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Description of the Reserve (Rules 1 to 5)

1. Division of the force

- (i) The Nagaland Police District Executive force is divided into two main branches *viz.* Unarmed and Armed. The strengths of these are separately laid down for each district and they not be altered without the sanction of Government, but the Director General and Inspector General of Police is empowered to transfer the personnel of the force from one district to another if such action is in the interest of the administration of Police. A Superintendent of Police may transfer the Constables from the Unarmed to the Armed branch of *vice versa*, within his district, if he consider that the transfer is in the interest of the force.

- (ii) The Armed Branch comprises the following:-
 - a) A force specially trained in the quelling of disturbances and quasi-military duties, known as the Armed Police Reserve.
 - b) A force for the supply of guards and armed escorts.
 - c) Certain miscellaneous personnel, as armourers and buglers.
 - d) An ordinary reserve in the rank of Constable, to provide for leave, sickness, training and other vacancies.

- (iii) The Unarmed Branch companies:-
 - a) The staffs of investigating centre's and outpost, including beat-posts.
 - b) The staffs of Court Offices, including Constables provided for guarding prisoners in the Court lock-up, or property in the Court Malkhana.
 - c) A force specially trained in Traffic Regulation and Surveillance.
 - d) The Railway Police, for duty on the Railway of the Province.
 - e) The Criminal Investigation Department.
 - f) Certain miscellaneous personnel, such as orderlies and patrol parties.
 - g) As ordinary reserve, in the rank of Constable, to provide for leave, sickness, training and other vacancies.

The staff of the Police Training School belongs partly to the armed and partly to the unarmed branch.

The force consisting generally of the Armed Police Reserve which for the time being is located in the reserve lines, such portion of the armed branch as is not engaged on guard or escort duty, miscellaneous personnel of both branches and the ordinary reserves both armed branch and the unarmed branch so far as not absorbed in filling temporary vacancies, is known as the headquarters force.

2. The Armed Police Striking Force and the Emergency Armed Reserve – A. The Striking Force
At all times a striking force of a minimum number of sections of the Armed Police (as may be ordered by PHQ) shall be retained at the Headquarters of each District. Each section shall consist of 1 Head Constable, 1 Lance Naik and 10 Constables.

This Striking Force is maintained for dealing with local disturbances and shall be ready at all times for dispatch under the orders of the Superintendent of Police at short notice, to any place where it is needed.

B. Emergency Armed reserve.

All Unarmed Branch and the Staff of Sub-divisional Headquarters Police Stations, in addition to their ordinary duties, form an Emergency Armed Force, and are supplied with Arms, Accoutrements and Ammunition for use when necessary, on the same scale of the armed branch. This will be 50 rounds per rifle and being part of the 'Service' allotment for the District, will in Sub-division, be kept at Sub-divisional Headquarters in Police Station/Out Post Kote, and at the Headquarter of the District in the Police Quarter Guard.

As far as circumstances permit, the Emergency Armed Reserve, when embodied as such, will be organized similarly to the regular armed police.

The object of the Emergency Armed Reserve is to provide a force on the spot capable of quelling incident trouble without recourse to the regular Armed Police, or, in case of serious rioting, to hold the situation in hand until its arrival. By this means call upon the Armed police at Headquarters can be reduced and disturbances, being firmly dealt with from the outset, will be less serious.

3. Training of the Armed Police and Emergency Armed Reserved.

The Armed Police will be permanently organized into platoons and sections and will be regularly and continuously trained on Military Lines and in accordance with the constant object in view of fitting it to meet situations with which the Police may be called upon to deal. Section, Platoon and Company drill, physical training and bayonet fighting, musketry and elementary extended order work, with route marching and protection should be taught with thoroughness, as the basis of the training but for advances training too close a copying of the training in force in the Indian Army should not be followed and such matters as Artillery formations or machine gun tactics should be avoided. Constant attention is necessary for training for probable situations e.g., the dispersal at close quarters of violent mobs, the pursuit of armed dacoits, the attack and defense of buildings and the protection of treasure moving by road. These will be carried out both as drill movements, for instruction; and as field exercises.

The Armed Police when called on to deal with disturbances, frequently has to be operate in until detachments of one or two Section. It is essential therefore that the subordinate commanders, particularly the Head Constables and Naiks, should capable of acting independently, end of dealing with a situation without waiting for instruction.

4. The Reserve Office.

The Reserve Office is a branch of the Superintendent of Police's Office, which is concerned mainly with matters connected with the equipment, discipline and general management of the whole force of each district and should ordinarily be held in the Reserve Lines. A list of the books and registers to be kept in the Reserve Office is given in Appendix A of this Part.

The Headquarters Force and the Reserve Office are in the charge of the Inspector, who has for his assistance a Sub-Inspector of Unarmed Branch in charge of the Reserve Office, and its Registers and the Clothing Store and one or more Sub-Inspectors of the Armed Branch for the maintenance of discipline and the training of the force. In districts in which no Inspector is sanctioned, the Sub-Inspector in charge of the Reserve Office is in general charge.

The Superintendent of Police may allocate specific (e.g. custody of the magazine etc.) amongst these Officers according of work in the district.

5. Athletic Training.

An Athletic Fund will be established in each district Headquarters force, to which an annual grant will be made by the Inspector General of Police and/which should be supported by voluntary subscription from members of the force. There should be a Sports Committee formed to administer this fund and to encourage and regulate the athletic sports in the Police. Football, Hockey and field sports should be organized as recreation for the men, and as an adjunct to their physical training and district teams should be formed, which should enter into local matches, and play against neighboring districts teams wherever possible.

Pay and appointment of Non-Gazetted Officers (Rules 6 to 18)

6. Appointing Authorities for Ministerial appointments and Menial Establishment.

- 1) The Director General of Police and Inspector-General of Police will appoint Ministerial and Menial Establishments of his own office.
- 2) Superintendent of Police will appoint Establishments of his own Office as per authorized and sanctioned strength by the Government.

7. Pay of Inspectors and Sub-Inspectors:- The pay of Inspectors is fixed on a time Scale of ` 6000-175-7750-200-9750. Ordinarily all appointment of Inspectors will be made by promotion from amongst Su-Inspectors.

The pay of Sub-Inspectors is fixed on a time Scale of ` . 4500-125-7000.

8. Direct Recruitment of Sub-Inspectors:- The Director General of Police and Inspector General of Police shall an interview board for the direct recruitment of Sub-Inspector. The board shall conduct written as well as viva voice.

- (1) Every candidate for direct appointment must possess the following qualifications:-
- a) He /She must be an indigenous inhabitant of Nagaland and from a tribe recognized by the Government of Nagaland.
 - b) He/ She must be between ages of 21 and 30.
 - c) He/She must have passed the graduation examination in Arts or Science of an Indian University or some recognized equivalent or higher examination.
 - d) He/She must be of a respectable percentage and of good social standing and position.

- e) He/She must be not less than 5 feet 3 inches in height and 30 inches in chest measurement and must have been vaccinated.
- f) He/She must produce certificates of conduct from the Principal of the Colleges he/she has attended last or from respectable residents who have known him/her intimately for the last three years.

9. Training of probationary Sub-Inspectors and their pay:- Candidates directly recruited will undergo basic course at North Eastern Police Academy, Umsaw, Barapani.

A detailed list of such candidates will be sent by Director General of Police and Inspector General of Police to the Director of the Police Training Academy, together with their verification rolls and health certificate. These rolls will form part of the candidate's appointment papers and will be sent the Superintendent of Police of the district to which the Sub-Inspector is subsequently posted.

Sub-Inspectors on passing out of the Training Academy successfully and on being posted to districts as probationary Sub-Inspector will undergo practical training in district for one year.

Probationary Sub-Inspectors (directly recruited) will continue to be on probation in districts until they have finished their practical training have been confirmed on passing the prescribed departmental examinations completely.

Newly appointed Sub-Inspector on passing out the Training Academy will draw actual travelling expenses for themselves when posted to districts plus the actual cost of conveyance of Luggage up to two mounds.

Probationary Sub-Inspectors who are appointed from the rank of Assistant Sub-Inspectors will not be required to go the Police Training Academy for training.

10. Armed Branch Sub-Inspectors.

Appointment of Armed Branch Sub-Inspector will be made by promotion from amongst the Havildars. There will be no direct recruitment of Armed Branch Sub-Inspectors.

11. Duties of Head Constable:- Head Constables of the Unarmed Branch are employed in charge of Town Police Section. Patrols, Excise and miscellaneous work. Head Constables of the Unarmed Branch should have a Sufficient knowledge of Armed Branch work to be able to replace an Armed Branch Head Constables, if required.

Head Constables of the Armed Branch is employed in charge of Armed Police Reserve Sections, Guards and Escorts as drill instructors at the Nagaland Police Training School.
(For duties of Assistant Sub-Inspectors see rule in Part-V).

12. Pay of Assistant Sub-Inspectors and Head Constables.

(A) Pay of Assistant Sub-Inspectors is fixed on a time scale of ` 4000-100-6000 p.m.

(B) Pay of Head Constables of the Armed and Un-Armed Branches of civil Police is fixed on a time of ` 3200-85-4900 p.m.

13. Appointment and Training of Assistant Sub-Inspector:-

- (i) *Appointment* - The post of Assistant Sub-Inspectors will eventually be filled up entirely by promotion from the Head Constables. And also from the constabulary through test. For the present however up to 66 percent of the vacancies in the rank will be filled up by promotion (i.e. 33% from Head Constables and 33% from Constabulary) after a department examination and the balance will be recruited directly. The minimum qualification for direct recruits will be the Pre-University passed certificate or any recognized equivalent examination. The appointment by promotion will be made by the Director General and of Police. Assistant Sub-Inspector, when recruited directly will be appointed by the Director General and Inspector General of Police through a selection Board. Every candidate for direct appointment must be between the ages of 21 to 30 and must not be less than 5 feet 3 inches in height and 30 inches in chest measurement. An agreement will be taken from directly recruited Assistant Sub-Inspectors as is done in the case of constables, vide Rule 21. (Direct recruitment of Assistant Sub-Inspector of Police may be reviewed after ten years, when there is increased in the number of literate constable. However, unless expressly notified after review, direct recruitment will cease to stop forthwith).

A constable recruit should not be allowed to sit for the departmental examination for promotion to Assistant Sub-Inspectorships until he has put in at least three year as a Constable after the completion of training in the Training School. The Superintendents of Police will send in their recommendation to the Director General and Inspector General of Police for promotion through departmental examination.

- (ii) *Training* - Assistant Sub-Inspectors are appointed ordinarily in the lowest stage of pay in the time scale and at the first opportunity after the enlistment will be sent for a course of instruction at the Nagaland Police Training School. On passing out they will remain on probation in their districts for a further period of one year on expiry of which the Director General and Inspector General of Police on the recommendation of the Superintendent of Police may confirm or discharge them or extend the probationary period to a total of not more than two years from the original date of appointment.

COMMENT

Dismissing authority lower the rank of the appointing authority -See decision in *Munindra Nath Gogoi v, State of Assam*, (1887) I GLR 328 and *Bireswar Saikia v. State of Assam*, (1986) 2 GLR 453.

14. Appointment of Head Constables:- Vacancies occurring either in the Armed or the Unarmed Branch shall ordinarily be filled by promotion of men belonging to the same branch. Head Constables are ordinarily be appointed by promotion from the rank of constables by Director General and Inspector General of Police.

No Constable of the Unarmed Branch shall be promoted unless he pass the Central Promotion Test.

15. Pay of Naiks and L/Naiks:- (i) Pay of Naiks is fixed on a time scale of ` 3050-75-3950-80-4590 P.M. (ii) Pay of L/Naiks is fixed on a time scale of ` 2750-70-3800-75-4400 P.M.

16. Appointment of Naiks:- All vacancies in the rank of Naiks shall be filled by promotion from the rank of L/Naiks by the Superintendent of Police. The Superintendent of Police shall constitute a board to conduct cadre promotion test for this purpose.

17. Appointment of Lance Naiks:- All vacancies in the rank of Lance Naiks shall be filled by promotion from the rank of Constable by the Superintendent of Police. The Superintendent of Police shall constitute a board to conduct cadre promotion test for this purpose.

However, out of turn promotion to the rank of L/Naiks may be considered by the Superintendent of Police in rare cases of exemplary service to the Government.

18. Oath of Allegiance:- After the final examination at the Training School or Academy, all successful recruits, whether Constables, Assistant Sub Inspectors, or Sub-Inspectors shall take oath of allegiance during the Attestation Parade in the Police Training School or Academy.

This oath is printed as part of the service sheet on which the personnel will invariably has to put in his signature.

Pay and Enlistment of Constables (Rule 19 to 27)

19. Pay of Constables.

- (a) i) *Constables Un-Armed Branch.* ` 2750-70-3800-75-4400 P.M.
ii) *Constables-Armed Branch* ` 2750-70-3800-75-4400 P.M.

Note: As per ROP 1999

20. Enlistment of Constables.

1. Superintendents of Police will make all appointments of Constables. After appointment the Constable will be sent to Police Training School for Basic Course Training.
2. Recruits should be enlisted from the men of such classes which are usually regarded as respectable. On no account should members of the criminal classes be chosen.
3. Recruits should possess sufficient intelligence and physique necessary for the proper discharge of the duties of a constable.

The Physical standard should be reasonably fixed in reference to the physical strain entailed in the performance of ordinary Police duty, and in reference to the physical characteristics of the people with whom they would have to deal.

4. The Recruits should have passed Class-VIII Nagaland Board Examination.

5. Endeavour should be made to recruit from each Tribe in proportion to its numbers.

21. Age and Physical Standard of Recruits.

(a) Strong and healthy young men between the age of 18 and 25 should be chosen as recruits. The minimum standard of height is 5 feet 3 inches and of chest measurement 30 inches.

(b) The chest measurement will be taken round the bare chest over the nipples the recruit standing with boot heels closed and the arms extended over the head. He should be made to count 20 before the measurement is taken. Superintendents of Police should themselves be present when recruits are measured. On no account should a recruit be enlisted and sent for examination until the Superintendent of Police has himself seen' and passed the candidate.

22. Re-Enlistment of Police Officers.

(a) No person who has been dismissed or removed from Government employment may be re-employed in the Police without the express sanction of the Director General and Inspector General of Police. A Police officer who has resigned may not be re-enlisted unless his previous character when in the force has been ascertained to have' been satisfactory from a reference to the Superintendent of Police of the district where he was formerly employed. Re-enlisted constables who have previously been trained in a school need not again be deputed to the Training School.

(b) A Superintendent of Police on re-enlisting a Constable is competent to declare whether his previous service shall count for service (and also for increments) or not. When doing so, he should take into consideration all the circumstances of the case.

The previous Service of Constable re-enlisted after resignation will not count towards approved service increment except with the sanction of Government.

(c) Previous service will not as a rule be allowed to count for pension in the case of a man who has resigned to avoid a transfer. When men are re-enlisted their previous discharge certificates must be re-claimed and kept with their Service Sheets. They must be examined and passed by the Medical Officer before re-enlistment.

(d) No Superintendent of Police on transfer to any district may enlist men belonging or who have belonged to the Police Force of the district in which he has last served, without the sanction of the Director General and Inspector General of Police.

23. Medical examination of candidate and the register of candidates.

(a) All Candidates before being admitted to the service will be examined by the Chief Medical Officer, Nagaland Police Central Hospital, Chumukedima or a Government Medical practitioner and a certificate of fitness should be given. A candidate register will be kept up by the Superintendent of Police the entries being made by the officer- in- charge, Reserve in which every man's name will appear. No man will be enlisted unless the Chief Medical Officer, Nagaland Police Central Hospital, Chumukedima or a Government Medical practitioner passes him as fit.

(b) When a candidate is sent for medical examination, his left thumb impression will be taken against the entry in columned of the register and the examining medical officer will take a similar impression on the corresponding side and the two impressions will be compared.

(c) Candidates selected for employment in Government service will be examined by Chief Medical Officer, Nagaland Police Central Hospital, Chumukedima or by a Government Medical Practitioner only on the requisition of the Head of the Department for which they have been selected, that is, in the case of constables by the Superintendent of Police.

24. Agreement to be taken from Constables on enlistment.

Before enlisting a recruit under the Police Act (Act V of 1861) and sending him for Training, Superintendents of Police will take from him an agreement which is printed in the service sheet, whereby he will be required to serve the Government for five years after being posted to any District or in default to refund to cost of his training at the School and his travelling expenses to and from the School. The agreement must be signed in the presence of the Superintendent of Police and the Reserve officer who should both sign it as witnesses.

25. Verification Rolls of Constables.

(a) After the selection is made for recruitment of the Constables, the reserve officer will question the candidate carefully, fill in the verification roll, in accordance with the answers given and produced him before the Superintendent of Police. If the latter after examining the roll and questioning the candidate, is satisfied, he will cause the impression of the candidates left thumb to be taken on the roll and pass orders for his enlistment in the register of candidates and himself sign the verification roll.

(b) The order for enlistment will then be entered in the order book, the recruit's service sheet be prepared and the verification roll be dispatched for enquiry as to the antecedents of the man, to the officer-in-charge of the Police Station in the jurisdiction of which his home is Situated.

The number and date of the dispatch will be noted in the proper place in, the service sheet, and on the return of the roll with a report that the man bears a good character and has made a truthful statement as to his antecedents, the Superintendent of Police will initial this entry and have the necessary entry made in the service sheet and order the verification roll to be filed. If the character of the man is reported to be bad or his statement false, his name will be struck off.

(c) A verification roll when received must be tested by local enquiry made by an officer of not lower rank than a Head Constable. The file of dismissal report slips kept in Police Stations must also be examined and the result reported.

26. Appointment certificates.

Every person on being appointed to any post in the Police Force below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police must, in order that he may be vested with the powers, functions and privileges of a police officer under the Police Act. (Act V of 1861) be

furnished with an appointment certificate as required by Section 8 of the Act. Thus, a constable appointed must be given an appointment certificate.

The Certificates will be signed by the Superintendent of Police in the case of Constables, Head Constables, Assistant Sub-Inspectors, and Sub-Inspectors other than probationary Sub-Inspectors who are first appointed to the Academy. The certificates of probationary Sub-Inspectors on appointment will be signed by the Principal Police Training Academy, and of Inspectors by the Director General and Inspector General of Police.

The appointment certificates of Sub-Inspectors promoted to the rank of Inspectors should be sent to the Director General and Inspector General of Police for Signature.

27. Appointment orders/ certificates of men discharged.

Appointment order certificate of men dismissed should be destroyed as soon as the order has been upheld on appeal those of men discharged or deceased should be destroyed at once (The words "A.C." destroyed will be entered in the margin of the District Order Book under the initial of the Superintendent of Police).

If any certificate is missing the reason must be explained by the defaulter. If a police officer losses his orders/certificates he must at once report the loss to the Superintendent of Police and should be punished in default of so doing.

Service Papers (Rule 28 To 32)

28. Service Sheet.

A service sheet in Form No. 62 of Schedule XL (A) (Part-I) will be opened for (every) Inspector, sub-Inspector, Assistant Sub-Inspector, Head Constable and Constable on his being enlisted and in it will be entered every incident which affects his service, the main objects of the service sheet being to form a record from which

- (a) a pension or gratuity roll can be prepared.
- (b) a history of the man's professional career can be obtained.

29. Service Sheet how kept.

(a) On enlistment all the information required on pages 1-2 of the form will be carefully filled in and rolled impressions of the Police Officer's left thumb and fingers will be taken in the space provided therefore. The details required regarding the man's previous service under government, if any, must be filled in with special care, his previous service papers being attached to the sheet. A reference should be made to the orders condoning any deficiency in height or measurement or sanctioning re-enlistment where necessary. All other incidents of service which are required must be entered as they occur and must be initialed by a gazetted officer. Entries must be neatly and legibly written and each entry must occupy minimum space compatible with its being easily legible.

(b) The following detailed instructions are given regarding entries in the service sheets:

(i) *Promotions* - Against all acting promotions the nature of the vacancy should be clearly specified i.e. whether the acting promotion was in substantive or temporary vacancy.

(ii) *Rewards* - Good Service marks will be entered and the grant of any reward, with the amount granted, and brief note of the reason will be added in each case. If the reward is granted by magistrate under the Excise or any other Act, the Act will be mentioned. If granted by the Superintendent of Police or Director General and Inspector General of Police, number and date of district or will be given.

(iii) *Punishment* - All punishments will be entered. The entry will give the number and date of the district order and the reason and amount of the punishment. Black marks will find entry and when a Black Mark is wiped out on the completion of six month's good service or otherwise, two red ink lines will be drawn across the entry, and the words cancelled D. O. No _____ Dated _____ written across it. Every conviction in a criminal court with the Section and punishment inflicted will be entered in the Service Sheet.

(iv) *Leave* - The nature of the leave granted should be specified in words and not merely by a reference to the fundamental rules or Police Manual. Leave granted need not be entered until it is actually taken, but must be entered in the leave register at the back of the service book.

(v) *Postings* - In the pages reserved for the purpose will be kept a brief record of the postings of each officer with dates. Temporary postings such as to treasury guards, etc., need not, however, be entered. Whenever a constable is put through a course of musketry the fact will be recorded in this part of the form.

(vi) *Annual Remarks*:- The immediate controlling officers of gazette rank shall enter the grading of the performance of the personnel for the calendar year.

(vii) *Pay fixation and subsequent increment*: All pay fixations by way of appointments, promotions or revision of pays and all the subsequent increments shall also be entered in the Service Sheet,.

30. Service Sheets how filed and disposed of.

Service Sheets must be carefully kept in a place where they will not be injured by insects or damp. They should be kept in files of suitable size. Those of constables should be kept in the serial order of the constables district numbers.

31. Service Books.- (Form No. 68 Schedule III (Section I).-

For ministerial officers a Service Book will be maintained instead of a Service Sheet.

32. Service Sheets of Sub-Inspectors/Assistant Sub-Inspectors/Constables on training.

The Service Sheets and confidential character rolls of Sub-Inspector/Assistant Sub-Inspector/Constable in the training Academy/School, will be prepared and maintained by the Director of the Academy/Principal of the training School, who will send them to the Director General and Inspector General of Police/ Superintendents of Police of the districts to which the Sub-Inspectors/Assistant Sub-Inspectors/Constable are posted on completion of their course. A note of the result of the final examination will be made in the service sheets of all the Sub-Inspectors/Assistant Sub-Inspectors/Constables.

**Rewards and Promotion of Non-Gazetted Officers
(Rule 33 to 40)**

33. General Rules for promotion of Non-Gazetted Officers.

- (a) All promotions to the next higher rank shall be considered on the basis of the seniority list maintained by the Department after Central Promotion Test its conduct by the Department for the respective ranks.
- (b) Inspector – Both Armed Branch and Unarmed Branch is a promotion post only. Promotion to the rank of Inspector shall be by the Government, on the basis of the seniority list maintained by the department. A separate seniority list is maintained for both the branches, for which separate Central Promotion Test shall be conducted by the Police Department under the Inspector General and Director General of Police.
- (c) Promotion to the rank of Sub-Inspector (Both the Unarmed and Armed branches) shall be by the Inspector General and Director General of Police on the basis of the seniority list maintained by the Department.
- (d) Promotion to the rank of Unarmed branch Sub-Inspector shall be from the seniority list of the Assistant Sub-Inspectors who have qualified in the Central Promotional Test, conducted by the Department for time to time purpose.
- (e) Promotion to the rank Armed Branch Sub-Inspector shall be from the seniority list of the Havildars who have qualified in the Central Promotional Test, conducted by the Department.

- (f) Promotion to the rank of Assistant Sub-Inspector, which is a rank for the District Police only, shall be either from the rank of Head Constable or Constable. For entry by way of Head Constable, it will be by way of Central Promotional Test, conducted by the Department and the Test shall be called for those Head Constable who have served in the same rank for at least eight years or above. The entry point for Assistant Sub-Inspector from the Constable rank shall also be through an interview/Test conducted by the Department, for those Constable, who are at least matriculate and have served in the Department for at least three years. Fifty percent of the

promotions shall be from the rank of Constable and the other fifty percent of promotions shall be from the rank of Head Constables.

Note:- Direct recruitment to the posts of Assistant Sub-Inspector shall continue for a period of ten years from the date this Manual is approved and notified by the concerned authority. After the lapse of ten years, direct recruitment to the rank of Assistant Sub-Inspector shall cease forthwith, unless the concerned authority, upon review decides to extend the period of the direct entry in this rank. Till direct recruitment period, ceases, the percentage of direct entry shall be thirty three percent of the total vacancy.

34. Central Promotion Test for Promotions.

- (a) The Office of the Inspector General and Director General of Police will conduct the Central Promotion Test for promotions to the rank of Inspector (both the Armed Branch and the Unarmed Branch.) the Sub-Inspector (both the Armed Branch and the Unarmed Branch.), the Assistant Sub-Inspector, the Head Constable in the Unarmed Branch and the Havildars in the Armed Branch.
- (b) The respective Units shall conduct promotion test for all the ranks subordinate to the above ranks.
- (c) The concept of 'Merit cum seniority' is to be applied in all the Promotion Tests conducted by the department to the extent that an officer has to qualify the basic minimum test (CPT) required for the promotion to the next higher rank. No junior batch will super cede the senior batch basing on the result of the Promotion Test, unless the senior fails to appear or fails to pass three such consecutive test or, before the senior passes the Test, vacancy arise and the junior, is in the fit list, and promotion affected already.
- (d) The Office of the Inspector General and Director General of Police will conduct the Central Promotion Test every year or well ahead of the exhaustion of those in the fit list. The subordinate Units shall also conduct the promotion tests for all other subordinate ranks in similar manner.

35. Activity of Police Officers.

Activity strength and good health in a Police officers are essential, for the performance of his duties. If therefore, any Police officer is suffering from any disease, constitutional affections or bodily infirmity which prevents the active performance of his duty, the Superintendent of Police must have him medically examined and if he is reported by the medical officer to be unfit for active duty he should either be placed on leave until cured, or if the disease is incurable he must be invalided and a report must be submitted to that effect when necessary the Director General of police and Inspector General of Police will arrange with the medical Superintendent of Civil Hospital for the examination of the officer by the standing medical board.

36. Good Service marks.

(1) A good service mark is the highest award which is ordinarily granted to a police officer, and recommendations for this grant will be made sparingly, and must be fully supported. All enrolled

officers of and below the rank of Inspector and all un-enrolled officers are eligible but Inspectors will be granted good service marks only in very rare cases.

(2) Good service marks are awarded normally for outstanding acts of good service in specific cases,

showing special ability, and not merely for general good service, which is every officer's duty. This is however, does not preclude the grant of a good service mark in such cases, as for a instance, where a Sub-Inspector, is given charge of Police Station which has been allowed to get entirely out of hand, and by persistent hard work and intelligence brings it to a state of peace and freedom from crime' even though there is no single specific act deserving the award. On the other hand, an officer whose usual record is one of the slackness or carelessness, but who by a stroke of fortune detects an important case should not be recommended for the award of a good service mark unless it is clear that his success is the result of his own special efforts. The essential point in this consideration is that the good service mark system is the method of discriminating with a view to eventual rapid promotion, between the exceptionally capable officer and the average.

(3) When a Superintendent of Police considers the conduct of an officer deserving of the award of a good service mark, he will draw up a proceeding giving full particulars of the case or cases involved (with references where records are available, e.g., in special report cases) and stating in what way the officer's work has been exceptional, his recommendation, and any further remarks bearing on the matter. In very exceptional cases an award of two good service mark may be recommended.

(4) These proceedings will be forwarded in triplicate to the Director General and Inspector General of Police for his orders. If the Director General of Police and Inspector General of Police approves, one copy will be returned to the Superintendent of Police with his orders. The award will be published in the Police gazette, and necessary entries (quoting references) will be made by the Superintendent of Police in the District order Book, and in the service sheet in red ink, of the concerned. If the Director General and Inspector General of Police considers that the Service is not sufficient for the award of a good service mark the proceedings will be returned with an intimation to that effect and the Superintendent of Police may grant any lesser award in the case which he may think proper.

37. Effect of Good Service marks.

Five good service marks obtained will entitle an officer, with the approval of the Director General and Inspector General of Police to immediate promotion to the next rate of approved service" increment or stage in the time scale as the case may be, but good service marks earned in a lower rank shall not add to those earned in a higher rank, for counting towards advance increment in the later rank thus good service marks earned by an officer while in the rank of Sub-Inspector will not count for increment in the rank of Inspector along with same officers, his name being placed in the list immediately below those already in receipt of that rate of pay.

A good service which has been once used to obtain accelerated promotion cannot be used a second time for the same purpose i.e. an officer who has obtained an accelerated increment by earning five good service marks must earn another five, or Serve the full incremental period as laid down in the paragraph above before obtaining his next increment.

Punishment by reduction in pay, or rank will cancel all good service marks at an officer's credit. Black-marks, awarded will cancel a corresponding number of good service marks, themselves being cancelled, in the process, and *vice versa*.

38. Method of Drawing up Good Service Marks Proceedings.

In drawing up proceedings for good service marks, referred to in Rule 33 the following particulars are to be mentioned:

1. The serial number of proceedings drawn up during the year.
2. The name or names of officers to whom the marks are to be awarded.
3. Number of good service marks recommended.
4. The Police Station number and date of the case with section of law as also reference to the special report case (if the case is a specially reported one).
5. Concise history of the case together with the final, result with special reference to the nature of the good work done by the officer justifying the award.

39. Rules for the grant of Approved Service Increments to Constables.

The Superintendent of Police is the authority to decide whether a Constable shall draw an increment of pay which falls due to him. Increment will be made as per ROP 1999.

40. Annual Verification of Service.

To ensure the up to date maintenance of Service Records, a permanent diary will be opened having one or more pages for every day of the year. On enrolment in the Police the name of every gazetted officer will be entered on the page corresponding to his date of enrolment.

This diary will be examined daily by the officer in charge of the Head Quarter Office, and the Service sheets of all officers and men whose names appear on that date will be scrutinized for the check of all entries made during the preceding twelve months and to make sure that all increments and rewards due have been entered and drawn, and conversely that any reductions or recoveries have not been overlooked.

After scrutiny the service sheet will be put up to the Superintendent of Police who, after satisfying himself that they are in order will sign an entry in red-ink each in the form "Service verified for the year "and will initial and date the diary to indicate that verification has been carried out.

Punishments and Appeals (Rules 41 to 61)

41. Confinement to Barracks and Punishment Drill.

Standing orders will be drawn up in each District regulating these punishments.

Ordinarily a constable confined to barracks will attend all parades (including punishment drill parades), will report properly dressed at frequent and irregular intervals, whenever summoned by bugle, to the quarter guard, reserve office, or wherever may be appointed and may not leave the reserve lines except for strictly essential purposes (e. g. the purchase of food stuffs) and then only by permission of the officer-in-charge, Reserve, who will fix the hour of return.

Punishment drill should not exceed two hours a day; in addition to ordinary parades, or more than one hour at a time. It will be carried out by a Head Constable detailed for this purpose.

42. Transfers not to be ordered as Punishment.

An order for Transfer must not be passed as a punishment. It may be that, the character and conduct of the officer whose case is being dealt with, renders a transfer necessary in the interest of the administration, and in such circumstances the transfer may be ordered, but it must form no part of the order of punishment. The transfer of officers and men to the reserve as a specific punishment is prohibited.

NOTES

Scope and Ambit – This rule only contains general instructions about but such duly punishment for guidance and lays down that there should not be undue harshness in the imposition of punishment.

43. Fatigue Duty.

Constables may be employed on fatigue duty but such duty must not include any work which is degrading or contrary to caste feelings, it may, however, include the keeping of lines and compounds side by clearing the jungle and weeds and any duty which might be required of a caste regiment, including the maintenance and repair of butts.

Where outside labour is difficult to obtain; civil police officers below the rank of Sub-Inspector when off duty may under the orders of the Superintendent of Police, be employed in fatigue parties, either by themselves or in conjunction with ordinary paid labor to assist in the construction or repair of any Police buildings, provided that this does not interfere in any way with their ordinary duties or training.

44. Distinction between removal and dismissal.

When it is found necessary to deprive an officer of his appointment under Government the following instructions must be carefully observed:

(a) The word "Dismissal" should be restricted to the case of an officer removed with disgrace. In other cases "Removal" is the proper word to be used. Removal from office for unfitness should not usually entail further consequences, and should not operate as a bar to future re-employment on duties for which the person removed may be suited. Removal should be the penalty in all cases where it is not thought necessary to prescribe future re-employment under Government. In every order under which a Government servant is deprived of an appointment, it should be stated whether he is merely removed from office or whether he is dismissed.

(b) Officers who have been dismissed should not ordinarily be re-employed and in no case may they be re-employed without the previous sanction of the Government.

(c) Ordinary cases of dismissal of non-gazetted officers will not be notified in the official gazette; but in order to prevent their reemployment under the Government, officers should ascertain from each applicant for employment whether he has previously been in Government service, and if so, they should require such applicant to produce a copy of his character Roll or other record of service and at the same time refer to his previous employer, if the circumstances connected with his discharge are not clear.

d) Dismissal will be notified only (1) when it is necessary to inform the public of the removal from service of an officer, whether because his appointment was previously gazetted, or from any other cause;

and (2) when it is necessary to take more than ordinary precaution to exclude from re-employment under the Government, a public servant dismissed for a heinous offence, e. g. for fraud or falsification of accounts.

(e) In case of officers dismissed, whose dismissal is notified in accordance with clause (d) above, the notification will simply state that Government has dispensed with his services except when the cause of dismissal constitutes a disqualification under the terms of the law regulating the tenure of a particular appointment, in which case alone a statement of the grounds of dismissal will be recorded.

(f) These rules do not affect the rules contained in Part 11, regarding the publication of convictions, etc., in the Police Gazette.

45. Dismissal Report Slip.

In order to prevent the re-enlistment of dismissed men, Form No. 1 of Appendix-“C”, will be filled up, written in English and sent to the Superintendent of Police of the District of each man dismissed who will have the information forwarded to the station interested to be carefully filed and consulted when a verification roll is received for local enquiry.

46. General Instructions as to Punishments.

Superintendent of Police must avoid undue harshness in inflicting punishment. Offences connoting moral turpitude must be carefully discriminated from small wrong doing. Every effort must be made to maintain discipline and to correct the smaller faults of officers by instructions and by warnings, without resorting to more severe punishments. These instructions more particularly apply to the errors and omissions of young and inexperienced officers. A warning if converted at a personal interview, is often more effective than if communicated only in writing. In inflicting punishment the general character of the officer affected and his past service must be taken into consideration. No major punishment may be inflicted on a Police officer, until proceedings as prescribed in Rule 66 have been drawn up against him and his explanation taken in writing. For the purposes of punishment and reward an officer officiating in a higher rank must be treated as belonging to that rank.

47. Order as to Reduction.

When an order of reduction of rank or pay is passed the following instructions must be strictly followed:

- a) Each order of reduction will explicitly set forth the amount of pecuniary penalty caused by the order.
- b) Order of reduction will ordinarily be for a specified time at the end of the period named in the absence of any specific orders to the contrary the officer punished will regain the former rank or will come again upon the time scale at the stage at which he would have been, at the order of reduction not been passed.
- c) Permanent reduction in rank has usually must unsatisfactory results from the points of view of both efficiency and the maintenance of discipline.

48. Rules Regarding Black Marks.

The following rules regulate the award of black marks. Constables are excluded from the operation of these rules, since in their case the approved service rule render them superfluous.

- (a) Black marks may be awarded in lieu of or in addition to other punishments enumerated in Rule 50, to

Inspectors, Sub-Inspectors, Asstt. Sub-Inspectors and Head-Constables. They are intended to take place of fines, which may not be inflicted.

(b) A black mark will be treated as a major punishment and proceedings required by Rule 50 must be drawn up whenever it is inflicted.

(c) An officer who has been awarded a black mark will, so long as the black mark is in force, receive no promotion and no increment in a time scale, but when the black mark is removed he will at once draw any increment which would otherwise have been earned in the meantime, and will draw

future increments from the dates on which they would have fallen due if they had not been stopped. A black mark may be removed (i) by the award to the officer concerned of a good service mark, or (ii) by uninterrupted good conduct for a period of six months spent on duty.

(d) If an officer who has already received two black marks the effect of which has not yet been cancelled by good conduct or good service mark receives a third black mark will entail reduction to the next lower stage in the time scale. Officer in the receipt of the minimum pay of their rank will be reduced to the pay of the next lower rank. An officer so reduced under this rule will be entitled to regain his former place on his gradation list by uninterrupted good conduct for eighteen months spent on duty.

(e) Similarly 9 black marks, if their effect has not been cancelled by good conduct or good service marks, will entail dismissal. For the purposes of this rule, previous reduction of rank if inflicted within seven years, whether imposed under this system or otherwise, will be treated as equivalent to three black marks.

(f) Not more than one black mark shall be awarded for anyone offence except when the offence is such that moral turpitude can reasonably be inferred.

(g) Reduction of rank whether under these. or other rules, will cancel all existing black marks, provided that a previous reduction, if inflicted within the period of seven years proceedings shall be counted as three black marks towards the total of nine black marks, which under clause (e) shall demotion.

(h) Black marks whether awarded alone or in addition to other punishment, shall take effect from the date of the offence unless otherwise stated.

(i) The order awarding black mark shall specify the number of black marks outstanding against the delinquent, and when the imposition of one more black mark will result in his reduction or dismissal under these rules the order shall warn him that such is the fact.

(j) Black marks will be duly externed in the service sheet of officers and man and also in the officer's confidential character rolls. On the expiration of the term of six months good service in case of one black marks, 18 in the case of more than three black marks an entry On the following lines will recorded in red ink against the entries in the above registers:

"Effect" cancelled (vide rule _____) or "Cancelled Demi
Official No _____, dated _____ (vide rule _____).

(k) These rules shall be strictly enforced but an appeal shall be from an order inflicting a black mark, which counts as a major punishment.

49. Punishment of Servants in Police Hospitals.

Police officers have no authority to punish the Assistant Surgeon, Compounder, and Nurse of the Nagaland Police Central Hospital Chumukedima. If there be cause for complaint, the matter should be brought to the notice of the Chief Medical Officer, Nagaland Police Central Hospital Chumukedima for necessary action.

50. Allowances while under Suspension.

The rule regarding the allowances admissible to an officer suspended from office will be found in Fundamental Rules 53 and 54.

Unless there are very special circumstances why such a course should not be followed, an officer under suspension will always be given a subsistence allowance, which should be provided for in the order of suspension.

51. Powers function etc. of Officers under Suspension.

Under Section 8 of the Police Act (Act V of 1961), as amended by Section 3, Act VIII of 1895, a police officer does not, by reason of being suspended from office, cease to be a police officer. During the term of such suspension the powers, functions and privileges vested in him as a police officer shall be in abeyance but he shall continue subject to the same responsibilities and to the same authorities as if he had not been suspended.

52. Procedure to be followed in a departmental enquiry – Members of Police Force are entitled to the protection guaranteed under Article 311 of the Constitution as in the case of any civil servant –

There cannot be any doubt about the proposition that Rule 53 of Nagaland Police Manual cannot supplant the constitutional mandate of Article 311 and the same has to be read as merely supplementing the minimum constitutional safeguards provided therein to a civil servant. Reading together Article 311 of the Constitution and Rule 66 of the Nagaland Police Manual, the consecutive steps in the disciplinary proceeding which have to be taken in respect of a person subject to these Rules can be summarized, as in the case of *Laldula v. The Union Territory of Mizoram*, (1984) 1 GLR 40, as follows:-

1st Step - The delinquent will be informed of the "charge" with which shall be furnished to him "statement of the allegations" which in the course of any "preliminary" inquiry (not the constitutional "Inquiry") the disciplinary authority may collect the "inquiry" as contemplated by Article 311 (2) into the charge will then follow and the same will commence only after the "charge" is duly communicated to the delinquent as a sequel to, or on the basis of the investigation, made in the course of the "preliminary inquiry".

2nd Step - The inquiry into the "charge" contemplated under Article 311 (2) postulating the requirement of "reasonable opportunity" being afforded to the delinquent will necessitate evidence being taken in support of the charge if the charge is not admitted. Indeed, this is also contemplated by Rule 50 itself although it is necessary to clarify the requirement of the Rule "if he so desires or if the authority concerned so directs must be so read as to conform to the Constitutional imperative embodied in Article 311 (2). Taking of evidence to establish the charge after the same is communicated to the delinquent in view - of the constitutional imperative cannot be dispensed with except in the manner provided by the constitutional provision itself, namely the exceptional cases covered by the proviso to Article 311 (2). Hearing the delinquent in person, taking evidence offered by him and communication of the decision arrived at thereafter on the "charge" will conclude the stage.

3rd Step- If in the course of the inquiry it is found from the evidence that the charge or charges preferred against the delinquent are duly made out then he will be given a second opportunity to show cause against the proposed penalty if such penalty be either dismissal or removal or reduction in rank. But, because of the Amendment (in 1976) in Article 311, the "second opportunity has become merely optional in those cases in which the proposed penalty is also communicated with the decision arrived at when the second step is completed.

The procedure to be followed in a departmental inquiry made in the case of a person subject to the provisions of Rule 53 read in the light of Article 311 (2) of the Constitution, the following decisions are worth considering. In *Suvath Chandra v. State of W. B.*, AIR 1972 SC 152, it was observed that, "if a person is not told clearly and definitely what allegations are on which the charges preferred against him are founded he cannot possibly, by projecting his own imagination, discover all the

Delinquent Officer must be told about his rights under the departmental rules

Reasonableness of pro-cadre in department

facts and circumstances of the case that may be in the contemplation of the authorities to be established against him. —The decision in *Jagannath Prasad v. State of Uttar Pradesh*, AIR 1961 SC 1245, is in support of the proposition that the members of the police force are entitled to the protection guaranteed under Article 311 of the Constitution as in case of any other civil servant. Indeed in *State of U. P. v. Baburam*,

AIR 1961 SC 751, it was held that the relevant provisions of U. P. Police Regulation under the Police Act, 1861 in relation to disciplinary proceedings ought to be construed as mandatory and also subject only to the overriding effect of Article 311. In the case of *Bombay State v. Nurul Khan*, AIR 1966 'SC 269, it was held that non-compliance with the requirement of an oral inquiry would introduce serious infirmity in the inquiry and would amount to the failure of the Enquiry Officer to give the charge-sheeted officer the reasonable opportunity contemplated by Article 311 (2). Reliance is also placed on the well-known decision in *Khem Chand v. Union of India*, AIR 1958 SC 300, where in the expression "reasonable opportunity" as contemplated by Article 311 (2) was construed to mean among others "an opportunity to deny his guilt and establish his innocence, which he can only do if he is told what charges leveled against him are and the allegations on which such charges are based". In the case of *Bhagat Ram v. State of H. P.*, AIR 1989 SC 454, it was observed that the delinquent officer must be informed of his right under the departmental rules and such a requirement acquired importance in a case where a Government servant involved was one whose educational attainment may lead to an inference that he may not be aware of the technical rules prescribed for the inquiry. The decision in *Board of Trustees v. Dilip Kumar*, AIR 1983 SC 109, is relevant in context that reasonableness of procedure contemplated under Article 21 also come into play in the case of a departmental inquiry in as much as right to life also connotes the right to livelihood and before a person is deprived of his means of livelihood he must be dealt with in a fair and reasonable manner in an inquiry that might be held for taking any action against him by which he may be deprived of the right

In the context of the above decisions in the case of *Laldula*, (1984) 1 GLR 40 (supra), it was held without any hesitation that the impugned orders passed against the delinquent persons are without jurisdiction and void as on the facts of the case, the High Court was satisfied that "reasonable opportunity" contemplated under Article 311 and Rule 50 was denied to them to defend themselves against the proposed penalty. The facts manifest the situation that there resulted in this case (1)

predetermination of the guilt, (2) non-communication of the charge prior to inquiry, and (3) denial of opportunity to the petitioners to establish their innocence in relation to the common and vague charge as a result, among others, of their being jointly arraigned in the proceedings without specifying acts of negligence attributable to each under the relevant rules of the Police Manual which were considered by the inquiry officer in holding the guilty of the charge.

When a statute prescribed mode of exercise of power, has to be exercised in that manner or not at all.

Hansaria, J. then observed, with reference with to the decision in the case of *S. S. Kapoor v. Jagmohan*, AIR 1981 SC 136, that the principles of natural justice know of no exclusionary rule dependent on whether it would have made any difference if natural justice had been observed.

The non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary. It will come from a person who has denied justice that the person who has been denied justice is not prejudiced. This is founded on the general that justice should not only be done but should be seen to be done.

Reference was made to *R. v. Home Secretary, Ex-parte Hosenball*, (1977) 1 WLR 766 where Lord Widgely, C. J. after saying that "the principles of natural justice are those

fundamental rules, the breach of which will prevent justice from being seen to be done", observed that this maxim is out of the rules generally accepted in the bundle of the rules making up natural justice.

Also that it is well settled that when a statute prescribes the mode of exercise of power, the power has to be exercised in that manner or not at all. This view was first expressed in *Nazir Ahmed v. King Emperor*, AIR 1963 PC 253 (2). It was stated that "where a power is given to do a certain thing in a certain way the thing must be done in that way not at all. Other methods of performance are necessarily forbidden".

This rule was enunciated in the words of Frankfurter, J. in *Vitarelli v. Seaten*, (1959) 395 US 535 as :

Period of suspension whether the period under suspension shall count towards service for leave and pension (Vide Rules 53 and 54 of the fundamental rules and Articles 416-417 of the service regulation).

- a) A copy of the full order shall be entered in the District order Book, and a copy thereof furnished to the delinquent, his dated receipt being taken for it, and attached to the proceedings.
- b) The person affected by such order shall be given a copy of the whole record on depositing the usual copying fees, or may provide his own paper and a copyist for the purpose. All such receipt shall be credited to the Government.

Principles of natural Justice.

c) A consecutive annual number shall be given to each proceeding which number shall be quoted in the service book thus "Dismissed for habitual drunkenness No. 1 of 1908"

d) An order of punishment passed with the advice or concurrence of a higher authority shall be treated as an order as an authority.

- e) No pleader or counsel shall be allowed to appear in any proceeding or appeal.
- f) No order of punishment passed in proceeding may be modified or cancelled, without the sanction of the appellate authority.

Scope and Ambit: Charges framed should be definite, clear and without any confusion:-

This rule only requires that the grounds on which action is proposed to be taken should be reduced to the form of a definite charge or charge. In the case of Bieswar Saikia Vrs. State of Assam (1986) 2 GLR 453, that the charges framed were quite clear and there was no scope for any confusion about the same. As could cause any difficulty or prejudice in defense. In this case the petitioner had full opportunity to produce his evidence in defense. The enquiry Officer had examined three defense witnesses and the petition was also examined in defense. No prejudice was caused to the petitioner during the enquiry, which

was fairly and properly conducted.

Appointing and Disciplinary authorities- See decision in Bireswar Saikia Vrs State (1986) 2 GLR 453.

Petitioner deprived or defense witnesses:- Reason for refusal to call defense witness must be recorded in writing by enquiry officer – This rule clearly lays down that at the enquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross examine the witnesses, to given evidence in person and to have such witnesses call, as he may wish provided that the officer conducting enquiry may for special and sufficient reason to be recorded in writing, refuse to call a witness. The provision as clearly been violated in the case of Balabhadra Roy Vrs. DIG Western Range (1987) 2 GLR 175, because the petitioner was deprived of the opportunity to have his defense witnesses call and the officer conducting the enquiry did not record in writing any reason for his refusing to call those witnesses.

Removal or dismissal by an authority Sub-ordinate to that by which he was appointed.

In the case of Gajendra Nath Bara v. State of Assam (1987) 2 GLR183, the petitioner was promoted temporarily to officiate in the rank of Sub-Inspector of Police following an order passed by the Director General and Inspector General of Police and as such he could not have been dismissed by the Superintendent of Police who is far below the rank of Inspector General of Police.

Enquiry held fairly and properly all opportunities of defence given.

Rule 37 deals with promotion whereas rule 66 (i) deals with the appointment. The present case falls within the second part of Rule 37 © and that for this purpose Rule 66 (I) may not be relevant. In this case the order of dismissal was regarded as being without jurisdiction, void and inoperative.

55. Register of Punishments.-All punishments, of whatever nature, will be entered in this register in **Form No.2 Appendix- “C”** There should be an alphabetical index at the beginning of the book. In the column showing "the offence for which punished" the nature of the offence should be shortly but clearly stated, entries such as "neglect of duty" "carelessness", "disobedience of order" are not sufficient.

Deductions made on account of careless or negligent damage to clothing or Government property must be shown together with the dates of recovery and deposit in the treasury, but are not to be counted as fines for the purposes of the annual return.

In the last column will be shown any after orders that may have been passed regarding the punishments, such as their having been reduced or remitted by any appellate authority. Punishments imposed by order of a Magistrate or a court will be shown, and the imposing authority must be clearly noted.

56. Appeals.- See Rule 50 and the schedule attached thereto. "The following rules are prescribed with regard to presentation of appeal's:

(1) The officer to whom a petition of appeal is presented by a Government servant shall invariably forward it to the appellate authority with the least possible delay and ordinarily within a week. The petition should be copied on half margin, and in the margin should be noted the observations of the officer whose order is appealed against on the allegations and contentions contained in the petition.

(2) An officer who has preferred an appeal to the Director General and Inspector General of Police will not ordinarily be permitted to argue his case in person, but permission may be given exceptional cases by the appellate authority concerned.

(3) Any combination for the purpose of memorializing any authority to which the memorialists may be subordinate is forbidden, but officers may join in combined memorials when the matter above which they wish to petition is not connected with their position as servant of the Government.

Provided that nothing in this rule shall apply to representations submitted by reorganized associations of Government Servants in accordance with such rules as may from time to time be prescribed by the Governor.

(4) A list of appeals withheld by the Deputy Inspector General of Police and the officer subordinate to him shall be forwarded quarterly to the Director General and Inspector General of Police on the 1st April, 1st July, 1st October and 1st January in the form given in Appendix 's'.

The Director General and Inspector General of Police shall forward to Government in the department concerned a similar list of appeals withheld by him.

(5) When a petition of appeal preferred by a Government servant is being considered, it shall be dealt with as far as possible on the original record which shall invariably be sent with the petition together with the half-margin required under Clause (1). The proceedings service papers and confidential character rolls of the appellant should also be sent. A further special report should be called for only in exceptional circumstances, and when this is done the special points in regard to which a report is called for should be indicated.

(6) The Deputy Inspector General of Police in respect of punishments inflicted by officers subordinate to

him, and the Director General and Inspector General of Police in all cases reserve to themselves the power of revising not only all cases of flagrant irregularities but also cases of material injustice.

57. Government Servant may appeal against an order of Dismissal ? Removal or Reduction in Rank etc.

(1) Notwithstanding anything contained in Rule 52, the Government servant may appeal against an order imposing upon him penalty of dismissal, removal or reduction in rank with the aid of the Provision (a), (b) and (c) to Article 311 (2) of the Constitution of India during the period which the internal emergency proclaimed in the month of June, 1975 was in force, hereinafter called in these rules as the emergency period, to a committee of 3 persons to be set up by the State Government to this purpose. The State Government may constitute as many committees as it may deem fit to deal with the appeals of different categories of Government servants which will be heard and disposed of by each committee appointed. The constitution of each such committee shall be noticed by the government in official Gazette:

Provided that any committee so constituted would not hear the case of a person which had been dealt directly or indirectly, by any of its members at any stage of the passing of the impugned order. Such cases shall be brought to the notice of the Government which shall then nominate some other person in place of the member in question.

(2) All appeals against orders of dismissal, removal and reduction in rank passed under provisos to Article 311 of the Constitution of India which are pending before the appellate authority on or before the date of which these rules came into force shall stand transferred to such committee constituted under the preceding rule as may be specified by the State Government. Any Government servant who did not prefer any appeal against any order would be entitled to do so within a period of 30 days from the date of this amendment or from the date of notification constituting a committee whichever is later. The appellate authority on receipt of such a memorandum of appeal, shall forward the same to the committee in question without delay. Such an appeal could be filed, notwithstanding

Anything to the contrary in Rule 53, directly to the appellate authority named in the schedule who shall thereafter call for the records along with the records to the committee in question.

Explanation- For the purpose of this rules all petitions filed against any order of dismissal, removal or reduction in rank Under provisos to Article 311(2) of the Constitution of India during the emergency period and pending before the authority shall be deemed to the appeals filed under Rule 68-A.

3. Each of the committees constituted by the Government under sub-rule (1) shall have all the powers of the appellate authority and shall be subject to the same restrictions as laid down in Rules 50 to 56 of the Nagaland Police Manual, Part III except that it shall be incumbent for the committee to hear the officer in person before passing any final order on the appeal. The officer would have on right to be represented by a legal practitioner. The committee may, however, allow lawyer representation in a particular case if deemed fit by it.

Provided further that the disciplinary authority could nominate any person to represent it before the committee, provided also that in hearing a case covered by proviso (b) to Article 311 (2), it shall be the duty of tile committee (1) to make available the reasons which were recorded for dispensing with the

enquiry, (2) to inform the delinquent about the misconduct in question alleged against him and about the materials which had led the appointing authority to come to the conclusion that the misconduct in question had been proved, and (III) to specifically hear the delinquent on the question of the penalty which had been imposed on him. The last requirement shall be observed in other cases also.

(4) Where any order of dismissal, removal or reduction in rank appealed against is set aside and the case is remitted with or without any direction and the disciplinary authority decided to prove further against to Government servant, the Government servant shall be deemed to be placed under suspension by the appointing authority with effect from the date of the original order of dismissal, removal or reduction in rank, as the case may be, and shall continue under suspension until final orders.

(5)(a) In every case where any petition or appeal filed against any order of dismissal, removal or reduction in rank, passed under the proviso (b) to Article 311 (2) of the Constitution of India during the emergency period has been disposed of before the coming into force, of these rules by the appellate authority had been adverse to any Government servant the authority passing the order shall transmit the records of such cases to the committee specified for hearing similar appeals.

(b) On receipt of the records under the proceeding clause of this sub-rule, the committee shall see whether the disposal of the appeal was satisfactory or not. If the disposal is not found to be satisfactory, the committee shall re-hear the matter as if it were a revision petition under Rule 52 of the Nagaland Police Manual **Part III** and shall exercise all the powers vested in the Governor under the aforesaid rule. In all cases reviewed by the committee under this rule, there shall be no further review by' the Governor.

58. Period or Appeal.

The following provisions regulate the time allowed for appeals against punishments inflicted, the form of such appeals and the occasions on which such appeals may be withheld:-

(I). Every appeal shall obtain all material statements and arguments relied on by the officer preferring the appeals, shall contain no disrespectful or improper language and shall be complete in itself.

Every appeal should be submitted through the head of the office to which the officer belongs or belonged.

II. An appeal to the Dy. Inspector General may be withheld by the Supdt. of Police.

(a) When under these rule no appeal lies.

(b) Which is a further appeal presented after a decision has been given by the appellate authority prescribed and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. Provided that in every case in which an appeal is withheld the officer preferring the appeal should be informed of the fact and the reasons for it.

Note.- (I) No appeal lies against the withholding of an appeal by a competent authority provided that an appeal withheld for failure to comply with the condition stated in (II) above shall not be withheld if it is resubmitted in a form which complies with that rule.

59. Memorials and Petitions to the Government.-

The following general instructions regarding the submission of petitions and memorials to the Governor are reproduced below for the guidance of the Police department. These instructions do not apply to appeals against orders of punishment awarded to Government servants non to cases where an appeal or an application for revision lies under any law or statutory rules:-

1. Every petition to the Governor should be forwarded through the authority having jurisdiction in respect of the subject matter of the petition. Petitions presented to Government direct will invariably be returned for presentation through the correct channel.
2. A petition may be either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or, when the petitioners, are numerous, by the signature of one or more of them, and it must conclude with a specific prayer.
3. Every petition should be accompanied by a letter addressed to the authority having jurisdiction in respect of the subject matter of the petition requesting its transmission to the Governor or the State Government as the case may be, and when any order of any authority subordinate to the State Government is appealed against, by a copy of that order.

60. Submission of petition and memorials by Officers in Civil employ.

- (1) Every officer in Civil employ wishing to petition the Governor should do so separately provided that nothing in this instructions shall apply to representations submitted by recognized associations of Government servants, in accordance with such rules as may from time to time be prescribed by the State Government.
- (2) Every petition from an officer in civil employ should be submitted through the head of the office or department to which the petitioner belongs or belonged, and should be forwarded by him through the usual official channel.
- (3) No officer in civil employ may submit a petition in respect of any matter connected with his official position unless he has some personal interest in the matter.
- (4) No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer in civil employ unless it is submitted by the officer himself.

61. The transmission or withholding of petitions by authorities subordinate to the state Government.

1. Every petition to the State Government should be forwarded by the authority to whom it is presented through the next higher authority with a concise statement of the relevant facts and (unless there are special reasons for not so doing) an expression of opinion.
2. Commissioners, Heads of the Departments Deputy Commissioners may withhold any memorial or petition:-

- (i) When it is illegible or unintelligible.

- (ii) When a petition contains disrespectful or improper language.
- (iii) When a previous petition has been disposed of by the State Government and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (iv) When a petition is a more applicable for relief, pecuniary or other, which is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character or is no deleted that its consideration is clearly impossible.
- (v) When a petition is an application for employment in a post to which appointments are made by, departmental or district officers, or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment.
- (vi) When a petition is either (i) a memorial against the discharge of a person appointed on probation, if his discharge was ordered before the termination of his probation, or (ii) a memorial by a temporary employee against discharge if such discharge was made according to the rule in force.
- (vii) When a petition is memorial concerning a judicial decision with which the executive government has no legal power of interference, but in the case of petitions of this nature where the case is one in which the Government is a partly to a civil suit or where the petition is partially a prayer for mercy or pardon, the petition should not be withheld.
- (viii) When a petition is addressed by an officer still in the public service and has reference to his prospective claim to pension, except as provided in Article 915 of the Civil Service Regulations.
- (ix) When a petition is a memorial concerning a decision which by any law or rule having the force of law is declared to be final.
- (x) When a petition is a memorial concerning the non-exercise by a commissioner, District Officer or Head of a Department of discretion vested in him by law or by rule.
- (xi) When a petition is memorial or application in a case for which the law provides a definite specific remedy or in regard to which the time limited by law for appeal or applications has been exceeded.
- (xii) When the petition is in the nature of a representation against an order decision of a Commissioner, District Officer, Head of a Department and is made more than two months after the communication of such order or decision to the petition without satisfactory explanation of the delay.

- (xiii) When a petition relate to a subject on which a Commissioner, District or Head of a Department is competent to pass orders and no previous application for redress has been made to him.
- (xiv) When a petition does not comply with the requirements of any of the foregoing rules.
- (xv) When the petition is a representation against an order which under the appeal rules framed under the Government of India Act, 1935, no appeal lies.

3. If a petition is withheld the petitioner should be informed of the fact and the reason for it.

4. A list of petitions withheld under these rule by officers sub-ordinate to them should be forwarded half yearly on the 1st April and the 1st October to Commissioners and Head of Departments as the case may be in the form given in Appendix 'B' Commissioners, Head of Departments should forward a similar list of memorials withheld by them to Government in the department concerned.

Transfers (Rules 62 to 66)

62. General Instruction as to Transfer of Non-Gazetted Officers.

All enrolled Police Officers, under Section 22 of the Police Act, 1861 (Act V of 1861), may be employed as such in any part of the general police district, but as a general rule, police officers of and below the rank of Assistant-Sub-Inspector will be considered to belong to the District in which they are serving.

- (a) The Director General and Inspector General of Police only is competent to transfer of Sub-Inspector and Assistant Sub-Inspector.
- (b) The exigencies of sickness, leave, promotion, retirement, serious misconduct and other unpreventable causes make a certain number of changes unavoidable. All the more therefore it is incumbent on Director General and Inspector General of Police/ Superintendent of Police to abstain from making transfer, particularly transfers of Officer-in-charge of investigation centers, when such transfer can be avoided. In particular, transfers 'should not be made as punishment though if may happen that the conduct of an officer renders his transfer necessary in the interest of the administration.
- (c) Bad work in particular case, neglect of clerical work or faults due to inexperience are not sufficient reasons for a transfer. Officers who are granted leave should, on the expiry of their leave, ordinarily be sent back to the station from which they took leave, unless they have completed their full period of service there as laid down in the Rule 58.
- (d) The principles indicated above will be followed, as far as possible in the case of Inspectors also and an application for the transfer of an Inspector on the ground of inefficiency or misconduct will not be considered unless it can be shown that the officer can be more usefully employed in some of the post.

63. Minimum Period of Service without Transfer.

The following rules will be observed regarding the period for which Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head-Constables and Constables will remain in the district, Sub-Division, Police Station, reserve, or Town duty:-

Inspector – ordinarily no Inspector should remain for more than seven years in one district and more than three years in one sub-division. When an Inspector has served as a Sub-Inspector in any district he should not continue as Inspector in that district for more than five years after his promotion.

Sub-Inspectors – There is no limit to the period for which a Sub-Inspector may remain in one district. Ordinarily no Sub-Inspector should remain at one police station, court, Reserve or town for more than three years; but the period may be prolonged to four years; for special reasons to be recorded as a district order.

Assistant-Sub-Inspector, Head-Constable and Constables – ordinarily no Assistant-Sub-Inspector, Head-Constable or Constable should remain at one police station or court for more than two years; in special cases and for reasons to be recorded writing by the Superintendent of Police they may be retained for three years but not longer.

A Constable on town' duty should be kept on that duty without transfer for a period of two years.

64. Powers to transfer Non-Gazetted Officers.

- a) Transfer within a district of police officers of an below the rank of Sub-Inspectors are made by the Superintendent of Police.
- b) Transfers of Sub-Inspectors, Assistant-Sub-Inspectors, Head Constables and Constables from one district to another are made by the Director General and Inspector General of Police.

65. More of Officers Transferred.

Every order transferring one officer to take the place of another must indicate which officer is to move first. The rule regarding joining time will be found in Chapter XI, Part V of the Fundamental Rules and the Subsidiary Rules.

66. Register of Disposition of Force.

This register will be divided into parts-one for the reserve and one for each police station, out-post and court establishment.

In the final column will always be noted the name of the place to which a man is transferred, and the date of transfer. Each posting will be noted as soon as the joining report is received, each entry being initialed by the Superintendent of Police.

The words "in charge" will be noted against the names of Sub-Inspectors who are in charge of investigating centres, or courts. Sufficient space should be left in each part of entries of several years and the register should not be re-written more often than is necessary.

LEAVE

Central Government Leave Rules to be followed and standing order issued by the state Government from time to time.

PENSIONS

Central Government Leave Rules to be followed and standing order issued by the state Government from time to time.

DRILL AND MUSKETRY (Rules 67 To 90)

67. Duties of gazetted officers in regard to drill:-

Superintendent of Police are required, when at headquarters, to attend parade at least twice a week, and Assistant and Deputy Superintendents at least three times a week. Their attendances will be noted by their initials opposite the figures for "Present and fit for duty" in the morning report. Superintendent of Police are responsible for drill, general leaving and appearance of the force under them.

As one object of drill is the setting up of a man's physique, particular attention should be paid to physical training and bayonet fighting, and the men kept in hard condition by frequent route marches.

68. Gazetted Officers and Parades:-

Superintendent of Police, Assistant Superintendents of Police and Deputy Superintendent of Police must make themselves thoroughly conversant with the whole of the training Manuals detailed in this part except such parts as are obviously inapplicable to the police, and should personally exercise command when on parade. They should take advantage of opportunities for joint exercises with other units, e.g., Assam Rifles, Auxiliary force detachments whenever feasible.

69. Drill books:-

All India Police Drill Manual as authorized from time to time by the Bureau of Police Research and training (BRRD) will be used and thoroughly taught, modifications necessary being made where required.

Superintendent of Police are responsible that the training is in accordance with the latest manuals issued.

70. The drill to be taught:-

In view of the connection between the civil police and the Assam Rifles the police will drill as rifleman.

Superintendent of Police will maintain their armed branches organized into one, two or more platoons according to district strength. The main object of the training will be to develop the powers of the section commanders in handling their sections, and in thinking and acting independently, since it is in small bodies of one or two sections in which the Police generally have to act.

This organization should be permanent, inter-platoon and inter-section transfers are to be avoided, while to foster spirit of corps duties (e.g. Guards, escorts, etc.) should be detailed by units rather than by taking odd men from several sections.

71. Principles to be observed by magistrates and the police in opening fire on hostile modes:-

It should always be remembered that there is great danger involved in bringing a force armed with firearms into immediate contact with a hostile mob. It is not however feasible to issue any precise instructions on the subject since no two cases present exactly in the same features and the responsible officer must be left to decide what steps are appropriate to a particular case but the following principles laid down by the Central Government should be generally followed:-

(a) Every precaution should be taken that the armed force should not be brought so close to a large and dangerous mob as to risk in being either overwhelmed by numbers or being forced to inflict heavy casualties.

(b) If the use of fire-arms cannot be avoided firing should be carried out from a distance sufficient to enable strict fire control to be maintained.

72. Action of armed police in dealing with riots:-

When the armed police are likely to be used to disperse an unlawful assembly by force under Section 128, Criminal Procedure Code, the senior Police Officer present at Head-Quarters will decide the size and composition of the party. If time and circumstances permits, he will do so in, consultation with the Deputy Commissioner or his representative. It must be remembered that firing may, not be commenced until some overt act of violence has been committed and the conduct and attitude of the unlawful assembly is such that they cannot be stopped and dispersed by any other means. Instructions as to the use of fire-arms are given in Rule 71.

The following procedure will be adopted when dealing with a riotous mob which has to dispersed:-

A. *In the lines* – The officer in command of the force will;

1. Detail commanders for each section.
2. Provide himself with note book, pencil and megaphone.
3. See, that his section commanders have notebooks and pencils.
4. Issue the same numbers of rounds of ball ammunition to each man, the issue not being less than 200 rounds each.
5. Note down the amount of ammunition issue.
6. Detail intelligent Constables as an escort for the Magistrate or officer-in-charge of the Police Station.
7. Impress on all Head-Constables and men that all orders, and especially fire orders, must be implicitly obeyed and an effort made to remember all orders given.

B. *On the ground* –

1. The armed police force will fix bayonets and will ordinarily form up in two ranks, but the formation must be altered to conform to the movements of the crowd.
2. The officer-in-command of the force will then detail known marksman to watch the mob and give them orders that if they see any member of the mob aim a gun at the Magistrate or police party, they must shoot. Firing must be aimed at the legs i.e. below the waist, the object being to incapable and not to kill *vide*, Government letter No. H. P. L. 386/56/25 dated 18-2-1987.

N.B.-The number of men detailed will depend on the size and attitude of the mob.

3. The officer-in-command of the force will send out the escort already detailed with the Magistrate or officer-in-charge of the Police station. The escort must have bayonets fixed and loaded muskets.
4. The officer-in-command of the force will explain to the Magistrate or officer-in-charge of the police station that he must not musk the fire of the force and that if he is unsuccessful in inducing the mob to disperse he must return to the main party as quickly as possible.
5. If the Magistrate or officer-in-charge of the police station has been unsuccessful in his attempt to disperse the mob peaceably the senior Constable of his escort must, immediately the Magistrate or officer-in-charge of the police station retires, endeavour to inform the mob that. if necessary, fire will be opened, and that the fire will be effective.

Note – The warning to the mob that effective fire will be opened, if necessary, must be as clear as is possible.

6. (a) On the return of the Magistrate or officer-in-charge of the police station to the armed force, the officer-in-command of the force will request him to sign the prescribed authority to use force (Specimen form below). If he refuses, the officer-in-charge of the party will make a note of such refusal.

(b) The officer-in-command of the armed force, and not the Magistrate or officer-in-charge of the Police Station, is responsible for the nature and extent of the force used i.e. but, sword, bayonet or bullet.
7. If the officer-in-command of the force decides to open fire, it should be remembered that the minimum of force must be used, i.e. fire must cease the moment the mob stop advancing.
8. If less than a section is to fire, the officer in-command of the force must himself detail by name to fire and state the number of rounds to be fired by each.
9. If one or more sections are to fire; the officer-in-command of the force must detail the section commander concerned by name.

N.B – If not Magistrate or Officer-in-charge of a Police Station be present and the armed force or the public or any member of it or any properly moveable or immoveable public or private, be in danger, the officer-in-command of the police should use such force as may be necessary to protect his men or the public or property, being authorized to do so and being protected under Sections 97-106 of the Indian Penal Code.

C. After the dispersal of the mob –

1. After dispersal, as many rioters as possible will be arrested, the wounded sent to hospital and rendered every assistance possible and any dead sent, after an inquest, to the mortuary.
2. The officer-in-command of the police force will check ammunition and empty cases and note down the number of round fired by each section.
3. The officer-in-command of the force will send out a party to collect the dead and wounded if necessary and these men must have a covering party to protect them.
4. The officer in command of the force will note down details of casualties.
5. If no Magistrate or Officer-in-charge of Police Station be present, the officer-in-charge of the party will lodge a complaint to the nearest police station or to the nearest police officer eligible to receive complaints at the first opportunities in a narrative statement together with any arrested person.

D. On return to the lines – (1) The officer-in-command of the force will invariably write a full report in detail, including particulars of ammunition issued and expended, and will send copies through the officer-in-charge of the Police Station or the Magistrate to the Superintendent of Police.

N. B.-In writing out the report, the officer-in-command of the force should consult his notes, and those of his section commanders.

Special points to be observed –

- (1) The essential factor is speed in issuing orders and in taking the decision to fire.
- 2) When a decision to fire has been taken, speed is essential in carrying out the necessary orders.

3) Whatever action the armed police decided to take will depend on the particular circumstances of the case and the attitude of the mob, it always being borne in mind that the armed police are not there to punish but to protect human life and property.

4) Efforts should be made, if opportunity permits, to note down all that occurs, at the time, so as not to trust to memory.

FORM

[Reference Rule 70 (6) (a)]

I hereby authorize you _____ Rank _____
Name _____ of the _____ to use force as
you consider necessary to disperse the assembled disorderly crowd.

Place _____
_____ Magistrate.

Date _____

_____ Officer-in-charge of Police, Station

Time _____

NOTES

Section 128 of the Code of Criminal Procedure corresponds to Section 129 of the 1973, Code and for details see note under Rule 50 of Part I of the Manual.

“The executive agency must be vigorously held to the standards by which it professes its actions to be judged.....Accordingly, if dismissal from employment is based on a defined procedure, even though generous beyond the requirement that binds such an agency, that procedure must be scrupulously observed..... this judicially evolved rule of administrative law is now firmly established..... he that takes the procedural sword shall perish with the sword”

This passage was cited with approval in Ramana Dayaram V. International Airport authority of India, AIR 1979 SC 1928. The law was explained thus in Hukum Chand Vs. Union of India, AIR 1976 SC 789.

It is well settled that where a power is required to be exercised by a certain authority in certain way, it should be exercised in that manner or not at all and other modes of performance are necessary forbidden.

In *Gujrat Electricity Board V. Giridharilal*, AIR 1969 SC 267, this question was examined and it was observed that as the Legislature has prescribed the manner of exercise of the power, the same must be exercised in that manner in no other way.

53. Proceedings based on Conviction.

When a police officer is dismissed or other departmental punishment is inflicted on the basis of a charge for which the officer has already been tried and convicted in a court it will be sufficient in the proceedings to give a copy of the judgment, the reason for inflicting departmental punishment and the previous character of the officer concerned.

Such proceedings shall be concluded immediately on the termination of the first trial by the Lower Court.

It should be remembered that when departmental proceedings against a police officer are based on statements and judgments recorded in cases to which he has not been a witness, the witnesses should be summoned and examined and the accused allowed an opportunity of cross-examining them in the usual way. A judgment referred to in paragraph one above can be utilized in departmental proceedings only if it has been delivered in a case in which the accused officer has been tried judicially on the same facts on which he is tried departmentally.

54. Proceedings to be drawn up in cases of major punishment.

(I) The appointment of the police officers mentioned in column I of the schedule shall be made by the authorities mentioned in column 2.

(II) The following penalties may, for good and sufficient reason be imposed upon members of the service, namely:

1. Suspension.

2. Major penalties - (a) Dismissal from service which shall ordinarily be a disqualification for future employment; (b) Removal from service which shall not be a disqualification for future employment; (c) Compulsory retirement; (d) Reduction to a lower service, grade or post or to a lower time scale or to a lower stage in a time scale; (e) Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the Government of Nagaland or the Central Government or any other State Government, or any local or other authority to whom services of a Government servant had been lent; (f) Black mark; (g) With-holding of increments or promotion; (h) Censure.

3. Minor Penalties - (a) Confinement to the Guard Room for a period not exceeding 28 days; (b) Confinement to quarters or barracks for a period not exceeding 15 days; (c) Punishment drill; (d) Extra guard, fatigue of other duty; (e) Reprimand.

(III) No order of major punishment shall be passed on a member of the service (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in

writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time to put in a written statement of his defense and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs an oral inquiry shall be held.

At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and statement of the findings and the grounds thereof.

This rule shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases for special and sufficient reasons to be recorded in writing, be waived where there is a difficulty in observing exactly the requirements of the rule and those requirements can be waived without injustice to the person charged.

(IV) The punishments prescribed in Rule 2 to the extent specified in column 4 of the schedule to these rules may be awarded to the police officers mentioned in column I by the authorities mentioned in Column 3 Subject to appeal to the appellate authority mentioned in column 5.

(V) A member of the service shall be entitled to appeal from an order imposing on him any of the penalties specified in Rule II for major punishment.

(a) If such order was passed by authority specified in the relevant column of the schedule, to the authority specified in the last column thereof.

(b) If such order was passed by authority higher than that specified in the relevant column of the schedule, to the higher authority to whom the former authority is administratively subordinate, provided that no appeal shall be lie beyond the Inspector General of Police.

(VI) In the case of an appeal against an order imposing any penalty specified in Rule II, the appellate authority shall consider:

- a) Whether the fact on which the order was based have been established;
- b) Whether the facts established afford sufficient ground for taking action; and
- c) Whether the penalty is excessive adequate or inadequate; and after such consideration shall passed order as if thinks proper:

(VII) An authority from whose order or appeal is preferred under Rule V shall be given effect to any order made by the appellate authority.

(VIII) Every person preferring an appeal shall do so separately and in his own name.

(IX) Every appeal preferred under Rule V shall contain all material statements and arguments relied on by the appellant, shall contain disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs and through the authority from whose order the appeal is preferred.

No appeal shall be considered by the appellant authority, if it was not preferred within six months after the date on which a copy of the order appealed against was communicated to the appellant and no reasonable cause is shown for the delay.

(X) The authority by whom an order imposing a penalty under Rule IV may be reversed or altered in cases in which no appeal is preferred shall be appellate authority specified in Rule V.

(XI) Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if the rules had not been made in respect of any order passed before they came into force. An appeal pending at the time when or preferred after, these rules come into force shall be deemed to be an appeal under these rules and Rules VI and VII shall apply as if the appeal were against an order appealable under these rules.

(XII) Nothing in these rules shall preclude the Governor from revising any order passed by any authority subordinate to him in exercise of the powers conferred on such authority by these rules.

Schedule to the para XII enclosed. (Rule 50).

- a) It is of greatest importance that the procedure as described above should be strictly followed, as an error in procedure may vitiate the whole enquiry and leave the appellate authority no option but to set it aside.
- b) In the case of officers of above the rank of Sub-Inspector the proceedings shall be held by a gazetted officer.
- c) In serious cases of misconduct the record, as above described shall be prepared by the Superintendent of Police himself as the case is going into and not written by a clerk, except as regards "Previous character". In other cases proceedings against officers of lower rank than Sub-inspectors may be drawn and evidence recorded by an officer not below the rank of Inspector who will then submit the record to the superintendent for examination, perusal and issue of orders.
- d) In all cases of suspension an order shall be recorded as to what rate of pay or subsistence allowance the defaulter may be permitted to draw and also in the case of reinstatement, when full pay has not been awarded for the.

73. Use of Firearms on the Occasion of Riots:-

When on duty on which the dispersal of an unlawful assembly by force is anticipated men will fully armed and accoutered and will carry not less than 30 rounds ball each.

Blank cartridges and buck shot will on no account be issued and their use is prohibited.

The following instructions must be followed when it become necessary to fire in order to disperse rioters. They postulate a high degree of fire discipline amongst the men, and of fire direction and control amongst the officers musketry training must therefore be arranged to develop these qualities:-

- (i) The mob must be kept at a distance which is sufficient to secure for police, as far as possible an open field of fire and must at the same time give them room to obtain the maximum amount of effect from any firing. It must be remembered that on no account should the police be brought so near to the riots as to risk any chance of them being rushed and overwhelmed by the mob.
- (ii) Fire must be effective from the first shot. *Firing into the air or over the heads of rioters is worse than useless and is prohibited.*
- (iii) Fire must always be strictly directed and controlled. In the early stages, firing should be by individuals or files at selected targets; usually the leaders; followed as necessary by volleys by selections, developing finally to volleys by the whole party.
- (iv) Rapid fire is wild, wasteful and demoralizing to the firer, and should be avoided except in preventing the party from being over helmed.

74. Fire must cease on the first signs of dispersal of the mob:-

All armed police and town police should be constantly practiced in riot drill. Such instruction should take place not less than twice per week. While practice on the parade ground is essential as a method of general instruction in the early stages, Superintendent of Police should also take steps to carry out these exercises in surrounding and over ground which is likely at any time to be the scene of a riot, as for instance in the streets of towns and villages, and in the open country. It should be clearly understood

that it is just as essential for the town police, to whom weapons are allotted, to have a thorough knowledge of their weapons and how to use them.

75. Functions of the Nagaland Police Battalion in support of the District Police”-(1) The Nagaland Armed Police battalion forms the State armed reserve, and is available to provide detachments to reinforce the District Armed Police when the situation appears to be developing beyond the capacity of the District Police. It is more heavily armed than the District Armed Police, and is trained especially with a view to dealing with serious situations when the necessity for the use of force is probable and must be utilized accordingly. It is organized on a Company/platoon/Section basis, for operational works it should never be used in detachment of less than a section. Requisition for the deputation of the Nagaland Armed Police Battalion will be made by the Superintendent of Police to the Director General of Police and Inspector General of Police, who will issue the instructions to the commandant, and report the circumstances and action taken immediately to Government.

Such detachments when deputed in aid of the district police are placed at the disposal of the Superintendent of Police, who, from the time of their arrival until they revert to the control of the Commandant, are responsible for accommodation, transport and utilization of their services, but will not interfere with internal administration or discipline. The officers of the Nagaland Armed Police Battalion with the detachment function as Assistant to the Superintendent of Police, in command of their detachment and must carry out his orders, the Superintendent of Police at the same time, where quasi-

military operations are concerned, will give due consideration to the advice which the officers, as experts, may give regarding the disposition and use of the forces. Where combined force of Nagaland Armed Police Battalion and District Armed Police is used on any operation, the senior most officer present, to whichever force he belongs, will command the joint force.

76. Parade at head-quarters.-

All available men at head-quarters will parade every morning (Thursday and Sunday excepted). It is left to the direction of the Superintendent of Police to order such parades as are necessary for the afternoon for men who are backward or slovenly, but occasional instructional parades should also be held in the afternoon for all ranks. A monthly programme of work should be made out, and followed to ensure that all branches of training are given due attention during the year, and that routine or monotony is avoided.

77. Training of drill instructors.-

- a) Selected constables who are required to act as Drill Instructors, or Assistant Drill Instructors of buglers will be sent for instruction to the Police Training School.
- b) Application to send men for instruction will be made to the Director General and Inspector General of Police who will pass orders as to the number of men to be instructed and as to the time when they are to be sent.
- c) If the police officers under instruction misconduct themselves or prove unfit to receive instructions they will be liable to be remanded to their districts by the Principal. Superintendent of Police should be careful to choose men likely to turn out well. The men chosen should not be too old and should be naturally smart, and able to read and write; they should take full kit and the necessary drill books with them.
- d) Those who prove competent to act as drill instructor shall receive, on the conclusion of their term of instruction, certificates of competency in drill signed by the Principal, and for the purpose of discipline, may be given out of turn promotion.

78. Care of arms:-

The initial responsibilities for the proper care of arms lies with the section commanders. Neglect leads on the one hand to bad shooting and on the other the damage to the weapons. The man responsible for such damage may be made to bear the cost of repair, in addition to punishment.

Full instructions for the care of arms are to be found in small arms training and will be taught to every constable as part of his recruit training. In particular, a Rifle may never be used for any irregular purpose or roughly handled. If any defect is discovered, it must be reported to the section and platoon commanders, and the Rifle taken for examinations by the armourer.

Cleaning – No gritty material may be used for cleaning any part of a Rifle; and for the bore, the proper cleaning rod, with two pieces of flannelette 4" x 2" on the jag to make an easy fit in the barrel will be used only. The bore will be cleaned by long sweeping strokes until bright to the eye; short scrubbing strokes cause local wear, and which is detrimental to accuracy. When oiling the bore, the oil must be well worked into the flannelette with the fingers.

The outside of the musket will be cleaned daily, and all parts of the action wiped with an oily rag. The bore will be kept oily, the oil being removed once or if necessary in the rains time a week, and the bore re-lubricated.

Before firing all oil will be removed from the bore and chamber by means of the cleaning rod and flannelette.

After firing all fouling will be removed with the cleaning rod, and two or three quarts of boiling water will be poured through the bore from the breech, using a funnel to prevent its entering the body or action. The bore will then be thoroughly dried and oiled, cleaning until the flannelette comes out clean and the Rifle cleaned daily for the following three days.

If the boiling water is not available, fouling may be removed by 10 or 15 strokes of the rod, with well-oiled flannelette on the jag, afterwards cleaning with dry flannelette and oiling, as above. In this case however careful inspection daily is necessary for 3 or 4 days to ensure that the barrel is not "Sweating" internally.

Rust in the bore may be removed by dressed jute soaked in paraffin and wrapped on the jag, but, all traces of paraffin must afterwards be removed with flannelette, and the bore oiled. The muzzles of muskets are on no account to be plugged wood work will be polished with brown heelball, or a small quantity of oil well rubbed in.

79. Examination of Arms:-

When inspecting Rifles, the inspecting officer should look for the following points:-

1) *Barrel* – Clean and free from fouling, rust, cuts, scratches, or traces of lead from bullets. No damage to chamber and cartridge rim recess.

2) *Action* – Free from rust or damage. Breech lever held in position in the lever catch block when the breech is closed.

Dummy cartridge can be loaded and extracted without jamming. Arm is cocked when lever is opened and closed.

Pull-off is smart and between 6 and 8 lbs.

3) *Sights* – Not loose, burred or bright undamaged and correct shape.

4) *Exterior* – Clean and no parts deficient cleaning rod firmly held. Wood-work clean and undamaged.

80. Blank Firing:-

(a) Blank cartridges are to be expended at the discretion of the Superintendent of Police principally to give nervous recruits and men confidence, in field exercises, and for feu de joie on ceremonial occasions. The seal is 15 rounds per Rifle on charge.

81. Annual Musketry Course:-

The musketry course consists of three parts, *viz.*

Part I – Instructional – 10 rounds ball.

Part II – Classifying – 10 rounds ball.

Part III – Riot Practice – 20 rounds.

5 rounds buck-shot.

Part I and II will be fired by all men firing the course Part III will be fired by the Armed Police Reserve only.

The object of Part I is to enable the firer to know his musket, and to have his faults corrected; during this part an Instructor will carefully supervise the firer and set right his faults. Scoring in this part is for "Grouping" only.

Part II is to classify the men according to their individual skill and scoring is by hits. During the progress of the part the Supervising officers will note faults, but will not point them out until the conclusion of the practice.

Part III is designed to illustrate the Riot dispersal Instructions and the Superintendent should endeavour to make the practice as realistic as possible. The practice shown below is not to be rigidly followed-it is typical only, and details as to targets, distances, distribution of rounds and general "Situation" are open for the ingenuity of the Superintendent of Police. The example given is of the dispersal of a mob-other suggested schemes are an attack on armed dacoits in a building, defense of a treasury, or protection of an against dacoits, The points which is essential to observe are

- (i) It is a section practice to enable section commanders to show their capacity in handling their sections, in delivering fire orders, in controlling fire and in maintaining fire discipline own sections.
- (ii) It will be fired by the permanent Armed Police Reserve sections, each under its own section commander.
- (iii) Where space permits, two sections will fire the practice simultaneously to illustrate the principle of mutual support and covering support.

This part will be carried out under the supervision of the Superintendent of Police who will ensure that it is fired on that day when his armed police reserve is at full strength, or as nearly so as possible. No allowance will be made for casualties or sick in any section on that day.

Details of practices – Part I – Instructional – 10 rounds, target, 4' x 4' white, with 1' blank circular aiming mark in centre.

PRACTICE-1 :-

Grouping	- 5 rounds.
Distance	- 50 yards.
Position	- Kneeling, musket rested.
Scoring	- 1' group 20. (Signaled as Bull) 2' group 10 (Signaled as Inner) 3' group 5 (Signaled as Magpie)

PRACTICE -2:-

Grouping	- 5 rounds.
Distance	- 100 yards.
Position	- Kneeling, musket rested
Scoring	- 2' group 20 (Signaled as Bull) 3' group 10 (Signaled as Inner) 5 shots on target 5 (Signaled as Magpie) Highest possible score - 20+20=40.

In practice 1, all shots, and in 2, at least 4 shots must be on the target, if not, the fire will be given even further elementary musketry instruction. (Rules 111-120 to 122) and will then repeat Part I instead of firing Part II.

PART II:- Qualifying 10 rounds.

Target - 4' x4' white, with 1' Bull (black), 2' Inner and 3' Magpie circles.

Remainder of target outer, scoring throughout:-

Bull 4, Inner 3, Magpie 2, Outer 1.

PRACTICE-3:- Distance 50 yards. Standing 5 rounds application.

PRACTICE-4:- Distance 100 yards, Kneeling 5 rounds application.

Highest possible score $20+20=40$.

PART III:- Riot practice - 20 rounds ball, 5 rounds buckshot.

Target 12' x 6' divided horizontally into three 2' compartments, the middle counting 3 for a hit and the upper and lower 1. On the target, four or five dissimilar aiming marks each capable of independent description by a section commander. As many targets must be provided as there are sections firing at one time.

Note – If found unwieldy the, target may be made in two or more parts, set up side by side on the range.

PRACTICE-5:- Section commanders will not fire. The party (two or more sections) marches on to the range under a drill Sub-Inspector, halts at 120 yards from the targets and fixes bayonets. The commander gives the warning laid down in Rule 113. Then –

- (a) Advance to 100 yards, halt and fire-Individually 2 rounds per man. By files-2 rounds per man.
- (b) Advance to 75 yards, halt and fire. By files-3 rounds per man. By half section-3 rounds per man.
- (c) Advance to 50 yards. Fire-By half Section - 5 rounds per man.
- (d) Advance to 30 yards, Fire by Sections, 2 rounds per man. Rapid fire - 3 rounds per man.
- (e) Advance to 25 yards, fire by Sections, 5 rounds buckshot. The score of each section will be calculated on the following basis:-

Hits + Style + Evenness of buckshot distribution.

For style the Superintendent of Police will allot points in multiples of 10 to a maximum of 200, and for evenness of distribution of buckshot to a maximum of 80.

The highest possible score for a section of twelve men and a commander is 1,000, made up:-

Hits – $12 \times 20 \times 3 = 720$.

Style – 200.

Buckshot distribution - 80.

82. Method of marking

For marking, a dummy target set up in front of the marker's butt and a signaling disc, consisting of a pole with an 8" disc, painted black one side and white the other, attached to the end, will be used. After signaling the value of a shot in accordance with the rules below, the position of the hit will be shown by placing the disc black side outwards over the hole, or, where facilities exist for lowering the marking target, by affixing a black or white patch. The following code of signals for markings will be used:-

Bull – Disc placed white side outwards over the bull on the marking target.

Inner – Disc waved horizontally across target.

Magpie – Disc related to show black and white side alternately.

Outer – Disc waved vertically up and down target.

Ricochet or miss – Red and white flag waved in direction of shot.

83. Practices to be marked:-

In part I, shots will not be marked, but the value of the group and the point of mean impact will be signaled at the end of each practice. In addition after practice I, the fires should be taken to their targets and shown the result of their errors in position of firing.

In Part II each shot will be marked and signaled.

Part III will not be marked until the end of the practice, when section commanders will see the result of their fire orders.

84. Men to fire the Annual Musketry Course:-

The various branches will fire according to the following list:-

Armed Police – Parts I, II, III, annually

Unarmed Police – Parts I, II biennially.

Recruits at the Assam Police Training School-Parts I, II, III before passing out.

85. Disposal of lead recovered from butts after target practice

The Inspector or Sub-Inspector in-charge of the Armed Police will be responsible for telling of a Head Constable and sufficient number of Constables to collect the lead and fired cartridge cases and to make them over to the reserve Officer to be placed in the magazine and entered in the magazine account. The lead, if it cannot be used for any departmental purpose, should be sold locally and the proceeds credited into the treasury or otherwise disposed of according to order.

86. Register of target practice:-

A register of target practice will be kept in each page will be sign by the Officers Supervising the practice.

Each man's musketry classification will be entered in red ink in the remarks column according to the following score obtained in Part II:-

30 or over	Marksman.
24 or over	1st class shot.
16 or over	2nd class shot.
Below 16	3rd class shot.

87. Officers to attend target practice:-

All Officers present attend target practice on all occasions. The Superintendent of Police, Assistant Superintendent of Police, or Deputy Superintendent of Police at head-quarters shall attend practice frequently both with and without notice.

88. Precautions to be taken when firing is going on:-

Before the beginning of the practice the Superintending officer will inspect the target to see that there are no bullet marks on them, that the bull's eye and centre have been marked on them, that fresh paper have been pasted at the back and that in all other respects the targets are correct. He will also, when necessary, compare the register with the bullet mark on the target and sign the register.

No shot should be fired until the large red flag is hoisted on a staff placed on the butt. There should be a danger flag at the marker's butt and at the firing point, and all firing should cease when these flags have been hoisted. A bugler should be on the range, and under the orders of the Officer Superintending the practice.

In general, the rules laid down in small arms training to ensure safety on the range will be followed.

89. Annual report on target practice:-

Between the 1st and 15th of May each year a report will be submitted to the Director General and Inspector General of Police.

90. Musketry prizes:-

1. Each Superintendent is authorized to distribute as prizes his grant under "Rewards for Marksmanship" at his discretion.
2. On the 1st May each year Superintendent of Police will submit to the Director General Inspector General of Police the score sheets of the best shots in the district and of the best section, in musketry during the year ending the previous 31st March, The Director General and Inspector General of Police will then award special prizes out of his reserved grant under "Rewards for Marksmanship".
3. The Director General and Inspector General of Police will also award two prizes Rs. 300 for the best shot and Rs. 150 for the next best shot in the annual revolver course.

**REGISTERS AND RETURNS
(Rules 91 to 98)**

91. District order book:-

In this are to be entered all changes connected with the sanctioned strength or distribution of the force and all matters concerning the service, pay, allowances, postings and deputation of individuals. Each order should be given a serial annual number and a reference should always be made to any previous connected order. A margin should be left on either side. In the outer margin should be noted the number of each order and its subject such as "Escort", "Promotion", "Leave", "Transfer" etc. In the inner margin should be entered the various registers and the pages on which extracts have been copied from each order and such as "S.S. 20", "P.R. 35", "L.R. 10", etc. (Service sheet, Punishment register, Leave Register, etc.). These marginal entries will be initialed by the reserve officer in token of due entry in the registers concerned.

The order should be as brief as possible, such "Z reported his arrival on transfer – (or on joining appointment) - this day forenoon vide demi official No _____ dated _____ "In continuation of demy official No _____ dated _____ Constable No _____ reported his return from – (or availed himself of) - 3 months leave on average pay this day afternoon". "Head-Constable A. B. having been on duty and of uninterrupted good conduct for 6 months in black mark awarded in demi official No _____ dated _____ this is hereby expunged". "Head-Constable Chaving been found absent from Treasury Guard at 4 P. M. on the 11th March 1911 is reduced from _____ to _____ for a period of _____ vide proceedings No _____ dated _____".

The order book must invariably be signed by the Superintendent of Police himself daily, if at head-quarters, but if he is away on tour, on his return. It is not necessary that each order should be signed separately.

92. Morning report:-

This book will be kept by the Inspector or reserve Sub-Inspector, as the case may be.

Gazetted officers will place their initials against the heading "Present and fit for duty" in the morning reports of the days on which they attend parades.

A brief note at the foot of each days' report, showing the changes that may. have taken place in the force since the previous days' report, will be found very useful in making out the pay bill and other monthly papers and returns connected with the force thus-

Sub-Inspector - one died.

Head – Constable - One promoted.

Constable - One enlisted and one promoted.

In the above entries, fore-noon or after-noon, as the case may be must be noted.

Details of the entry "Miscellaneous duty" must always be given in a foot-note. When arrangement is made in place of an absentee, only the locum-Tenens should be counted in the grand total and not the absentee also. The total number of absentees for which such acting arrangements are made, should be made in foot-note. The total number of vacancies and excesses in each rank should be mentioned in the monthly force return.

The register should be preserved for five years before being destroyed, as it is most useful when question arise regarding changes in the strength of the force.

Special care should be taken to see that the various totals and that there are no discrepancies.

93. Force return:-

The force return is divided into three parts and contains all the information required by the Director General and Inspector General regarding the force. Part I is merely a copy of the morning report as it stands on the first of the month. Enlistments, Casualties or any other changes which take place on the list should not be entered. When a deviation is made from the sanctioned allotment of officers and men at stations, a foot-note should be given explaining the deviation. Part II and III require no explanation.

Superintendent of Police will submit to the Director General and Inspector General this return showing separately the armed and unarmed branches.

The return should be dispatched from the Superintendent of Police's office not later than the 3rd of every month and will be filed in the office of the Director General and Inspector General after necessary; has been taken on it.

94. Statement of unfilled vacancies in the rank of Assistant Sub-Inspector, Head Constables and Constables :-

1. Monthly statement showing the number of unfilled vacancies in the ranks of Assistant-Sub-Inspectors and of Head-Constables and Constables of both the Armed and Unarmed Branches will be submitted with the monthly force return to the Director General of Police not later than the 5th of the month following that to which it relates.
2. A statement consolidated in the office of the Inspector General of Police showing the total number of vacancies for the whole state will be maintained for further necessary action.

95. Mistake in the force return to be avoided: To avoid mistakes commonly made in preparing the force return the following instructions should be carefully observed.

Deviations from sanctioned allotment of force should be explained in the foot-note. In the details of vacancies and excesses, actual vacancies and excesses should be shown.

96. Reserve register: The object of the register is to bring together certain information in regard to the force for the purposes of compiling annual returns, and it should be consulted (a) before increments are drawn (b) before submission of the return relating to officers 55 years old; (c) before the submission of indents for clothing. So far as constables are concerned it takes the place of the gradation list and should be consulted before promotions are made.

The date on which an increment is due should be entered in black ink above the line, the date from which it is actually drawn, (1-1-1990), being entered in red ink below the line thus.....(1- 4-1910).

The number and the date of any district order affecting the service increment should be entered in the remark column in red ink.

The date of increment of a Constable should be filled in after the return of a recruits verification roll.

Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head-Constable and Constables will be allotted separate parts of the register.

The date of deputation to the Training School should be entered in pencil erased on the recruits return.

The register must always be up to date and re-written when necessary.

97. Ammunition account register: A register will be kept of the receipt and expenditure of ammunition. Ammunition will be entered as expended only when permanently transferred from the stock of the district, when lost, sold, or fired. A subsidiary account should be kept of all temporary issues in the district and of issues to escorts sent from the district.

Ammunition for "Service" and "Practice" will be kept separate. The expenditure of ammunition should be entered under four heads, revolver, standing guards. Practice and Escorts. These four heads should also be shown in the annual return of stores.

98. Visiting guards and register of visiting guards.: An officer will be told off dally to visit all guards, once by day and once by night, at uncertain hours. The name of this officer, with other particulars, will be entered in this register,

No entry in the order book is needed. The Superintendent of Police should see that the hour of visiting the guards is varied, and that the services of the officer detailed are utilized as far as possible for seeing that the town police are on the alert. On the following morning the officer who visited the guards should submit his report.

ARMS AND AMMUNITION (Rules 99 to 127)

99. Damage to arms due to defective ammunition: In investigating cases of damage to arms due to defective ammunition, the place and date of manufacture of the particular cartridge that cause the damage should be recorded in the proceedings of the court of enquiry, which must be held whenever damage occurs. Special care should be-, taken to collect all possible evidence as to the ammunition used, and the remaining ammunition of the same batch on hand should be subjected to test as described in the next rule.

100. Test of ammunition: If a Rifle is damage in firing or if during musketry, the ammunition appears to be defective, it will be tested by the armourer in the presence of the Superintendent of Police or other gazetted officer in the following manner :-

"Forty rounds will be taken at random from the box alleged to be defective, and examined for verdigris round the cap and signs of deterioration. If it shows much verdigris and looks generally in bad condition it is unserviceable. It is looks good, or shows only slight verdigris the forty rounds will be fired into a bank of earth or other safe place, from a good musket. If the ammunition gives a misfire, marked hang fire, pierced cap, burst cap, split to within one inch of base, or detached base-disc a second similar test will be made with another Rifle with 40 rounds taken from a freshly opened box of the same make and date of manufacture. If the defects recur at the second test, the ammunition is unserviceable. If no defects occur at the retest, it is serviceable.

The result of the test may be taken as applicable to all ammunition on hand of the same make, and manufacture within 14 days of the test sample.

If the quantity so condemned is over 53 boxes however the batch should be divided into two according to dates of manufacture and the second batch tested in a similar way to the first. Live ammunition, or explosives of any kind will not be forwarded to an arsenal until the consignor is satisfied that the consignee is ready to receive it.

101. Rules regarding ammunition.

1. Ammunition in the magazine should be kept on trestles well raised off the ground. The boxes should be kept apart to prevent dry rot and for prompt detection of the presence of white ants. The legs of all such trestles should consist' of glass bottles up which, if kept at all clean, white ants cannot crawl.
2. Each box of ammunition on receipt should have a label pasted on it showing clearly (a) the contents, (b) the date of receipt and (c) whether it is for service or practice. All ball and buckshot ammunition on receipt should be classified as service in the first instance and an amount of the

oldest service ammunition in stock equal to the amount received from the arsenal should be transferred to practice and labeled "Practice" with the date of original receipt.

3. All ammunition issued to guards and escorts should be from practice ammunition.
4. Whenever any ammunition is expended, the officer-in-charge of the party shall count all unexpended ammunition in pouches and all empty cases picked up and will be responsible for any deficiency.
5. Buckshot cartridges when carried loose in large pouches quickly become unserviceable, and must be changed frequently. These should, therefore, always be carried in the expense pouch. If they fit loosely in the pouch a piece of soft dry cloth should be inserted to prevent the pellets being shaken out.

102. Storage of empty cases: All empty cases must be carefully collected and stored. Ball and buckshot cases should be kept separately and accounted for separately.

The total number of empty cases and cartridges in the possession of a district police force should never exceed the authorized allotment of ammunition of the district police.

The paper cases of fired blank ammunition need not be returned to arsenal, but should be burned, and the metal cases destroyed. Superintendent of Police will enter a certificate to this effect in the ammunition account.

103. Return of empty cases to arsenal.

- (a) The number of small arms ammunition empty cases returned at one time should be multiples of the number of ball cartridges contained in a full box. Ammunition should not be returned with the wrappers worn through or illegible without adequate explanation.
- (b) Before returning empty cartridge cases to the arsenal, every package should be carefully examined for loaded cartridges, blank or ball. On no account is this examination to be dispensed with as any neglect of this precaution may result in serious loss of life and property.
- (c) Casualties, such as misfires, etc., must be returned separately and are on no account to be returned with empty cases or other stores.

104. Marking and numbering of arms: The rifle and bayonets issued will be numbered by the Allahabad Arsenal, if so requested and a note to this effect, showing also the marks required should be attached to the indent when obtaining arms. Arms not so marked in the arsenal will be marked by the armourer.

The marks will consist of the district abbreviation and the district serial number and each bayonet should bear the same number as its Rifle.

When any article is issued in replacement of one lost or condemned the new issue will be given the number of the article replaced, and if arms are transferred from one district to another, they will be remarked in the new district. Marks to be renewed when necessary. At all inspection of rifles and equipment care should be taken to see that all district marks are still clearly visible.

Those showing signs of becoming worn out should be renewed.

105. Extensive repairs to arms: When arms cannot be repaired in the armourer's shop, owing to the nature of the repairs required application should be made to the ordnance department on I.A. FORM Z-2098, in triplicate through the Director General and Inspector General of Police for permission to send the arms to the arsenal for repair. On receipt of the necessary permission, the arms should be dispatched to the arsenal direct.

106. Trophy firearms: Trophy firearms in the possession of any district police force will be made unfit to fire by the armourer in the following way:-

- (1) Two slots will be cut circumferentially half through the barrel; (a) One at the juncture of the barrel and the body, and (b) the other just in front of the back sight.
- (2) The striker point will be reduced in length so as to allow of no protrusion.

107. Scale of arms: The scale of distribution of Rifles is one Rifle per Constable of the Armed Branch. In addition, a few Rifles are also allotted to each district for miscellaneous use. Their distribution within the district is at the discretion of the Superintendent of Police.

The Director General and Inspector General has power to modify the district scales, but the sanction of the Central Government is required to any increase in the number of Rifles supplied to the police in excess of the present scale sanctioned for the State. It is to be understood, however, that indents to make good deficiencies or for replacing unserviceable bored out fire arms do not require such sanction.

108. Quarterly inspection committee: All arms and equipment issued to men of the district police and all stores of every description. in store or in the Magazine will be inspected quarterly in January, April, July and October by a Board of three officers of whom the president should whenever possible, be the Superintendent of Police.

Any article which in the opinion of the board is unlikely to remain serviceable until the next quarterly inspection should be condemned. It should be included in the indent for replacements, but should remain in, use until it becomes absolutely unserviceable.

109. Replacement of articles damaged, lost or unserviceable: The board will come to a definite decision as to how the articles become unserviceable, damaged, or lost and how they are to be replaced and also how the unserviceable and damaged articles are to be disposed of.

In the case of articles lost or damaged through neglect on the part of an individual the proceedings will be forwarded on I.A> Form A-2. The board will assess the value of the article or article lost or damaged and will make their recommendation as to how the value should be recovered.

In cases where the cost should be recovered from the individual but owing to its magnitude cannot be so recovered, the proceedings will then be sent in original to the Director General and Inspector General of Police for approval and whenever ordnance stores are involved duplicate copies of the proceedings will be attached to the requisition to replace the condemned ordnance articles in I. A. Form Z-2091 for countersignature and transmission to the ordnance office.

110. Period in use: The committee should record, if possible, the period the articles have been in use. If the period cannot be traced a statement to that effect should be entered in column 4 of the requisition form (I.A. Form 2091).

111. Return of Stores to arsenal When stores are returned to the arsenal vouchers will be sent on the same day that the stores are dispatched.

For identification purposes, the date and number of the order directing the return of the stores will be quoted on the vouchers and on each package together with the weight.

Arms should invariably be dispatched in arms chests of which the lids should be screwed down. Packages containing arms, component parts of arms, ammunition cases must be sealed in four places and the seals countersunk and protected. Every package should contain a packing note giving a full list of contents and the name of the packer. Matches, iron, nails, etc. must never be left among stores of any kind.

Before arms are returned to store they will be examined and repaired by the armourer and should be accompanied by a statement showing the condition of each arm.

Care must be taken to see that all arms are unloaded before dispatch and any small screws or other components found deficient should be shown as-such on the vouchers.

Receipt and delivery vouchers should be in quadruplicate and should be sent to the Ordnance Officer in the same letter as the Railway receipt. Separate receipt and delivery vouchers must be furnished for the following articles :-

- | | | |
|----------------------------------|---|---------------------------|
| (1) Small arms and components. | / | Those of classes (1), (2) |
| (2) Ammunition. | / | and (3) to be on separate |
| (3) Empty Cartridge cases. | / | Vouchers. |
| (4) Condemned or Surplus stores. | | |

I. A. Form Z-2096 is used for both receipt and delivery vouchers. When unserviceable stores requiring replacement are returned to the arsenal, I.A. FORM Z-2098 should always be submitted in duplicate with the indent for an equal number of stores.

112. Disposal of ordnance stores: Stores supplied by the Ordnance Department are paid for by the police department and therefore belong to the police. When condemned however, they should not be disposed of until instructions have been given by the arsenal concerned regarding the method of their disposal. The value of stores, as conditioned, returned to the arsenal is credited to the Police Department, through the exchange accounts. If the stores are not required to be returned to arsenal instructions for their disposal will be given to the Superintendent of Police concerned. Superintendent of Police are to guard against the accumulation of surplus or absolute stores.

When any article become absolute owing to the introduction of a new pattern, or for any other reason, the number of absolute article will be reported to the Director General and Inspector General of Police who will issue orders for their disposal.

113. Auction and sales of condemned stores: Due publicity will be given to every auction or sale. An officer of the district police concerned (generally the officer-in-charge, Reserve) should be appointed to act as auctionee; but no commission is admissible to him on this account.

At all auctions "bid lists" will be kept in manuscript showing the names of the bidders and each bid made and the value of the final bid thus :-

Ram Singh - Rs.2-4-5	Ina Ram - Rs. 3-0-0 Ram Singh Rs. 5-0-0	Gopal Rs. 4-8-0
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The proceeding of sale will be credited in the treasury under the "Police-Sale" of old stores".

114. Scale of Ammunition supply: The following is the scale of ammunition for service practice by the various branches of the police:-

1. For Service.
Fifty rounds per Rifle.

2. For practice annually:-

- (a) Armed Police – (40 rounds per man)
- (b) Un-Armed Police (20 rounds per man)

The allotment of each district will be calculated accordingly. The allotment of the Police Training School will be on the above scale for its permanent staff plus Recruits. **Note.** – Ammunitions supply for annual practice may be reduced to reasonable limits as per availability of ammunitions in store.

115. Indents:

(a) Indents for ammunition should be submitted in duplicate (I.A.F.Z .- 2091) to the office of the Director General and Inspector General of Police, one copy of the indent will be retained in the office of the Director General and Inspector General of Police. In all requisitions the description and number of weapons for which the ammunition is required should be given in the terms used in the arsenal. A first issue of ammunition must always be distinguished from a periodical supply, a separate requisition being submitted in each case.

Indents for ammunition must be for complete blank ammunition boxes to the nearest of rounds, as the supply of part boxes is contrary to instructions issued by the Ordnance Officer. As far as can be Conveniently arrange also, indents for buckshot and pistol ammunition should be limited to complete boxes, and in no circumstances, even when it is necessary to indent for broken amounts, may an indent involve a broken packet; indents for this type of ammunition must be at least to the nearest full packet.

Similarly practice and service ammunition should be indented for separately one description of ammunition should not be indented for in lieu of the other. This is necessary as practice ammunition should cover ordinary expenditure and service ammunition should never be deficient except when actually expended on service, e.g., in quelling a riot.

(b) Indents to replace service ammunition should be submitted promptly accompanied by a certificate signed by the Superintendent of Police that the number of rounds demanded is required to replace a similar number of rounds expended on service.

(d) Practice ammunition should be indented for as seldom as possible. The arsenal authorities are willing to supply practice ammunition whenever required, but in order to simplify accounts Superintendent of Police should normally limit their indents.

(d) All indents except those for "first issue" should be supported by a quotation of the arsenal receipt voucher for fired cases.

(e) Should there be any deficiency owing to loss of cartridges or empty cases the Superintendent of Police should submit to the Director General and Inspector General of Police a statement of the number of cases so lost with a committee report.

The Director General and Inspector General of Police will, if the explanation is considered satisfactory, sanction the writing off of the deficiency and the supply of the ammunition on indent. This sanction must be attached to the indents as the arsenal will not otherwise supply broken amounts.

(f) Indents to replace ammunition which has become unserviceable through fair wear and tear or misfires should be accompanied by I.A.F.Z. 2098.

(g) The arsenal authorities will only issue ammunition in exchange for fired cases returned, plus those lost and written off as laid down in paragraph (e) above.

116. Outstanding indents: When stores have been outstanding on indents for three months a memorandum mentioning the number and that of the indent, and the stores concerned should be sent to the Ordnance Officer, with a report that the issue should be expedited.

117. Dispatch and freight of stores: Stores will be dispatched by the cheapest route and mode of carriage but in exceptional circumstances they may be dispatched by a more expeditious method provided the sanction of the Director General and Inspector General of Police is obtained.

118. Taking delivery of stores: A Sub-Inspector, Assistant-Sub-Inspector or Head Constable should be deputed, to take delivery of any stores from railway or steamer station before doing so he should weight each case or package and examine the seals, should he have any cause to suspect that such case or package has been tampered with, he should report the matter to the senior police officer at headquarters for orders.

In reporting any discrepancy of ordnance stores the fullest information will be given, all numbers, weights and marks upon the packages giving evidence of their having been tampered with being carefully recorded. The packages, with their notes and all wrappers, will be retained until the enquiry closes.

119. Credit note details: Details of stores dispatched, together with the number and weights of packages, will be shown in the credit notes and vouchers.

120. Committee on receipt of stores: On receipt of any stores the receiving officer will assemble a committee which will consider the state of the stores received and prepare a report. If the consignment is not in good order it will be opened in the presence of a railway or steamer company's representative and any loss, damage or discrepancy, noted in ink in the railway receipt. The consignee will make the

necessary enquiries with the carrying authorities and necessary claim with a valuation statement will be submitted forthwith to the Agent of company.

If the carrying company refuse to admit liability the loss will be reported to the Director General and Inspector General of Police for his orders.

121. Procedure on receipt of arms from arsenal: Arms will be examined by the boards on receipts from the Ordnance Department.

They should not be rejected for mere-blemishes which do not interfere with their efficiency. The existence of such defects will be recorded in order to shield the district police from any future responsibility. Stars in front of the Knox form on barrels of Rifles and on the left hand side of the top strap of pistols, denote that the trace of a cut or of rust may be found inside the barrel. Stars on the other portions of barrels denote that a trace of exterior erosion exists in the region of the star.

122. Loss or theft of arms or ammunition: In the case of loss of rifles, revolvers, pistols, ammunition for rifles or other explosives an immediate telegraphic report will be made to the Director General and Inspector General of Police and a copy to the Officer in-Charge of concerned Police Station, so that investigation may be made at once.

If the deficiency is in a consignment received from an arsenal the Chief Ordnance Officer will also be informed by telegram at the same time. In all investigations into the loss of arms care should be taken that all distinguishing marks and number on the lost arms are duly recorded.

A board of which the president will usually be the Superintendent of Police of district will be appointed in all cases to investigate and record the circumstances in which arms were lost.

123. Stores from private firms: When stores are received from private firms, they will be compared with the sealed pattern but should not be condemned for slight or unimportant deviations.

If they are not up to standard and the supplier refuses to replace them, a board will be assembled to report fully on the matter and the proceedings of the board will be sent to the Director General and Inspector General of Police for his order.

124. Ammunition boxes-bow to be opened: On receipt of ammunition or stores from the arsenal the boxes should be carefully examined to see that they have not been damaged in any way in transit, but they must be opened until required for immediate use. Boxes of ammunition, the seals of which are intact, should not be opened for the purposes of counting the contents only, as the boxes cannot be soldered up again satisfactorily and if left open, the contents are likely to deteriorate. Ammunition from any open boxes should be used up before unopened boxes are drawn upon. The quantity in the invoice from the arsenal may be accepted as correct.

125. Receipts to be returned immediately:-

(1) Receipts for stores issued from the arsenal should be signed and returned by receiving officers without delay to the Ordnance Officer-in-charge of the arsenal as vouchers, for the adjustment of Ordnance accounts.

(2) A close adherence to the forgoing clause is particularly important as must correspondence, labor and trouble fall on the arsenal through the departmental rules not being adhered to by officers indenting for or returning stores.

126. Custody of arms etc: All arms and component parts when not in use will be kept in racks in the armory, and the ammunition in the magazine. All stores should be kept in the store room. The Officer-in-Charge, Reserve, will keep the keys of the armory and magazine and will be responsible for the proper care of the arms and ammunition, Superintendent of Police are personally responsible for the arms in their districts. In assuming charge they will carefully examine and report on their condition.

As regards the arms of the Emergency Armed Reserve, in Sub-divisional headquarters they and those sanctioned for the Thana staff will be kept in the Police Station/Treasury guard room. The Head-Constable in-charge of the guard, as the case may be, is only responsible only for the safety of these arms while in his charge, the officer-in-charge town police is responsible for their cleaning and condition. The arms in possession of the men at headquarters those in the armory and those in outlying stations guards and must be counted by a gazetted officer once every six months and compared with the number shown in the reserve stock book and in the arms register of the officer-in-charge, reserve. .

127. Arms, etc. to be entered in the reserve stock book: All arms and ordnance stores, excepting ammunition, will be entered in the reserve stock book kept under Rule 139.

The officer-in-charge, reserve will also keep a register of arms in showing district police numbers, factory numbers and marks on all Rifles and in whose possession the Rifles are. Surplus Rifles and those belonging to all men on out-post will be shown in this register.

In the first week of every month the Superintendent of Police must certify at the foot of the register that he has personally satisfied himself that all Rifles, bayonets, etc. allotted to the district are available and can be satisfactorily accounted for. During the Superintendent of Police's unavoidable absence, which should not occur in two consecutive months, the certificate may be given by the senior available police officers present not below the rank of Inspector.

RULES REGARDING REVOLVERS/PISTOLS (Rules 1 28 to 132)

128. Revolvers/Pistols: A revolver/pistol of any pattern taking 380 ammunition or a 9mm Browning pistol is prescribed as part of the equipment of all police officers of and above the rank of Sub-Inspector.

129. **Custody of Revolvers/Pistols:** All districts police are supplied with revolvers/pistols with holsters and ammunition pouches on the scale laid down.

The distribution of these lies at the Superintendent of Police, but normally the following officers at Headquarters should be armed with them:-

1. Revolvers/Pistols may be kept in the custody of those officers, who are personally responsible for their safe-keeping and condition. They will sign in a charge sheet and will furnish separate receipts to be filed with the arms account. Superintendents of Police will certify in the monthly Force Return that they have examined the revolvers/pistols and ammunition during the month and have found them clean and serviceable.

130. Revolver/Pistol ammunition :

The supply of ammunition will be free. The scale for districts is 36 rounds service and 48 rounds practice for each officer of and above the rank of Sub-Inspector on the district Sanctioned strength.

Twelve rounds of practice ammunition will be issued to every officer possessing a revolver/pistol who is personally responsible for their safe-keeping and for that of the empty cases of any which may be fired by him. In addition, at every police station and out-post there will be kept in charge (of the officer in charge) a "First Reserve" of 12 rounds per officers attached, including, at sub-divisional Head-quarters, Circle and Court Inspectors and Court Sub-Inspectors.

The balance of the practice ammunition and all service ammunition will be stored in the magazine at Head-quarters.

131. **Annual revolver Course:** Every Police Officer possessing a revolver/pistol will fire the annual revolver course and in addition. Superintendent of Police will arrange that all other Inspectors and Sub-Inspectors will fire a course every second year.

Probationary Sub-Inspectors under training at the Training Academy will practice and fire which under-going basic course

132. Revolver/Pistol practice.

The full course will consist of two parts, Part-I Preliminary Training and Part II-Classification.

Part I - Preliminary Training. - 3 days.

1. *Revolver / pistol drill on parade grounds.* - The instructor will first train each individual in the correct way to hold a revolver/pistol. Continual practice is necessary to ensure that the revolver/pistol is grasped in the same manner each time it is drawn from the holster. It should be demonstrated and proved that each man has a master eye and an instinctive pointing sense. Great care must also be exercised over trigger pulling. The trigger must be pulled straight back and not pressed across. The revolver/pistol must not be pulled up or pushed down. It must be impressed upon the trainees that

the instinctive pointing sense the correct hold combined with the master eye and trigger pull, are all that is necessary to make a proficient revolver/pistol shot. Instructors will note whether a man's left or right

eye is the master eye, the trainee will automatically use that eye for aiming purposes. Double action only will be used throughout the whole course.

2. *Revolver/pistol Drill on the range.* - 1. 6 ft. full figure target at 10 yds. - Individual.

Each man will fire up to six rounds at the target. Faults will be corrected as necessary and the firer made confident in his ability to place a shot on the target

3. 4 ft. half figure at 15 yds. Same as above-6 rounds only.

4. 4 ft. half figure target at 5 yds. Same as above-6 rounds only.

Part II - Classification.

Practice 1-4 ft. target – 15 yds. Range - 6 rounds-Time - 15 secs.

Firer will stand "at case" with holstered revolver/pistol loaded with 6 rounds.

On target appearing, firer will draw-revolver/pistol and fire 6 rounds at the target. Target will be lower of the expiry of the time limit.

Score. - Shot in rectangle 4" x 8" - 4 points each.

Shot in rectangle 8" x 6"-3 points each.

Shot in rectangle 12" x 16"-2 points each.

Shot elsewhere on target - 1 point each.

H. P. S. - 24 Points.

Each shot in centre rectangle 5 points.

Each shot remainder of target 3 points.

Cleaning and Repairing of Arms etc. (Rules 133 to 138)

133. **Armament.** The scale of Rifles for each district is sanctioned by Government based upon the sanction strength of the armed Branch, and town Police, and may not be permanently altered except by the order of Government.

The component parts and the scale sanctioned for annual supply are shown in "The Equipment Table".

134. Armourers.

(1) Armourers ranking as constables of the Armed Branch are entertained in all districts having an Armed Branch at the rate of one for every complete 160 Rifles sanctioned. Where the number of Rifles sanctioned is in excess of an exact multiple of 160, and in districts not having an Armed Branch, a constable from the ordinary Reserve is trained as an Assistant Armourer, to look after these Rifles in addition to his ordinary duties.

(2) Armourers and Assistant Armourers receive special pay at the rate of six paise per month per Rifles looked after, subject to a monthly maximum of Rs. 5.

(3) Superintendents of Police will arrange that every Rifles and bayonet (including those at the Sub-Divisional Headquarters and outlying police stations) is inspected at least once a month by an Armourer

or his Assistant, special pay will not be drawn for any Rifles not inspected, or found defective after inspection.

(4) He will be responsible for the care and custody of all tools in his charge and for all spare component parts. He will also keep up a manuscript list of receipt and expenditure of all spare component parts and a book showing the work done and the number of the Rifles repaired, and overhauled.

(5) The Armourers, with the permission of the Superintendent of Police may do outside work and take payment for it subject to the condition that all such work is done in their leisure hours and without detriment to their police duties.

(6) Armourers and Assistant Armourers will attend parade twice a week, and will fire the annual musketry course.

135. Training of armourers: No man may be employed as an Armourer or Assistant Armourer unless he has undergone a course of training in an Arsenal and has obtained a certificate of competence. When it is desired to send a man for training, the Superintendent of Police will apply accordingly to the Director General and Inspector General of Police who will arrange with the Arsenal authorities for the course.

The stripping or removal of any part of any arm except by an armourer is strictly forbidden.

Testing weapons of any description in-charge of police is strictly forbidden.

This does not apply to local firing tests, for accuracy authorized by small arms training.

136. Requisition for component parts.

(I) All actual expenditure from the stock of components should ordinarily be recouped annually by Superintendent of Police on requisitions countersigned by the Director General and Inspector General of Police.

(II) Components will only be issued by the arsenal in exchange for the actual number of unserviceable components of the same description, returned to the arsenal. The requisition must therefore show the number and date of the receipt voucher for such returned articles. Should there be a deficiency of unserviceable components returned, the procedure laid down in Rule 110 must be followed.

(III) Superintendent of Police should see that Armourers do not use components without due reason and that no bazar-made components or, components made by the District Police Armourers themselves, are used. No components should be issued to the Armourers without necessary entries being made in the reserve stock book and the Armourers receipt taken.

(IV) All unserviceable components must be deposited in the store 'room after entering them as such in the stock book.

(V) Armourers are supplied with tools. No fixed period has been laid down for the duration of these tools. They will be replaced when unserviceable in the same manner as components parts.

(VI) Armourers shops should be built close to the beat, of the sentry on the magazine and should always be locked in the absence of the Armourer. The key will be with Armourer who is responsible for its contents.

137. Stripping and cleaning of arms: (I) For the ordinary cleaning and oiling of his Rifles, the constable to whom it is issued in responsible, and the monthly inspections by the Armourer, vide Rule 129 should ensure that Rifles are always serviceable.

In addition, once every three months every Rifles must be stripped by the Armourer, thoroughly cleaned, tested and overhauled, and the fore-end re-lubricated by a mixture made by heating bees wax and Rangoon oil in the proportions of 1 lb of the former to 1 pint of the latter. Unless this is done, the barrels rust and rapidly become unserviceable owing to deep external corrosion.

(II) The Armourer shall keep up a manuscript register which will show the serial number of each Rifles in the district. Opposite each number will be entered the date on which he last thoroughly overhauled, cleaned and lubricated it in accordance with the above orders. The Superintendent of Police should see that this is carried out according to a regular programme.

(III) No oil other than Rangoon oil should be used for cleaning arms, and sub-divisional treasury and other guards should invariably be supplied with the same. Escorts' should invariably carry the Zinc oil bottles on their belts to enable them to clean their weapons daily.

138. Inspection by the Chief Civil Master Armourer: At intervals the C.C.M.A. will arrange to inspect police muskets during his tours. Prior notice to Superintendent of Police of these inspections will be given by Director General and Inspector-General of Police and every Rifles which can be spared from outlying stations should be brought in temporarily to headquarters for inspection.

Unless unavoidable absent by reason of duty, the Superintendent of Police, or his Assistant or Deputy Superintendent of Police should invariably be present at this inspection.

The Rifles must be in numerical order, clean and dry (i.e., all oil wiped off), and ten percent should be stripped to enable the C.C.M.A. to examine the external conditions of the barrel.

A roll of arms in I.A.F.O. 1455 in triplicate must be prepared in advance-if the form is not available typed lasts giving (a) district number, (b) place of manufacture, (c) makers number, (d) wide column for remarks will suffice.

Bayonets and scabbards should be arranged on similar lines, and Armourers tools laid out of facilitate check.

DEPARTMENTAL STORES

(Rules 139 to 145)

139. Accoutrements.

(I) A list of accoutrements in use in given in the equipment table. Accoutrements are supplied for Head-Constables and Constables by authorized Contractors/Suppliers through the Director General and Inspector General. They must not be otherwise procure.

(II) The sanctioned number of accoutrements is, for bayonet scabbards, bayonet frogs, ammunition pouches and slings a number corresponding with the sanctioned number of muskets for the district plus an additional 5 percent, to replace damage or loss and for emergencies; for beits, batons, beton frogs and thons a number corresponding with the number of Head-Constables and Constables sanctioned for the'

district plus an additional 5 percent. The number of great-coat straps should correspond with the sanctioned number of Head-Constables and Constables in the armed branch plus an additional 5 percent.

(III) Other accoutrements are issued from the reserve as occasion inquires to guards, A.P.R., etc. They must be accounted for in the reserve stock book.

140. Whistles and Whistle calls.

(A) *Whistle* – Whistles of "Metropolitan Police" pattern, and lanyards of the same color as the kulla and fringe will be supplied to all Head-Constables, to all Naiks of the Armed Branch and to all Constables of the Traffic police.

The lanyard will be worn round the right shoulder, and under the shoulder strap, and the whistle will be kept in a small cloth pocket sewn inside the coat or blouse, between the second and third buttons.

All officers above these ranks will provide themselves with whistles and khaki lanyards, the whistles being carried in the right hand breast pocket.

(B) *Whistle calls* – The system of whistle calls given below will be observed:-

Every call will be repeated at intervals until acknowledged, or the necessity has passed. The acknowledgement will be given in the form of a single long blast.

I. A long blast followed by a short one, repeated three times. Thus _____

Beat constable or constable on duty is required by a superior officer.

II. Rapid series of short blasts, thus _____ Immediately assistance required.

Other calls to suit local conditions (e.g., between beats in towns) may be instituted by district order.

141. Committee on stores received.

(I) On receipt of stores, a committee consisting of a president (the Superintendent of Police when present) and two members will be assembled to report on the stores. If any stores are found in bad order a copy will be sent to Director General and the Inspector General but not otherwise.

(II) In dispatching any ordnance or departmental stores, tents, tarpaulins equipage from the district a similar committee should be assembled and a report made out as to the condition of the stores dispatched. A packing note containing the packer's name must be enclosed in the box, case or package in which the articles are sent.

143. Marking of stores

(I) All leather accoutrements and all metal items such as whistles, oil bottles, etc should be marked immediately on receipt with a punch.

The mark will consist of a serial number, the year of receipt and the distinguishing mark

The marks will be so placed all not to show when the article is in use, and must be renewed before they become illegible.

(III) Accoutrements should last for four years.

143. Cleaning of Accoutrements: The reserve officer is responsible that the accoutrements, boots and any other leather items in store are property cleaned and dubbined. They will not be polished while in store. Each man is responsible for the proper cleaning of the leather equipment and boots (if any) issued to him.

Boots will be kept clean and well dressed with dub bin or caster oil. They will not be polished unless by the orders of the Superintendent of Police for special parades.

Leather equipment (belts, bandoliers, pouches, frogs etc.) will ordinarily be kept clean and highly polished, but if the leather appears to be dry, or to show signs of cracking, it should be dressed with dub bin until pliable, and then re-polished.

The following recipe formomrogan is found to answer well for cleaning and polishing accoutrements.

BEES WAX 1 LB.
VASELINE 1 LB.
MUTTON TALLOW 3 LBS.
CAMPHOR 2 OZs.
SPIRIT OF TURPENTINE 1 Pint.

If the leather be dirty or stained it should be well washed with soft soap, water and a sponge and then dried in the shade. When dry, the leather should be carefully cleaned with a dry cloth. A small quantity of the above mixture should then be applied with the aid of a stiff brush, and the leather should then be polished with a soft dry brush.

For items such as bayonet scabbards and musket butts, heel ball in a suitable polish. Dubbin and polish should be made up in bulk in the reserve and issued as necessary-the buying of small quantities of patent polishes is expensive, and to be avoided.

144. The reserve stock book: A stock book shall be kept by every reserve officer showing the ordnance (except ammunition), departmental and other Government stores and property in his custody including books and furniture which find entry in the Superintendent's office stock book.

(b) One page at least shall be set apart for each article in store.

145. Annual committee and certificate replacement and disposal of Condemned stores:

(I) During the rains the Superintendent of Police shall assemble committee consisting of a President (the Superintendent of Police when present) and two members and examine all ordnance and departmental stores at Headquarters and compare them with the reserve stock book. Extracts referring to such stores from his Inspection remarks at Police stations out post, Sub-divisional courts and treasury guards should invariably be sent to the reserve and should be examined by the committee.

(II) Articles should not be condemned solely because they have lasted the allotted period but only on account of their being in such a condition as renders their use for another six months improbable and for another year impossible.

(III) If any articles are deficient negligently or carelessly damaged or destroyed the committee should hold an enquiry and proceed in accordance with Rule 136.

(IV) If it is found necessary to condemn a tent a committee of three gazetted officers should examine it, in ordinary circumstances no new tent will be supplied should the condemned tent not have lasted eight years and tarpaulins five years. Requisition for tents should be submitted separately to the Director General and Inspector General of Police

(V) The reserve officer is responsible for obtaining the orders of the Superintendent of Police on all repairable stores as soon as they are damaged, as well as for their being promptly repaired on receipt of orders.

(VI) Orders for the disposal of unserviceable departmental stores and camp equipage will be passed by the Director General and Inspector General of Police. If unserviceable stores cannot be sold, they shall be destroyed. Leather accoutrements will be altered, and brass badges destroyed in such a way that they cannot be used for the purpose for which they were originally supplied.

TENTS (RULES 146)

146. **Supply of Tents:** The full scale of tents will not necessarily be sanctioned for a district, but sanction will be given in accordance with the circumstances of each particular area.

GUARDS (RULES 147 TO 184)

147. **Guards:** Police guards are either permanent or temporary. Permanent guards are those for which provision exist in the sanctioned strength of the district, and are generally confined to treasury guards at headquarters and in sub-divisions, and the quarter guards for protection of the armory, magazine and barracks in the reserve lines.

Temporary guards are those which are supplied for various temporary public purposes, from the reserve. Temporary guards may be supplied without the sanction of Government only to the following officers:

(i) To VIP on tour. A guard of one Head Constable one Naik and six Constables will be provided when required for the protection of the camp, to act as guard of honour if required and for the custody of under-trial prisoners if court is being held in camp.

All other requisitions for guards will be referred to the Director General and Inspector General of Police who will arrange to obtain the sanction of Government and will issue instructions as to the debiting of any charge incurred.

148. **Application for permanent guards:** No requisition for the supply of a permanent guard shall be acceded to without a reference to the Director General and Inspector General of Police which should contain a full explanation of the reasons alleged in support of the application by the officer applying. The supply of a permanent guard whether to a Government department or to a private party requires the sanction of the State Government.

If the application is submitted through the district authorities, the Superintendent of Police should record his opinion as to the necessity for the guard.

149. Dates of starting and return of guards.

When the deputation of a guard, the cost of which is to be recovered. is sanctioned the date and hour of its starting from headquarters on such deputation, must be communicated to the Director General and Inspector General of Police, the comptroller and to the authority to whom the Guard is supplied. Similar reports should also be sent to these authorities when any change is made in the strength of the guard or when a guard is withdrawn. The date and hour of the arrival of the guard at head-quarters is to be treated as the date of withdrawal of the guard.

150. Notice to withdraw guard: Excepting when a guard is withdrawn on the expiration of the term fixed for its employment by Government the authorities to whom the guard is supplied must always give reasonable notice of the intention to discharge a guard, so that timely arrangements can be made to withdraw it. If the withdrawal occasions an excess in the sanctioned strength of the district, this must be immediately reported to the Director General and Inspector General of Police with a view to its adjustment against vacancies in other districts.

151. Accommodation, water supply and lighting for guards: Guards are supplied on the understanding that they are provided with proper accommodation, water supply and lighting by the authority under whom they are employed.

152. Special duties of Jail guards:

(i) Any head constable or constable deputed to guard any prisoner must at once report should the prisoner have any friendship or relationship with him.

If a prisoner is friend of or related to a head constable or constable who has been deputed to guard him, the head constable or constable must at once report the fact to his superior officer.

(ii) No officer or man may carry or possess, even for a personal use any opium, liquor, tobacco, ganja or other stupefying or intoxicating substance when guarding a prisoner.

(iii) Police guards over a prisoner should be kept as much as possible from contact with him, and they are strictly forbidden from communicating with prisoners or from bringing or taking any article of any description for them. Police guards are not to take part in the daily routine of the jail, nor are they to assist in searching the prisoners, etc.

(iv) The Superintendent of the Jail and the Jailor will give no orders to a Police guard except to apprise the men of their ordinary duties.

(v) District and Sub-divisional jail alarm rules must be framed in case of mutiny or jail out break amongst Prisoners.

153. Transfer of guards: Should it be necessary to take or move any guard into another district in which its services may be required, it will be treated as temporarily transferred, and the Superintendent of Police of the latter district will be responsible for its behavior and inspection.

If the transfer is expected to last more than two days, the guard should be relieved by the Superintendent of Police of the district into which it has entered, as if it were on escort.

154. Magazine and armory guards: The quarter guard over the Magazine and Armory will be furnished from the Armed Police. The Officer-in-charge or the Senior Constable of the Guard, whoever is present, will keep the keys in his possession.

(Correction Slip No. 276, dated the 26th February, 1942 has been incorporated).

155. Treasury guards.

(i) Treasury guards will be supplied by the Armed Branch. Treasury guards will invariably be relieved when the treasury is opened to allow of the treasurer or some responsible officer appointed by him, going round with both the relieved and the relieving officers. -This is obligatory and they shall examine and try all doors and windows with their fastenings as well as all the treasure chests or receptacles, and each should satisfy himself as to the safe condition of everything in the treasury strong-room building. A joint verbal report that the above rule has been complied with should be made to the treasury officer directly after such examination, and to the senior police officer present on his arrival in office. If the latter is within reasonable distance of the guard. A note will also be entered in the roster book.

(ii) The treasury strong-room or receptacles for treasure contained therein must on no account be opened or shut by a treasury officer except in the presence of the sentry and the officer on duty. As soon as the treasury is opened for the day, the doors and windows of the strong-room and their fastenings should be scrutinized, and the seals, locks, hinges, bolts, staples and chains of all receptacles

of treasure in-charge of the guard should be carefully examined. When the treasury is closed the treasury officer should summon the officer in-charge of the guard and the sentry on duty and direct them to satisfy themselves that everything is securely fastened, more particularly the treasury doors and windows specially fanlights, clerestory or other roof lights or ventilators. Entries to the above effect will be made on each occasion in the record book.

(iii) Should any lock, bolt or other fastenings be found out of order or bearing signs of having been tampered with, special and immediate report must be lent to the treasury officer and to the senior police officer present in the station. This information shall be communicated by means of an entry in the roster book which shall be signed by both treasury officer and the senior police officer present in the station.

On such occasions or when any other defect or loss is noticed no member of the guard will leave the premises, until permitted to do so by the investigating officer.

(iv) The guard will only be responsible for such chests or safes as are kept outside the strong-room which shall be securely embedded in the wall or flush with the ground. In no case will the guard be responsible for the contents. When such chests are opened the officer in-charge of the guard must be present, and he must test the lock or padlock as soon as it is again closed.

(v) Except as provided for in Rule 149, no officer-in-charge or Constable of any guard will take charge of the key of any strong-room, safe or receptacle in which treasure is kept.

(vi) The treasury officer is responsible that the Executive Engineer annually renews his certificate of

security of the buildings, and the fact of renewal or otherwise should be noted at the inspections by the Superintendent of Police

156. Inspection of guards and escorts: The district police, to a large extent are judged by the smartness of their guards and sentries. The slightest irregularity or slackness on guard should, therefore, be at once checked:

- i) The reserve officer will tell off head-constables and. Constables for guards and escort duties. Before leaving the reserve the Inspector or Senior Armed Police Sub-Inspector must inspect the guard or escort and will be held responsible that it is efficiently and properly equipped and will make a note of such inspection in his roster.
- ii) Guards and escort are not to take umbrellas, comforters, private cloths, etc. with them as these articles are not part of their uniform. Bedding will be taken only when long distances are to be travelled.
- iii) Guard commander will inspect their guards 30 minutes after reveille, and before sunset.
- iv) All guards will be visited, turned out and inspected once by day and once by night by the officer deputed for round duty.
- v) Every member of a guard will carry a packet of 50 rounds in his pouch, and in addition, the guard will be supplied with five loose rounds for each sentry. This ammunition will be inspected by the guard commander at the two daily inspections.

157. Relief of sentries and guards.: A sentry will carry his arms at the "Support" as laid down for Rifle Regiments, except between sunset and sunrise, when he will have his bayonet fixed, and carry his arms at the "slop".

In allotting district strengths one Head-Constable, one Naik and six Constables are provided to furnish a single sentry post. The guard on duty will consist of one Head Constable or a Naik, and three men and will be relieved daily by the remaining half of the sanctioned allotment.

The whole of the guard on duty must remain present and properly dressed during its tour of duty, except that between the hours of 0700 and 1700. Not more than one third of the members at a time may be allowed two hours leave for cooking, and for this purpose may remove uniform and accoutrements.

The guards commander, if availing himself of this permission, must first formally handover his guard to the senior Constable.

Sentries will be properly posted by the guard commander," and relieved every two hours.

158. Order for guards and responsibilities of officer in charge of guard.

(i) While proceeding to and from the place to be guarded or to which prisoners treasure has to be escorted the men will be completely accoutered and march in good order under the command of the senior of the party.

(ii) The guard room must be within easy calling distance of the sentries. For each sentry posted there must be specific orders by the Superintendent of Police and a copy, in English and in vernacular; will be hung up in the guard room. The civil officer concerned or any private party to whom guards are supplied

should be consulted before these orders are drafted. The orders will clearly define the sentry's beat and his front and the position of the guard when it has to fall in.

(iii) Sentries are to remain on the alert; they must not quit their arms, lounge, sit or lie down, take off any part of their uniform, or on any account converse with anyone or quit their post. Sentries should ordinarily traverse the full extent of their beats at least once every five minutes, unless local orders to the contrary are prescribed. If spoken to, they should reply, pass on.

(iv) Should anyone approach the post or building or between the hours of sunset and sunrise the sentry must challenge such person and: order him to halt. Should he fail to get a reply he will bring his musket to the "on guard position" and load it, and at the same time shall call out loudly for the guard to turn out. Should the intruder fail to obey the order to halt and at the same time persist on approaching the sentry's post the sentry must threaten him with the bayonet. Should the intruder then attempt force, or show that he is armed, the sentry may use his bayonet or as a last resort fire. Should there be more than one intruder and should they disobey the order of the sentry at night and attempt to rush the building he should not hesitate to open fire.

(v) No sentry may allow himself to be relieved except by the guard commander.

(vi) The Head-Constable is responsible for the cleanliness of the arms of the guard. Arms belonging to guards should be kept in strong wooden racks, the muzzle of the Rifle being passed through the holes bored in the head rail of the rack, the heel plates embedded in deep Sockets in the lower rail, and an iron rod with a round knob at one end and a ring at the other passed through the upright of the rack and the trigger guards of the Rifle, and secured by a padlock, the key of which will be in possession of the head constable.

(vii) The entire guard will be paraded in uniform under arms at sunrise and at sunset and will be carefully inspected by the officer in command: He will then read out the orders in force relating to the guard, the roster of duty for the day, and will collect or distribute the ammunition as detailed above, before discharging the guard,

(viii) Head-Constables are responsible for the observance of strict punctuality in reliefs, for the proper performance of their duties by the guard, that the men are properly dressed and accoutered as set forth above and that each man knows all orders and rules regarding the duties of the guard.

159. Compliments paid by guards:- A

(a) No guard will pay any Compliment between Sun Set and Sun Rise except to an officer inspecting the guard.

(b) During other hours a guard will turn and "Present arm" and the bugler, if present will sound the appropriate flourish to:-

i) The President.

ii) Vice-President.

iii) Prime Minister.

iv) Governor/Lt. Governor.

v) Chief justice of India/Speaker of the Lok Sabha.

vi) Cabinet Ministers of the Union.

- vii) Chief Ministers.
- viii) Other Ministers of the Union/all Ministers of the States/Speaker of Legislative Assembly.
- ix) Judges of the Supreme Court/Chief Justice and other judges of High Court.
- x) Chief of the Army Staff, Naval Staff and Air Force Staff.
- xi) Chief Commissioners of Union Territories.
- xii) Chief Secretary to the Government.
- xiii) Additional Chief Secretary.
- xiv) Commissioner.
- xv) Police Officers of and above the rank of Deputy Inspector General Police.
- xvi) Army, Navy and Air Force Officers of and above the rank of Brigadier and the equivalents.

These compliments will be paid as often as the officers pass in guard.

(c)-A. A guard will turn out and "Present Arms" but the bugler will sound no flourish to:

- i) A funeral party, either Civil or Military.
- ii) Secretaries to Government.
- iii) Deputy Commissioners.
- iv) The District Superintendent of Police and Police Officers of equivalent rank.
- v) The Military officers commanding the station if he is below the rank of Brigadier but above the rank of Major.

(d) A guard will be turned out and called to attention, the guard commander will salute with the hand and the sentry will pay the compliment appropriate to the officer-in-charge, whenever an armed party passes the guard.

(e) A guard will be called to attention whenever a military or gazetted civil officer, other than those mentioned in the preceding paragraphs passes the guard.

(f) Should an officer entitled to a compliment pass a guard which is being relieve, both guards will pay the compliment to which the officer is entitled, the executive word of command being given by the senior guard commander.

(g) Should an officer entitled to a compliment pass in rear of a guard, the guard commander will cause his guard to fall in. No bugle will be sounded.

(h) A guard turning at will fall in at the "order" and not at the "stand at ease" position. The guard commander will not order his guard to present arms until every man is in his place and properly dressed.

(i) In case of fire or alarm, all guard will turnout and stand at ease until dismissed. In such a case, the spare men of the guard should be utilized in rousing persons unaware of danger, carrying messages for assistance, etc., as required.

B. Compliments paid by special guards: A guard mounted over the residence of The President of India, the Governor, the Commander-in-chief or Hon'ble Ministers of Government will not turn out to pay the compliments prescribed above to any official other than the one they are guarding. For any other official who is entitled to any compliment under this rule the guard commander will call the guard to attention, and salute with the right hand, and the sentry will shoulder arms.

160. Compliments paid by sentries: A sentry must not present arms to any officer between the sunset and sunrise. At night, if he distinguishes an officer entitled to a salute he will "shoulder arms", (Between other hours a sentry will) "present arms" to:

- a) All officers entitled to this compliment from a guard.
- b) A Military officer of the rank of Field Officer, (e. g. Major or above).
- c) A Superintendent of Police (other than the District Superintendent of Police).

Vide preceding rule, clause (c)-(v) entitled to wear a crown as a badge of rank;
To all other officers entitled to a salute the sentry will "shoulder arms".

161. Salutes: The following are the orders on the subject of salutes:-

A. i) *On all occasions* – Non-gazetted officers and men of the civil police will salute gazetted servants of the State, both civil and military including whom they can recognize. They will also salute subordinate officers of their own and of other districts and of the Assam Rifles or other military police units when in uniform.

ii) Gazetted Police officers will conform to the rules and customs regarding salutes in force in the Indian Army.

iii) Officers and men on beat duty will salute all gazetted servants of the crown as well as all their Own superior officers. When lining the streets on state occasions or for a public arrival, etc., no one will salute, but each man will come to attention. Officers on point duty regulating traffic should pay no compliment.

iv) Batons when carried will be slung on the baton frog except when required for immediate use; on such occasions the salute is given by coming to attention and bringing the baton upright with the end touching the forearm. When a lathi is carried, the salute will be given by bringing it to the order arms position.

v) Officers any men or bicycles will salute by turning their heads smartly in the direction of the officers saluted

vi) Salutes by officers and men will be returned by all officers present and not by the senior only.

vii) All police officers should bear in mind that where there is any doubt as to the rank or position of persons or officials they may meet or who may pass them, no harm can be done by saluting, whereas neglect to do so may be mistaken for discourtesy or personal slight and may engender ill feeling.

B. *On Parades Officials and Officials Occasions* - (i) A "Rashtriya salute" will be given to the President of India on all occasions on which he attends a parades.

The Governor of Nagaland will be received with the " Rashtriya salute" and the first six bars of the National Anthem on all official occasions with the following exceptions:-

- a) The Rashtriya salute will not be given nor the National Anthem Played for the Governor of Nagaland when the President of India is in the same place as the Governor of Nagaland.
- b) The term "official occasion" used above includes levees state Balls, formal investitures, the reception of and visits to Ruling Government and Chiefs, other formal visits and receptions, Durbars and any other occasions which the Governor may hold to be an official occasion on which he is representing

the state. It does not include public arrivals and departures.

iii) A "General Salute" will be given:- To the Police Officer of and above the rank of Deputy Inspector General of Police.

162. The Roster.

A register or roster of duty will be kept up by every officer in-charge of a guard or escort as well as by the officer in-charge of the Reserve. The left hand page should be written up every morning showing the names of sentries and hours of relief. On the right hand page should be noted all reliefs, entries regarding which will be signed both by relieving and relieved officers, all inspections of guards, doors, windows, padlocks. etc., the rounds of treasury officer on opening or closing of treasuries, the visits of rounds officers, any temporary change or illness of sentries or of any member of the guard, any permission granted to any member of the guards to leave the precincts, the hour at which escorts start or halt and any temporary halt en route as well as any other item of importance which may come to the notice of the officer-in-charge. It will be signed by all rounds and inspecting officers, including gazetted officers who should make any remarks that may be necessary about the condition of the guard.

163. Rounds: At Sub-Divisional headquarters the Sub Divisional police Officer and in his absence the immediate subordinate will keep up the round register, vide Rule 93 above. He is responsible that an officer is deputed daily to visit the treasury guard, and will himself also do so at least twice by day and once by night in each week when at headquarters.

164. Guard of honour: (a) To the President of the Union, the Governor of Nagaland and the Commander-in-Chief at the headquarters station of a district or Sub-Division. When any of these high officers holds a Durbar or is present at a Police function, a guard of honour would be at the Durbar Hall or the strength of the Guard of honour will be:-

- 1) for the President of the Union; one gazetted officer and 100 rank and file.
- 2) for the Governor and the Commander-in-Chief; one Gazetted and 50 rank and file.

Note – All India Police Drill Manual publish by BPR&T to be followed.

165. Public Arrivals: Before the public arrival of any high officials it is the duty of the Superintendent of Police to visit the landing stage, and he will in consultation with the Deputy Commissioner lay down what barriers (posts and ½ inch ropes covered with red Saloo) should, if necessary, be erected for gentlemen attending the arrival. Such barriers should be so arranged as to enable everyone entitled to such an honour to be introduced, if possible, without discomfort. Should tickets for arrivals or public functions be issued, responsible officers must be appointed to scrutinize them. Gentlemen invited should be requested not to bring their personal body servants, etc., on to the platform or landing stage.

No spectator should be allowed to leave the platform till the state carriages have been moved off.

The routes for carriages approaching, waiting or driving away should be clearly laid down under Section 31-A of the Police Act, 1861 (Act of 1861) and published or circulated and Sub-Inspectors and head constables told off for their functions should be practiced in performing them. When streets are lined by the police for public functions or state occasions all officers and men should be

warned that their duty is to watch the crowd) traffic and houses and not the carriages. When procession of carriages,) etc. is a very long one the Superintendent of Police should consider the advisability of posting every second Constable on either side of the road with his face towards the spectators on the foot paths.

166. Escort by motor car: When the President of the Union or the Governor travels by motor car, a gazetted police officer, or, if no gazetted police officer is available, an officer not below the rank of Inspector will travel in a pilot car ahead of the President of the Unions' car. The distance ahead will be sufficient to enable the piloting officer to satisfy himself that the immediate police arrangements are ready and that the road is clear, but at the same time should be as close as circumstances permit without inconveniencing by dust or fumes. The piloting officer will ensure that at turnings, road junctions, etc., the correct road is followed by the President of the Union. The Superintendent of Police himself will follow the President's car as closely as possible, to watch the behavior of onlookers, and take action in case of an attempt on the President's safety.

An escort of head Constables and Constables will be carried in the pilot and, Superintendent of Police's cars for use if required in the apprehension and guarding of offenders.

Foot Note:- “ Instructions laid down in the Blue Book to be followed”

167. Requisitions for escorts: Requisition should be made from Superintendent of Police.

168. Escort requisitions when to be made: Ordinarily for escorts within the district one clear day's notice (excluding Sundays) must be given, for escorts proceeding beyond the district three clear day's notice, and for escorts proceeding beyond the province four clear day's notice. This notice is required to enable Superintendent of Police to make arrangements for supplying the guards and to warn Superintendent of Police of a relieving district to arrange for reliefs. When, however, in specially urgent cases escorts are required at unduly short notice, Superintendent of Police should do their best to comply with the requisition.

169. Procedure when escort cannot be supplied by Superintendent of Police: In case a Superintendent of Police is unable to comply with any requisition he should, if necessary, report the facts to the Director General and Inspector General by telegram applying for his assistance in the matter.

170. Procedure on receipt of an escort Requisition: On receipt of an escort requisition it should be forwarded at once to the reserve officer who, after entering on it the annual serial number and filling on it the number of officers and constables as laid down will forward it with the officer commanding the escort to the accountant for payment of actual expenses.

All arrangements, as regards conveyances, coolies and other requirements for conveying prisoners, or treasure will be made by the department which demands the escort.

171. Reserve officer to instruct officer in-charge of escorts.

(i) Before the escort falls in for inspection, the officer who will command it must appear before the reserve officer to receive necessary instructions and to take over such handcuffs etc as may be required.

(ii) The reserve officer will give a command certificate to the officer after entering on it, the annual serial number of the escort, the names of all the men composing the escort, the name of the relieving station, if any, or the amount, if any advanced by the accountant for travelling expenses, and any

particulars furnished by the jail or asylum authorities as to the dangerous character, etc., of prisoners or lunatics. The reserve officer will be responsible for explaining all details entered in the command certificate to the officer-in-charge and will direct him to report himself with his party, to the indenting officer half an hour before the time fixed, and also to the Chief Police Officer of the place of destination after making over charge of the prisoners or treasure. The officer-in-charge should take notes of these instructions in his roster.

(iii) The reserve officer in token of full compliance with these orders will fill up the memorandum at the foot of the escort requisition form and return it to the office of the Superintendent of Police where it will be filed.

172. Return journey of escort: Officers proceeding in-charge of escorts of any kind are directed to enquire at the jail and treasury of the district to which they may be deputed, whether any prisoners or treasure are awaiting transfer to their own district or to any district on their homeward line of route, and will take charge of any that may be made over to them for escort. The officer in-charge of the escort should report himself to the local Superintendent of Police who will make any arrangements that may be necessary for the return journey. Superintendent of Police should see that these instructions are carried out when any guard from another district reports itself, as a saving in expenditure will result.

Return escorts when halting at headquarters or sub-divisions, prior to escorting prisoners or treasure back to their own districts, will remain together in the police lines or police station compound as directed by the senior local Police officers. They are not to lodge in the bazar or elsewhere.

173. Strength of escorts: The scale prescribed for escorts for prisoners and treasure by road, will be decided by the Superintendent of Police as per the order issued by the Police Head Quarters from time to time.

174. Escort for encashment of bills in treasury: When a bill is sent to the treasury for encashment or any money is remitted to the treasury for credit to Government, a proper escort according to the scale laid down in the above rule should be deputed to escort the money from or to the treasury.

175. Arms and ammunition of escorts: (i) Except in the case of under-trial prisoners, the guard shall be armed when the number of prisoners exceeds three. Similarly, the guard will carry arms when a remittance amounts to Rs. 5,000 or more.

The Superintendent of Police may, however by a written order, relax the first part of these rules in the case of guards over prisoners numbering ten or less. Unarmed guards will carry lathis or batons.

(ii) All armed escorts should be armed with Rifles and bayonets. Each Head-Constable and Constable will also carry sufficient arms.

(iii) The officer-in-charge of the escort will, in the presence of prisoners or carters, examine the loose ammunition which should be carried in the pouch.

With a view to following and recapturing prisoners who escape, more unarmed Constables may be deputed, at the discretion of the Superintendent of Police to accompany escorts.

176. Routes to be taken by escorts: The shortest road from one place to another should be taken. It is to be distinctly understood that an escort of prisoners is not to take charge of treasure nor of processes to be served en route.

177. Relief of escorts: Escorts whose journey continues beyond the district in which it commences will be relieved according to the following rules. The Superintendent of Police, whose escort is to be relieved, is responsible for notifying the Superintendent of Police concerned of his requirements in due time. Whenever possible, forty eight hours notice should be given; in addition, in the case of a treasure escort, a telegram should be sent as soon as the escort has actually started.

A. Escorts within the province – (i) Escorts proceeding by road will be relieved at the several district headquarter en route, or, if the route does not touch district headquarters, at the police station on the route nearest to district headquarters.

178. Notice for relief of escorts: Superintendent of Police despatching an escort should send early instructions of the required relief giving the probable date and hour of arrival to the Superintendent of Police of the district where the party is to be relieved or supplemented. If necessary, the intimation should be sent by telegram and it should arrive sufficiently early to enable the Superintendent of Police of the relieving district to arrange for the necessary relief.

In all cases of escorts when a relief is necessary, in another province 72 hours clear notice must be given by dispatching officers to the first relieving station. If the prisoners being escorted are dangerous, a warning to this effect must also be given, the strength of the escort to be relieved should also be Intimated. Requisitions for relief must invariably be complied with.

179. Custody of prisoners or treasure in station en route: At a police station the officer-in-command of the escort will be jointly responsible with the officer in-charge of the police station for the safe custody of the prisoners or treasure, etc.

When halting on route at railway station, the officer-in-commanding the escort must ask the assistance of the Railway police in obtaining secure accommodation for the prisoners or treasure, and if a Government Railway Police Station is available, the lock up and malkhana will be utilized for the purpose.

Escorts whether by road, rail must post one or more sentries and arrange for their proper relief at all times.

180. Night travelling of escorts by road prohibited: The officer-in-charge of an escort proceeding by road will so time his departure as to arrive at a Police Station before sunset. No part of the journey should be performed in the task or at night except under special instructions.

181. Procedure at stations on the line of route of escorts: The officer-in-charge will report the arrival of his party at each police station en route. He may if necessary, requisition a Constable to show him the road or to relieve any man of his guard who from sickness or other cause is unable to continue the journey.

182. Discipline of escorts: Prisoners must be kept together in one compact body. When the breadth of the road permits if the Constables of the escort will be placed at a distance of five paces from the prisoners on each flank and in the rear. When the roads are narrow or the traffic is heavy the distance between the Constables and the prisoners must be reduced, but the above limit should be as nearly as possible retained. When the Constables with him exceed six in number, half of them should act as an advance guard.

On no account should any communication by unauthorized persons with prisoners or drivers of bullock carts or animals carrying treasure be permitted.

183. Attacks on escorts parties: The rules regarding attack on guards will also apply to attacks on escorts.

184. Illness of escorts etc:

(i) The officer-in-charge travelling by railway will at once report to the Station Master and ask him to wire to the nearest hospital if any member of the escort or any prisoners in custody of the escort be attacked by serious illness necessitating immediate medical help. The Railway Police on duty at the station should also be informed of the illness as early as possible and shall render all the assistance possible.

(ii) In case of journey by road, if a convict or a coolie of treasure escort become so seriously ill as to be unfit for travelling he should be left at the next police station or outpost whence, when fit to be moved, a convict will be taken to the nearest jail or lock-up and a coolie to the nearest hospital. The fact should be noted in the roster and report of the circumstances made to the Superintendent of Police the requisitioning officer and to the officer to whom the escort has to deliver up its charge. In case of sickness another coolie should be engaged with the help of the local police.

(iii) If a convict coupled to another falls sick, he should be detached from his companion, the latter being coupled to any odd convict there may be in the party, or hand-cuffs may be put on him alone should Cholera appear on the march either among the convicts or the carriers of treasure, or the guard, the party will halt immediately, and the officer-in-charge will apply for orders and assistance at the nearest police station or dispensary.

Treasure Escorts (Rules 185 to 190)

185. Packing of treasure: The following precautions have been ordered by Government to be adopted in packing and dispatching treasure and are laid down below for the information of Police Officers who are intimately concerned in their execution. The instructions apply equally to cases of dispatch of treasure to and from branches of the Imperial Bank, and as far as feasible, should be followed in the escort of private remittances.

Treasure for remittance will be packed in stout bags, tied and sealed after a slip of paper has been placed in each naming the treasury at which it was packed, the tale and description of the contents and the name of 'the person who counted the contents. The treasury officer must satisfy himself generally of the contents of the bag.

For journeys by road the bags may be packed in treasure tumbrels or in large chests placed in carts at the door of the treasury in the presence of the treasury officer.

186. Custody of keys of treasure chest, etc: If any chest tumbrel or wagon be secured by double locks, the key of one should be held by the potdar and the other by the escort officer: if there be only one lock, the key should be held by the potdar, but the escort officer is responsible for not allowing the chest or wagon to be opened before arrival at destination save in case of a break down when the treasure must be removed to another in his presence.

187. Responsibility of treasure escort officers: The officer-in-charge of the escort is responsible only for the preservation and safe delivery of the boxes or cases made over to him with unbroken seals, untampered with, and in the condition in which they were committed to him. He may, and

should, refuse to charge of any box or package which is not substantially and safely packed or which bears any appearance of having been tampered with.

188. Invoices of treasure: Invoices will be prepared in triplicate by the treasury officer who will give the marks on every tumbrel or chest, the number and contents of each the marks and gross weight and the contents of every box. The escort officer will count the bags as they are being stowed in the tumbrel or chest, or will see the boxes, weighed and will sign the receipts at foot of each copy of the invoice as responsible for _____ bags packed in _____ tumbrel (or boxes) with marks and weight as detailed above said to contain _____ coin to the value of Rs _____ the blanks will be filled up in words and if the escort officer is ignorant of English he should write the number of bags or boxes which he has received in his own vernacular on the copy to be retained by the treasury officer; another copy should be dispatched by post on the same day to the receiving treasury and the third made over to the escort officer.

Each invoice should also be signed by the police officer to whose care the parcel is entrusted when notes are sent under charge of a guard; but the police officer has not to count the note as his signature is only a receipt for a packet said to contain certain notes. One copy should be sent by post to the treasury officer to whom the notes are consigned and the other should accompany the parcel. When a large supply of any denomination is being sent they should be stitched by the treasury staff at once edge into books of 100.

189. Arrival of treasure on holidays: Treasury officer not refuse to receive remittances on the ground that the day is an authorized holiday. They should, however, remember not to dispatch a remittance on a date which will probably cause its arrival on a day on which the treasury is ordinarily closed, such as Sundays or gazetted treasury holidays.

190. Treasure bags and chests, etc., how to be returned: When any treasury official is sent in charge of a remittance he will remain present whilst the treasure is being examined and will take back all

bags and padlocks. If the escort is returning to the station of original dispatch the tumbrels, chests, etc., should be sent back under its charge; coolies cart hire and freight being paid by the treasury.

Prisoners Escorts (Rules 191 to 206)

191. Escorts of under trial prisoners to and from the courts: Prisoners will be escorted to the courts and back to the jails by the shortest route, but, as far as possible, bazaars and crowded thoroughfares should be avoided.

All prisoners not further required by the court will be escorted back to the jail from the courts, one hour before sunset, without waiting for those prisoners whose cases have not been disposed of. The Court Officer shall apply to the Superintendent of Police for an additional guard for prisoners who have been detained in court, or if any public demonstration is anticipated en route.

As regards the handcuffing of under trial prisoners whilst being, escorted to and from the courts see Rule IV-55.

192. Instructions to officer-in-charge of escort of prisoners etc:

(i) The officer commanding an escort of prisoners will be furnished by the jail authorities With a copy of instructions in the vernacular which will be read over to the officer-in-charge of the escort in the presence of the Jailor or in his absence of the next senior officer of the jail. To prevent any misapprehension or mistakes on his parts the officer deputed or take charge of an escort should not move without such printed to written instructions as to procedure en-route from the officer to whom the escort is supplied.

(ii) The Jail Authorities, will, at the same time, point out to the escort any prisoner who is likely to prove troublesome or dangerous or who may require any special care or attention. The officer-in-charge of the escort will see that handcuffs and if necessary leg shackles are on such prisoners.

He will also ascertain from the jail authorities whether the prisoner is violent and whether he has been fettered while in jail and in the latter case, he will make a written request to the jailor to impose fetters, and he should not take him over unless he is so fettered.

(iii) The officer-in-charge of an escort will satisfy himself that handcuffs and fetters of the prisoners are well secured and fit properly before taking over prisoners from jail officials.

(iv) Before starting he will search the prisoners to see that they have no string, wire, files, knives or anything secreted about their persons and he will check all prisoners and their properties with the list made over to him. The same precautions should be taken by relieving and relieved officers whenever an escort is relieved.

193. When special escorts to be given: European prisoners and prisoners of a special character of importance in other ways should, when practicable, be escorted by a Police Officer not below the rank of Inspector and the Superintendent of Police will, in consultation with the jail or Magisterial authorities, determine the strength of the guard.

194. Jail official to accompany prisoners:

(a) When a gang of prisoners exceeds 30 in number a jail official will be sent in charge. He will be responsible for 'all duties except guarding the prisoners and the officer-in-charge of the escort will render him all requisite assistance.

(b) When no jail official accompanies the prisoners the officer-in-charge of this guard will be responsible for the following duties:-

(i) To feed the prisoners in accordance with the written instructions given by the Jail Superintendent and to supply water at the halting places.

(ii) To keep the nominal and descriptive rolls of the prisoners.

(iii) To keep in safe custody the clothing, bedding, irons and other property of the prisoners for which a receipt should be given and taken.

(iv) In case of rain, to secure shelter for the prisoners and to enable them to dry their clothes and bedding.

(v) To remove the leather gaiters of fetters prisoners after the days march and before wading through water. The gaiters should be worn before starting on a march and should be softened when necessary with oil which will be supplied by the Jail Department.

(vi) In case a fettered prisoner's leg gets chafed, to removed the leg iron from the injured leg and have it riveted to the wrist of the opposite arm.

195. Escort of lunatics: Before a lunatic is dispatched under police escort to an asylum or elsewhere, the Civil Surgeon will furnish the escort with a copy of a certificate of the casual condition of the patient's health at the time of dispatch, the original being sent direct by post to the Asylum Superintendent.

Every lunatic who is fettered in jail and one who is likely to prove troublesome and requires special care or attention during the journey should be fettered before being handed over to the escort. The escort commander will make a written request to the jailor to impose fetters, and he should not take him over unless he is so fettered.

The escort commander will be instructed in his command certificate to report at every police station passed where en route the officer-in-charge will examine the lunatic for marks of violence, and enter on the Civil Surgeon's health certificate a report as to the condition of the patient on arrival. If marks of violence are discovered, he will investigate the origin and report to the official superior of the escort commander, and to the asylum authorities. If the injuries are severe or not satisfactorily accounted for, he may detain the escort pending instructions.

On arrival at the' asylum the lunatic will again be examined, and the entries on the certificate checked by the senior medical officer present, the escort will not leave the asylum to return until this has been done, and the command certificate endorsed accordingly.

196. Amount of accommodation for prisoners to be indicated in lock ups.: At regular halting stages, to prevent dangerous overcrowding, each lock up in which prisoners are accommodated for the night should be measured and the Dumber the room is capable of holding should be printed on the door.

Each prisoner should have not less than 18 square feet of sleeping space, and 270 cubic feet of room. The lock-ups must be amply ventilated.

197. Rations, etc: The full daily ration for the journey as laid down in jail regulations will be supplied by the jail Department together with an earthen cooking vessel to all prisoners in transit by Road. Provided that the journey will not occupy more than five days in the hot weather and four days in the cold, the prisoners should carry them as well as their bedding and clothing, if the whole does not exceed 13 seers in weight per man. When the distance is great, an allowance will be substituted for the rations. In no circumstances will police escorts be required to carry any article belonging to the prisoners or to the Jail Department. When baggage or rations exceeding the limit of 13 seers per man have to be carried, the Jail Department will provide and pay the hire of all coolies and carts required. All clothing and bedding of convicts returned to the jail from which they were received will, in like manner, be carried by coolies, and paid for by Jail Department provided there are prisoners returning with the escort. If in the latter case the returning prisoners are available, these should be required to carry their clothing and bedding.

198. Marches and halts: A daily march should not exceed 15 miles and ordinarily two halts will be permitted each day to attend to necessary purposes, in addition to a halt about mid-day to allow the convicts to cook and eat their food. The prisoners must also be given an opportunity to cook and eat an evening meal after the end of the day's march. When at any time it becomes necessary to allow convicts to stop for necessary purposes, the whole party must be halted and not more than two convicts at a time detached for such purpose. These men will have shackles' put on their legs singly and a light chain attached to them, the handcuffs, being them removed. They will be allowed to proceed to a distance of not more than 12 paces from the escort. The halting place should be carefully selected in a clear and open piece of ground the handcuffs must not be removed until the legs shackles are securely adjusted and *vice-versa*.

199. Handcuffs.

(i) Convicts should generally be handcuffed during transit except as provided in clause (iv) below. When the number of convicts is four or more they should be handcuffed in pairs and marched to their destination in double rank, a light chain being passed through the rings of the handcuffs up the entire line and down again.

The ends of the chain should be held by the Police in the rear. If the number of convicts is so large that the chain cannot be passed up and back the entire line two lines should be formed and two chains used.

The handcuffs should not be removed except when the convicts are in court or confined in a place of security or when being made over to a relieving guard which is provided with handcuffs. If legs irons are used, leather gaiters must be provided by the jailor for each convict.

(ii) No convict should be permitted to cover his hands with any portion of his clothing, and care should be taken that no convict picks up a stone or missile or any other articles en route.

(iii) Handcuffs or leg irons should not be used in the case of women or of boys under order of detention in a reformatory school, unless there is reason to believe that they will attempt to escape. Convict warders and convict overseers need not be handcuffed. "All convicts, except women, under sentence of transportation for life and every prisoner or lunatic who is fettered in jail and likely to prove troublesome and to require special care and attention during the journey will be handcuffed and also

fettered. A written request must be made by the escort commander to the jailor to impose fetters in such cases. In no circumstances should a female prisoner be fettered, but handcuffs may be imposed if necessary".

(iv) All 'C' division convicts when travelling by rail will be handcuffed and when necessary will have also leg irons imposed. 'A' and 'B' division convicts travelling by rail or in transit will not be handcuffed unless there is an apprehension that an escape or rescue may be attempted. The police must in each case exercise their discretion in handcuffing these convicts. All dangerous or notable prisoners will, while in transit be properly ironed. The keys of handcuffs and fetters should be kept by 'the officer in-charge of the escort.

(v) Male convicts when heavily fettered will be conveyed to and from railway and steamer stations in vehicles.

200. Segregation: The segregation of prisoners etc., travelling by railway is obligatory, whenever:-

- (i) Military prisoners are sent;
- (ii) The aggregate number of prisoners and guards sent exceeds three in number;
- (iii) Even one prisoner only is sent if violent or dangerous;
- (iv) Insanes, civil or military are sent.

N. B. – The term 'prisoners' in this rule covers accused persons under trial or travelling for the purpose of undergoing trial, as well as persons' who 'already been convicted.

201. Reserved Accommodation.

(i) When segregation is necessary and no railway prison van is available application for reserve accommodation fitted with iron frames should be made to the rail way 36 hours before it is required. The railway will maintain frames for the purpose, the original cost of which will be borne by the State Government.

(ii) Before placing the prisoners in carriage so fitted the officer in-charge of the escort will see that the cages are tightly and securely fastened. If any part of the fittings appear to be loose or unsafe the fact should at once be brought to the station masters' notice.

(iii) Iron frames are not required for parties not exceeding three in number, women, .children, aged, feeble persons, sick or crippled prisoners who have been convicted of minor offences and are not desperate characters, or harmless lunatics.

202. Railway Police lock ups to be utilized if necessary: A station where is a railway police lock up, if a halt is necessary, all prisoners escorted by the, district police may be placed in the lock up, the escort providing the sentry.

203. Instruction escort of prisoners by Rail.

(i) Before placing the prisoners in the train the Officer in-charge should examine and satisfy himself that the irons and handcuffs of the prisoners are secure and he should do so again when alighting.

(ii) Prisoners should ordinarily be kept together in one compartment of a 2nd class carriage and should be attended by the escorts, two of whom when there are enough men, should be seated at each door of the carriage. Each man should be careful to keep his arms safely by his side.

(iii) If there is no room for the whole of 'the escort and the prisoners in one compartment, both escort and prisoners should be divided so that prisoners never travel without an escort being in the same compartment and at the doors of it.

(iv) The removal of prisoners from a van or carriage for any purpose will only be allowed with the cognizance and consent of the Railway Guard in-charge of the train.

(v) On the arrival of the train at larger stations the Officer in-charge should alight and see that the Police are vigilant and that proper order and discipline is being maintained among the prisoners. If it is necessary to allow prisoners to leave the train for any purpose one man from the guard should be told off to accompany each prisoner. If further assistance should be required, it must be demanded from the Railway Police. Not more than two prisoners should be allowed out of the train at a time and only One when the escort does not exceed three men.

(vi) The lamps in the carriages occupied by the prisoners and guard will be kept burning from sunset to sunrise.

204. Escapes and firing on prisoners: When an escape takes place from an escort party the officer in-charge will give prompt notice at the nearest police station and proceed with the remaining prisoners. If recapture is not immediately effected the warrant and documents relating to the prisoner and his property will be returned to the jail whence he was dispatched.

If a prisoner attempts to escape, an alarm should be raised but the prisoner should not be fired upon. Escorts should be instructed that they are not to fire upon prisoners without orders from the officer in-charge unless obliged to do so in self-defence. A prisoner who succeeds in breaking away will be pursued by an unarmed member of the escort. If the number of prisoners under escort is large, one or more unarmed constables may be detained to accompany the escort for this purpose.

In the following circumstances only are escorts justified in firing upon prisoners:-

- (i) A murderous attack upon any person, which cannot be prevented by other means and which would place the person or persons attacked in imminent danger or death or injury.
- (ii) A combined or forcible attack upon the escort or a combined attempt to break loose.

205 Loss of property of prisoners escorted: When clothing or vessel are lost or destroyed through the connivance or carelessness of the escort the cost of replacing them will be recovered from those of the escort through whose neglect or collision such loss or injury has occurred.

206. Payment of conveyance and other incidental charges of under-trial prisoners sent from one State to another: The conveyance and other incidental charges of under trial prisoners sent from one State to another-will be borne by the State from which the prisoners are sent.

MISCELLANEOUS ESCORTS (Rules 207 to 208)

207. Weekly escorts to and from sub-divisions.

(i) To avoid indents by sub-divisional officers and miscellaneous for miscellaneous escorts from police station, Superintendent of Police should where practicable, adopt the principle that all escorts to and from sub-divisional headquarters be regularly supplied once a week from the reserve. The opportunity

will be taken at the same time to arrange for the fortnightly relief of the men employed to guard the sub-divisional treasuries. The system need not be adopted in districts to which it is unsuitable but Superintendent of police are responsible that no waste of power takes place.

(ii) Sub-divisional Police Officers should be instructed to issue orders to officer in-charge of Police Station or Out Posts in their jurisdiction to send to the Court Officers all articles that have to be conveyed to district headquarters, at least one clear day before that fixed for the escort leaving Sub-Divisional Head Quarters on its return journey to the district headquarters.

(iii) It will be the duty of the Court Officers to collect and ready for the escort the articles received from the Police Station, and Out Posts the Prisoners, Treasures etc., and it will also be their duty to see that carriage is provided by the officers sending treasure and other bulky articles and for prisoners who may not be able to march.

When the strength of the escort sent from the reserve is below the scale laid down in rules for escorting of prisoners or treasure, etc., which has been collected at the Sub-Divisional Head Quarters, the Court Officer will bring the facts to the notice of the Sub-Divisional Police Officer. The latter should then increase the guard to the required strength by detailing men from police stations in his sub-division. The sub-divisional police officer or in his absence, the court officer be responsible for seeing that the strength of the guard is up to the prescribed scale.

(iv) It should be so arranged that the men supplied from the police station to keep up the strength of the guard are relieved at the next police station.

(v) When Sub-divisional Magistrates require escort parties, they should be informed that they are to ask Superintendent of police for such additional escort. On a great emergency arising, the sub-divisional police officer may furnish an escort on a written order from the Sub-divisional Magistrate which order must be sent in original to the Superintendent of police after compliance.

208. Escort of prisoners required to give evidence in civil and criminal courts: The following rules have been sanctioned by Government under Sections 42 and 51 of the Prisoners Act, 1900 (Act 111 of 1900) :-

(a) On receipt of an order issued by a court of competent authority under Part IX of Act 11 of 1900, the officer-in-charge of the Jail shall make a requisition on the Superintendent of Police for an escort, and the Superintendent of Police shall supply such escort in conformity with the ordinary rules of his department.

(b) The officer-in-charge of such escort shall be guided by the rules for escort of prisoners in the performance of his duty and in the treatment of the prisoners under his charge.

(c) All prisoners shall be taken to the court before which their appearance is required by the most expeditious route. Prisoners under sentence for criminal offences shall ordinarily travel on foot, but civil prisoners who are desirous of obtaining, and are willing to pay for the indulgence may be provided with suitable means of conveyance. When a railway is available, all prisoners shall be conveyed by rail under charge of the police escort.

(d) Before any prisoner is made over to the officer in-charge of the escort, the officer in-charge of the jail shall satisfy himself that the fetters of the prisoner or prisoners to be removed are in order. And that

each prisoner is supplied with suitable clothing. He shall also makeover to the officer commanding of the escort copies of the orders of the court under which the prisoners are removed, together with a sum of money for their maintenance and road expenses.

(e) The officer-in-charge of the escort shall give to the officer in charge of the jail a receipt of such prisoners as he may receive with a statement of the clothing, etc., in each prisoners possession, and the receipt for the amount of the diet-money or road expenses which has been advanced on their account. Advances required on account of the escort will be made by the Superintendent of police supplying it.

(f) Should there be a jailor lock-up the place where the court before which the prisoners have to appear is held, the officer in-charge of the escort shall deliver the prisoners to the keeper of such jail or lock-up and shall not be responsible for their custody while they are in such jail or lock-up, but shall not be responsible for their custody while they are in such jail or lock-up, but shall only be responsible for their custody while, escorting them thereto and from such jail or lock-up to the place where the court is held. Officer in-charge of jails or subsidiary jails to which prisoners may be deliver for safe keeping shall likewise comply with the rules of the jail code receipt of prisoners by transfer.

(g) No state prisoner or prisoners under sentence of death shall be removed under Part IX of the Prisoners Act (Act III of 1900) from the jail in which he may be confined without the special sanction of the Government provided that in the case of a prisoner under sentence of death, such prisoner may be removed from the jail without such sanction, if his presence is required by a Sessions or High Court, and for the purpose of taking additional evidence in the case under Section 391 of the Criminal Procedure Code 1973 (Act No. 2 of 1974).

(i) The strength of the escort in such case will be as follows:-

- 1 to 3 Prisoners..... 2 Constables
- 4 to 6 ,,1 Head Constable and 2 Constables
- 7 to 12 ,, ditto 4 ditto
- 13 to 18 ,, ditto 6 ditto
- 19 to 24 ,, ditto 8 ditto, and so on.

NOTES

Section 391 of the Code of Criminal Procedure referred to in this Rule provides for taking additional evidence by the Appellate court. Chapter XXXIX of the said Code deals with appeals and Section 391 read as follows:-

"391. *Appellate Court may take further evidence or direct it to be taken.* –

(1) In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons and may either take such evidence itself, or direct it to be taken by a Magistrate, or when the Appellate Court is a High Court, by a Court or Session or a Magistrate.

2) When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

3) The accused or his pleader shall have the right to be present when the additional evidence is taken.

4) The taking of evidence under this section shall be subject to the provisions of Chapter XXIII, as if it were an inquiry."

Criminal and Civil Cases by and against Police (Rules 209 to 219)

209. Civil suits or Criminal prosecutions against Police Officers.

(i) When a criminal case or civil suit arising out of or connected with acts done in the discharge of public duty is brought against a police officer, he must report the fact at once to the Superintendent of Police or corresponding superior officer. If he fails to do so, the delay will imperil the consideration on its merits of the question whether the cost of his defence is to be paid to him, and if the delay is serious the payment of the full costs will not be recommended to Government. Superintendent of Police or corresponding superior officers are responsible for seeing that the fact that a case has been instituted against a police is brought under to the notice of the Director General of Police Inspector General of Police and that a further full report is submitted to him through the same channel without delay.

A full report of the facts does not mean merely a statement of the facts as represented by the officer concerned, but an impartial statement of the facts, together with the opinion of the local officer as to whether or not the officer concerned should be defended at the cost of Government or his expenses repaid to him.

(ii) *Procedure in civil suits* – If any suit is instituted against a police officer, for anything purporting to be done by him in his official capacity without the notice required by Section 80, Civil Procedure Code, having been duly served on him, he shall as a rule move the court to dismiss it on the ground that it is instituted contrary to the provisions of that section, if however, such notice is given he shall immediately report to his superior officer all the circumstances necessary to the forming of an opinion as to whether his defence should be undertaken by Government or not. When the report reaches the Superintendent of Police or corresponding superior officer, he will at once, after making any enquiry that may be necessary, report the facts fully with his recommendations to the Director General of Police and Inspector General of Police. The Inspector General of Police will then forward it with his recommendations for the orders of Government. The State Government after consulting the legal remembrances and, if the latter's opinion conflicts with that of the Director General of Police and Inspector General of Police, after further consultation with the Director General of Police and Inspector General of Police will pass orders.

(iii) *Criminal complaints* – Section 197 of the Criminal Procedure Code lays down a special procedure in regard to criminal prosecutions against certain classes of officers, In those cases there will always be ample time to obtain the orders of State Government as to undertaking the defence of the officer, and the same procedure must be followed as in clause (ii) above. In the case of criminal prosecutions against other classes of Police officers it may frequently be impossible to obtain the orders of the court. In that case it would rest with the local officers to decide whether the defence shall be undertaken by Government or not, but a full report must invariably be sent to State Government as early as possible in the manner laid down in clause (ii) above, stating the course the local officers have decided to adopt.

(iv) In cases against officers of the criminal investigation department the Magistrate of the district in which the case is instituted shall be considered the District Magistrate for the purposes of this rule.

NOTES

For initiation of a Civil Suit against a police Officer, issuance of a notice under Section 80 of the Code of Civil Procedure is a condition precedent.

Section 80 of the C.P.C. reads as follows:

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Notice:-

(1) Save as otherwise provided in sub-section (2), no suit shall be instituted against the Government (including the Government of the State of Jammu and Kashmir) or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to, or left at the office of)

- a) in the case of a suit against the Central Government, except where it relates a railway, a Secretary to that Government;
- b) in the case of a suit against the Central Government where it relates to a railway, the General Manager of that railway;
- c) in the case of a suit against the Government of the State of Jammu and Kashmir, the Chief Secretary to the Government or any other officer authorized by that Government in this behalf.
- d) in the case of a suit against a State Government, a Secretary to that Government or the Collector of the District, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) A suit to obtain an urgent or immediate relief against the Government (including the Government of the State of Jammu and Kashmir) or any public officer in respect of any act purporting to be done by such public officer in his official capacity may be instituted, with the leave of the Court, without serving any notice as required by sub-section (1); but the court shall not grant relief in the suit, whether interim or otherwise, except after giving to the Government or public officer, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit;

Provided that the Court shall, if it is satisfied, after hearing the parties, that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with the requirements of sub-section (1).

(3) No suit instituted against the Government or against a public officer in respect of any purporting to be done by such public officer in his official capacity shall be dismissed merely by reason of any error or defect in the notice referred to in sub-section (1), if in such notice:-

- a) the name, description and the residence of the plaintiff had been so given as to enable the appropriate authority or the public officer to identify the person serving the notice and such notice had been delivered or left at the office of the appropriate authority specified in sub-section (1), and

- b) the cause of action and the relief claimed by the plaintiff had been substantially indicated.

Section 197 of the Code of Criminal Procedure, 1973, lay down procedure in, regard to the prosecution of Judges and public servants reading as under;

“197. *Prosecution of Judges-and public servants:*

(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction-

- a) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union, of the Central Government;
- b) in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with affairs of a State, of the State Government.

(2) No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central Government.

(3) The State Government may, by notification, direct that the provisions of Sub-section (2) shall apply to such class or category of the members of the Forces charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section will apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

(4) The Central Government or the State Government, as the case may be, may determine the person by whom, the manner in which, and the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held,"

For the application of the provisions of this section in the State of Assam; sub-section (3) has been substituted as follows:

- (3) The State Government may, by notification, direct that the provisions of sub-section (2) shall apply-
 - a) to such class or category of the members of the Forces charged with the maintenance of public order, or
 - b) to such class or category of other public servants (not being persons to whom the provisions of sub-section (1) or sub-section (2) apply) charged with the maintenance of public order, as may be serving, and thereupon the provisions of sub-section (2) shall apply as if for the expression 'Central Government occurring therein, the expression 'State Government' were substituted".

Object and purpose of the provisions of this section – The object and purpose underlying this section is to afford protection to public servants against frivolous, vexatious or false prosecution for offences alleged-to have been committed by them while acting or purporting to act in the discharge of their official duty. The larger interest of efficiency of State administration demands that public servants should be free to perform their official duty fearlessly and undeterred by apprehension of their possible prosecution at the instance of private parties to whom annoyance or injury may have been caused by their legitimate acts done in the discharge of their official duty. This section is designated to facilitate an effective and unhampered performance of their official duty by public servants, by providing for scrutiny in to the allegations of commission of offence by them by their superior authorities and prior sanction for their prosecution as a condition precedent to the cognizance of the cases against them by the courts, as held in the case of *Bhagwan Prasad Srivastava v. N. P. Mishra*, (1970) 2 SCC 56. It is neither to be too narrowly construed nor too widely. Too narrow and pedantic construction may render it otiose for it is no part of an official duty – and never can be – to commit an offence. It is no "duty", as observed by the Supreme Court, which requires examination so much as the "act" because the official act can be performed both in the discharge of the official duty as well as in dereliction of it.

In construing Section 197 Cr. P.C. a line has to be drawn-between the narrow inner circle of strict official duties and acts outside the scope of the official duties.

As held in *Matajog Dubey v. H. C. Bhairi*, (1955) 2 SCR 925, there must be a reasonable connection between the act and the discharge of the official duty; the act must bear such relation to the duty that the accused could lay a reasonable claim, but not a pretended or fanciful claim, that 'he did it in the course of the performance of his duty.

In *Amrik Singh v. The State of Punjab*, (1955) I SCR 1302, it was observed that, it is not every offence committed by a public servant that requires sanction for prosecution under Section 197 (1) nor even every act done by him while he is actually engaged in the performance of his official duties; but if the act complained in directly concerned with his official duties so that, if questioned, it could be claimed to have been done by virtue of his office, then sanction would be necessary ; and that would be so, irrespective of whether it was, in fact, a proper discharge of his duties, because that would really be a matter of defence on the merits, which would have to be investigated at the trial, and could not arise at the stage of the grant of sanction, which must precede the institution of the prosecution.

In *Baijnath Gupta v. State of M. P.*, (1966) I SCR 210, the Supreme Court further explained that it is the quality of the act that is important and if it fails within the scope and range of the official duties of the public servant concerned the protection contemplated by Section 197 will be attracted.

210. Serious Misconduct by Police Officer when Discovered by Superintendent or Police or by a Magistrate in course of trial.

(i) If Government or local officer acting on its behalf sanction the defence of an officer it would ordinarily be sufficient to engage a Government pleader of a public prosecutor at the expenses of the Government and the incidental expenses..... e.g. court-fee and diet money of witnesses would also be borne by Government. If in any case a private counsel is engaged, the scale of fees to be paid to him will be fixed by the District Magistrate with the sanction of the Government. In petty cases appearance in

person or with departmental aid, e. g. of the prosecuting Inspector may often be quite sufficient, and where this is so, the employment of pleader is superfluous.

If the officer wins the case and the costs or damages or compensation are awarded to him, the expenditure incurred by Government up 'to the limit of such costs, damages or compensation shall be refunded by him.

(ii) If in a case in which Government have undertaken the defence of an officer the decision of the first court is against him, the question whether an appeal should be filed at the cost of the Government or whether the damages awarded to the plaintiff or the fine imposed should be paid by the Government, shall be decided by Government either on the application of the officer concerned, who should move his immediate superior in the matter on the representation of his superior officers. The latter should then follow the procedure laid down in Rule 293 (II) above,

(iii) As legal proceedings against police officers, particularly civil suits, must interfere with the discharge of their public duties and are likely to cause harassment to them, the district Magistrate should impress on counsel appearing for the officer concerned that he should request the Court to deal with such proceedings with the utmost possible expedition,

211. Complaints against police officer brought by a private person before a Magistrate.

(1) The procedure to be followed in enquiring into serious misconduct on the part of police officers may be decided, according as the cases fall into three classes:

- a) Allegations made in a complaint before a Magistrate or in an information lodged before a police officer.
- b) Strictures made in the course of a judgment by Magistrates or judges.
- c) Information regarding misconduct obtained in the course of investigations or otherwise.

(2) In the case of (a) the procedure should be as follows:

(i) *Complaint before a Magistrate* – The Magistrate who takes cognizance should decide whether there should be any preliminary enquiry under Section 159 or 202, Criminal Procedure Code. When the complaint or information is against a police officer of the rank of Sub-Inspector or of higher rank, charging him with having committed a cognizable offence or of having demanded or accepted a bribe, Government consider it essentially necessary that, if any preliminary enquiry be held, it should be conducted by a Magistrate of the 1st class, and that it should be held without delay and at the place of occurrence. When the offence complained of appears to the Magistrate receiving the complaint to be obviously of a trivial nature, though cognizable, it will, in the opinion of Government, be sufficient to order a local investigation by a police officer of superior rank. If the Magistrate consider that such an investigation should be held, the Superintendent of Police should be asked to arrange for it to be undertaken at once. When a Magisterial enquiry is ordered, the Magistrate deputed to hold the enquiry should proceed to the spot, if possible not later than the following day, and hold his enquiry there. If there is no apparent reason to doubt the truth of the complaint and no preliminary enquiry is thought necessary, the Magistrate should fix the earliest possible date for trial.

(ii) *Information lodged at a police station* – When information of an offence of the above description is

lodged at a police station, the officer in charge should proceed to enquire into the charge, but should send a copy of the first information immediately to the Superintendent of Police and to the District or Sub-Divisional Magistrate. If on receipt of the first information the Magistrate decides to hold an enquiry under Section 159, he should proceed to the spot or depute another Magistrate the following day if possible.

(iii) No concurrent enquiry to be held. When an enquiry is held by a Magistrate, on concurrent departmental enquiry should be made, but the Superintendent of Police shall depute a police officer to attend and assist at the judicial enquiry. The duty of such a police officer is to produce before the Magistrate such evidence as may be available, and also to arrange for the attendance of any police witnesses who may be required by the Court for examination.

(iv) When the charge in question consists of an allegation of ill treatment by the police in the course of an investigation in no case should an officer connected with that investigation be allowed to have any concern with the conduct of the enquiry.

(3) The procedure in the case of (b) will be as follows:-

(i) *Strictures by Magistrate* – In the case of strictures expressed by the Magistrate, a Magisterial enquiry supplemented, if required, by enquiry by a superior officer of the police, will ordinarily suffice.

(ii) *Strictures by sessions or court of superior status* – In the case of strictures expressed by a court of sessions or a Court of superior status, if that Court records its opinion that a special enquiry is necessary, such enquiry shall be publicly conducted by a commission of two officers of whom one has had judicial experience and neither belongs to the police department. But then sufficient evidence is available without the special enquiry by a Commission to justify the institution of Criminal proceedings forthwith, no such enquiry need be held. In either case however, an immediate departmental enquiry, shall be held by a superior police officer, but such enquiry shall be regarded as preliminary and ancillary to the special enquiry of the Commission or in the event of a criminal prosecution being instituted, to such prosecution, its object being to collect, collate and prepare all the evidence available whether derived from the police officer's enquiry or otherwise with a view to its being laid either before the criminal court or the special commission.

(iii) *When comments by Sessions or High Courts are not serious* – In cases which are not serious; even if the comments were made by a Session Court or High Court, the procedure prescribed in the case of Magisterial criticism of police action (Paragraph 3 (i)) may be followed:-

(iv) *Power of Director General and Inspector General to ask for a Commission* – In case where a Court of Sessions or a Court of superior status has expressed stricture but has not definitely recorded its opinion that a special enquiry is necessary, the Director General and Inspector General of Police, should he consider if necessary, may move Government for the appointment of a Commission.

(4) In cases falling under (c) the following procedure should be observed:-

(i) When the serious misconduct comes to the notice of a superior police officer in any way other than that described above under paragraphs (a) and (b), it shall be reported without delay to the Superintendent of Police, who in turn should at once inform the District Magistrate and if both he and the District Magistrate are at headquarters will personally consult the latter as to the action which should be taken. If either officer is on tour and the Superintendent cannot himself hold a local enquiry he should direct such an enquiry to be held by a police officer of a rank superior to that of the accused. Whenever the accused is a Head-Constable or officer of higher rank, the enquiry must always be made by a gazetted officer, preferably the sub-divisional police officer.

(ii) On receipt of the intimation, the District Magistrate will consider whether to order a magisterial enquiry in lieu of the departmental enquiry which the Superintendent of Police should, in the absence of the District Magistrate from headquarters, always institute of his own motion, or to instruct a Magistrate to co-operate with the Superintendent or Sub-Divisional Police Officer in his enquiry, or to leave the Superintendent to conduct the enquiry by departmental agency alone. The District Magistrate will be guided by the rank of the accused, the gravity of the offence charged, and the extent to which charges of the kind are prevalent in the district.

(iii) Whenever a Magistrate becomes aware of a charge of this nature he may, if he considers it necessary, take cognizance of the case under Section 190 (i) (c) of the Criminal Procedure Code.

NOTES

Power to hold investigation or preliminary inquiry is envisaged under Section 159 of Cr. P. C. reading as follows:

"159. *Power to hold investigation or preliminary inquiry* – Such Magistrate, on receiving such report, may direct an investigation, or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in the manner provided in this Code."

Section 202 of Cr. P. C. referred to in this Rule reads as follows:

"202. *Postponement of issue of process* – (1) Any Magistrate, on receipt of a complaint of an offence which he is authorized to take cognizance of or which has been made over to him under Section 192, may, if he thinks fit, postpone the issue of process against the accused and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding :

Provided that no such direction for investigation shall be made-

(a) Where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or

(b) Where the complaint has not been made by a court, unless the complainant and the witness present (if any) have been examined on oath under Section 200.

(2) In an inquiry under Sub-section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath;

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.

(3) If an investigation under sub-section (1) is made by a person to being a police officer, he shall have for that investigation all the powers conferred by this Code on an officer of a police station except the power to arrest without warrant."

It was held in the case of *S. N. Sharma v. Bipin Kumar Tiwari*, (1970) 1 SCC 652, that Section 159 was really intended to give a limited power to the Magistrate to ensure that the police investigate all cognizable offences and do not refuse to do so by abusing the right granted for certain limited cases of not proceeding with the investigation of the offence. The use of the expression "if he thinks fit" makes it clear that Section 159 is primarily meant to give to the Magistrate the power of directing an investigation in cases where the police decide not to investigate the case and it is in those cases that, if he thinks fit, he can choose the second alternative. If the expression "if he thinks fit" had not been used, it might have been argued that this section was intended to give in wide terms the power to the Magistrate to adopt any of the two courses of either directing an investigation, or of proceeding himself or deputing any Magistrate subordinate to him or proceed to hold a preliminary enquiry as the circumstances of the case may require.

Object, Scope and Ambit of the Provisions of Section 202 – The object of the provisions of Section 202 is to enable the Magistrate to form an opinion as to whether process should be issued or not. At that stage, as held in *Chandra Das Singh v. Prakash Chandra Bose*, AIR 1963 SC 1430, what the Magistrate has to see is whether there is evidence in support of the allegations made in the complaint and not whether the evidence is sufficient to warrant a conviction. The function of the Magistrate holding the preliminary inquiry is only to be satisfied that a *prima facie* case is made out against the accused on the materials placed before him by the complainant. Where a *prima facie* case has been made out, even though much can be said on both sides, the committing Magistrate is bound to commit the accused for trial and the accused does not come into the picture at all till the process is issued, as held in *Balraj Khanna v. Moti Ram*, (1971) 3 SCC 399. As stated in sub-section (1) itself, no doubt the object of the enquiry is to ascertain the truth or falsehood of the complaint, but the Magistrate making the enquiry has to do this only with reference to the intrinsic quality of the statements made before him at the enquiry which would naturally mean the complaint itself, that statement on oath made by the complainant and the statements made before him by persons examined at the instance of the complainant, as held in *Chandra Deo Singh v. Prakash Chandra Bose*, AIR 1963 SC 1430. Indicating the scope and ambit of Section 202, it was held in the case of *Vadilal Panchal v. Dattatraya Dulaji Ghadigaonker*, AIR 1960 SC 1113:

"Section 202 says that the Magistrate may, if he thinks fit, for reasons to be recorded in writing, postpone the issue of process for compelling the attendance of the person complained against and direct an inquiry for the purpose of ascertaining the truth or falsehood of the complaint; in other

words, the scope of an inquiry under the section is limited to finding out the truth or falsehood of the complaint in order to determine the question of issue of process. The inquiry is for the purpose of ascertaining the truth or falsehood of complaint; that is, for ascertaining whether there is evidence in support of the complaint so as to justify the 'issue of process and commencement of proceedings against the person concerned. The section does not say that a regular trial for adjudging the guilt or otherwise of the person complained against should take place at that stage; for the person complained against can be legally called upon to answer the accusation made against him only when a process has issued and he is put on trial".

As held in *Nagawwa v. Veeranna Shivalingappa Konjalgi*, (1976) 3 SCC 736, it is thus clear from the above decisions that the scope of the inquiry under Section 202, Cr. P. C. is extremely limited-limited only to the ascertainment of the truth or falsehood of the allegations made in the complaint - (i) on the materials placed by the complainant before the court; (ii) for the limited purpose of finding out whether a *prima facie* case for issue of process has been made out; and (iii) for deciding the question purely from the point of view of the complainant without at all advert to any defence that the accused may have. In fact it is well settled that in proceedings under Section 202 the accused has got absolutely no *locus standi* and is not entitled to be heard on the question whether the process should be issued against him or not. In the following cases it can be safely held that an order of the Magistrate issuing process against the accused can be quashed or set aside:

- (1) Where the allegations made in the complaint or the statements of the witnesses recorded in support of the same taken at their face value make out absolutely no case against the accused or the complaint does not disclose the essential ingredients of an offence which is alleged against the accused;
- (2) Where the allegations made in the complaint are patently absurd and inherently improbable so that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused ;
- (3) Where the discretion exercised by the Magistrate in issuing process is capricious and arbitrary having been based either on no evidence or on materials which are wholly irrelevant or inadmissible; and
- (4) Where the complaint suffers from fundamental legal defects, such as, want of sanction or absence of a complaint by legally competent authority and the like.

As observed in the case of *Devarapalli Lakshminarayana Reddy v. V. Narayana Reddy*, (1976) 3 SCC 252, the distinction between a police investigation ordered under Section 156 (3) and the one directed under Section 202 has been maintained in the Code of 1976; but a rider has been clamped by the first proviso to Section 202 (1) that if it appears to the Magistrate that an offence triable exclusively by the court of session has been committed, he shall not make any direction for investigation. Reference may also be made to the decision in *Gopal Das v. State of Assam*, AIR 1961 SC 986 and *Jamuna Singh v. Bhadai Singh*, AIR 1964 SC 1541.

Cognizance of offences by Magistrates are dealt with under Section 190 of the Code, where under such Magistrate is empowered to take cognizance of any offence upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed. Under

sub-section (2) of Section 190 the Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offence as are within his competence to inquire into or try.

212. Complaint against a Police Officer lodged at a Police Station: The following supplementary procedure will be adopted in the case of complaints against police officer in those districts, where abuses of the law with the objects of victimizing such officers or hampering investigations in life.

The District Magistrate shall order that all petitions against police officers shall be presented to him personally. If he considers that these petitions are of a frivolous or factious nature, he shall take no action on them. When he considers an enquiry to be necessary he shall use his discretion whether to send the papers to the Superintendent of police or to a Magistrate for judicial enquiry.

In the case of formal criminal complaints, the District Magistrate shall arrange for all cases to be transferred from other Courts to his own. He shall in all cases examine the complainant and record his statement as required by the provisions of the Criminal Procedure Code. If the case appears to be manifestly frivolous or vexatious, he shall dismiss it under Section 203, Criminal Procedure Code. If it appears that further enquiry is necessary, he shall send the case to the Superintendent of Police for enquiry and report in accordance with the provision of Section 203, Criminal Procedure Code.

NOTES

Dismissal of a complaint is referred to under Section 203 of Cr. P. C. whereby if after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under Section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding he shall dismiss the complaint, and in every such case he shall briefly record his reasons for so doing.

Now once the order is passed dismissing the complaint, as held in the case of *Bindeshwari Prasad Singh v. Kali Singh*, (1977) 1 SCC 57, the magistrate cannot review or recall the order so passed, since a second complaint can lie on fresh facts or even on previous facts only if a special case is made out.

213. Defence of Police Officers

(i) Police Officers will always be protected when it appears to Government that they have acted in good faith but Government does not bind itself to undertake their defence when this is not the case.

When Government declines to defend, it rests with the officer concerned to take such measures as he considers necessary at his own expense but if the verdict of the Court is in favour of the Police Officers, Government will ordinarily reimburse his expenses. It is impressed upon all District Officers that in all cases against police officers the credit of Government is at stake and that it is the duty of the District Officers to which as far as lies in his power all stages of the case, whether in the original or in the appellate court so as to ensure its just and speedy adjudication.

(ii) On receipt of the reports, Director General and the Inspector General of Police will if necessary move Government to undertake the defence of the incriminated officer. If Government decide to defend the officer, he must, in every case, have the services of the Government pleader or the Public Prosecutor.

The legal Remembrance will then take charge of the case and impress upon the Government pleader or the Public Prosecutor as the case may be, the necessity of ensuring a speedy trial and a detailed and careful hearing of the evidence.

(iii) If the preliminary enquiry or investigation is against the officer, it will be improper to appoint the Government pleader or Public Prosecutor to defend. In such cases the incriminated officer will arrange for his own defence. Before engaging a pleader or counsel the officer should report in writing the name of the person selected and his proposed remuneration to the District Magistrate through the Superintendent of Police and it will then be for the Magistrate to say whether in the event of his being acquitted he will advise Government to pay the whole or only part of the fees proposed. The incriminated officer should know exactly where he stands in arranging for his defence, and he can either engage the best pleader available on the fee which the District Magistrate is prepared to advise Government to pay in case of acquittal, or he can engage a pleader on a higher fee with the full knowledge that the difference even if he is acquitted will have to be met from his own pocket.

(iv) In case of emergency the District Magistrate or the Director General and Inspector General of Police may undertake the defence of a police officer at the cost of Government, but the officers concerned shall as soon as possible report such action for the orders of Government. If the necessity arises the Director General and Inspector General of Police may sanction an advance to meet pleader's fees or other incidental expenses.

214. Prosecution of cases instituted by private persons against police and payment of legal Expenses: The Government pleader or the public prosecutor should prosecute in all cognizable cases. In non-cognizable cases it is left to the discretion of the District Magistrate to decide whether he will appoint the Government pleader or public prosecutor to appear for the prosecution or whether the prosecution should be left to the complainant.

215. Reimbursement of the legal expenses incurred by Police Officers: In cases in which the previous sanction of Government is obtained to the offences of officers at the cost of Government the bills of legal practitioners are paid by Government and the only expenses which the officers themselves are required to meet in the first instance are petty incidental charges. Such charges must always be moderate and strictly confined to absolute requirements and must be authenticated by proper vouchers. In cases however, in which officers are required in the first instance to defend themselves at their own cost the following instructions should be observed in preparing and submitting proposals for the reimbursement of expenses:-

(i) It should be distinctly understood that the charges must be moderate and that Government do not bind themselves to pay any unnecessary expenses which an officer may choose to incur.

(ii) In determining the rates of fees to be paid to pleaders, etc., the fee which is allowed to the local Government pleader or Public Prosecutor should always be taken into consideration. If an exorbitant rate is charged the District Magistrate invariably be consulted as to the local status of the pleader and whether he is entitled to fees at the rates claimed. In many cases only Government pleader are consulted by Superintendents, but in all such cases the District Magistrate's opinion should be accepted as authoritative and the fact that his opinion has been taken should be mentioned in the proposal.

(iii) In many cases more than one pleader are engaged and in such cases it should be considered whether such special arrangements were necessary and, if so, the reasons should be given. Ordinarily the engagement of two or more pleaders, or of a pleader will not be sanctioned.

(iv) No separate fees will be allowed for consultations, the regular fee for appearance in Court covering this charge.

(v) In every case a copy of the order sheet should be obtained and scrutinized by the Superintendent in order to ascertain what amount of work as actually done by the pleader engaged for the defence on the date or dates on which the case was merely adjourned. Ordinarily only half fees are allowed for appearance on such occasions and no fee is allowed for the date on which judgment is delivered. Each case, however, should be judged on its merits.

(vi) Vouchers in support of the charges for which a claim is preferred should invariably be obtained and submitted in original. Receipts written in pencil or unstamped will not be accepted and the officer concerned should be directed to submit properly prepared vouchers.

(vii) For items for which it is not possible to obtain vouchers Superintendents should verify the charges as being legitimate and actually incurred.

(viii) In regard to charges for the travelling and diet expenses of witnesses these should not exceed the scales laid down by Government under Section 312 of the Criminal Procedure Code and should be supported by the necessary vouchers. The Superintendent should also see that the Court approved of the payment of these charges.

NOTES

Under Section 312 of the Cr. P' C., subject to any rules made by the State Government, any Criminal Court may, if it thinks fit order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court.

216. Prosecution for false charges and compromise of cases against police.

(i) Every criminal case in which a police officer is discharged or acquitted should be followed by prosecution under Section 182 or Section 211, Indian Penal Code, unless the Magistrate is satisfied that a prosecution is likely to be in fruituous.

The same procedure should be followed in cases dismissed under Section 203 Criminal Procedure Code. It will be the District Magistrate's duty to bring to book the makers or instigators

of false complaints. In any case in which action to this end cannot be taken, the reasons should be clearly reported to the Director General and Inspector General of Police. Failure to punish a complainant, who prefers a false charge or gives false information, frequently indicates an inadequate preliminary investigation or careless trial.

(ii) In no case, civil or criminal will a police officer, who is concerned in it, effect a compromise without

the permission of the Superintendent of Police who will always consult the District Magistrate in the matter.

NOTES

Section 182 of the Indian Penal Code deals with false information with intent to cause public servant to use his lawful power to the injury of another person. The ingredients of this section are:

- 1) Accused gave some information to a public servant;
- 2) such information was false;
- 3) Accused knew or had reasons to believe that such information was false; and
- 4) intending thereby to cause such public servant to do or omit anything while he ought not to have done if the true state of facts respecting which such information is given were known by him or to use the lawful powers of such public servant to the injury or annoyance of any person.

The punishment provided for under this section is imprisonment of either description for a term which may extend to six months, or with fine which may extend to rupees one thousand, or with both.

Section 211 of I. P. C. deals with false charge of offence made with intent to injure and the following are the ingredients thereof:

- 1) Accused instituted or cause to be instituted criminal proceeding; or that he made a charge of that offence;
- 2) There were no just or lawful grounds for such proceedings or that such charge was false;
- 3) The accused knew at the time of making the charge that there was no just or lawful ground;
- 4) He made the charge intending to cause injury to the persons against whom the charge is made.

The essential ingredients of an offence under this section, as held in *Santokh Singh v. Izhar Hussain*, AIR 1973 SC 2190, is to institute or cause to be instituted any criminal proceeding against a person with intent to cause him injury or with similar intent to falsely charge any person with having committed an offence, knowing that there is no just or lawful ground.

False charges are not restricted by the words "institutes or causes to be instituted any criminal proceeding" – AIR 1964 SC 1773 (*Haridas*); it is only in glaring cases of deliberate falsehood where conviction is highly likely, that the court directs prosecution – AIR 1973 SC 2190 (*Santokh Singh v. Izhar Hussain J*); false charges made to the police does not amount to an institution of criminal proceeding – AIR 1932 Cal. 511 (*Abdul Hakim Khan Choudhury*); for conviction under this section charge must be false, AIR 1973 SC 2190 (*Santokh Singh*) AIR 1964 SC 1773 (*Haridas*).

217. Civil suits by or against Police Officers: 1. By a police officer – When a police officer intends to institute a suit for redress of any wrong which he has suffered in connection with the discharge of his

official functions, a full report of the whole case should be submitted to the legal Remembrance through his official superiors the Superintendent of Police, the District Magistrate and the Director General and Inspector General of Police.

218. Civil suits by Police Officers in their personal capacity: Police officers of all ranks are prohibited from bringing civil suits in their personal capacity against persons residing in the district in which they are employed without the sanction of the Superintendent of Police who will report the facts of each case as it occurs to the Director General and Inspector General of Police.

219. Action to be taken on attachment by civil courts of salary of Police Officers: (i) Where half the salary of a servant of the Government is constantly being attached for debt, or has been continuously under attachment for more than two years, or is attached for a sum which, in ordinary circumstances, it will require more than two years repay, a full schedule of the officer's debts should be obtained, and the case dealt with in the same way as if the debtor had taken advantage of the insolvency court.

(ii) In such cases it should be specially ascertained:-

(a) What is the proportion of the debts to the salary and the extent to which they detract from the debtor's efficiency as a public servant;

(b) Whether the debtor's position is irretrievable;

(c) Whether it is desirable in the circumstances to retain him-

(i) in the particular post he occupies, or (ii) in any position under Government. The report should then be submitted to the Director General and Inspector General of Police.

UNIFORM

(Rules 220 to 237)

220. Wearing of uniform: The rules regarding the wearing, of uniform by gazetted officers (Chapter VI, Part I) apply to subordinate police officers also, except that they may not wear plain clothes on duty on any occasion unless specially ordered to do so.

When appearing in Court, whether in prosecution, or to give evidence, officers will wear uniform.

The order regarding modifications in uniform permitted for gazetted officers on informal occasions, and in the hot weather apply also to subordinate police officers..

No officer on duty may carry an umbrella.

"No officers when in uniform or on duty may wear any mark, religious or otherwise, on his face nor he may wear earrings, he will always appear properly shaved. No officer when in uniform (except in the case of Traffic Police for whom there is special provision) may carry an umbrella".

221. Uniform to be worn on duty.

(a) Subordinate police officers will appear in uniform whenever on duty unless otherwise ordered by a

superior officer for special purposes only.

(b) Officers attached to the Criminal Investigation Department will not appear in uniform unless specially ordered to do so.

222. Wearing of Indian title badges by police officers in uniform.

I. Uniform worn by police officers on various occasions are:-

- 1) Ceremonial occasions
- 2). Working dress.
- 3) Mess dress.

The manner in which badges should be worn with these dresses is as indicated below:-

Ceremonial occasions – On all ceremonial occasions when medals are worn, the badge should be worn on the left breast suspended by a brooch. It should occupy its proper place in the matter of relative seniority with respect to other decorations and medals.

Working dress on ordinary occasions – When only medal ribbons are worn, only the ribbon of the badge should be worn in its proper place with regard to other ribbons.

Mess dress – Miniature badges should be worn on the left breast as prescribed in paragraph 55 of Army Department Dress Regulations (India), 1925, quoted below:-

"Miniature badges of orders, decorations and medals will be worn with mess dress on the left breast in one horizontal line, one inch below the point of the shoulder, suspended from a bar of which no part is to be seen. The length of the bar must vary with the number of miniatures, but in no case should it project beyond the lapel or shoulder seam of the jacket.

When the miniatures cannot, on account of their number, be suspended from the bar so as to be fully seen, they are to overlap.

ii) With mess dress, stars, ribbons and badges (except the ribbons and badges of the order of Merit and of companions of Honour) are not to be worn.

iii) Collar badges, when worn on the mess jacket, will be placed 3/4th of an inch below the medals.

II. *Presentations of title badges to Police Officers* – No special procedure has been laid down for the manner in which badges should be presented to police Officers but the general practice is to put a badge round the neck like a garland, the recipient being in full dress for ceremonial purposes. This practice may be followed in the case of police officers.

223. Kit maintenance allowances: All gazetted officers are entitle to kit maintenance allowances as per the ROP 1999.

314. Kit to whom to be given: A first kit will be given:

- (a) to all recruits constables.
- (b) to all Sub-Inspectors, Assistant Sub-Inspectors and Head-Constables

Uniform which is issued by Government remains Government property and a man therefore who negligently loses or prematurely wears out his uniform is liable not only to bear the cost of replacement, but to punishment in addition.

All amounts realized from men on account of payment issues, recoveries on account of clothing prematurely worn out, and of lost clothing should be credited in the treasury as "Police Receipts" and not in "Reduction of charge".

225. Washing and repairing of kit: A man is responsible for the washing of his own clothing and for minor petty repairs. More serious damage should be reported to the Sub-Inspector and repaired by a tailor cost being met from the district clothing grant, if the damage was due to fair wear and tear, or by the man, if due to negligence.

226. Clothing and equipment supply: All items of clothing and equipments of all ranks from Sub-Inspectors down to Constables including non combatant employees will be allotted unit wise by the Director General and Inspector General of Police through Nagaland Police Central Store.

227. Committee on receipt of clothing: A line committee of at least three officers shall be formed by the Superintendent of Police and shall ordinarily consist of himself, the Assistant Superintendent of Police or Deputy Superintendent of Police, if any, circle Inspector and Inspector or Reserve Sub-Inspector.

The committee should assemble as soon after receipt of the packages as possible, and the packages shall be opened in the presence of the committee.

Should any article or articles of clothing be not conforming to the approved sample issued by the Police Head Quarters, the Superintendent of Police shall submit a copy of the committee's detail report to the Director General and Inspector-General, and pending receipt or orders the clothing objected by the committee shall be kept by the Superintendent of Police.

228. Clothing accounts: The following register will be kept up in connection with the receipts and issue of clothing:-

- i) A register of receipt and issue of clothing .
- ii) The committee report book. .
- iii) The individual clothing ledger.
- iv) Clothing hand books.

229. Register of receipt and issue of clothing: The register will be kept in two parts, one for new, and the other for serviceable clothing; entries, on the receipt side will be made as soon as the clothing has been passed by the committee and on the issue side as soon as clothing has been dispatched. The "Receipt" entries should tally with the committee report book proceedings and the "Issue" entries with the issue forms.

230. Committee report book: The committee report book shall contain a record of the proceedings of all committees held under Rule 225 to pass clothing received from Nagaland Police Central Store and also clothing received back from men. The proceedings should be recorded in two parts:-

(i) For clothing received from Nagaland Police Central Store

(ii) For clothing returned by the men. The proceedings of each meeting will be separately numbered serially for each part, a new serial being opened for each year. These proceedings will constitute the receipts vouchers for all clothing entered on the receipt side and their serial number, should be noted in the margin of the receipt side of the register of receipt and issue.

Clothing received from Nagaland Police Central Store must be checked by invoices and returned clothing by the hand book.

Unserviceable clothing, when condemned, must be so dealt with as to obviate the possibility of its being substituted subsequently for serviceable articles, each item being conspicuously marked UNSERVICEABLE. Articles which if sold are not likely to be used for the purpose of impersonating Police Officers may be sold by auction, and the proceeds credited to Government: suitable item may be retained for rough fatigue work, and the remainder cut-up for cleaning cloths or burned.

231. Individual Clothing Ledger: The individual clothing ledger shall be kept up by the Reserve Officer. Entries shall be made in the same way and at the same time, both in regard to articles' issued and those struck off, as in the hand books. In this register separate pages shall be allotted to each men. Sufficient for entries for five years, and article issued on the same date are to be entered in the same line. It should be regularly checked by the Superintendent of Police or his Assistant or Deputy Superintendent of Police. When any serviceable article is issued a "S" with the appropriate fraction indicating the period of its serviceability shall be noted against it. When for any reason clothing is struck off, a line shall be drawn through the entry and initiated by the Superintendent of Police or Reserve Officer.

232. Clothing Hand Books: Each Sub-Inspector, Assistant Sub-Inspector, Head Constable and Constable shall be provided with a clothing hand book which shall be written up as soon as possible after the passing of orders to issue strike off any article of clothing. If two or more articles of one kind other than buttons and letters are issued to the same person on the same date that must be entered separately in the clothing hand book.

When an article is destroyed or disfigured as unserviceable, or taken away for any other, reason, it shall be struck 'through, the correction initiated, and a note made in the column "how disposed of".

Instructions for filling up the books are given inside the cover.

233. Kit Inspections; The Superintendent of Police will hold kit inspection of all men at the headquarters on the 1st of each month, and of sub-divisional headquarters and outlying police stations at his half yearly visit and strike off unserviceable clothing destroying or disfiguring it at once, and order the issue of what may be necessary to complete the kits.

Kit inspections will be held monthly before the distribution of pay by an officers-in-charge of stations and out-posts by Officers in-Charge and by the Reserve Officers. The inspections must be thorough and any defect found should be reported to the Superintendent of Police. The fact that the inspections has been made will be noted by station and out-post officers in their general diaries by officers in their daily reports, and by the Reserve officers in the Morning Report but they will make no entries in the hand books except under the orders of the Superintendent of Police passed on issue and strike off forms. The names of men whose kits have not been inspected owing to absence will be noted, and an early opportunity should be taken of inspecting them.

In addition whenever any Sub-Inspector, Assistant Sub-Inspector, Head-Constable or Constable whose kits has not been inspected for two months is sent on duty to headquarters, the Reserve Officer will take the opportunity of examining his kit, and checking his hand book with clothing ledger.

234. Method of making inspections: Kit inspections will be held whenever it may be found convenient if the barrack accommodation is suitable, each' man's kit should be laid out on the foot of his cot or sleeping place. Each man will wear his best suit of uniform, and must produce every article with which he has been issued, including his appointment certificate.

Kits will be laid out neatly according to the pattern in force in the district. The inspecting officer should pay attention to cleanliness, condition and fit of uniform and accoutrements, and the tying of the *pagri*.

Long hair is not permitted and men who shave must be clean shaven.

235. Quarterly Checking of Stock: On the first day of April, July, October and January the Superintendent of Police will carefully checked the actual stock with the register of receipt and issue and take action on any discrepancies thus discovered, and certify to their correctness below the last entry.

As far as can be conveniently arrange the amount of clothing kept in stock should not exceed the estimated requirements until the arrival of the next supplies, to avoid deterioration due to damp and insects, Camphor, naphthalene or similar preservatives should be used freely to protect clothing in store from insects, and periodically the clothing should be taken out and exposed to the sun in the open air.

236. Return of Clothing: The clothing of men leaving the force resignation, dismissal or death, and of constables promoted to the rank of Head Constables or Assistant Sub-Inspectors and Head Constables or Assistant Sub-Inspector to that of Sub-Inspectors will be returned into store, classified by the Superintendent of Police as serviceable or unserviceable and will find entry in the register of receipt and issue. Unserviceable clothing and the clothing of men who have suffered from infectious diseases should invariably be destroyed. Serviceable clothing will be entered in the receipt and issue register and issued as required.

335. Making up of clothing.

For the making up of cloth into Uniform a tailor must be engaged, it is not permissible to enlist a tailor as a constable for the purpose.

A scale must be made out and kept in each district showing the amount of cloth required for each article of various stock sizes and the contract rates for sewing and fitting with notes as to whether the rates include thread, buttons, and such petty items.

Clothing should ordinarily be made up in three stock sizes in proportion suitable to the build of the constables in the district but as far as possible, every man's uniform should be individually fitted to him.

All such charges will be met from the clothing grant of the district police.

Miscellaneous Provisions (Rules 238 to 255)

238. Interview with the Inspector General of Police: No Police Officer, executive or ministerial, of non-gazetted rank when outside the district to which he is posted shall be allowed, without the permission of the Superintendent of Police under whom he is serving to interview the Director General and Inspector General of Police in order to make any representation in regard to his promotion, transfer, leave or any other personal matter. Such permission, however, should not ordinarily be refused. In the case of an officer on transfer the necessary permission should be obtained from the Superintendent of Police of the district from which the officer has been transferred.

239. Orderlies: Orderlies are allowed to police officers according to the following scale:-

1. Director General of Police
2. Additional Director General of Police
3. Inspector General of Police
4. Deputy Inspector General of Police
5. Senior Superintendent of Police
6. Superintendent of Police
7. Additional Superintendent of Police
8. Assistant / Deputy Superintendent of Police
9. Inspector

No orderlies are to be allowed. Orderlies should only be employed on duties of an official character, it should be understood that Police orderlies are not private servants, and should not be utilized as such.

240. Command Certificate: A Command Certificate in Form will be given to men or parties of men detailed from the reserve on duty. On the return of the men these command certificates will be filed with the requisitions and other papers relating to the escort or other duty.

It is not necessary that each man should be given a command certificate provided that all are named and the duties laid down in the certificate given to the officer Commanding.

241. Medical aid to Government servants: (1) All police personnel of the State whether gazetted or not are entitled to medical reimbursement as per the standing order issued by the State Government from time to time.

242. Police officers to report themselves: All subordinate Police officers from Inspectors downwards when they visit on duty the Sadar or Sub-divisional headquarters:-

a) of their own district, provided it is not their own headquarters, or

b) of another district will report themselves to the Superintendent of Police or the police officer highest in rank present, personally or in writing. They will mention the nature of the duty on which they are engaged and state whether they require any assistance from the local police. As long as they remain in the station, subordinate officers of another district will be under orders of the officer, highest in rank of the local police, who may be present.

243. Extra Departmental influence not to be solicited.

(1) Police officers of all ranks are forbidden to approach officers of other departments or non-official gentlemen or associations for support in pressing individual claims or obtaining redress of grievances. Such conduct is contrary to good discipline and any officer who is guilty of such conduct is liable to punishment.

(2) Police officers are similarly forbidden to approach Members of the Legislatures with a view to having their individual grievances made the subject of interpolations in the Legislatures.

(3) The prohibition in sub-rule (1) above includes the acquisition of certificates or letters of recommendation or formal letters addressed to the Superintendent of Police concerned, bringing to his notice specific services rendered to the writer.

(4) Police Officers are strictly prohibited from obtaining interviews with Members, Ministers, or Secretaries to Government without the prior sanction of the Director General and Inspector General of Police.

244. Grant of Certificate to Subordinates: Officers are forbidden to grant certificates to subordinates after they have ceased to have any official connection with them. If a subordinate asks a former superior to grant him a certificate, the former superior should confine himself to saying that he will be glad to answer any reference that may be made by a would be employer. In answering such a reference the officer should be careful to guard himself by stating clearly that his answer applies only to the time when he had official relations with the applicant.

245. Possession of firearms by the Police.

1. A revolver is prescribed as a part of the equipment of all police officers of and above the rank from the operation of all prohibition and direction contained in Sections 13, 14, 15 and 16 of the Indian Arms Act (Act XI of 1878) in respect of a revolver, but are required to obtain a license (which will be issued free of charge) in respect thereof.

2. The same exemption extends to all Police Officers in respect of such arms and ammunition as are supplied to them by Government for the execution of their duty, vide Section 1 (b) of the Indian Arms Act (Act XI of 1878), but no license is required for such weapons.

3. All applications made by officers for the purchase of arms mentioned in clause (I) should first be countersigned by the Superintendent of Police of the district in which the applicant is serving.

246. The Government servants conduct rules: All subordinate police officers are directed to acquaint themselves with and to observe the rules laid down by Government for the conduct of Government servants.

They are printed in pamphlet form. No police officer who has had anything to do, in his official capacity, with any property which is to be sold shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold, without the consent of the Director General and Inspector General of Police.

247. Members of the Police Force on duty should not consume intoxicants: Notwithstanding anything contained in any other rules in force for the time being members of the police force on duty should not consume intoxicants during the course of their duty or when they may reasonably be expected to be called upon to perform an official duty. The officers concerned should be warned in clear terms that any violation or slight disregard of this will be cause for stern disciplinary action.

248. Police officers not to make an attack on Government policy: Every officer is entitled to form and to hold his own opinion on public matters, but a person in the service of the State is not at liberty to make an attack upon what he knows or believes to be the policy or procedure deliberately approved by the Government and it is no justification of such attack that he is actuated by conscientious motives or has a strong conviction of the correctness of his own judgment. It is improper for any officer to convey to the public, whether in writing or in speech or otherwise, any opinion upon matters of Government policy which are or are likely to become the subject of public discussion. It is, of course, inevitable that cases must, from time-to time, occur in which the decisions of Government do not commend themselves to the officers who may have to carry them out. On such occasions the officers in question after making proper representations to their official superior, have only two course open to them namely either to acquiesce loyally and silently in the decision of the responsible authorities or to resign their positions in the service.

249. Police officers writing for press: No officer attached to a police office may be accredited correspondent of any newspaper without the permission in writing of the Director General and Inspector General of Police as well as that of the head of the office in which he is serving.

The communication of officers with the public press in explanation or defence of their official conduct or acts without the prior consent in writing of the Government which they serve is forbidden.

If the public conduct of an officer in the transaction of his official duties is impugned he is at liberty to apply to Government through the usual official channel for sanction to seek redress in Civil Court and Government will afford him every opportunity of vindicating his character.

250. Borrowing and lending money: All Police Officers from highest to the lowest are absolutely forbidden to borrow money from any of their subordinates or from any person residing, possessing land or carrying on business within the local limits of their jurisdiction, and any such act will be considered as tantamount to an act of corruption, and be awarded appropriate punished. This prohibition also extends lending money with or without security to any person residing within the local limits of their jurisdiction.

251. Debt: Superintendent of Police should bring to notice the conduct of subordinate who allow themselves to fall into embarrassed circumstances. All police officers arrested for debt, or having recourse to the insolvency Court, will be deemed to have forfeited their appointments. Unless it can be shown that their embarrassments have been the result of unforeseen misfortunes, or of circumstances over which they could exercise no control, and have not proceeded for dissipated or extravagant habits.

Every case in which a police officer is arrested for debt, or resorts to the insolvency court, should invariably be reported for the information of the Director General and Inspector General of Police.

NOTES

Attachment of salary or allowance of servant of the Government is provided for under Order XXI Rule 48 of the Code of Civil Procedure, reading as follows:-

"Rule XXI Order LXVIII – Attachment of salary or Allowances of servant of the Government or railway company or local authority – (1) Where the property to be attached is the salary or allowances of a servant of the Government or of a servant of a railway company or local authority or of a servant of a corporation engaged in any trade or industry which is established by a Central, Provincial or State Act, or a Government Company as defined under Section 617 of the Companies Act, 1956, the Court, whether the judgment-debtor or the disbursing officer is or is not within the local limits of the court's jurisdiction, may order that the amount shall, subject to the provisions of Section 60, be withheld from such salary or allowance either in one payment or by monthly installments as the Court may direct; and, upon notice of the order to such officer as the appropriate Government may by notification in the official Gazette appoint in this behalf:-

a) where such salary or allowance are to be disbursed within the local limits to which this code for the time being extends, the officer or other person whose duty it is to disburse the same shall withhold and remit to the court, the amount due under the order, or the monthly installments, as the case may be;

b) where such salary or allowance are to be disbursed beyond the said limits, the officer or other person within those limits whose duty it is to instruct the disbursing authority regarding the amount of the salary or allowance to be, disbursed shall remit to the court, the amount due under the order, or the monthly installments, as the case may be, and shall direct the disbursing authority to reduce the aggregate of the amounts from time to time to be disbursed by the aggregate of the amounts from time to time remitted to the Court.

2) Where the attachable proportion of such salary or allowance is already being withheld and remitted to a court in pursuance of previous and unsatisfied order of attachment, the officer appointed by the appropriate Government in this behalf shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.

3) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2), shall without further notice or other process, bind the appropriate Government or the railway company or local authority or corporation or Government company, as the case may be, while the judgment debtor is within the local limits to which this Code for the time being extends and while he is beyond those limits, if he is in receipt of any salary or allowances payable out of the Consolidated Fund of India or the Consolidated Fund of the State corporation or Government Company in India; and the appropriate Government or the railway company or local authority or corporation or Government company, as the case may be, shall be liable for any sum paid in contravention of this rule.

Explanation – In this rule, "appropriate Government" means):-

(i) as respects any person in the service of the Central Government, or any servant of a railway administration or of a cantonment authority or of the post authority of a major part, or any servant of a corporation engaged in any trade or industry which is established by a Central Act, or any servant of a Government Company in which any part of the share capital is held by the Central Government or by more than one State Governments or partly by the Central Government; and partly by one or more State Governments, the Central Government;

(ii) as respects any other servant of the Government, or a servant of any other local or other authority, or any servant of a corporation engaged in any trade or industry which is established by a Provincial or State Act or a servant of any other Government company, the State Government.

Section 60 of the Code deals with "Attachment" in general, where under, amongst others so far salary is concerned the following are not liable to such attachment or sale;

1) 60 (1) (f) – any right of personal service.

2) 60 (1) (g) – stipends and gratuities allowed to pensioners of the Government or of a local authority or of any other employer or payable out of any service family pension fund notified in the official Gazette by the Central Government or the State Government in this behalf, and political pensions.

3) 60 (1) (i) – salary to the extent of the four hundred rupees and two-thirds of the remainder in execution of any decree other than a decree for maintenance:

Provided that where any part of such portion of the salary as is liable to attachment has been under attachment whether continuously or intermittently, for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months, and, where such attachment has been made in execution of one and the same decree, shall, after the attachment has continued for a total period of twenty-four months be finally exempt from attachment in execution of that decree:

4) 63 (1) (ia) – one third of the salary in execution of any decree for maintenance.

5) 63 (1) (k) – all compulsory deposits and other sums in or derived from any fund to which the Provident Funds Act, 1925,(19 of 1925), for the time being applies in so far as they are declared by the said Act not to be liable to attachment.

6) 63 (1) (k-a)-all deposits and other sums in or derived from any fund to which the Public Provident Fund Act, 1968 (23 of 1968), for the time being applies, in so far as they are declared by the said Act as not to be liable to attachment.

7) 63 (1) (L) – any allowance forming part of the emoluments of any servant of the Government or of any servant of a railway company or local authority which the appropriate Government may by notification in the official Gazette declare to be exempt from attachment and any subsistence grant or allowance made to any such servant while under suspension.

8) (1) (o) – any allowance declared by any Indian law to be exempt from liability to attachment or sale in execution of a decree.

As per Explanation II in clauses (i) and (I-a) "salary" means the total monthly emoluments, excluding any allowance declared exempt from attachment under the provisions of clause (1) derived by a person from his employment whether on duty or on leave.

As per Explanation III – in clause (1), "appropriate Government", in respect of any person in service of the Central Government means the Central Government and as respects any other servant of the Government means the State Government.

Attachment in contravention of clauses (I) and (I-a) cannot be made even with the consent of the parties. Such provisions are mandatory and cannot be waived.

Arrears of salary and allowances are not exempted. Dearness allowance and daily allowance constitute part of salary.

The salary of a Government servant can be attached held in *Punjab Province v. Tara Chand*, AIR 1947 FC 23.

Compulsory deposits under the Provident Funds Act are not attachable, as held in *Union of India v. Hira Devi*, AIR 1952 SC 227; *Union of India v. Radha Kissen*, AIR 1969 SC 762; *Union of India v. J. C. Fund and Finance*, AIR 1976 SC 1169.

A person claiming exemption under any of the clauses under Section 60 must plead and prove the name, as held in *Appasaheb v. Bhalchandra*, AIR 1961 SC 589; *Matu Ram and Sons v. Elgin Mills Co.*, AIR 1974 Delhi 205 : *Gauri v. Ude*, AIR 1942 Lah 153 (FB).

For wrongful attachment damages can be claimed under Order XXXVIII Rule 5 of C.P:C. For damages for wrongful attachment reference may be made to decisions in *Sadashiv Gobind v. Sheduram*, AIR 1955 Bom 67; *Gaylord Restaurant v. M. Chabbarai*, AIR 1975 Mad 108 ; *Ramdeo v. Birdhichand*, AIR 1962 Raj 164; *Pannaji Devichand v. Sanaji Kapur Chand*, AIR 1930 Mad 635.

252. Using subordinates for private purpose: All officers including superior officers of police are forbidden to employ their subordinates on their own personal service in procuring supplies, making themselves generally useful, performing duties of a menial nature and so on. Irregular practice of this nature are calculated to place them in a false position, and open the door to misrepresentation. In addition to this they are of course indefensible in themselves, and constitute an abuse of authority which cannot be passed over lightly. Superintendent of Police are explicitly required to bring any contravention of this rule to the notice of the Director General and Inspector General of Police.

253. Connection of officers with banks and other public companies: Officers of the crown may not be engaged as directors of banks, or have the management of any public companies. There is, however, no objection to permitting public servants to engage in the management of associations for the purpose of mutual supply and not of trade and trade profit, provided that such employment: is not prejudicial to their work as public servants.

254. Taking part in politics and elections: (1)(i) No Government servant shall take part in or subscribe in aid of, or assist in any way any political movement in India, or relating to Indian affairs.

Explanation – The expression "Political Movement" includes any movement or activities tending directly or indirectly to excite disaffection against, or to embarrass, the Government as by law established, or to promote feelings of hatred or enmity between different classes of his Majesty's subjects, or to disturb the public peace.

(ii) No Government servant shall permit any person dependant on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is or tends directly or indirectly to be, subversive of Government as by law established in India.

Explanation – A Government servant shall be deemed to have permitted a person to take part in or assist a movement or activity within the meaning of clause (ii) if he has not taken every possible precaution and done everything in his power to prevent such person so acting, or if, when he knows or has reason to suspect that such person is so acting, he does not at once inform the State Government or the officer to whom he is subordinate.

(2) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in, any election to a legislative body, whether in India or elsewhere.

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote, but if he does so, shall give no indication of the manner in which he proposes to vote or has voted.

(3) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purposes of sub-rule (2) to take part in any election to such body.

(4) The provisions of sub-rule (2) and (3) shall, so far as may be applicable to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law or order of Government for the time being in force to be a candidate at such elections.

255. Police officers prohibited from collecting subscriptions from the public for Pujahs: Police officers and men are prohibited from collecting subscriptions from the public for celebrating Pujahs. There is no objection to their becoming members of Pujah committee organized by the public, but they are prohibited taking any active part in collecting subscriptions in connection with such committees. There is also no objection to police officers celebrating Pujahs with Subscription raised from the members of the force or from officials or to their accepting invitations from the public or inviting the public to their Pujahs.

APPENDIX 'A'

LIST OF BOOKS, REGISTERS, FILES, ETC. TO BE KEPT BY THE RESERVE OFFICERS

No.	Name of Registers and files
1.	Register of Candidates
2.	Service Sheets
3.	Service Books
4.	Register of Punishment.
5.	Roster or daily duties
6.	Register of disposition
7.	Leave Register
8.	Register of Casual Leave
9.	Daily Register of diet Supplied to patient in Police Hospital
10.	Register of Target Practice
11.	District Order Book
12.	Morning Report
13.	Reserve Register
14.	Ammunition account
15.	Reserve Stock
16.	Register of visiting Guards
17.	Register showing distribution of Arms

18. Register of receipt and issue of clothing
19. The committee report book
20. The individual clothing ledger
21. Clothing hand book

FILES

22. File of Police Gazettes
23. File of nomination rolls Sub-Inspectors
24. File of Verification rolls of Sub-Inspector
25. File of agreements
26. File of Verifications rolls of Constables
27. File of Appointment Certificates of men going on leave
28. File of dismissal report slips
29. File of Proceedings
30. File of leave applications
31. File of Office copy of monthly abstract of cost of diet supplied to patients
32. File of Office copy of statement of charges and recoveries
33. File of discharge certificate
34. File of Appointment Certificate of discharged men
35. File of copy of pension and gratuity rolls
36. File of office copy of annual report to target practice
37. File of office copy of force return
38. File of return of police officers attaining 55 years
39. File of report of visiting Guards

40. File of command certificate
41. File of proceedings of committee to inspect stores
42. File of office copy of statement of casualties in ball ammunition
43. File of office copy of indents for uniform
44. File of issues forms

APPENDIX B DESCRIPTION OF UNIFORMS

1. Uniform of Inspectors.
2. Orders of dress for Inspectors.
3. Uniform of Sub-Inspectors.
4. Orders of dress for Sub-Inspectors.
5. Uniform of Assistant Sub-Inspectors.
6. First Kit of Sub-Inspectors /Assistant Sub-Inspectors.
7. Uniform of Head-Constables Armed Branch.
8. Orders of dress for Head-Constables.
9. First Kit of Head-Constables.
10. Uniform of Naiks/Lance Naik
11. Uniform of Constables.
12. First Kit of Constables, District Police, Unarmed Branch, Armed Branch.
13. Clothing of Non Combatant Employee.

1. **Uniform of Inspectors:** Head dress, khaki woolen peak cap.

Rank Badges – White nickel N. P. letters, and three stars and a ribbon (blue and red) The stars will be five

pronged plain and nickel.

Shirt – Khaki drill, with two breast pockets, and shoulder strap, collar attached or detachable at option.

Trousers – Khaki drill, to reach to the ankle.

Stockings – Plain khaki woolen.

Boots – Brown leather (derby pattern) with plain toe caps, and leather laces.

Shoes – Brown leather, plain.

Sam Brown Belt – Brown leather with white metal fittings and single brace, unless a revolver is carried. Frog will only be worn when the sword is worn.
Crest – Nickel N. P. crest for Inspector.

2. Orders of Dress for Inspectors: Khaki Bush Shirts or Shirts with sleeves rolled up, khaki slacks, khaki lanyard with whistle, Shoes (Brown) with khaki socks. Web or Brown belt or Sam brown belt. Inspector will wear three stars and a ribbon.

3. Uniform of Sub-Inspectors: As for Inspectors but two stars with ribbon (blue and red) and nickel N. P. letters.
Head dress- Khaki woolen Peak-Cap/Navy Blue beret cap.
Badge of rank (Shoulder badge) Two stars with ribbon (blue and red) to be worn on each shoulder strap. Breeches, trousers, stocking boots, shoes, as for Inspector. Sam Brown belt.
Crest – Nickel, N.P. crest for Sub-Inspectors.

Note: During the cold weather, uniform of similar pattern, but of woolen serge may be worn.

4. ORDERS OF DRESS FOR Sub-Inspectors:-

D.E.F. A.B./U.B.
Sub-Inspector

Ceremonial Dress
Same as Inspectors but with two stars and a ribbon (blue and red).

D.E.F. A.B./U.B.
Sub-Inspector

Working Dress
Same as Inspectors but with same brown belt.
Head gear for ABSI- Khaki peak cap or Khaki beret cap for working dress.

The existing type will continue but S. I. will wear two stars with ribbon.

The existing pattern of uniform will otherwise continue.

Note 1: Working dress may be worn by Court.

Note 2: Probationary Sub-Inspectors under training at the Police Training College will wear the same uniform as Sub-Inspector but with a waist belt as for Assistant Sub-Inspectors in lieu of a Sam brown belt, and the departmental letters "N. P." in white metal backed with scarlet cloth on the shoulder straps.

5. Uniform of Assistant Sub-Inspectors: Head Dress-Navy blue beret cap as for Armed Branch Constables, with nickel N.P. crest in front.

Badges of rank and buttons: One star with ribbon (blue and red) with nickel N.P. letters on each shoulder straps.

Departmental nickel "N.P." letters will be worn at the base of each shoulder strap.

Trousers and Boots – As for Un-armed Branch Head-Constables and constables.

Haversack – Khaki drill with khaki newer strap and brass loops and slide, flap to fasten with one N.P. pattern brass buttons.

Waist Belt – Brown leather circular brass clasp with N.P. monogram on clash.

Jersey - khaki wool.

Socks – Khaki woolen.

Kit Box – Of steel, colored black and measuring 24 inches long, 14 inches broad and 9 inches deep with padlock fastening.

6. First Kit of Sub-Inspector /Assistant Sub-Inspector: Sub-Inspector /Assistant Sub-Inspector will be provided with the following Uniforms, the items of which should last as a minimum, the period stated:

<i>Article</i>	<i>Number</i>	<i>Life</i>	<i>Years</i>
Cap	1	5	“
Trousers khaki drill	1 Pair	1	“
Jersey	1	2	“
Shoulder Title	1 Pair	5	“
Star with ribbon, nickel N.P.	1 Set	10	“
Buttons	----	----	“
Socks	3 Pairs	1	“
Boots	1 Pair	1	“
Kit box	1 No.	5	“
Cap Badge	1	5	“
Formation Sign	1	1	“
Beret Cap	2	1	“
Jungle Hat (Hat FS)	1	1	“
K.D Dangri (Driver)	2	1	“
Woolen Jersey Khaki	1	2	“
Woolen Socks	3 Pairs	1	“
Woolen Blanket	2	5	“
Woolen Vest	1	2	“
BD Trouser	1	3	“
BD Blouse	1	3	“
Anglo Shirt	1	1	“
Ground Sheet	1	2	“
Mosquito Net	1	3	“
Kit Bag	1	5	“
Coat Purkha	1	5	“

Rain Coat	1	2	“
Shoe Brush	1	1	“
Line Bedding	1	1	“
Web Anklet	1	2	“
Ankle Boot Brown	1 Pair	1	“
Jungle Boot	1 Pair	1	“
Shoe Canvas White	4 Pairs	1	“
Web Belt	1	5	“
Cross Belt Brown	1	5	“
N.P Whistle	1	5	“

Haver Sack Khaki	1	5	“
Large pack Khaki	1	5	“
Basic Pouch Khaki	1Pair	5	“
Landyard Khaki	2	1	“
Hackle	2	1	“
Pistol Cord	2	1	“
Boot Polish Brown	12 Nos.	1	“
Navy Blue Woolen Trousers	1	2	“
Navy Blue Woolen Jersey	1	2	“
Navy Blue Woolen Shirt	1	2	“
Leather Belt 15Pistol Cover Web	1	5	“
Long Cloth Shirt (S.B)	2	1	“
Leather Shoe Black (S.B)	1	1	“
Hosetop	1 Pair	2	“
Pull through	1	5	“

9. Uniform of Head Constables, Armed Branch: *Head Dress* – Navy Blue baret cap as for Constables of A. B.

Cap – Khaki cloth, stiffened with canvas, 2 ½ " high with brass "N.P.", badge in front, and brown leather chin strap. To be worn ordinarily with a khaki drill covers detachable for rashing.

Unarmed Branch – Head dress – Khaki beret cap.

Trousers, boots, waist belt buttons and shoulder badges as for Assistant Sub-Inspectors.

Rank Badges – One three barred cloth chevron, interspace 1/8", on a white cloth ground, worn point downwards on the right upper arm, lowest point of the chevron being 9 ½ " below the shoulder seam.

D. E. F. A. B./U. B., A. S. I. – Ceremonial Dress – Khaki shirt with sleeves rolled up, slacks khaki, Boots, (Ammunition) Brown with khaki socks, existing leather belt.

Constables – Existing pattern with khaki slacks, boot (ammunition) black, khaki socks. (Traffic personnel will wear white uniform instead of khaki and blue lanyard).

Constables – Same as A. S. I. without lanyard.

Badges of Rank (Shoulder Badge) A. S. I. – One star with ribbon (blue and red) with nickel N. P. letters.

Constables – Only N. P. letters.

Crest – Nickel N.P crest for A. S. I./one brass crest for Constable.

Head Gears – Navy Blue beret for A. B. Constable/ Navy Blue beret for A. S. I.

10. Order of dress for Head Constables: *Inspection Kit* – Cap (Armed Branch) or other head dress (Unarmed Branch), Trousers, boots, belt and medals.

Working Kit – Beret cap, Boots, Belt and medal ribbons.

11. First kit of Head Constables: A head constable will be provided with the following uniform the items of which should last as a minimum the period stated:-

<i>Article</i>	<i>Number</i>	<i>Life</i>	<i>Year</i>
Trousers Khaki Drill	1	1	Year
Jersey	1	2	“
Socks	3 Pairs	1	“
Boots	1 Pair	1	“
Kit box	1 No.	5	“
Cap Badge	1	5	“
Shoulder Title	1 Pair	5	“
Formation Sign	1	1	“
Beret Cap	2	1	“
Jungle Hat (Hat FS)	1	1	“

K.D Dangri (Driver)	2	1	“
Woolen Jersey Khaki	1	2	“
Woolen Socks	3 Pairs	1	“
Woolen Blanket	2	5	“
Woolen Vest	1	2	“
BD Trouser	1	3	“
BD Blouse	1	3	“
Anglo Shirt	1	1	“
Ground Sheet	1	2	“
Mosquito Net	1	3	“
Kit Bag	1	5	“
Coat Purkha	1	5	“
Rain Coat	1	2	“
Kit Box	1	5	“
Shoe Brush	1	1	“
Line Bedding	1	1	“
Web Anklet	1	2	“
Ankle Boot Brown	1 Pair	1	“
Jungle Boot	1 Pair	1	“
Shoe Canvas White	4 Pairs	1	“

Web Belt	1	5	“
N.P Whistle	1	5	“
Haver Sack Khaki	1	5	“
Large pack Khaki	1	5	“
Basic Pouch Khaki	1Pair	5	“
Landyard Khaki	2	1	“
Hackle	2	1	“
Boot Polish Brown	12 Nos.	1	“
Navy Blue Woolen Trouser (Traffic)	1	2	“
Navy Blue Woolen Jersey (Traffic)	1	2	“
Navy Blue Woolen Shirt (Traffic)	1	2	“
Long Cloth Shirt (S.B)	2	1	“
Leather Shoe Black (S.B)	1	1	“
Hosetop	1 Pair	2	“
Pull through	1	5	“

12. Uniform of Naiks/Lance Naiks: Naiks/Lance Naiks will wear the same uniform as a Constable, with a single (two) bar white cloth chevron on a khaki cloth ground on the right upper arm for Naiks a single (one) bar white cloth chevron on a khaki cloth ground on the right upper arm for Lance Naiks

13. Uniform of Constables: *Head dress* – Navy Blue beret cap for A. B. Constables and U. B. Constables.

Blouses – Khaki drill with yoke, opening halfway, with single stand up collar 1 inch high, fastening with 1 hook, "two pleated breast pockets with flaps, held down by plain flat brass buttons." Three plain flat brass buttons down front, shoulder straps of same material fastening with small flats brass buttons, roll number in brass figures 1 inch in height to be worn on right breast and brass departmental letters at base of shoulders, Brass hook on the left side to support the belt,

Trousers, Jersey, Kit-bags, Purkha Coats, Socks, Boots and Haversacks as for Head Constables.

Waist Belt – Web Belt.

Pouches – (When worn) As for Assam Rifles.

Chevrons – On earning the first, second, third and fourth approved Service increments of pay, a constable will, wear a chevron of one, two, three and four bars, respectively. The chevrons will be of white cloth on a khaki ground and 4 ½ ", across, bars ½ " wide, inter-space ⅛", worn point upwards on the left forearm, the inside of the angle to be 1 ½ " above the point of the cuff. To be attached by press studs.

Water Proof – Of khaki canvass, with hood, fastening with buttons and eyelets, cut so as to be suitable for use as a ground sheet also.

15. First kit of Constables. Unarmed Branch/ Armed Branch: A constable of the unarmed-Branch will be provided with the following uniform. The items of which should last as a minimum the period stated:-

<i>Article</i>	<i>Number</i>	<i>Life</i>	<i>Year</i>
Trousers Khaki Drill	1	1	Year
Shoulder Title	1Pair	5	“
Jersey	1	2	“
Socks	3 Pairs	1	“
Boots	1 Pair	1	“
Kit box	1 No.	5	“
Cap Badge	1	5	“

Formation Sign	1	1	“
Beret Cap	2	1	“
Jungle Hat (Hat FS)	1	1	“
K.D Dangri (Driver)	2	1	“
Woolen Jersey Khaki	1	2	“
Woolen Socks	3 Pairs	1	“
Woolen Blanket	2	5	“
Woolen Vest	1	2	“
BD Trouser	1	3	“
BD Blouse	1	3	“
Anglo Shirt	1	1	“
Ground Sheet	1	2	“
Mosquito Net	1	3	“
Kit Bag	1	5	“
Coat Purkha	1	5	“
Rain Coat	1	2	“
Kit Box	1	5	“
Shoe Brush	1	1	“
Line Bedding	1	1	“
Web Anklet	1	2	“
Ankle Boot Black/Brown	1 Pair	1	“
Jungle Boot	1 Pair	1	“
Shoe Canvas Brown/White	4 Pairs	1	“
Web Belt	1	5	“
Cross Belt Brown	1	5	“
Haver Sack Khaki	1	5	“
Large pack Khaki	1	5	“
Basic Pouch Khaki	1Pair	5	“
Rifle Sling	2	1	“
Bayonet Frog	1	5	”
Hackle	2	1	“
Boot Polish Black/Brown	12 Nos.	1	“
Navy Blue Woolen Trouser (Traffic)	1	2	“
Navy Blue Woolen Jersey (Traffic)	1	2	“
Navy Blue Woolen Shirt (Traffic)	1	2	“

Leather Belt	1	5	”
Long Cloth Shirt (S.B)	2	1	“
Leather Shoe Black (S.B)	1	1	“
Hosetop	1 Pair	2	“
Pull through	1	5	“

"One extra pairs of shorts (trousers) and one shirt, or one pair of Dangris will be issued to each of the drivers of Police Vehicle.

13. Clothing for Non Combatant Employee: Non Combatant Employee like Washer men, Sweeper, Cook, Water carrier, etc. will not be issued Beret Cap, web belt, ammunition boot which they are not entitled to wear as their nature of works is menial. They are not trained personnel and should not be utilized for effective Police duties. However, other items of clothing mentioned in Rule 12 above may be issued when available.

APPENDIX “C”

FORM NO. 1

DISMISSAL REPORT SLIP.
(Referred to Rule 45)

1. Name and Father's name :
2. Rank :
3. District :
4. P.S :
5. Village :
6. Reason for discharge :

FORM NO. 2

REGISTER OF PUNISHMENTS.
(Referred to Rule 54)

Punishments with
Description and departmental
Date.

1. District number, rank, pay and name.
2. Nature of misconduct.
3. Suspension with date of commencement and termination.
4. Judicial.
5. Major.
6. Minor.
7. Amount of pay recovered for over staying leave, damaging Government property etc.
8. Remarks (No. of date of district order and date of deductions) if any ordered.