be described in detail with full information as to when and where such evidence was found; who found it, handled it and how it was disposed.

B. Each item should be packed separately so as to avoid breakage, loss or contamination in transit.

C. Tweezers, forceps and similar tools are used to collect and place traces and small items into containers. It is advisable to use rubber gloves to handle such physical evidence.

D. An "evidence box" such as deal wood box, clean empty cartons, cardboard boxes, etc. should be utilised for transporting the items of evidence. An evidence box with pegboard sides allows for tying or wiring small and medium sized objects in place. A series of drilled holes and appropriately sized clamps can serve the same purpose.

E. Items of evidence that need comparative analysis for possible commonness of origin should be packed in separate containers to avoid any allegation of cross contamination.

F. Thoroughly clean and dry containers, wrapping paper, corrugated paper boxes and sealing tape are the basic safeguards for physical evidence in transport. No wet or solid materials or boxes should be used.
G. Documentary evidence should be first placed in transparent envelopes without folding or bending, and then placed between two pieces of rigid cardboard and packed in a suitable cloth-lined envelope cover.

H. Plastic pill bottles such as used medicine containers with lids are unbreakable and can be easily sealed with tape. They make excellent containers for hair, fibres, and other small trace evidence. They are ideal for spent bullets, empty cartridge cases, and cartridges because they can be packed with absorbent cotton to minimise movement. Plastic envelopes and bags are suitable for packing many materials. However, in case of soil, debris or clothing impregnated with bloodstains, this may result in bacterial action contaminating the blood sample, and should be avoided.

I. If the stain is on a solid object that can be moved, such as a knife, crowbar, fire arm or any other weapon, it is preferable to transport the whole object, protecting the area of the stain or completely enclosing the object in a package (if it is small enough).

J. If the stain is on clothing, the garments should be wrapped separately in paper, marked appropriately and packed. This is better than any other technique such as scraping for forwarding a movable sample of the stain for analysis. Garments and other clothing such as bed sheets, towels, table clothes and similar evidence should be folded as small as possible and without pressure. The specific areas of such fabric which contain trace evidence should be folded in such a way as to protect such areas to avoid loss of such materials by falling off, peeling off, etc.

K. It is preferable to send a soil-stained or mud-soaked object to the laboratory rather than to attempt to remove and send the soil or mud as separate items.
When such traces are picked up as individual items of evidence, it is vital that every precaution is taken to keep the evidence in separate sealed containers to avoid any accidental loss or mixing in transit.

L. Bed sheets, carpets, woollen materials from the scene of arson may be wrapped in metal foil and sealed in airtight containers. Smaller objects, such as paper and rags or solid samples should be sealed in the container in which they were found or placed in airtight bottles or cans. This protects the fire accelerants and their residues from evaporation.

M. Pills and other non-caustic substances should be left in their original containers for transport to the laboratory. Such containers often contain useful information. The investigating officer should count the number of pills and capsules or accurately determine the bulk quantity of fluids or powders and should include such data in observation notes. Caustic or corrosive poisons should not be transported until their safe transit is ensured by suitable means. Appropriate containers such as glass bottles with a glass lid should be used for transporting substances such as acids.

N. Food and edible substances should be placed in as many separate moisture proof bottles or containers as necessary to avoid any contamination. In case of suspected food poisoning the packages should be marked clearly as suspected or known samples of poison.

O. Trace evidence, such as hair, fibers, etc. should be sealed in folded paper or placed in clean, sealed envelopes.

P. Adequate and appropriate samples should be collected. Bulky articles, samples in huge quantities e.g., cots, mattress, flooring stones, a drum of petrol or diesel oil, etc. or articles unconnected with the case should not be sent.
Q. Tag or mark all the articles. If the articles can be enclosed, put a mark on the container or the box. If special handling is required, it must be indicated and specific instructions provided on the packing itself, e.g., material is fragile or perishable.

R. Indicate any special priority that should be given to the case.

S. Notify the laboratory if the case is associated with any previous submission or evidence.

T. Always obtain a signed receipt whenever evidence is transferred (chain of custody) from place to place or person to person.

U. All evidence should be forwarded or received only in a sealed condition.

V. Label, initial and seal all envelopes and the packages without fail. The seal should be legible and intact and all knots of stitching ropes must be sealed.

W. Ensure prompt delivery of all items of interest to the laboratory.

X. Record all the procedures adopted for location, recording, lifting, packing and forwarding, in case diaries.

Y. Wherever feasible, it is advisable to bring the physical evidence in person and discuss the circumstances and history of the case so that the scientist will endeavour to bring out the right information from the scientific studies.

3.2.11 Chain of Custody of Physical Evidence

1. Continuity of possession or the chain of custody of evidence is an important aspect whenever evidence is collected, until it is presented in the court as an exhibit. The chain of custody assures continuous accountability. If it is not properly maintained, an item may become inadmissible in the court. Failure to substantiate the chain of custody may lead to serious questions regarding the
authenticity and integrity of the evidence and the examination rendered upon it, making the whole process an exercise in futility. There are cases where failure to mark the items for subsequent identification in the court of law has resulted in the acquittal of the accused. Similarly, failure to account for certain items during a certain period or with a particular agency such as court, laboratory, police station, etc., at a particular time results in inadmissibility of the evidence itself.

2. The Investigating Officer after receiving the complaint and reaching the Scene of Crime having made preliminary observations should fill the Crime Scene Investigation and Physical Evidence retrieval report given in the Chapter 31 "Scientific Aids to investigation". The form should also contain details of the condition of the person/body in case of wounded and deceased persons found at the scene of crime. Physical evidence retrieved and the controls seized/recovered from various sources should be properly recorded in the form.

3. **Letter of Advice:** All material objects forwarded to the expert should be accompanied by a letter of advice in Form No. 54. A copy of the forwarding letter should invariably be enclosed in the parcels, so that exhibits can be connected with the relevant case.

4. **Letter of Advice – Supplementary Information:** In poisoning cases, supplementary information in Form No. 55 should be sent with the letter of advice. Omission to supply the essential supplementary information leads to unnecessary correspondence and delay in the disposal of the case. Background of the subjects in polygraph cases, method of collection, preservation etc. in DNA cases, and other relevant case history in sensational cases is essential for deciding the analytical sequence.
5. **Forwarding Authority and Time Period for Forwarding the Samples:**

Physical Evidence can be forwarded for examination to concerned experts by investigating officers through the judicial magistrates having jurisdiction informing the SDPOs etc. Physical evidence should be forwarded at the earliest to FSL Hqrs. or to Research Forensic Science Laboratory (RFSLs)/(Director Forensic Science Laboratory (DFSLs) as the case may be. In case of delay over one month, a D.O letter from the concerned Head of District/City Police should be sent.

### 3.2.12 Arrest, Custody, Bail and Remand

1. **Power of arrest:** Police Officers derive their powers of arrest without warrant from sections 41, 42, 43(2), 60, 129 and 151 of Cr.P.C. Sections 46, 47, 49, 50, 51, 56, 57, 167 and 169 Cr.P.C. inter alia deal with procedures, during and after arrest.

2. Arrests can be made by Police Officers with Warrants issued by the Courts. There is no discretion allowed to the police in executing Warrants of arrests. The Warrant must, be in writing, signed and sealed by the presiding officer. It should specify the offence as well as clearly the identity of the person to be arrested. The Warrant sometimes may specify the date on which the Warrantee is to be produced in the Court. If such a Warrant cannot be executed within the time specified fresh Warrant might be obtained after returning the earlier one. The validity of a Warrant is an important matter particularly in respect of those meant for arrest of persons in other countries.

3. The Warrants are either bailable or non-bailable. In respect of bailable Warrants the arrestee should be released on bail when he offers the required
security and in respect of non-bailable Warrants the Police Officer has no discretion, and the person must be produced before the concerned Court. Prompt execution of Warrant is one of the foremost duties of the Police and should receive high priority.

4. The Warrant must be executed by the officer to whom it is endorsed. If that officer wants warrant to be executed by his subordinate officer he must make endorsement by name accordingly.

Articles 21 and 22 of the Constitution lay down that no one shall be deprived of his life or liberty except in accordance with procedure established by law and that arrested persons are entitled to know the grounds of their arrest and a right to consult and be defended by an Advocate of their choice and that every arrested person should be produced before a Magistrate within 24 hours. Arrest takes away the liberty of a person and should therefore be effected in strictest compliance of the law. Wherever it is warranted it should be promptly carried out but arrest is not to be effected just because a police officer has the power. No accurate account of all circumstances under which arrest without Warrant can be made or should not be made can be detailed. He must exercise it with discretion.

3.2.13 Conditions Necessitating Arrest

A. To infuse confidence among the terror stricken victims, particularly in grave offences like murder, dacoity, robbery, burglary, rape, organized crime, terrorist offences etc.

B. In cases where the accused is likely to abscond and evade the process of law;
C. The accused is given to violent behaviour and is likely to commit further offences unless his movements are brought under restraint;

D. The accused is a habitual offender and unless kept in custody, he is likely to continue to commit similar offences;

E. Where it is necessary that his presence is required for the purpose of investigation.

F. Where accused is likely to tamper or intimidate or cause physical hurt to witnesses or destroy other tamper evidence,

2. Police Officer making an arrest should record in all the relevant records, the reasons for making the arrest, thereby bring out his conformity to the instructions given in this order and must be able to justify the arrest if required. The Police Constables and Head Constables who make the arrest should submit a report detailing the circumstances of the arrest to the Station House Officer (SHO) or Investigation Officer (IO) concerned who should incorporate the contents of such reports in the General Diary, Case Diary etc.

3. All Police Constables, Head Constables and Sub-Inspectors working in the field and empowered under law to exercise the powers of arrest without Warrant, should exercise their powers with prudence and be accountable for the arrest made in the discharge of their assigned tasks and duties.

4. In the light of these instructions, the action of Police Officers of all ranks in arresting persons where it is not necessary and not arresting where it is necessary, will amount to misconduct and may entail suitable disciplinary action.

5. No arrest should be made in a routine manner simply because the law empowers the police officer to do so. The existence of the power to arrest is one thing while justification for the exercise of power of arrest is quite
another. The police officer must draw a margin between vindictivity and necessity.

6. The police officer may without arresting, keep a watch on a person and then arrest him, if subsequent events justify such action. No restraint can lawfully be exercised over a person so long as he is not arrested.

7. The arrest should be avoided if the intention is only to verify the suspicion of involvement against a person. A police officer may under section 160 Cr.P.C. issue a notice to the suspected person to attend the police station and interrogate him. He should not be detained for long and more than necessary.

3.2.14 Arrest of Children and Women

1. The Juvenile Justice (Care and Protection of Children) Act 2000 prohibits lodging of children in police lock-ups or being brought to police stations after arrest. Alternatives are provided for lodging the delinquent juveniles. The procedure prescribed therein should be observed in respect of juveniles.

2. The following precautions may be followed whenever arrest of women is contemplated.

A. While making arrest of a woman submission to custody should be presumed unless circumstances to the contrary exist. There should be no occasion for a male Police Officer to touch her person. It is therefore advisable whenever it is proposed to arrest a female, women police should be employed.

B. Arrest of women should as far as possible during night times be avoided unless it is inevitable.

C. When it is not possible to secure the services of women Police Officers, an officer of the rank of ASI or above should effect the arrests.
D. Bail may be granted where the offence for which the arrest is made is not of a serious nature. The SHO may take exercise his discretion in non-bailable offences to release a woman arrestee on bail.

E. Whenever a woman is arrested, the services of women Police Officers should be utilized for guarding and escorting her. If women Police Officers are not available in the Police Station, one of the relations of the arrested woman, of her choice can be permitted to remain with her. When interrogation of the arrested woman is done by a male Police Officer the relation or woman Police Officer should be present. If a Woman Police Officer herself is conducting the interrogation, the presence of a woman relative may not be necessary.

3. **Rights of Arrested Persons:** The arrested persons have certain rights with which the Police Officers should be familiar. These are important from the human rights angle also besides being statutory provisions and should be respected. The important rights are -

A. Right to be informed of the grounds of arrest

B. Right to be produced before a Magistrate without unnecessary delay and within 24 hours

C. Right to consult a legal practitioner or any one of his choice

D. Right to be informed of right to bail

E. Right of a person without means to free legal aid and to be informed about it

F. Right to be examined by a Medical Officer
3.2.15 Direction to Subordinates to Arrest

1. 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 Cr.P.C. depute any officer subordinate to him to arrest the person. When such an officer is deputed, he should be given an order in writing specifying the person to be arrested and the offence or cause for which the arrest is to be made. The officer so authorised shall 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 Cr.P.C.

2. A Head Constable in-charge of an outpost or a beat area or check post, without the intervention of the SHO, may take action in offences under special and local enactments, which empower the Head Constable to take action.

3. When a private person arrests any person who commits a non-bailable and cognizable offence in his view, he shall be taken to the nearest police station immediately and such person shall be re-arrested by the police.

The following requirements laid down by Supreme Court should be observed in all cases of arrest or detention

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 a person shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either member of the family of the arrestee or respectable person of the locality where the arrest is made. It shall also be countersigned by the arrestee and 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 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, 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 about major or minor injuries, if any, present on his/her body.
"Inspection Memo" must be signed both by the arrestee and the Police Officer affecting the arrest and its copy provided to the arrestee.

8. The arrestee should be subjected to medical examination every 48 hours during his detention in custody by a doctor from the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. Director, Health Services should prepare such a panel for all Mandals and Districts as well.

9. Copies of all the documents including the memo of arrest, referred to above, should be sent to the jurisdictional Magistrate for his record.

10. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the 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 it should be displayed on a conspicuous police board at the police control room.

**3.2.16 Search of the Arrested Person by the Police**

1. Whenever a person is arrested and not released on bail by a police officer a thorough search of his clothes and belongings should be made before putting him in lockup. Articles found upon him other than necessary wearing apparel should be placed in safe custody and if any articles are seized from his person, a receipt showing the articles taken possession by the Police Officer shall be given to such person. The personal articles of the person should be kept in safe custody in the Property Room (Malkhana) and entries made in
concerned registers. If there are any incriminating articles or objects or materials, which might be necessary for investigation, they should be separated and the procedure for recording and dispatch of case property to courts should be followed. The other property should be returned to him or his nearest kith or kin when he is remanded to custody.

2. Whenever it is necessary to cause a female to be searched, the search shall be made by a Woman Police Officer or another female with strict regard to decency.

3. The officer or other person making any arrest, shall seize from the arrested person any offensive weapons, which he has on his person and shall deliver all weapons so taken to the court or officer before which or whom he is produced.

4. Treatment of the arrested persons: Whenever any person is arrested by a Police Officer or by a private person and is brought to the police station, the SHO shall examine the body of the arrested person and note whether he has any injuries over his body. If any, injuries are observed irrespective of their nature, he should forward the said person to the nearest Medical Officer of the Government Civil Hospital or other Hospitals of local bodies authorized for medico-legal work, for treatment and injury certificate. The Medical Officer should be requested to specify the age of each injury.

5. When any person with injuries in a serious condition or a drunken person in uncontrollable condition, who is unable to take care of himself, is brought to the police station, the SHO shall immediately forward such person(s) to the Government Hospital. Any delay may cause death, in which case the Police Officer in-charge of the police station will be held responsible. The statement of the injured person should be recorded in the hospital and further action taken.
6. When an arrestee demands examination of his body, which will afford evidence to disprove the charge levelled against him and establish his innocence or evidence of an offence against his own body, the Police Officer should forward him to the Medical Officer of the Government Civil Hospital for the examination and injury certificate. Such a certificate shall be forwarded to the Magistrate concerned.

3.2.17 Police Custody

1. A person who is arrested and not released on bail shall be detained in a secure area of the Police Station earmarked for such purposes, under constant watch. A prisoner whom the SHO considers to be dangerous and is likely to escape should be kept in the lock-up under continuous and effective watch. This should be done only after making a thorough search and necessary entries should be made in the prisoners search register and guard or watch sentry relief book.

2. A person called to a police station for questioning in order to verify his complicity in any offence shall not be kept in lock-up, without effecting arrest. Arrested persons who are known to be goondas, rowdies, dangerous criminals, members of organized gangs, terrorist groups, those likely to escape and charged in serious offences of murder, rape, kidnapping for ransom etc. should be kept in the lock up rooms.

3. A person in police custody shall not be permitted to leave the lock-up after sun set, except in special and emergent circumstances (and that too with adequate escort) which shall be recorded in the general diary and the Sentry Relief Book.
4. A person in police custody prior to remand is entitled to see his relatives and an Advocate. He should not, however, be allowed to talk to members of the public. If the arrested person desires that one of his relatives may be permitted to remain with him, his request should be considered unless there are compelling security reasons. If the arrested person for health reasons prefers to get his food from his residence, he can be permitted, but the person bringing food to the police station should be made to eat samples of all the food items before serving to the person in custody. However, in normal course, the arrested persons should be fed at Government's cost as per the rates approved from time to time.

5. Whenever any punitive action is taken or contemplated against a foreigner, he should be provided with facilities, if he so desires, to communicate over the telephone or by a telegram or letter, with the Counsel, High Commissioner or other representative of his country, as the case may be.

3.2.18 Arrest Reports or Memo

1. Every person arrested by a police officer without a warrant shall be forwarded for. Judicial remand to the nearest Judicial Magistrate within 24 hours excluding the journey time.

2. An arrest report or memo in Form No. 61 containing time, date and place of arrest shall be prepared at the time of arrest and will be sent by the SHO or Inspector, as required by section 57 Cr.P.C. to the Magistrate. The arrest report shall be attested by at least one witness who may be either a member of the family of the arrestee or a respectable person of the locality. The
arrestee shall also countersign it. The other columns of the arrest card containing time and date etc. should all be filled up.

3. When any person is arrested for his involvement in number of cases under different transactions, separate arrest reports should be forwarded to the Magistrate(s) concerned. In the arrest report, the fact of remanding the arrested person or enlarging him on bail should be mentioned.

3.2.19 Procedure when Arrests Related to Govt. Employees, Armed Forces etc.

(a) 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 cases, 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 or tamper evidence and intimidate witnesses.

2. When an arrest is made without warrant, immediate intimation of such arrest must be given to the local head of the railway department.

3. Under ordinary circumstances, immediate arrest may not be necessary. A warrant should be applied for while maintaining a watch over the movements of the accused, where necessary.

4. Whenever the arrest of a Railway employee on duty is required, the department shall make arrangements for his relief. If, the relief cannot be arranged immediately or his immediate arrest would cause risk or inconvenience the police should make all arrangements to prevent his escape.
and contact the authorities for immediate relief.

5. Arrest of an employee of an ordnance factory owned or sponsored by the Government should be notified immediately to the General Manager or the officer in-charge of the factory.

(b) Arrest of Central or State Government or quasi-Government employees

6. When a Central government employee of any department or a State Government employee or an employee of a quasi-Government Organization is to be arrested by the police, wherever it is practicable and desirable, prior intimation of the arrest of such an employee should be sent to his immediate superior officer or the officer in-charge of the institution or department. The prior intimation must be" treated as secret. Whenever prior intimation is given by telephone it should be followed by a written intimation mentioning the time and date of such conversation. The fact of telephoning should be recorded in the General Diary if intimation is by SHO. If the intimation is by a superior officer he should make a record of it in the Telephone Register. After the arrest by the police,

A. intimation of the arrest along with a copy of arrest memo should be sent immediately to the highest officer of the department available in the district to which the person belongs with a copy to the immediate superior officer (of the person) if, for any reason, prior intimation could not be given; and

B. This should be followed by a detailed report of the offence committed together with an indication as to whether the arrested person is being released on bail or personal bond, by the police.
(c) Arrest of public servants on operational duty

7. When a public servant on operational duty 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 sub station attendants, is to be arrested, prior intimation should be given to his immediate superior, as a rule, to facilitate them to make alternate arrangements. 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 public servant. "However, in respect of the operational staff of the trains, prior intimation should invariably be given to the Railway Divisional Authorities or where this is not possible, to the superior available at the Station where the arrest is made".

(d) Arrest of employees of Foreign Diplomatic/Consular Missions

8. 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.

(e) Arrest of Foreigners

9. When a foreigner is arrested, reports as required in Order No. 349 of Chapter 16 on foreigners should be sent.

(f) Arrest of Military Employees

10. The arrest of personnel of Armed Forces including Navy and Air Force charged with the commission of an offence should be intimated to the Commanding Officer to enable him to take appropriate measures for the defence of the personnel.
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 Cr.P.C. is a matter 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 Cr.P.C.

When any investigation, search or arrest is contemplated within military lines (quarters), the Police Officers concerned should be in uniform and if in plain clothes should carry identity cards and, so far as circumstances permit, prior notice should be given confidentially to the Officer Commanding, Adjutant or Orderly Officer concerned.

(g) Arrest of Indian Army Reservists

11. 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 DGP with information to the Army unit to which the person arrested belongs. When the case is completed, 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 shall be reported. The information so reported will be communicated by the DGP to the appropriate Army authority.

(h) Arrest of Members of State and Union Legislatures

All the rights, that any arrested person has, are available to Members of Legislature and Parliament whenever they are arrested. All guidelines and instructions
contained in this Chapter apply to them. The procedure contained in this should be scrupulously observed whenever any Member of Legislative Assembly/Council or Parliament is arrested by the police.

1. Whenever a member of a State or the Union Legislature is arrested, he should immediately be produced before the Magistrate concerned and there should be absolutely no delay. The police will send information of the arrest through a telegram or Radio Message, to the Speaker of the Lok Sabha or the Legislative Assembly, as the case may be. Failure to send immediate intimation to the presiding officer of the Legislature concerned will constitute a breach of the privilege of the House.

2. If a member of the Union or a State Legislature is concerned in an unimportant case, he need not be arrested, except when it is really necessary. When arrest is made in a bailable offence, the member should be immediately released on his own recognizance. If the offence is a non-bailable one, the member should be immediately produced before the Magistrate. In any case the fact of arrest and release on bail or remand should be intimated to the Speaker. Though the instructions are that the Magistrate should send intimation to the Presiding Officer of the Legislature concerned, prompt reporting by police is necessary.

3. A report of the arrest (whether released on bail either by the Police or by the Magistrate) should be sent by the SP/CP in whose jurisdiction the arrest is effected to the Speaker of the Lok Sabha, the Chairman of the Rajya Sabha, the Speaker of the State Legislative Assembly or the Chairman of the Legislative Council, as the case may be, by telegram or Radiogram or automex or fax with a copy of confirmation dispatched simultaneously by
speed post along with a copy of Arrest Memo in Form No. 61.

4. The message should contain the information as furnished in the arrest memo sent to Magistrate and relatives (Form No. 61). Thereafter a detailed report should be sent to the Presiding Officers concerned containing the following information:

A. The place of custody or detention of the Member;

B. When a Member, who is under detention or is undergoing, a sentence of imprisonment is transferred from one jail to another, the change in the place of detention or imprisonment; and

C. When a member is released from jail on any ground e.g., on bail pending appeal or on the sentence being set aside on appeal or on the remission of sentence by Government or on completing the sentence or on the termination of preventive detention, such release.

5. The SP/CP also should simultaneously report the arrest by telegram or radiogram to the DGP, to enable him to report it forthwith to the Government and the Secretary to the Legislature. The copies of such reports should also be sent to the superior police officers.

3.2.20 Police Lock-ups & Treatment of Persons in Custody & under Trial Prisoners

A. Once a person is in custody of the police, the responsibility for his life and safety will be totally on the police. The physical and psychological condition of every person in custody is a major factor that should determine the precautions, facilities and arrangements required to be made. The other factors such as the nature of the offence in which he is involved, the investigation required to be done, the antecedents, age, sex, ignorance and
vulnerability are all vital and crucial. While every case has its peculiar features and circumstances, certain important stipulations should be observed.

B. The first requirement is physical safety of the person in custody. This includes safety from injury and death, whether self inflicted or otherwise. As the psychological state of each individual cannot be accurately gauged, it is necessary to realize that the general mental state of a person arrested and brought to police station would be fear, shock, trauma, sense of guilt and shame etc. Suicidal tendencies therefore develop. Hence the place where he is lodged should not contain anything including his apparel or belongings that afford him any opportunity to attempt or commit suicide.

C. There should be a watch on the person all the time, at least by one policeman. The room or place where he is kept should be such as to afford a full view to the Police Officer posted to watch him and also to the Station Writer, HC or Duty officer. The place of work of these two should be so adjusted as to afford a complete view of the lock up rooms.

D. Wherever any attempt or suspicion about the movements or action comes to notice, the lock up room should be opened and searched. There should be effective intervention to prevent attempt at suicide and injuries. The whole episode should be recorded in the station General Diary, Sentry Relief Book and the person should be sent for Medical examination with a report. The Magistrate and all other authorities to which Form No. 61 report is made should also be informed in writing.

E. The statements of other persons in custody and those present should also be recorded and enclosed to the report.
F. Since the person is in custody, sometimes even self-inflicted injuries or suicides can be interpreted as those caused by police. Hence effective and timely intervention, contemporaneous recording of events, reporting to all concerned of such attempts by persons in custody are important.

G. No Police Officer or IO shall use any force or cause any physical injury during interrogation of the person in custody. If such injuries are caused and result in death of the person, the Police Officers concerned will be liable for prosecution for homicide and the burden of proof of their innocence lies on them.

H. No one shall be subjected to torture, or to cruel inhuman or degrading treatment in custody.

1. Two blankets and two dhurries for rural stations and four blankets and four dhurries for town police stations having lock-ups should be supplied for the use of persons in police custody for each lock-up. These should be always kept clean, washed and dried. These articles will be treated as station property and the officer in-charge of the station or Outpost will be responsible for their issue to such of the prisoners who do not provide themselves with their own bedding.

2. The police lock-up, if it contains a prisoner or prisoners shall be unlocked at daybreak. The bedding of the prisoners, shall be at once brought outside, well shaken and left for some hours in the sun.

3. In lock-ups where toilet facilities are not provided, the night vessels, if any used, shall be removed and toilets shall be thoroughly cleaned. Wherever toilets are provided they should also be thoroughly cleaned.

4. The persons in custody shall be taken to the latrine and shall be allowed to wash. They shall be given food daily at 10.00 am or earlier if necessary
before he is taken to Court and again at 5 pm. If prisoners are not brought to
the station before the hours prescribed for meals they should be given food as
soon as possible after they are confined in the lock up rooms. They should be
fed at government cost if food is not brought by their relatives.

5. Officer’s in-charge of Police stations and officer’s in-charge of guards will
be held personally responsible for strict compliance of these orders.

6. Prisoners are not to be subjected to needless indignity or harsh treatment. At
district Headquarters or at places where police vehicles are available,
prisoners should be conveyed from jail to court and back in the police
vehicles. Prisoners whose confessions are to be recorded should be taken to
the Court from the jail in a police van, when available, escorted by warders
as a special case. In places where there is no police van, but where public
transport is available, under-trial prisoners should be conveyed by normal
bus service, 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 that their presence in the bus does not cause
inconvenience or annoyance to members of the public using it. In places
where none of the above modes of conveyance are available, under-trial
prisoners who are persons of good social position, accustomed to use a
conveyance, may be allowed a conveyance, provided their safe custody is not
jeopardized. The same rule should be followed in the case of prisoners who
are certified by a Medical Officer to be physically unfit to walk. In other
cases, prisoners should go on foot except in the cases noted below, but no
prisoner, should be compelled to march on foot for long distances.

   A. When convicted prisoners are escorted along with under-trial prisoners, the
former may be conveyed by the transport Bus in which the latter are conveyed, irrespective of the distance travelled, in order to avoid the inconvenience and expense of providing a separate escort for them.

B. 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 2 km. Conveyance may also be provided for shorter distances for reasons of health or custom or for other valid reason. Failure to make such provision would cause undue hardship to them.

Use of handcuffs: The use of handcuffs or leg chains should be avoided and if at all, it should be resorted to strictly in accordance with the law mandated in judgement of the Supreme Court in Prem Shanker Shukla Vs. Delhi Administration and Citizen for Democracy Vs. State of Assam. The points to be observed in this regard are as follows:

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, representation should be made to the Court, and the Court will issue appropriate instructions in the matter. Accused persons while in Court during trial should not be handcuffed except with the permission of the Court.

2. Under-trial prisoners and other accused persons shall not be handcuffed and chained without specific permission of the court and only if there is a reasonable apprehension, either due to 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

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3 (1980, 3 SCC 526)
4 (1995, 3 SCC 743)
principle shall be applied to convicts proceeding in public places while in police custody. Vindictivity is to be differentiated from necessity.

3. Whenever non-convicted accused persons are handcuffed with court's permission, the fact and the reasons for it shall be stated in the Station House general diary, the sentry relief book and in the remand diary forwarded to the Magistrate.

4. The prisoners either convicted or under trial and confined in a sub-jail shall not be handcuffed, whenever they are taken out in the precincts of the sub-jail for food or other necessities, rather the entire guard including the guard commander shall be present. If there are more number of prisoners, the guard in-charge should inform the officer in-charge of the police station to send two or three constables to assist the sub-jail guard during the period when the prisoners are taken out. The officer in-charge of police station shall provide extra manpower as required by the guard-in-charge.

5. Whenever, it is considered necessary to handcuff certain prisoners confined in sub-jail, while they are taken out, the written orders of the Magistrate should be obtained and the permission granted by him should be maintained in a book to be kept by the guard officer.

6. With regard to a refractory, violent or dangerous prisoner, the officer in-charge of the sub-jail guard or the senior Police officer present may control him only by utilizing more personnel and by such force as may be necessary, while rushing a messenger to the concerned court or Magistrate for permission to handcuff him.

7. Under-trial-prisoners or accused persons in Hospital should not be handcuffed without permission of the court. In no case should prisoners or accused
persons who are aged and bed ridden in hospital or women prisoners, juvenile
prisoners or civil prisoners be handcuffed or fettered. If necessary extra guard
should be provided.

8. The restriction on use of handcuffs is not to place any embargo on use of
minimum force to control a violent prisoner.

**Sick prisoners**

1. When a prisoner, who arrives at a Police station is seriously ill, medical aid
should be provided. When not available, the prisoner should be sent by the
quickest conveyance available, if his condition admits of it, to the nearest
station where medical assistance can be procured.

2. Prisoners attacked by cholera or other infectious or communicable disease in a
police station should be removed from the lock-up and placed in an airy part
of the station and all possible treatment provided.

3. Whenever sick prisoners are brought from rural police stations to district
headquarters hospitals and admitted as in-patients, the fact should be reported
to the Superintendent of Police of the district or Dy. Superintendent of Police
or the Inspector of the District Reserve Police in whose area the hospital is
located, and an armed guard will be provided from the Reserve.

4. In larger hospitals in cities, where prisoner's wards are provided, the guard
provided for the prisoner's ward should take charge of such prisoners brought
from the districts. The guard in-charge of the district headquarters hospital or
city hospital, should find out from the resident. Medical Officer or in-charge
Medical Officer of the ward about the probable date of discharge of the
prisoner. The information about date of discharge should be furnished to the
police station or district from which the prisoner was admitted to the hospital, so that the concerned police shall take back the prisoner.

5. Most of the District Headquarters Hospitals/General Hospitals are provided with prisoners' ward. If such provision is not available the SP or the CP should take up the matter with the concerned authority and ensure that the prisoners' ward as per the norms is provided. The prisoner irrespective of his status should be lodged in the prisoners' ward as to ensure their safety and enable the police to guard them effectively. This would also prevent inconvenience to other patients. Arrangements are to be made for their treatment in the prisoners' ward itself except where it is necessary to shift them in emergencies either to an operation theatre or to an Intensive Care Unit. The government have issued instructions in this regard to the concerned authorities.

6. In case of death of a prisoner admitted to the hospital, the officer in-charge of the police station in whose jurisdiction the hospital is situated shall register a case under section 174 Cr.P.C. and, inform the Executive Magistrate to hold inquest and make such other enquiries. Finally the dead body will be handed over to the relations through concerned police.

3.2.21 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 of Police in consultation with the Executive Engineer, Police Housing Corporation or Roads and Buildings Department, having regard to the accommodation available therein. A notice in English, Telugu, Urdu and Hindi should be displayed outside the lock-up, showing the maximum number of male or female prisoners who may be
confined in it. The number so fixed shall never be exceeded; and any excess over the authorized number shall be accommodated in any convenient building with adequate guard.

2. For purpose of the above Order, 16 cubic metre of breathing space and 4 square metre of ground space should be taken as the minimum requirements for each prisoner to be accommodated in a police lock-up.

3. The design of the lock-up rooms should be prepared in such a manner as to ensure adequate ventilation and light and other safety measures. The electrical wiring should be concealed and the lights embedded in the roof with the switch being kept outside at the entrance to the lock-up. There should be no rods or hooks either on the ceiling or on the walls and both ceiling and walls should be smoothly polished and white washed frequently.

**Accommodation of persons outside the lock-up rooms in the station premises:**

1. Those prisoners who are not likely to escape or create any problem or those who are not involved in any serious crimes and the women may be allowed to be in any area of the police station under watch. They should not however be allowed any contact with outsiders except with their advocate or in case of women with a female relative.

2. In case where large number of persons are arrested under 151 Cr.P.C. to prevent breach of peace, they may be made to sit in a place either within the premises of police station or in another building which has access control and with facilities for drinking water and toilets. Where it is not necessary to detain them for any length of time they should be released after making a complete record of each person and the reasons for arrest in the concerned
records. Where it is felt necessary to detain them for a few hours and they are not required to be produced before a Magistrate for any specific offence they may be released by the SHO at any time that he considers appropriate. The detention should, in any case, not exceed 24 hours as laid down in section 57 of Cr.P.C. They should all be given food at government cost if not arranged by their relatives or friends.

**Confinement of other department prisoners in lockup:**

1. When any prisoner arrested and escorted by officers of other units such as police stations & CID, Excise, Customs etc., are brought for confinement in the police station lock-up, a written requisition shall be given to the officer in-charge of the police station and the latter shall keep such prisoners in the lock-ups. The Officers of the other units will keep their subordinates besides police station guard. If there are no prisoners in the concerned police station lock-up, the key of the lock-up shall be given to the officers of other branches or units or departments and they will be responsible for the prisoners safe custody.

2. In the lock-up if there are already prisoners of the concerned police station, the key shall remain with the in-charge of the guard.

3. In all circumstances, the duty of supplying the prisoners with food and guarding them, when taken outside the lock-up, shall lie with the outside officers.

**3.2.22 Escape from Custody**

1. In all cases of escape of prisoners from police custody including those from jails where police guards are posted, a report by Automax, Fax, Radio or
Telephone shall immediately be sent by the Superintendent of Police or the Commissioner of Police as the case may be to the Director General of Police, Addl. DGsP, L&O, Intelligence, CID, Zonal IG/DIGP who will communicate the information immediately to the government.

2. The radio or telephonic report shall immediately be followed by a detailed report in triplicate furnishing the circumstances under which the person escaped, whether the escape of the prisoner was accidental or as a result of collusion or negligence, the action taken to apprehend him, the person or persons responsible for the escape, the exact quantum of responsibility to be attached to the Police personnel involved and the action taken against them, and other relevant particulars. These reports should be properly drafted and neatly typed with proper care.

3. Copies of the reports shall be sent by the Superintendent of Police to the Zonal Inspector-General/DIGP. Copies of the reports in respect of cases of escapes from jails where Police Guards are posted shall also be sent to the Director-General of Prisons, Andhra Pradesh, Hyderabad.

4. The above orders apply also to juvenile convicts.

**Bail:**

1. Bail broadly means 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 Form No. 63. The detailed addresses of the sureties have to be noted there in.

3. **Bail in non-bailable offences:** When a person is arrested for a non-bailable offence ordinarily he shall be produced before the court but the SHO may release on bail in exceptional cases covered by section 437(1) and (2) Cr.P.C. after obtaining express permission by SP / DCP / CP concerned.

4. **Points for opposing bail in non-bailable offences**
   
   A. Likelihood of absconding.
   
   B. Possibility of tampering with evidence, intimidation and threat to witnesses.
   
   C. Likelihood of repeating the offence.
   
   D. Nature of the offender and the seriousness of the offence.
   
   E. Likelihood of breach of peace and tranquility in the locality.
   
   F. Likelihood of retaliations by the victims party.

**Bailable warrants:** When a person is arrested under a bailable warrant, he should not be compelled to come to the police station to give bail. He should be given bail at the place of arrest if he offers security.

1. **Anticipatory bail:** When a person apprehends arrest for a non-bailable offence on a reasonable suspicion, he may apply to the High Court or
Sessions court to give a direction to release him on bail in case he is arrested.

2. In such cases the court gives notice to the P.P. for his objections, if any. The SHO must furnish the P.P. with sufficient information to enable him to argue the case.

3. In case the order is given in favour of the petitioner, the direction will be that he should be released on bail in case he is arrested on taking security as specified in that order. This clearly shows that the police officers are competent to arrest even if one gets such order. The only facility is that he should be released on bail in case of arrest without producing him in court.

4. The court may be requested to impose conditions in case an order is given in his favour. Such conditions can be;
   A. That the person shall make himself available for interrogation as and when required.
   B. That, he shall not directly or indirectly tamper with evidence or witnesses.
   C. That, he shall not leave the place or the country.
   D. That, he shall co-operate with the investigation.

Remand of arrested accused

1. When a person is arrested during the course of investigation and if the investigation is not completed within 24 hours, the officer in charge of the police station shall forward the accused to the nearest judicial magistrate along with a remand report enclosed by the case diary written till that date.
2. The accused will be remanded only when the investigation discloses some offence against him so far and further investigation is needed for completion.

3. A remand at a time will be for a maximum period of 15 days. However in cases under A.P. Control of Organised Crimes Act 2001 and Prevention of Terrorism Act 2002, the police remand may be for 30 days.

4. Further remand if necessary is only by the jurisdictional magistrate.

5. The police can seek remand for 60 days in ordinary cases where offences are punishable with imprisonment for less than 10 years and 90 days in cases punishable with death or life imprisonment or with imprisonment for not less than 10 years. If the charge sheet is not filed within that period, the accused shall be entitled for a bail even in a serious case like murder.

6. No accused shall be remanded to judicial custody unless he is produced before Magistrate. But in Andhra Pradesh an accused can be remanded even from jail by means of video conferencing.

7. An accused can be remanded separately for each and every case committed under different transactions.

8. Remands always shall be given by the Judicial Magistrate, but in the absence of any Judicial Magistrate an executive magistrate on whom the powers of Judicial Magistrate are conferred can give remand, if the arrested person is produced before him. In such cases the remand can be only for a maximum period of 7 days by executive magistrate. Beyond this, remand can be given only by the competent Judicial Magistrate.

**Police custody:** Sometimes it is necessary for the police to interrogate an accused who is remanded to Judicial custody. In such cases whenever a police
officer requires any accused to police custody, the following points shall be borne in mind:

1. Taking a person to police custody is only granted when the magistrate finds sufficient reasons. Therefore the police officer in his requisition shall state satisfactory reasons.

2. Police custody can be given only within the first fifteen days of remand and that too to a maximum period of 15 days. Police custody can be taken for different remands made in different cases.

3. After the period of custody is over, the accused person shall duly be produced before the magistrate within time.

3.3.0 Safeguards for the Protection of Human Rights under the Constitution of India

3.3.1 Article 22. Protection against Arrest and Detention in Certain Cases

(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 he 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 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 an 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 authorise the detention of a person for a longer period than three months unless—

(a) An Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:

Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or

(b) Such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

(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 is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe—

(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention "without obtaining the opinion of an Advisory Board in accordance with the provisions of sub clause (a) of "clause (4)."

(b) 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
(c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

Analysis

Article 22 consists of two parts. Clauses (1) and (2) apply to persons arrested or detained under a law otherwise than a preventive detention law. Clauses (4) to (7) apply to persons arrested or detained under a preventive detention law.

The word "grounds" used in clause (5) of article 22 means not only the narration or conclusions of facts, but also all materials on which those facts or conclusions which constitute grounds are based; Sophia Gulam Mohd. Bham Vs. State of Maharashtra,\(^5\)

"Arrest": Meaning there of

It should be noted that 'arrest' and 'detention' in articles 22(1) and 22(2) do not cover civil arrest, or deportation of an alien or action by the court itself. State of Uttar Pradesh Vs. Abdul Samad,\(^6\)

It is now well settled that article 21 may also supplement the various requirements laid down in article 22; Kamla Vs. State of Maharashtra,\(^7\)

Consideration of representation

Consideration by the Board is an additional safeguard. It is not a substitute for consideration by the Central Government; Gracy Vs. State of Kerala.\(^8\)

If a representation is sent to the Chairman, Advisory Board through the Superintendent of the jail, the Central Government must consider it, Even when the detenu's representation under the Conservation Of Foreign Exchange and Prevention Of

\(^5\) AIR 1999 SC 3051
\(^6\) AIR 1962 SC 1506
\(^7\) AIR 1981 SC 814
\(^8\) AIR 1991 SC 1090
Smuggling Activities (COFEPOSA) Act is received after the order is confirmed by Government, the Government must consider it; K.M. Abdulla Kumhi and B.L. Abdul Vs. Union of India.⁹

Government cannot delay consideration of the representation on the ground that it awaits the Board's advice; Issac Babu Vs. Union of India.¹⁰

**Delay**

Real test for article 22(4) is whether delay is explained; State Vs. Sukhpal.¹¹

Time taken in investigating may excuse delay; Farooq Vs. Union of India.¹²

**Documents**

Every document casually referred to in the order of detention need not be supplied. Only a document relied on by the detaining authority need be given; Farooq Vs. Union of India, (1990) 2 SQ 225, paragraph 10:¹³

Detention is vitiated, if the following documents are not supplied—

(a) documents which are considered by the detaining authority, or

(b) documents which are vital, though not considered by the detaining authority;

P.U. Abdul Rahiman Vs. Union of India.¹⁴ Documents, which are vital, should be supplied; Ahmed Kutty Vs. Union of India.¹⁵

**3.3.2 Information about Grounds of Arrest**

Information about grounds of arrest is mandatory under clause (1). Hansmukh Vs. State of Gujarat.¹⁶

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⁹ AIR 1991 SC 574, paragraphs 19-20  
¹⁰ (1990) 4 SCC 135  
¹¹ AIR 1990 SC 23  
¹² AIR 1990 SC 1597  
¹³ AIR 1990 SC 1597  
¹⁴ AIR 1991 SC 336, paragraph 9  
¹⁵ (1990) 2 SCC 1  
¹⁶
Language

Where the grounds of detention are served in the detenue's language, there is no irregularity even if the order is not in his language; Kubic Vs. Union of India.17

Preventive detention

A detention order (for preventive detention) is not void, merely because it does not specify the period, if the parent Act under which it is made does not require that the order should specify the period. In such a case, the order is deemed to be for the maximum period for which detention is authorised. The case was under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (T.N. Act 14 of 1882). Section 3(1) of the Act reads as under:-

The state Government may, if satisfied with respect to any bootlegger or drug offender (or forest offender) or goonda or immoral traffic offender of slum grabber that with a view to prevent him from acting in any manner prejudicial to the maintenance of public order it is necessary so to do make an order directing that such person to be, detained; T. Devaki Vs. Government of Tamil Nadu.18 Where the applicant was already in custody, detention order under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 section 33, cannot be made, except where the grounds of detention show, that (i) the detaining authority was aware of the fact that the detenu was already in detention, and (ii) there were compelling reasons justifying such detention, despite the fact that detenu was already in detention. The expression

16 AIR 1981 SC 28
17 AIR 1990 SC 605
18 AIR 1990 SC 1086, 1097, paragraphs 18 and 19
"compelling reasons" here implied that there must be cogent material on the basis of which the detaining authority is satisfied (i) that the detenu is likely to be released in the near future, and (ii) that, taking into account the nature of the antecedent activities of the detenu, it was likely that, after his release from custody, he would indulge in prejudicial activities, and that (iii) it was necessary to detain him in order to prevent him from engaging in such activities. Sanjeev Kumar Agarwal Vs. Union of India.¹⁹

A detention order passed under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, section 3 (in the Gurumukhi version), stated that detention was necessary to prevent the detenu from abetting smuggling. But the grounds of detention spoke of "concealing etc." of smuggled goods. The order of detention was held to be void; Vijay', Kumar Vs. Union of India,²⁰ (The reason is, that in such cases, the detenu cannot make an effective representation). In this case, there was also a variance between the English version and the Gurumukhi version of the order of detention. Extraneous matters mentioned in the documents annexed to the detention order were not referred to, in the grounds of detention. These might have influenced the decision of the detaining authority. Detention was held to be void; Vashisht Narain Karwaria Vs. State of Uttar Pradesh.²¹ In the above case, particulars of offences referred to in the enclosed documents were also not supplied and hence the detenu could not make an effective representation; Mehboob Khan Nawab Khan Pathan Vs. Police Commissioner, Ahmedabad.²²

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¹⁹ AIR 1990 SC 204
²⁰ AIR 1990 SC 1184
²¹ AIR 1990 SC 1272
²² AIR 1989 SC 1803
There was delay in passing an order on the representation of detenu under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 section 3. But it did not show negligence, callousness in action or avoidable red tapism. It was held that the order was not vitiated; Abdul Salam Vs. Union of India.\(^{23}\) If a foreigner detained under preventive detention law has working knowledge of English then the fact that the order to detention was communicated in English, does not vitiate the detention; Kubic Darusz Vs. Union of India,\(^{24}\) where the detention order specifically states that the order was passed to 'prevent' the detenue from engaging in illegal traffic in psychotropic substance, it means that order was passed so that in future detenues could not indulge in such acts, rules. The order did not deserve challenge on the ground that 'Satisfaction' was not recorded; State of Maharashtra Vs. Umrani Swaminathan Laxman,\(^{25}\) Safeguards to be observed in preventive detention have become now a highly specialized subject. What has been provided in Clauses (4) to (7) of article 22 should now be read along with numerous judicial decisions on these Clauses and on various preventive detention laws, as also with the case laws on article 21.

**Produce before the nearest Magistrate:**

To produce an accused before the nearest magistrate is mandatory; State of Uttar Pradesh Vs. Abdul Samad,\(^{26}\) Compare section 5 of the Code of Criminal Procedure, 1973.

**Representation: Preventive detention:**

Representation in case of preventive detention is to be made to the competent authority. To ascertain who is the competent authority, the scheme relating to the authority is to be examined; Veeramani Vs. State of Tamil Nadu.\(^{27}\)

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\(^{23}\) AIR 1990 SC 1446  
\(^{24}\) AIR 1990 SC 605  
\(^{25}\) (1997) 11 SCC 426  
\(^{26}\) AIR 1962 SC 1506
Right to consult and to be defended by legal practitioner of his choice: This is also mandatory; Gopalan Vs. State of Madras, 28 besides this, there is a right to legal aid, flowing from article 21, even where section 304 of the Code of Criminal Procedure, 1973 does not apply.

It is, thus, clear from the above that Police Department plays a vital role in the investigation of crimes protection of human rights under the Constitution of India.

3.3.3 Protection of Human Rights Act, 1993


However, there has been growing concern in the country and abroad about issues relating to human rights. Having regard to this, changing social realities and the emerging trends in the nature of crime and violence. Government has been reviewing the existing laws, procedures and system of administration of justice with a view to bring about greater account ability and transparency in them and devising more efficient and effective methods of dealing with the situation.

Wide-ranging discussions were held on the subject at various for a such as the Chief Ministers’ Conference on Human Rights, seminars organized in various parts of the

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27 AIR (1994) 1 SC 350
28 AIR 1950 SC 27
country and meetings with leaders of various political parties. Taking into account the views expressed in these discussion, the Human Rights Commission Bill, 1993 was introduced in the Lok Sabha on 14th May, 1993. The Bill was referred by the Speaker to the Standing Committee of Parliament on Home Affairs. In view of the urgency of the matter, the Protection of Human Rights Ordinance (1993), was promulgated by the President on 28th September, 1993, after incorporating certain amendments having regard to the discussion in the said Standing Committee.

The salient features of the present Bill are:

(i) the constitution of a National Human Rights Commission consisting of five members appointed by the President with a Chairperson who has been a Chief Justice of the Supreme Court;

(ii) the Chairperson of the National Commission for the Scheduled Castes and Scheduled Tribes and the National Commission for Women and the National Commission for Minorities, will be deemed to be members of the Commission for the discharge of certain functions;

(iii) the commission will be a fast-finding body with powers to conduct inquiry into complaints of violation of human rights;

(iv) the Commission will be assisted by investigating agencies of the Central and State Government, the Government may also constitute one or more special investigation teams;

(v) the State Government may set up Human Rights Courts for speedy trial of offences arising out of violations of human rights and may also specify a Public Prosecutor or appoint an advocate as Special Public Prosecutor for the purpose of conducting cases in such Courts;
(vi) the Commission may make recommendations for the effective implementation of the existing laws and treaties on human rights;

(vii) the Commission may undertake research in the field of human rights and take measures to promote awareness of human rights among all sections of society;

(viii) the Constitution of the State Human Rights Commission on the lines of the National Human Rights Commission.

An act to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.

3.3.4 Guidelines for Police Officers

The Supreme Court decision D.K.Basu is considered as a landmark decision in refining custodial rights jurisprudence against torture. In this case the Supreme Court resorted to a concerted application of Art.20(3) 21, 22(1) and (2) in paying down the eleven guidelines. Along with eleven guidelines some other guidelines are presented in the following:

(i) Informed the grounds of arrest and the name and particulars of the police officials in whose custody of the arrestee.

(ii) Arrestee examined of his arrest major and minor injuries of the body recorded at the time.

(iii) Medical examination from recognized Medical Officer fit for body of the health.
(iv) Time, date and place of arrest of custody within (24) hours to produce before the court.

(v) Prepare a memo of arrest and time and date arrestee, counter signed in-charge police officer and arrestee and attested family member or relative or friend or care of welfare any one.

(vi) Police informed to arrest to nearest relative, friend or neighbour or family member.

(vii) Right to consult a lawyer his own choice.

(viii) Arrested persons to be informed and recorded at Police Control Room.

(ix) FIR and charge of arrest copies are given cost of free to accused person.

(x) The police personnel carrying arrest and handling to the interrogation of the arrest accurate, visible and clear identification and name tags with designation recorded of general dairy and sentry relief book.

(xi) Article (21) the basic right the rule of law torture not only physical suffering but mental agony. The commission D.K.Basu directions all religious languages to affixed on the walls of the police station lockups informing those who have been detained or arrested of their right. Prevention of third degree method and scientific investigations are recommended.

3.3.5 Human Rights of Accused Person

(i) Protection against arbitrary or unlawful arrest [Article 22 of the Constitution and Section 41, 55 and 151 Cr.P.C.]

(ii) Protection against arbitrary or unlawful searchers [Section 93, 94, 97, 100(4) to (81) and 165 Cr.P.C.]
(iii) Protection against “Double Jeopardy” [Article 21(2) of the Constitution and Section 400 Cr.P.C.]

(iv) Protection against conviction of enhanced punishment under ex-post-facto law [Article 20(1) of the Constitution]

(v) Protection against arbitrary or illegal detention in custody [Article 22 of the Constitution and Sections 56, 57, 76 Cr.P.C.]

(vi) Right to be informed of the grounds, immediately after the arrest [Article 71(1) of the Constitution and Section 50 Cr.P.C. as also sections 55 and 75 Cr.P.C.]

(vii) Right to the arrested person not to be subjected to unnecessary restraint [Section 49 Cr.P.C.]

(viii) Right to consult a lawyer of his own choice [Article 22(1) of the Constitution and Section 303 Cr.P.C.]

(ix) Right to be produced before a magistrate within 24 hours of his arrest [Article 22(1) of the Constitution and Sections 57 and Cr.P.C.]

(x) Right to be released on bail, if arrested [Sections 436, 437 and 439 Cr.P.C.; and Sections 5092] and 167 Cr.P.C.]

(xi) Right not be a witness against himself [Article 20(3) of the Constitution]

(xii) Right to get copies of the documents and statements of witnesses on which the prosecution relies [Section 173 (7), 207, 208 and 238 Cr.P.C.]

(xiii) Right to have the benefit of the presumption of innocence till guilt is proved beyond reasonable doubt [Sections 101 – 104 Evidence Act]

(xiv) Right to insist that evidence be recorded in his presence except in some circumstances [Section 273 Cr.P.C.; also Section 317 Cr.P.C.]
(xv) Right to have due notice of the charges [Section 218, 228(2), 240(2), etc., of Cr.P.C.]

(xvi) Right to test the evidence by cross examination [Section 138 Evidence Act]

(xvii) Right to have an opportunity for explaining the circumstances appearing in evidence against him at the trial [Section 313 Cr.P.C.]

(xviii) Right to have himself medically examined for evidence to disprove the commission of offence by him or for establishing commission of offence against his body by any other person [Section 54, Cr.P.C.]

(xix) Right to produce defence witnesses [Section 243 Cr.P.C.]

(xx) Right to be tried by an independent and impartial judge [The Scheme of Separation of Judiciary as envisaged in Cr.P.C., also sections 479, 327, 191, etc., of Cr.P.C.]

(xx) Right to submit written arguments at conclusion of the trial in addition to oral submission [Section 314 Cr.P.C.]

(xxii) Right to be tried by an independent and impartial judge [The Scheme of Separation of Judiciary as envisaged in Cr.P.C., also sections 479, 327, 191, etc., of Cr.P.C.]

(xxii) Right to be tried by an independent and impartial judge [The Scheme of Separation of Judiciary as envisaged in Cr.P.C., also sections 479, 327, 191, etc., of Cr.P.C.]

(xxii) Right to heard about the sentence upon conviction [Section 235(2) and 248(2) Cr.P.C.]

(xxiii) Right to fair and speedy investigation and trial [Section 309 Cr.P.C.]

(xxiv) Right to appeal in case of conviction [Sections 351, 374, 379, 380 Cr.P.C. and Articles 13(1), 134(1) and 136(1) of the Constitution]

(xxv) Right not to be imprisoned upon conviction in certain circumstances [Section 360 Cr.P.C. and Section 66 of the Probation of Offenders Act]

(xxvi) Right to restrain police from intrusion on his privacy [Article 31 of the Constitution.]
### 3.4.0 National Investigation Agency

Over the past several years, India has been the victim of large scale terrorism sponsored from across the borders. There have been innumerable incidents of terrorist attacks, not only in the militancy and insurgency affected areas and areas affected by Left Wing Extremism, but also in the form of terrorist attacks and bomb blasts, etc., in various parts of the hinterland and major cities, etc. A large number of such incidents are found to have complex inter-State and international linkages, and possible connection with other activities like the smuggling of arms and drugs, pushing in and circulation of fake Indian currency, infiltration from across the borders, etc. keeping all these in view, it was felt that there was a need for setting up of an Agency at the Central level for investigation of offences related to terrorism and certain other Acts, which have national ramifications. Several experts and Committees, including the Administrative Reforms commission in its Report, had made recommendations for establishing such an Agency.

The Government after due consideration and examination of the issues involved, proposed to enact a legislation to make provisions for establishment of a National Investigation Agency in a concurrent jurisdiction framework, with provisions for taking up specific cases under specific Acts for investigation.

Accordingly the NIA Act was enacted on 31-12-08 and the National Investigation Agency (NIA) was born. At present NIA is functioning as the Central Counter Terrorism Law Enforcement Agency in India.

The National Investigation Agency aims to be a thoroughly professional investigative agency matching the best international standards. The NIA aims to set the
standards of excellence in counter terrorism and other national security related investigations at the national level by developing into a highly trained, partnership oriented workforce. NIA aims at creating deterrence for existing and potential terrorist groups/individuals. It aims to develop as a storehouse of all terrorist related information. In-depth professional investigation of scheduled offences using the latest scientific methods of investigation and setting up such standards as to ensure that all cases entrusted to the NIA are detected.

- Ensuring effective and speedy trial.
- Developing into a thoroughly professional, result oriented organization, upholding the constitution of India and Laws of the Land giving prime importance to the protection of Human Rights and dignity of the individual.
- Developing a professional work force through regular training and exposure to the best practices and procedures.
- Displaying scientific temper and progressive spirit while discharging the duties assigned.
- Inducting modern methods and latest technology in every sphere of activities of the agency.
- Maintaining professional and cordial relations with the governments of States and Union Territories and other law enforcement agencies in compliance of the legal provisions of the NIA Act.
- Assist all States and other investigating agencies in investigation of terrorist cases.
- Build a data base on all terrorist related information and share the data base available with the States and other agencies.
• Study and analyse laws relating to terrorism in other countries and regularly evaluate the adequacy of existing laws in India and propose changes as and when necessary.
• To win the confidence of the citizens of India through selfless and fearless endeavours.

It is clear from the analysis that the role of police in maintaining law and order, protecting at the same time the human rights of individuals is indeed a Herculean task. This is particularly so in view of the fact that at the present day various kinds of crimes are being committed, for example – organized crimes, human trafficking, drug addiction, foreign exchange smuggling etc. In such cases, the police cannot easily get to the truth and extract the truth from the accused. It becomes necessary to apply the modern techniques like lie detection, mind mapping etc., though it may amount to some extent the violation of human rights, in particular testimonial compulsion, which is not allowed under Article 20 Clause 3 of the Constitution of India. Nevertheless, such techniques are being lawfully used with the permission of the Court and in spite of the fact that on employment of such techniques what is being successfully detected by the police is only a tip of the iceberg. Therefore, the role of police in this connection is indeed an unenviable task.