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Description of the Reserve (Rules 1 to 5)

1. Division of the force

(i) The Assam Police 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 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 Head Constables and 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) A force trained in the control of riverine crime, known as the River Police.
- e) An ordinary reserve in the rank of Constable, to provide for leave, sickness, training and other vacancies.

(iii) The Unarmed Branch comprises:-

- a) The staffs of investigating centres 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, and known as the Town police.
- 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 excise 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 Government) 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 despatch under the orders of the Deputy Commissioner at short notice, to any place where it is needed.

B. Emergency Armed reserve.

All Town Police 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 ball and 5 rounds of Back shot per musket and being part of the 'Service' allotment for the District, will in, Sub-division, be kept at Sub-divisional Headquarters in Treasury Guard Room, and at the Headquarters of the District in the Police Armoury.

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

The object of the Emergency Armed Reserve is to provide a force on the spot capable of quelling incipient 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.

Except in cases of grave emergency, the Town and Sub-divisional Thana police will not be used as an emergency armed force without consulting the Deputy Commissioner or the Sub-divisional Officer as the case may be.

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

The Armed Police will be permanently organised into platoons and sections and will be regularly and continuously trained on Military Lines and in accordance with the system laid down in infantry training and Small Arms Training 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 advanced 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 defence 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 operate in small detachments of one or two Sections. It is essential therefore that the subordinate commanders, particularly the Head Constables and Naiks, should be capable of acting independently, and 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 to 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 organised 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 neighbouring 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 Inspector-General of Police will appoint Ministerial and Menial Establishments of his own Office.
- 2) The Deputy Inspector-General of Police will appoint Ministerial Establishments of his own Office and also of the Superintendent of Police and Menial Establishments of his own Office.
- 3) Superintendent of Police will appoint interpreters, steam or motor launch and both establishments, elephant establishments and menial establishment of their own and subordinate offices except the employees in Civil Police Hospital.

Note: The appointing "authorities" for Non-gazetted Police Officers will be found in Rule 66 and the Schedule

attached thereto.

7. Pay of Inspectors and Sub-Inspectors.

The pay of Inspectors is fixed on a time Scale of Rs. 600-25-500-EB-30-950. Ordinarily all appointment of Inspectors will be made by promotion from amongst Su-Inspectors (*see* Rule 39) but the Deputy Inspectors General of Police has the power in special cases to make direct appointments. In such cases the standard measurement and the Rules regarding their health and verification certificates shall be the same as for Sub-Inspectors.

The pay of Sub-Inspectors is fixed on a time Scale of Rs. 325-15-400-EB-16-560-EB-18-650.

8. Deleted.

9. Deleted.

10. Deleted.

11. Direct Recruitment of Sub-Inspectors.

(i) Every Superintendent of Police will maintain a list of candidates for direct recruitment as Sub-Inspectors.

(ii) The list will comprise the names of all candidates recommended by-

The Divisional Commissioner.

The District Magistrate.

The District Judge .

The Inspector General of Police.

The Superintendent of Police.

The Director of Public Instruction.

The Inspectors of Schools.

The Principals of Government Colleges.

(iii) Such recommendation may be made at any time. They should be submitted in the form of nomination roll. Form No. 56 of Schedule XL (A) (Part-I).

On receipt of the roll, if it is in order, the Superintendent or Police will fill it and enter the name of the nominee in his list.

(iv) In September, each year the Superintendent of Police will publish a notice throughout his district, inviting applications for the posts of Sub-Inspectors of Police. The notice should be sent to the officers mentioned in Clause (ii) and local associations and should also state that applications will be received by the Superintendent of Police upto the end of October, that printed application forms can be obtained from the office of the Superintendent of Police, free of cost, and that candidates must possess the qualifications specified in Clause (XII). Before the candidates are forwarded with a nomination, the Superintendent of Police should see that form of application and verification have been filed in properly and with sufficient detail.

(v) In October of each year the Deputy Inspector-General of Police will intimate to each Superintendent of Police the number of nomination required from each district and any limitation to be observed in the number to be selected from any particular community.

(vi) On receipt of this intimation the Superintendent of Police will send for all the candidates entered in his list to appear before him on a date fixed in consultation with the District Magistrate. The candidates should produce before him their examination certificates and the originals of their letters of recommendations, if copies only have been submitted with their applications. He will have each measured in his presence and will verify the examination Certificates noting the facts in the Form. He will also note whether the age stated in the Form agrees with that in the Matriculation Certificate, or in the Service Book if the candidate is already in the service of the Government.

(vii) On the following day, or as soon after as possible, and not later than the 15th November each year, the District Magistrate and the Superintendent of Police with jointly, after interview the Candidates, forward to the Deputy Inspector General a list of the nominees called for, together with the form of application of each man chosen. The names submitted should as far as possible be placed in order of preference.

(viii) Each nominee should be required to fill in sign, and affix his thumb impression to a verification roll,

Form No. 57 of Schedule XK (A) (Part-I) and the statement therein contained should be verified by an Inspector or Officer of higher rank, and the roll forwarded alongwith the form of application or as soon afterwards as possible.

(ix) Each nominee recommended by the District Magistrate and the Superintendent of Police shall obtain from the Civil Surgeon, on payment of a fee of Rs, 4 a Medical Certificate as to his fitness for Government Service in Form No. 58 of Schedule XL (A), (Part I).

This certificate will be made over to the Superintendent of Police and forwarded with the form of application to the Deputy Inspector General of Police.

(x) The final selection will be made by the Deputy Inspector General of Police who may accept the nominations made by the Superintendent of Police and the District Magistrates or may call for fresh nominations or may select candidates other than those nominated by the District Magistrates and the Superintendents of Police.

The Inspector General of Police may, however, himself select in any one year a number of candidates, either than these nominated by the State Selection Board upto a maximum of 10 percent of the total number of, appointments to be made in that year. These special appointments may be made with or without the advice of the State Selection Board.

"The order appointing Probationary Sub-Inspector will be issued by the Superintendent of Police of the districts from the candidates are nominated."

(xi) No candidate's name will remain on the Superintendent of Police's list for more than two years, unless the District Magistrate and the Superintendent of Police when making their annual selection, consider that any particular candidate may be allowed to compete for third year.

(xii) At their annual selection the District Magistrate and the Superintendent of Police should struck off the name of any candidates whose chance of success is hopeless, and such candidates will not be again nominated.

(xiii) Every candidate for direct appointment must possess the following qualifications:-

b) He must be between ages of 20 and 24.

b) He must have passed the graduation examination in Acts or Science of an Indian University or some recognised equivalent or higher examination.

The State Government may, however, in exceptional cases or on the recommendation of the Inspector General of Police dispense with this qualification, provided that such candidate has a fair working knowledge of English, and is otherwise especially qualified for appointment as a Sub-Inspector of Police:-

(c) He must be of a respectable parentage and of good social standing and position.

(d) He must be not less than 5 feet 3 inches in height and 30 inches in chest measurement and must have been vaccinated.

(e) He must produce certificates of conduct from the Head Master's or Principal's of the Schools or Colleges he has attended during the year previous to his nomination, or from respectable residents who have known him intimately during the three years prior to his nomination.

12. Bonds to be executed by Probationary Sub- Inspectors on their first appointment.

All probationary Sub-Inspectors on their appointment will execute a bond in Form No: 215 of Schedule XL (A) (Part I), whereby they will be required to serve for a full period of three years in the Assam Police from the date of their confirmation as - Sub-Inspectors unless discharge or dismissed or certified by a competent medical officer to be unfit for such service, or in default to pay to Government forfeit on the scale laid down in the form. The bond will be taken by the Principal of the Police Training College or the Superintendent of Police under whom a probationary Sub-Inspector may on his first appointment be placed for training, and it must be signed in the presence of this officer and a Sub-Inspector both of whom should a sign it as witnesses. The State Government pleader should be consulted as regards the stamping and registration of the bond. The bond when completed should be sent for safe custody to the Deputy Inspector General of Registration.

13. Training of probationary Sub-Inspectors and their pay.

Candidates directly recruited will undergo a course of Instruction at the Police Training college.

A detailed list of such candidates will be sent by each Superintendent of Police concerned to the Principal, Police Training College, together with their nomination and a verification rolls and health certificate. These rolls will

from part of the candidate's appointment papers and will be sent the Superintendent of Police of the district to which the cadet is subsequently posted. The health certificate will be attached to the 1st pay bill.

Each selected candidate must be revaccinated before joining the Police Training College and must produce before the Principal a certificate from a Civil Surgeon showing the date on which this was done.

Note. - (The Civil Surgeon should give the certificate of revaccination after operation has been performed without fee.

The directly recruited probationary Sub-Inspectors (Cadets) while undergoing training at the Police Training College will draw pay at the following rates according to the class of cadet

- 1) A cadet directly recruited except, those mentioned in (2) Rs. 150 per month.
- 2) A cadet directly recruited who hold a lien on a permanent post in the service of the crown Rs. 50 a month plus personal pay up to the amount required to make the cadet's pay at the Training College equivalent to the Substantive pay of his permanent post, provided that the total pay including the personal pay shall not exceed Rs. 175 a month.

Cadets on passing out of the Training College successfully and on being posted to districts as probationary Sub-Inspectors will undergo practical training in districts for two years.

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 cadets on passing out of the Training Colleges 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 College for training.

13-A. Training Programme of the directly recruited Armed Branch Sub-Inspectors.

Notwithstanding anything contained in Part III of the Assam Police Training College Manual which will apply to the directly recruited Armed Branch Sub-Inspectors during the period of one year's training at the Police Training College they will undergo 2 year's practical training after successful completion of training at the Police Training College.

- (i) In the first year of practical training they will be attached to Police Station for 6 months, when they should be given the opportunity of investigating a few cases under the direction of the officer in-charge and circle Inspectors. For the next three months they will be attached to a court office to learn prosecution work, and for the remaining 3 months they will be attached to the Reserve and the S.P. 's office to acquire knowledge of work in those offices. They should be trained in accounts works to make them conversant with the rules relating to accounts so that they may function as Reserve Officers of the districts, as and when posted.
- (ii) Next, for a period of one year they will be attached to an Assam Police Battalion where they will be put through different Branches of the Battalion work. During this period they will have to undergo the platoon commander's course, besides a course in weapons and tactics.
- (iii) During the period of their probation they will be deputed for a weeks proficiency training at the finger print Bureau, Gauhati, as prescribed for the U.B. Sub-Inspectors. They will also have to pass the departmental examination in Language before they are confirmed in the rank.

14. Duties of Head Constable.

Head Constables of the unarmed Branch are employed in charge of Town Police Section. Railway Police Beats, 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, and for this purpose, occasional interchanges should be made.

Head Constables of the Armed Branch are employed in charge of Armed Police Reserve Sections, Guards and escorts, River Police Patrols, and as drill instructors at the Assam Police Training School.

(For duties of Assistant Sub-Inspectors see rule in Part-V).

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

(A) Pay of Assistant Sub-Inspectors is fixed on a time scale of Rs. 255 rising to Rs. 400 by annual increment of Rs. 6 yearly, (255-6-315-EB-750-EB-10-400 p.m).

(B) Pay of Head Constables of the Armed and Un-Armed Branches of civil police is fixed on a time scale of Rs. 240-5-265-EB-7-335-EB-9-380 p.m.

16. 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 Constabulary. For the present however up to 75 percent of the vacancies in the rank will be filled up by promotion after a department examination from the constabulary if sufficient number of qualified constables are available and the balance will be recruited direct. The minimum qualification for direct recruits will be the Pre-University passed certificate or any recognised equivalent examination but Government may in exceptional cases or on the recommendation of the Inspector General of Police dispense with this qualification provided the candidate for appointment is otherwise sufficiently qualified. The appointment by promotion will be made by the Superintendent of Police Assistant Sub-Inspector, when recruited from outsiders will be selected by the Deputy Inspector General of Police sitting as president of the selection Board referred to in Rule III-II (X). Every candidate for direct appointment must be between the ages of 20 to 24 and must not be less than 5 feet 3 inches in height and 30 inches in chest measurement and must have been vaccinated. An agreement will be taken from directly recruited. Assistant Sub-Inspectors as is done in the case of constables, vide Rule 27.

A constable recruit should not be allowed to sit for the departmental examination for promotion to Assistant Sub-Inspectorship until he has put in at least one year as a constable after the completion of training in the Training School. The Superintendents of Police will send in their recommendation to the Inspector General of Police for promotion the results of the examination and the Inspector General will make the final selection. A constable may be appointed temporarily by the Superintendent of Police to a vacancy other than a leave vacancy in the rank of Assistant Sub-Inspectors but cannot be made permanent unless he qualifies for promotion in the department 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 Assam 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 Deputy 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. Assistant Sub-Inspectors should be encouraged to appear in departmental Law and Language examinations, and Superintendent of Police should bear in mind that no Assistant Sub-Inspector should be recommended for confirmation who does not show promise of fitness for eventual promotion to the rank of Sub-Inspector.

COMMENT

Dismissing authority lower the rank of the appolnt1ng authority -See decision in *Munindra Nath Gogoi v. State of Assam*, (1987) 1 GLR 328 and *Bireswar Saikia v. State of Assam*, (1986) 2 GLR 453.

17. 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 Superintendents of Police. They will remain on probation for one year, extensible by the Deputy Inspector General for reasons to be stated to him by the Superintendents of Police to two years, and then be confirmed, if found fit.

No constable shall be promoted to the post of Armed Branch Head Constable unless he possesses a certificate of competency in drill.

No illiterate constable of the unarmed Branch shall be promoted unless he possesses a certificate of competency in drill.

18. Oath of Allegiance.

After the final examination at the Training School or College, all successful recruits, whether Constables, Assistant Sub Inspectors, or Sub-Inspectors shall take an oath in the prescribed form before being posted, or returning to their Districts. The oath shall be taken in small batches at a formal parade and the ceremony, which should be made impressive, shall be conducted by the Principal of the Police Training School or College concerned. Officers or men who for any reason are trained otherwise than at a Training School or College shall take the oath at a formal parade

held by the Superintendent of the district to which they are posted.

This oath is printed as part of the service sheet.

**Pay and Enlistment of Constables
(Rule 19 to 31)**

19. Pay of Constables.

- a) i) *Constables Un-Armed Branch. 205-5-255-EB-6-285-EB-8-325 P.M.*
- ii) Constables-Armed Branch Rs, 205-5-255-EB-6-285-EB-8-325 P.M.
- b) The following additions to pay are admissible.
 - i) To Constables of the Armed Branch Rs. 4 per months special pay. Those recruited on or after the first July, 1933 shall not draw the special pay until they have passed into the ranks after training.
 - ii) To Constables of the Criminal Investigation Department Rs, 3 per month special pay. But temporary Constables of the Un-armed Branch who are discharged owing to reduction of staff or when found not suitable for Police service will "raw proportionate deferred pay for their continuous and approved service during that incomplete period. This will take effect from the 3rd September, 1939.
 - iii) Burglars - Rs. 2 per month special pay.
 - iv) Armourers and Assistant Armourers – Special pay at the rate of six pies per month per musker subject to a monthly maximum of Rs. 5, vide Rule 188 of this part.
 - v) Constables in the hill districts - Rs. 1 per month compensatory (local) allowance.
 - vi) Constables of the River Police - Rs. 3 per month compensatory allowance (fixed travelling allowance).
 - vii) Constables of the Railway Police-Rs. 2 and 50 paise per month compensatory allowance (fixed travelling allowance).
 - viii) Constables Town Police - Rs. 8 per month Special Pay.

19. (A) (ix) Literacy allowance of constables.

Literacy Allowance is contingent on satisfactory work and conduct. Therefore when the question of awarding a major punishment on proceedings down against Constables in receipt of this allowance arises before considering the infliction of any further punishment, such as stoppage of increment, etc. it should be considered whether the offence proved constitutes unsatisfactory work and conduct and merits deprivation of this allowance for a particular period. In dealing with such cases, should be borne in mind that while severe punishment should be given for any serious, proved misconduct or neglect of stoppage of allowance or increment is more serious than the more financial loss involved, for it initials loss of seniority, e.g., a Constable drawing Literacy Allowance on stoppage thereof automatically goes below others drawing it and cases during the period of stoppage of this allowance to be eligible for promotion to the rank of Assistant Sub-Inspector. On the restoration of the allowance, however, he again becomes eligible for promotion, but remains for this purpose below those drawing this allowance at the time.

Those recruited on or after the 1st July, 1933 shall not draw the special pay until they have passed into the ranks after training.

Constables of the Unarmed Branch who have passed the departmental examination for promotion to the rank of Assistant Sub-Inspector and shown proficiency in English are allowed special pay at Rs. 3 per mensem until they are promoted.

This will take effect from the 1st January, 1935.

19. (B) (X) Deferred pay of constables.

Deferred pay of Rs. 300 at the end of his first five years of continuous approved service, i.e., such service as would entitle him to approve service increment (the five years to start not earlier than 1st April, 1929) is payable to each Constable of the Unarmed Branch. After that he will also draw Rs. 150 as deferred pay at the end of every additional period of five years continuous and approved service.

Summary of orders governing the payment of Deferred Pay to Constables of the Unarmed Branch:-

- i) Deferred pay of Rs. 150 at the end of his first five years of continuous and approved service, i.e. such service as would entitle him to approved service increment (the five years to start not earlier than 1st).
- ii) But temporary constables of the Un-armed Branch who are discharged owing to reduction of staff or when found not suitable for Police Service will draw proportionate deferred pay for their continuous and approved service during that incomplete period.

This will take effect from the 3rd September, 1939.

Note.-"The compensatory allowances admissible to constable under item (v) has been abolished except in the case of constables who were drawing it before the 1st August, 1930".

20. Enlistment of Constables.

(1) They will remain so far a year extensible by the Deputy Inspector General (for reasons to be stated him by the Superintendent of Police) to two years and then be confirmed only if they are considered likely to be efficient.

Superintendents of Police will make all appointments of Constables on probation. They will remain so far a year and then be confirmed only if they are considered likely to be efficient.

(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.

The intellectual standard be fixed in reference to the duties to be performed and the state of education in the District.

It is desirable that every constable should be able to read and write:

(4) Endeavour should be made to recruit from each race of the community in proportion to its numbers.

(5) The Composition of the Unarmed Branch should roughly correspond with that of the inhabitants of the District. The Armed Branch should be composed as far as possible of natives of the province belonging to races having war like traditions e.g. Kacharis and Rabhas and the Hill tribes.

(6) "Foreigners should only be enlisted when local recruits of a SUITABLE TYPE do not come forward in sufficient numbers to maintain the force at its sanctioned strength". (C. S. No. 78, Dated the 24th September 1935, has been incorporated).

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. It is desirable also that they should be able to read and write in the vernacular. The minimum standard of height is 5 feet 4 inches and of chest measurement 31 inches, except in the case of men in the hill tribes and of Kacharis and other Bodo races from whom the minimum height is 5 feet 3 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 to the full extent 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 to the civil surgeon for examination until the Superintendent of Police has himself seen' and passed the candidate.

A Superintendent of Police may sanction the enlistment of a recruit, who is otherwise suitable, but slightly below the Standard in height and chest measurement, if he is young and it appears probable that he will develop in physique to the required standard. In other cases of special enlistment (e.g. of men seriously below standard or average) the sanction of the Inspector General of Police (to be filed with the service sheet) must be obtained. This however will not ordinarily be granted without strong reasons being given.

22. Employment of Gurkhas and relatives of Governments servants.

(a) No, candidate of Nepalese nationality may be recruited for the Police. Gurkhas who have been born in India and therefore, Indian subjects or who have acquired a continuous and permanent domicile in India may be

recruited.

It should be clearly understood that an unsupported statement from a Nepali candidate as to his nationality or domicile must not be accepted. He must aduce definite proof that he was born in British India or that he has been continuously residing in India and has acquired a permanent domicile there. The correct nationality of Gurkha ex-soldiers, Gurkha reservists or Gurkha ex-Assam Rifles men candidates must be verified by a reference to the recruiting officer for Gurkhas before such men are accepted for appointment to the Police.

(b) The sons and relative of persons who have done good service the Police or the service of the crown, if qualified, will be given preference over other candidates.

23. Enlistment of ex-soldiers and ex-members of the Assam Rifles.

(a) Reservists of the Indian Army may be employed in the Armed Branch of the Civil Police. The age limit for admission of ex-soldiers of the Indian Army to the, Civil Police Force is fixed at thirty five years vide Assam Government Letter No. C.P. 151-1458 G.J. Dated the 14th March, 1929. A member of the Civil Police Force of a Governor province who before his appointment to such post has served in the Reserve of the Indian Army may, if his military service, whether or not including service with the colours in addition to service in the Reserve was pensionable under the Military Rules but terminated before he had qualified for pension, be permitted at the discretion of the Inspector General of Police to count increments of pay in such civil Police Force the shole of his service with the colours if any and half his service in the Reserve.

(b) An ex-soldier of the Indian Army, or an ex-non-combatant of the labour corps or other non-combatant unit formed during the Great War, if enlisted in the Assam Civil Police, may count his former military Service including temporary and non-pensionable service towards the periodical increments of pay in the police service.

(c) Ex Riflemen of the Assam Rifles, the Eastern Frontier Rifles, the Burma Military Police or the Burma Frontier Force whose discharge certificates have been satisfactorily endorsed by their Commandants may be enlisted by the Superintendent of Police in the Police without any reference to the Commandants or to the Inspector General of Police, Superintendents of Police should however take- care to select really good men amongst them. When such re-enlistment is made the man's previous service in the Assam Rifles, the Eastern Frontier Rifles, the Burma Military Police or the Burma Frontier Force will count for pension or gratuity and increment but not for leave in the Police.

In the case of re-enlistment after resignation the previous service in the Assam Rifles will not count for increment in the Civil Police except with the Sanction of Government.

(i) "This order has effect from the 8th June, 1934" (G.O. No. C. P. 1037-3826, G. I. dated the 18th August, 1934).

(ii) The enlistment of Gurkha ex-soldiers and reservists of the Indian Army and also of Gurkha ex-Assam Rifles men in the Police is Subject to the condition laid down in Rule 22 (a). (Authority Assam Government letter No. C. P. 920f3212-H, dated the 22nd July, 1937-File No. VII-R/34-37).

Note:- "This order has effect form the 8th June, 1934" G.O. No. C.P. 1637-3826 G. J., dated the 18th August, 1934).

(d) Deleted.

(e) Military service, whether with the Colours or in the Reserve, rendered prior to a reservist's appointment in the Civil Police will count towards civil pension subject to the conditions and reservations laid down in Article 356 of Civil Service Regulations.

24. 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 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 Inspector General of Police.

25. Recruitment from other districts.

Should a Superintendent of Police be unable to obtain recruits of the requisite class in his own district, he may ask the Superintendent of Police of a district where men are available, for permission to send a recruiting party to obtain number required. All recruits obtained by the party will be produced before the Superintendent of Police of the recruiting district who must satisfy himself that the candidates are properly qualified as regards physique and character and that they are willing to go to the district for which they are destined. Those passed by the Civil Surgeon, he will enlist and send in charge of the officer deputed. from the requisitioning district. The men must be entered on the books from the date of enlistment and from that date they will be entitled to pay and also travelling allowance for their journey to the district for which they are enlisted. Superintendents of Police applying for recruits must keep vacancies for from and see that the district allotment is not exceeded. From the date on which the recruits are recruited to the date of enlistment a subsistence allowance of annas twelve per head per diem and the actual journey expenses of recruits will also be borne by Government and will be treated as contingent expenditure; this subsistence allowance is also admissible to recruits within a district who are waiting medical examination, from the date on which they are recruited to the date of their acceptance or rejection by the Civil Surgeon.

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

(a) All Candidates before being admitted to the service will be examined by the Civil Surgeon. A candidate register in Form No. 59 of Schedule XL(A) (Part I) 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 Civil Surgeon passes him as fit, and certifies that he has been vaccinated. Inoculated, or has had small-pox. In the case of men enlisted on salaries of Rs. 2,000 a month or upwards a health certificate in Form No. 33A of Schedule XLIII (Part I) should be furnished by the Civil Surgeon and be attached to the first establishment bill in which salary is drawn for him. No charge will be made for medical (health) certificates from selected candidates.

(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 crown service will be examined by the Civil Surgeon 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.

27. 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 crown for three 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.

28. Verification Rolls of Constables.

(a) On the occurrence of a vacancy the Superintendent of Police will select the most suitable candidates from amongst those entered in the register of candidates who have been passed by the Civil Surgeon. The reserve officer will then, after questioning the candidate, carefully fill in the verification roll, Form No. 57 of Schedule XL (A) (Part-I), 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 despatched for enquiry as to the antecedents of the man, to the officer-charge of the Police Station in the jurisdiction of which his home is Situated.

The number and date of the despatch 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.

(b) Verification rolls should not be sent to Nepal to be tested.

29. (Blank).

30. 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 in Form No. 61 of Schedule XL (Part-I), as required by Section 8 of the Act. Thus, a constable appointed on probation, if utilized for police work, 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, Sergeants and Sub-Inspectors other than probationary Sub-Inspectors who are first appointed to the college. The certificates of probationary Sub-Inspectors on appointment will be signed by the Principal Police Training College, and of Inspectors and sergeant Majors by the Deputy Inspector General of Police.

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

31. Appointment certificates of men on leave and men discharged.

The appointment certificate of Police Officer going on leave will be taken from him and kept until his return.

Appointment certificates 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 loses his certificates he must at once report the loss to the Superintendent of Police and should be punished in default of so doing.

31-A. Transmission of recruits to school. (Blank).

32-B. Pay and clothing of recruits under training. (Blanks).

**Service Papers
(Rule 31 To 36)**

31. Service Sheet.

A service sheet in Form No. 62 of Schedule XL CA (Part-I) will be opened for (every) Inspector, sub-Inspector, Assistant Sub-Inspector, Head Constable and Constable (including Boatmen, and Launch crews) 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 carrier can be obtained.

33. 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 crown, 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 initialled 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 Inspector General of Police number and date of district order 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.

34. 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.

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

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

36. Service Sheets of cadets.

The Service Sheets and confidential character rolls of cadets in the training School will be prepared and maintained by the Principal of the College, who will send them to the Superintendents of Police of the districts to which the cadets 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 cadets.

**Rewards and Promotion of Non-Gazetted Officers
(Rule 37 to 49)**

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

(a) Inspectors will be borne on provincial lists and promotions will be made by the Inspector General of Police. Sub-Inspectors will be borne on provincial list, but there will also be for each District it cadre showing the number of Sub-Inspectors assigned for the District.

(b) To fill a substantive vacancy in the rank of Sub-Inspectors, the Superintendent of Police will report the vacancy as soon as it occurs to the Inspector General who will arrange to fill it up.

(c) Officiating Promotions to fill Temporary vacancies in the rank of Sub-Inspectors caused by leave deputation or reduction of six months duration or less will be made by Superintendent of Police by the promotion of Assistant Sub-Inspectors or Head Constables. Temporary vacancies of over six months will be filled up by the Inspector General. The date from which such promotions will take effect will be decided by the Inspector General or Superintendent of Police as the case may be.

(d) When promotions are made to the rank of Inspector due regard shall be given to the opinion of the District Magistrate whether set forth in the annual return of character and qualifications or otherwise communicated.

(e) Deleted.

NOTES

Removal or dismissal by an authority subordinate to that by which he was appointed - In the case of

Gojendra Nath. v. State of Assam, (1987) 2 GLR 183 the petitioner was promoted temporarily to officiate in the rank of Sub-inspector of Police following an order passed by the 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.

Rule 37 deals with promotion whereas Rule 66 (1) deals with the appointment. The present case falls within the second part of Rule 37 (c) 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.

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 66 of Assam 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 Assam 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 summarised, 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 and the "inquiry" as contemplated by Article 311 (2) into 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 66 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). Hearings 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 he 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 66 read in the light of Article 311 (2) of the Constitution, the following decisions are worth considering. In *Surath Chandra v. State of W. B.*, AIR 1972 SC 752, 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 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. Nutul 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

delinquent officer must be told about his rights under the departmental rules.

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 levelled against him are and the allegations on which such charges are based". In the case of *Bhagat Ram v. State*

reasonableness of
procedure in
departmental inquiry

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) I 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 66 was denied to them to defend themselves against the proposed penalty. The facts manifest the situation that there resulted in this case (1) pre-determination 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 guilty of the charge.

Hansaria, J. then observed, with reference to the decision in the case of *S. L. 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 seem 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.

Principles of 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 or not at all. Other methods of performance are necessarily forbidden".

When a statute prescribes
the mode of exercise of
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This rule was enunciated in the words of Frankfurter, J. in *Vitarelli v. Seaten*, (1959) 359 US 535, as:

"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 1628. The law was explained thus in *Hukum Chand v. 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 a certain way, it should be exercised in that manner or not at all and other modes of performance are necessarily forbidden."

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

38: Deleted.
(Correction Slip No. 25 dated 26-8-1933).

39. Promotion to the rank of Inspector.

Promotion to the rank of Inspectors will be made by the Inspector General of Police from the list to be prepared by a state selection board constituted by the Inspector General of Police from time to time for the purpose:

Provided that a promoted Sub-Inspector who has been confirmed in the rank and has a total of 10 years continuous service in the rank on a specified date will be eligible for consideration and for the Promotion to the rank of Inspector. A directly recruited Sub-Inspector will be eligible for consideration and for promotion to the rank of Inspector after completion of 6 years service after confirmation.

40. Promotion of Assistant Sub-Inspector to the rank of Sub-Inspector of the Unarmed Branch.

Not more than 50 percent of the appointments of Sub-Inspectors in the Un-armed Branch may be filled by Promotion from the rank of Assistant Sub-Inspectors.

The officers selected for Promotion will ordinarily go through the prescribed course of training along with the cadets appointed direct. An Assistant Sub-Inspector who has completed his departmental examinations and has acted satisfactorily as Sub-Inspector may be exempted from undergoing training, or may be permitted to undergo, as shortened course in drill and discipline before appointment as Sub-Inspectors.

An Assistant-Sub-Inspectors must ordinarily have served with credit for full 3 years in the department and he sufficiently well educated, to make him eligible for promotion.

41. Promotion of Havilder to the Rank of Sub-Inspector of the Armed Branch and Direct Recruitment of Armed Branch Sub-Inspector.

(1) Promotion to Sub-Inspectors rank in the Armed Branch will ordinarily be made by selection from amongst the confirmed Havilders and Head Constables subject to their passing of the prescribed cadre course (S). Proficiency in drill, including riot drill, a good knowledge of weapons, tear smoke tactics and interior economy of Platoons, Battalions and of the Reserve and marked ability to maintain strict discipline are essential qualifications. They must be absolutely fit physically and may be required to appear for Inspections by Medical Board before selection.

(2) Notwithstanding anything provided in the foregoing paragraph of this Rule, not more than 20 percent of the appointment of Sub-Inspectors in the Armed Branch may be made by direct recruitment. Every candidate for direct recruitment of Sub-Inspectors in the Armed Branch must possess the same qualifications as in the case of Un-armed Branch Sub-Inspector prescribed in Rule 11 of A. P. Manual Part III. While recruiting candidates to fill up these posts, preference may be given to candidates trained in Home Guards/S.S.B.O., in addition to candidates possessing N.C.C./Scout training. Serving Havilders/Head Constables/Assistant Sub-Inspectors who possess the requisite educational qualification and excellent record of service may also be allowed to apply for direct recruitment as A. B. Sub-Inspectors at the discretion of the Inspector General of Police.

41-A. Literacy qualification for promotion of Constables to the rank of Head-Constables of the armed and unarmed branch.

No Constable shall be promoted to the rank of Head Constable either of the armed or un-armed branch, unless he:

(1) is able to speak, read and write Assamese or Bengalee. Which, ever be the language of the district in which he serves, sufficiently for such official reports and the like as a Head Constable may have to deal with.

Note : The language prescribed for the Garo, Lushai and the Khasi and Jaintia Hills districts is Bengalee and for the Naga Hills, Assamese.

(2) knows English letters and numbers well enough to note down the number of a motor car moving at, say, 25 miles an hour ;

(3) is able to read names and addresses written in English.

Periodical tests for prospective Head Constables should be held and classes formed in the district headquarters, if possible, for instruction of candidates for the purpose.

42. 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 Inspector General of Police will arrange with the Inspector General of Civil Hospitals for the examination of the officer by the standing medical board.

43. 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 (including Sergeant-Majors) and all un-enrolled officers are eligible but Inspectors and sergeant-Majors 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 officers duty. This 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 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 Inspector General of Police for his orders. If the Inspector General 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 officer concerned. If the 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.

44. Effect of Good Service marks.

Five good service marks obtained will entitle an officer, with the approval of the 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 "the good service" marks obtained in the later rank by the same officers, his name being placed in the list immediately below those already in receipt of that rate of pay. He will draw the higher rate of pay subject to the provisions of government order No. 6038-69-F, dated the 26th July, 1921. If he be already in receipt of the maximum of his rank, his name will be placed above those officers who have not got five good service marks.

A good service mark 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*.

45. Method of Drawing up Good Service Marks Proceedings.

In drawing up proceedings for good service marks, referred to in Rule 43 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, (*see* also rule regarding the award of good service marks).

46. 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.

The following are the rules regarding the grant of approved service increment to constables of both armed and unarmed branches:-

- a) Constables Armed and Unarmed are entitled to an increment of pay amounting to Rs. 1 after years approved service, to a second increment of Rs. 1 after a further four years approved service to a third increment of Re. 1 after a further three years' approved service, and to a further increment of Re. 1 after a further seven year's approved service.
- b) "Approved Service" is service for the period named exclusive of any of the interruptions specified in the following rule.
- c) Any such interruptions as are mentioned in the following, rule will require an additional period of approved service which Period shall beginning from, the completion of the three (Four for un-armed branch). Four, three or seven years prescribed in clause (a), in order that the first, second third or fourth increment, as the case may be, earned; if any further interruption occurs in the additional period, it will entail a second additional period of approved service beginning from the conclusion of the first additional period. But the interruptions except in the cases of extra-ordinary leave and suspension, will not have the effect of postponing future increments unless it is so ordered.

*"Example.-*A constable of six years' approved service becomes liable to an interruption of one year. Having only 6 years' service he would, in any case, have to serve one year more' to complete the 7 years ordinarily required to even his second increment owing to the interruption, however he has to serve still another year, before he can obtain it, making eight years in all. If he again becomes liable to a year's interruption, before this period of service he is completed, he will have to serve a further period of one year before he obtains his second increment. If he becomes liable to know further interruption of service he will earn his third 'increment, - in the ordinary way, after 10 years." "But interruption due to extra-ordinary leave and suspension in any incremental period will require additional service to the extent of the periods of these interruptions in that incremental period as well as in subsequent incremental periods unless the interruption on account of extra-ordinary leave is condoned by the provincial government under the provision to Fundamental Rule 26 (b), and in the case of suspension the appellate authority directs that the period shall count as duty under Fundamental Rule 55 (b)".

47. Interruption in Approved Service and their Effect.

(A) The following incidents constitute interruptions in approved service, i.e, such periods shall not count towards the earning of Increments of pay, or of deferred pay, or to the working off of the effect of a black mark, but do not constitute breaks in service (i.e., involving loss of service for pension, leave etc. unless this penalty is already imposed by the operation of other rules governing service, i.e., the Assam Pensions Manual, the Civil Service Regulations. The Fundamental Rule and subsidiary Rules (Assam), etc.

- i) Periods of leave in hospital or on medical certificate, due to intemperate habits.
- ii) Extra-ordinary leave without pay, unless arising out of circumstances due to devotion to duty when the provincial Government may waive the penalty.
- iii) Any period spent under suspension, if in the final order of release from suspension the period is converted into a substantive punishment.
- iv) Where a constable, judicially convicted of an offence involving his character as a police officer is retained in service, any period, not exceeding one year, so declared by the Superintendent of Police.

- v) Any period spent under an order of punishment involving reduction in rank or deprivation of increment unless the Superintendent of Police in his order directs otherwise.
- vi) One year in the case of five unfavourable entries in a Constable service sheet during the first period - of his service, or two years in the case of ten such entries in any increment period of service.

Note:- For the purpose of this clause, warnings shall not count as unfavourable entries, and penalties for loss of or damage to Government property shall count only if moral turpitude or deliberate dereliction of duty is involved. Punishment inflicted in any incremental period shall not be carried forward to count for interruption in another.

(B) Interruption of approved service after a constable has earned the full increments allowed will entail the definite punishment of reduction to a lower rate of pay except in the case clause (A) above.

Such reduction shall be for such specified periods as the Superintendent of Police may fix subject, of course, to the usual appeal.

(C) In all cases of judicial punishment the Superintendent of Police shall decide whether the offence is one which effects the constable's character as a Police man.

(D) If it be considered necessary to deprive a constable of his approved service increment as a specific punishment, the authority ordering such deprivation shall state the period for which it shall be effective and whether on restoration it shall operate to postpone future increments and or so to what extent.

(E) The Inspector General of Police shall have power to revise any order passed under the rules of or to relax the rule in particular cases of hardship so far as this can be done having regard to the provisions of the Fundamental Rules.

48. Entry of Approved Service and interruptions In the Service Sheets.

- (i) All entries regarding approved service shall be made in the Constables' service sheet at pages 7, 8 and 9.
- (ii) On the attainment of an increment two conspicuous lines should be drawn across the columns, and the following entry made between them in red ink. "Earned" (first, service, third or fourth) increment.
- (iii) On the occurrence or any interruption of approved service the period of interruption must be entered distinctly with the number and date of the District order.
- (iv) Cancelled.
- (v) A fresh period for the accumulation of unfavourable entries is begun after the end of any additional period awarded for five or ten entries as the case may be.
- (vi) The entries in the defaulter sheet necessitated by these rules will invariably be initialled by the Superintendent of Police or by the officer awarding the punishment.

49. 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 proceeding 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 50 to 72)

50. Cancelled vide C. S. No 147 Dated 1-6-38.

51. Deleted vide C. S. No. 148 Dated 1-6-38.

52. 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.

53. 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, as observed in *Bireswar Saikia v. State of Assam*, (1986) 2 GLR 453.

54. 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 labour 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. Each constable may draw for annas, and each Head Constable or assistant Sub-Inspector employed as overseer may draw six annas per diem as working allowance from the Police Department, subject to the maximum of Rs. 6 and Rs, 9 a month, respectively. The ordinary working hour shall be from 10 A. M. to 4 P. M. but under exposure to heat or rain shall not be allowed, no in any case shall the work commence before 10 A. M., or be carried on after 4 P.M. This permission will not apply to recruits,

These amounts will be drawn in a contingent Bill on receipt by the Superintendent of Police of a complete daily muster roll and debited to "Petty Repairs" or "Petty construction" as the case may be (see also Rule 189 of the Assam Subsidiary Rules).

55. 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 case 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 case 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 precautions 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, (*see* also Rules 316 to 320 of the Assam Executive Manual).

56. Dismissal Report Slip.

In order to prevent the re-enlistment of dismissed men, Form No. 63 of Assam Schedule XL (A) (Part I), 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.

57. 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. This instruction more particularly applies 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.

58. 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. (*see* also Rule 29 of Fundamental Rules).
- c) Permanent reduction in rank has usually must unsatisfactory results from the points of view of both efficiency and the maintenance of discipline.

59. Orders of Reduction of Sub-Inspectors and Sergeants to be at Once Reported to the Deputy Inspector General of Police.

All orders of degradation of Sub-Inspectors and Sergeants must be at once reported to the Deputy Inspector General of Police to enable him to keep his gradation list correct.

60. Deleted. (Vide U. O. No. F/XXI/21 Shillong Dated 22nd Dec., 1976).

61. 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 66, 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 66 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 incre-

ments 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 entail dismissal.
- 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 entered in the service sheet of officers and men 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 mark, 18 in the case of more than three black marks an entry on the following lines will be 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.

62. Punishment of Servants in Police Hospitals.

Police officers have no authority to punish the Sub-Assistant Surgeon or Compounder attached to the Police Hospital or the hospital menial. If there be cause for complaint, the Superintendent of Police should bring the matter to the notice of the Civil Surgeon for necessary action.

63. 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.

64. 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 obedience but he shall continue subject to the same responsibilities and to the same authorities as if he had not been suspended.

65. Proceedings based on Conviction.

(Amended vide C. S. No. 295, dated 29-8-44). 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 partly the witnesses should be summoned and examined and the accused allowed on opportunity of cross-examining them in the usual way. A judgment referred to in paragraph one above can be utilised in departmental proceedings only if it has been delivered in a case in which all accused officer has been tried judicially on the same facts on which he is tried departmentally.

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

(As corrected vide Government approval No. HPL 131/57P/34 dated 16-11-67 on the correction slip No. 150 date 1-6-38 and C. S. No. 57 date 11-7-35).

(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 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 Assam 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 defence 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 DO 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 or belonged and through the authority from whose order the appeal is preferred.

No appeal shall be the 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 this 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 deemed to be an appeal under these rules and Rules VI and VII shall apply as if the appeal wear 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 66).

- a) It is of greatest importance that the procedure as described above should be strictly followed, as on error in procedure may vitiate the whole enquiry and leave the appellate authority no option but to set it aside.
- b) In the ease 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 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 Civil Service Regulations).
- e) 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.
- f) 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 receipts shall be credited to Government.

- g) A consecutive annual number shall be given to each Proceeding which number shall be quoted in the service book thus "Dismissed for habitual drunkenness proceeding No. 1 of 1908".
- h) An order of punishment passed with the advice or concurrence of a higher authority shall be treated as an order of an authority.
- i) No pleader or counsel shall be allowed to appear in any proceeding or appeal.
- j) No order of punishment passed in proceeding may be modified or cancelled, without the sanction of the appellate authority.

Note – This rule should be read in conjunction with Rules 319 and 320 of Assam Executive Manual.

NOTES

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 charges. In the case of *Bireswar Saikia v. 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 defence. In this case the petitioner had full opportunity to produce his evidence in defence. The Enquiry Officer had examined three defence witnesses and the petitioner was also examine in defence. No prejudice was caused to the petitioner during the enquiry, which was fairly and properly conducted.

Enquiry held fairly and properly all opportunities of defence given

Appointing and disciplinary authorities – See decision in *Bireswar Saikia v. State*, (1986) 2 GLR 453.

Petitioner deprived of defence witnesses – Reason for refusal to call defence witness must be recorded in writing by Inquiry Officer – This rule clearly lays down that at the 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 given 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 provision as clearly been violated in the case of *Balabhadra Roy v. D. I. G. Western Range*, (1987) 2 GLR 175, because the petitioner was deprived of the opportunity to have his defence witnesses called and the officer conducting the inquiry did not record in writing any reason for his refusing to call those witnesses.

Removal or dismissal by an authority subordinate to that by which he was appointed – In the case of *Gajendra Nath Bara v. State of Assam*, (1987) 2 GLR 183, the petitioner was promoted temporarily to officiate in the rank of Sub-Inspector of Police following an order passed by the 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.

Rule 37 deals with promotion whereas rule 66 (1) deals with the appointment. The present case falls within the second part of Rule 37 (c) and that for this purpose Rule 66 (1) may not be relevant.

In this case the order of dismissal was regarded as being without jurisdiction, void and inoperative.

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 66 of Assam 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 Assam 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 summarised, as in the case of *Laldula v. The Union Territory of Mizoram*, (1984) I 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 and 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 66 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 66 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 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

Delinquent officer must be told about his rights under the departmental rules.

guilt and establish his innocence, which he can only do if he is told what charges levelled 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 inasmuch 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

Reasonableness of procedure of departmental inquiry.

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 66 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.

Hansaria, J. the then observed, 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 comes from a person who has denied justice that the person who has been denied justice is nor prejudiced. This is founded on the general that justice should not only be done but should be seem to be done.

Principles of natural Justice.

Reference was made to *R. v. Homes 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 1936 PC 253 (2). It was stated that "where a power is given to do a certain thing in a certain way the the thing must be done in that way not at all. Other methods of performance are necessarily forbidden".

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

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

"The executive agency must be vigorously held to be the standards by which it professes its actions to 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 1628. The law was explained thus in *Hukum Chand v. 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 a certain way, it should be exercised in that manner or not at all and other modes of performance are necessarily forbidden."

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

(Table showing for Schedule to Para XII of Rule 66 of A. P. M. from next page)

SCHEDULE TO PARA-XII OF RULE 66 OF APM III

The punishment to the extent specified in column IV of the Schedule may be awarded to the Police Officer and Fire Service personnel Mentioned in Col. I by the authorities mentioned in column-III subject to appeal to the appellate authority mentioned in column-V

I	II	III	IV	V
Police and Fire Service Personnel of the rank of	Authority by whom appointed	Authority to whom the powers in column IV have been delegated.	<p>Power Delegated</p> <ol style="list-style-type: none"> 1. Suspension 2. Major penalties <ol style="list-style-type: none"> i. Dismissal from service which shall ordinarily be a disqualification for future employment; ii. Removed from service which shall not be a disqualification for future employment; iii. Compulsory retirement; iv. Reduction to a lower service, grade or post or to a lower time scale or to a lower stage in a time scale; v. Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach or orders to the Govt. of Assam or the Central Govt. or any other State Govt. or any locale or other authority to whom services of a Govt. servant had been lent; vi. Black mark; vii. With holding of increments or promotion viii. Censure 3. Minor penalties. <ol style="list-style-type: none"> i. Confinement in the guard room for a period not exceeding 28 days; ii. Confinement to quarters or 	Final appellate authority

			barracks for a period not exceeding 15 days; iii. Punishment drill; iv. Extra guard fatigue or other duty; v. Reprimand.	
1. Inspector of police including. Armed Battalion: Armed Police Radio Organisation and Assam Fire Service Organisation	Inspector General of Police, Assam, Gauhati	Inspector General of Police, Assam, Gauhati	(1) Suspension. (2) Major penalties:- I to VII (3) Minor penalties:- V (Reprimand)	State Government
2. Traffic Service	-do-	-do-	-do-	-do-
3. SI of police, Jamedar including Armed Battalion, AP and G and Assam Fire Service Organisation	Supt. Of Police; SP, SSP, CID; Comdts of Battalion; Principal APTC; SSP(C) ; Supdt. Of Railway Police; Supdt. Of Police, ACB; Fire Service Advisor and SP Special Branch within their respective jurisdiction; AIG of Police throughout the state	As in column-II within their respective jurisdiction	(1) Suspension. (2) Major penalties:- I to VIII (3) Minor penalties:- V (Reprimand).	(A) Dy.I.G. of Police, CID – Personnel of CID, APRO Assam Rly. Police and ACB (B) DIG of Police, SB Spl. Branch personnel (C) DIG of Police, WR – personnel of Nowgong, Kamrup, Darrang, Goalpara and AP Bn, stationed in these districts within his Range. (D) DIG of Police Eastern Range: personnel of the K/Anglong and NC Hills, AP Bns., stationed in these districts within his Range and the PTG. (E) DIG, Southern Range: Personnel of the DEF of Cachar and AP Bns., stationed in these districts within his Range. (F) DIG(A): Fire Service Personnel. (G) Any DIG of Police within his respective Zone/Range as may be ordered by the State Govt. from time.
4. Asstt. Sub-Inspector of Police & Head Const. Including personnel for equivalent rank of Armed Bns., APRO and Assam Fire Service Orgn.	Suptd. Of Police; SSP, CID; Comdts. Of Bns.; Principal, PTC; SSP (C); Supdt. Of Rly. Police; Supdt. Of Police ACB; Fire Adviser & Supdt. Police, Spl. Branch	As in column-II within their respective jurisdiction	(1) Suspension. (2) Major penalties: I to VIII (3) Minor penalties: V (Reprimand)	-Ditto-

5. Constable including personnel of equivalent rank of Armed Bns., APRO and Assam Fire Service Organisation	-Ditto-	-Ditto-	(1) Suspension. (2) Major penalties: I to VIII (3) Minor penalties: V to VII	-Ditto-
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- Note** – i) There shall be no appeal for minor punishment
- ii) Officers and men who are not specifically mentioned herein shall be treated according to rank and status equivalent to the rank mentioned viz., Subedar of the Armed Battalion shall be equivalent to Inspector of Police, Station Officer in the Fire Service shall be equivalent to Sub-Inspector of Police, Leading Firemen shall be equivalent to ASI or Head Constable of Police etc.
- iii) Rule 60 of APM Part-III is deleted
- iv) Asstt. Inspector General of Police, Assam may exercise the powers of a Supdt. Of Police, throughout the State.

67. Register of Punishments.

All punishments, of whatever nature, will be entered in this register in Form No. 65 of Assam Schedule XL (A), (Part-I). 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.

68. Appeals (Vide C. S. No. 151 dated 1-6-38).

See Rule 66 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 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 memorialising 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 reorganised 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 Inspector General of Police on the 1st April, 1st July, 1st October and 1st January in the form given in Appendix 'B'.

The 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 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.

68-A. Government Servant may appeal against an order of Dismissal Removal or Reduction in Rank etc.¹

(1) Notwithstanding anything contained in Rule 68, 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 for 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 the

¹ Vide Government Notification No. HMP/46-78-II Dated 9-2-78

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 69, directly to the appellate authority named in the schedule who shall thereafter call for the records along with the report of the disciplinary authority and transmit the appeal along with the records to the committee in question.

Explanation- For the purpose of this rule 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 be 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 66 to 72 of the Assam 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 the 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 proceed further against the 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 preceding 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 68 of the Assam 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.

69. Period or Appeal¹.

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 contain 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.

¹ Vide CS No. 152 Dated 1-6-78

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.

(See also Rules 322 and 323 of the Assam Executive Manual).

70. Memorials and Petitions to the Government.

The following general instructions issued by the Government of Assam 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 or the Provincial Government 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.

71. 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 recognised 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.

72. The transmission or withholding of petitions by authorities subordinate to the Provincial 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 (including the political Agent, Manipur). Deputy Commissioners and political officers 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 not delated 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 party 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, Political Officer or 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 political officer 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 (Vide C. S. No. 241 Dated 2-9-38) against 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 subordinate 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, Political Officers and Head of Departments should forward a similar list of memorials withheld by them to Government in the department concerned.

Transfers (Rules 73 to 77)

73. 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.

The Inspector General of Police only is competent to order the transfer of an Inspector: a Superintendent of Police may transfer any other non-gazetted officer within the District, but will consult the Deputy Commissioner: before ordering the transfer of an officer-in-charge of a police station or Court office.

The Inspector General of Police will consult the Commissioner of the Division when posting to or transferring from a hill district an Inspector or a Sub-Inspector. In case of a difference of opinion the matter will referred to the State Government.

(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 Superintendent of Police to abstain from making transfer, particularly transfers of Officer-in-charge of investigation centres, when such transfer can be avoided. In particular, transfers 'should not be made as punishment though it 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 74.

(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

(Correction Slip No. 165, dated 2nd September, 1938 incorporated),

74. Minimum Period of Service without Transfer.

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

Sergeant Major and Sergeants – ordinarily no Sergeant Major or Sergeant should remain in one district for more than ten or five years respectively.

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.

N. B. – These rules are not intended to apply in their entirety to police in the hill district or to the Railway and Reserve police but should be followed so far as circumstances permit. It should be noted that the period fixed by the rules indicates the maximum periods for which an officer is to remain in a given post.

(Correction Slip No. 252, dated 3rd September, 1940 and 43, dated 7th June, 1934 incorporated).

75. Powers to transfer Non-Gazetted Officers.

(a) Transfers of Inspectors whether from one district to another or from one sub-division to another of the same district are made by the Inspector General of Police.

(b) Transfer within a district of police officers of an below the rank of Sub-Inspectors are made by the Superintendent of Police whose order should be in his own handwriting.

(c) Transfers of Sub-Inspectors, Assistant-Sub-Inspectors, Head Constables and Constables from one district to another are made by the Inspector General of Police.

(d) Transfer of Sergeant Majors and Sergeants are made by the Inspector General of Police.

(e) Transfer of all police personnel below the rank of Inspector between the district police and River Police are made by the Superintendent of Police.

(f) The dates of Sergeant-Majors and Inspectors making and taking over charges on transfer should be reported promptly to the Assistant to the Inspector General of Police.

(Correction Slip No. 209, dated the 2nd September, 1938 and 263, dated the 17th December, 1941 incorporated).

76. 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 framed by the Government of Assam thereunder.

77. Register of Disposition of Force.

(Form No. 66 of Schedule XI, (A) (Part I). 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 initialled 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
(RULES 78 To 93)**

78. General Rules relating to leave.

For rules regarding leave of all kinds, see Chapter X, Part IV of the Fundamental Rules and the Subsidiary Rules framed by the Government of Assam thereunder. A leave account (ledger), Form No. 70, Schedule III (Section I) in F. R. Form 9-A, will be maintained for all officers and men in terms of leave on average pay as laid down in Fundamental Rules 76 to 78 and instructions issued thereunder.

The leave account will be kept with the service sheet of the officer or man condemned and will be kept up-to-date by the officer-in-charge of reserve with the advice, if required, of the Accountant.

Constables should be treated as in superior service for the purposes of leave.

NOTES

In this Rule, reference has been made to Leave Rules for which we have to look into Chapter X of the Fundamental and Subsidiary Rules of Assam and have been quoted as follow:

CHAPTER X

Leave

Section I – Extent of Application

F. R. 58 – Unless in any case it be otherwise distinctly provided in Section 6 of this Chapter, the rules in Sections 1 to 5 of this Chapter apply to all Government servants to whom the Fundamental Rules as a whole apply; provided that a Government servant who elected who the leave rules of the Civil Service Regulations as they stood whether before or after the 29th July, 1920 shall continue to be governed by those rules; and provided further that the Leave Rules, 1934 (Appendix II) shall apply to the classes of persons specified therein.

F. R. 59 – Leave is earned by a Government servant under Sections 1 to 5 of this Chapter if he holds a lien or on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

S. R. 59 – If an officer in permanent service to whom the leave rules in this Chapter or the Leave Rules, 1934 (Appendix II Part I), are applicable, is temporarily transferred to a work charged establishment, he does not forfeit any leave then at his credit, provided he retains on a permanent appointment; but the work charged service does not count towards leave:

Provided that in case where a permanent Government servant is transferred to a post in an identical scale of pay in the work charged establishment, in the interest of public service, he may be allowed to count the services rendered in the work charged establishment for the purpose of leave.

F. R. 60 – Leave is earned by duty only. For the purpose of this rules a period spent in foreign service counts as duty if contribution towards leave .salary is paid on account of such period.

F. R. 61 - [Deleted]

F. R. 62 - [Deleted]

F. R. 63 - [Deleted]

R. F. 64 – Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of High Court may count such duty for leave as though it were duty performed in

a vacation department, all leave taken during the service concerned being treated as taken under these rules.

Note – The previous service of men in the Assam Rides will not count for leave on their re-enlistment in the civil police.

F. R. 65 - (a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment to and such extent as that authority may decide, count his former service towards leave [see Article 138 (b), Assam Pension Manual].

(b) A Government' servant who is dismissed or removed from the public service, but is re-instated on appeal or revision, is entitled to count his former service for leave.

Audit Instruction, Treatment for the purpose of leave of the previous service of a Government servant who resigns one appointment to take up another appointment. Resignation of the public service, even though it is followed immediately by re-employment, should entail forfeiture of part service for the purpose of leave under the Fundamental Rules and should therefore constitute in "interruption of duty" for the purpose of S. R. 128.

NOTES

F. R. 65 – The "Audit instruction" to this rule was added. *Vide* Correction Slip No. 18.

Section II – General Conditions

F. R. 66 – The State Government may make rules specifying the authorities by whom leave may be granted.

Compensatory Leave to Local Auditors

S. R. 60 – When a local auditor by attending office during holidays is unable to complete an audit before the due date, he may be granted compensatory leave by the Examiner, Local Accounts, to the extent of one day for every whole day thus spent.

Authorities empowered to grant Leave

S. R. 61 – Any leave other than special disability leave and leave out of India, Ceylon, Nepal, Burma or Aden, admissible under the Fundamental Rules' may be granted to a non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant or by other competent authority. [Appendix 12].

S. R. 62 – No leave may be granted to gazetted Government servant until a report as to the admissibility of the leave has been obtained from the audit officer. On the receipt of such a report, and leave, other than special disability leave, admissible under the Fundamental Rules may be granted to a gazetted Government servant by a competent authority.

Administrative Instruction – Unless specially otherwise ordered, leave granted under S. Rr. 61 and 62 must begin within thirty-five days of the date on which it is sanctioned.

F.R. 67 – Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

NOTES

It is true that leave cannot be claimed as a matter of right. When the exigencies of public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it. In a case, however, where conditions which are requisite for refusal of the leave are not present, as found in *Dr. Prem Biharilal Saxena v, State of U. P.*, AIR 1965 All 406, there will be no justification for the Government or the concerned authority to refuse to grant leave to a Government servant which he has already earned on account of the duration of the service.

Also held by the Supreme Court in *Jai Shankar v. State of Rajasthan*, AIR 1966 SC 492, that the Government which has got the power to refuse leave of any kind cannot terminate the services of a servant for over-stayal of leave without giving him a show cause notice even if a rule provides that over stayal of leave beyond the period prescribed would amount to automatic termination of service.

F. R. 68 – Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from

leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India. The State Government may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognised holidays may be prefixed to leave or affixed to leave or joining time.

Audit Instruction.-The joining time of a Government servant who returns from leave out of India and disembarks, not at the first port of call in India, but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in India to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

Note – The provision in the second sentence of this rule applies only to cases falling under F. R. 105 (c) in which joining time is granted to Government servants returning from leave out of India of more than four months duration.

Combination of Holidays with Leave and Joining time

S. R. 63 – When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant if may leave has station at the close of the day before, or return to it on the day following such holiday or series of holidays; provided that -

- a) his transfer for assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance ;
- b) his early departure does not entail a corresponding early transfer from another station of a Government servant to perform his duties.
- c) the delay in his return does involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

Note 1 – The provisions of proviso (a) apply both to the responsible officer and to the officer in executive charge of Treasury.

Note 2 – The State should not be put to any extra-expense in consequence of the absence of a Government servant during holidays on casual leave.

State Government's decision – Prefixing and suffixing holidays to leave, other than leave on Medical Certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave is specifically withheld. In the case of leave on medical certificate, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday, he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

NOTE

The matter under the head "State Government's decision" added. Vide Memo No. F.E.G. 46/74/112, dated 1st October, 1981.

S. R. 63-A – When holiday (s) follow(s) joining time, the normal joining time may be deemed to have been extended to cover such holiday(s).

NOTES

This rule was added, *vide* Correction Slip No. 208 – F.E.G./8/67/2, dated 27th May, 1969, to come into effect from the date of issue of orders.

S. R. 64 – Compensatory leave granted by the Examiner, Local Accounts, may be combined with regular leave as if it were a holiday.

S. R. 65 – On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under S. R, 63 is not applicable to any particular case.

S. R. 66 – Unless the competent authority in any case otherwise directs -

- a. if holidays are prefixed to leave, the leave and any subsequent re-arrangement of pay and allowances take effect from the first day after the holidays; and
- b. if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave or joining time would have ended if holidays had not been affixed.

S. R. 67 – In the case of District and Sessions Judges vacations will be treated as recognised holidays. Such officers may combine vacation with leave; provided that-

- 1) no additional expenses is incurred by the State for the period of vacation;
- 2) vacation is not both prefixed and suffixed to leave;
- 3) when a vacation is taken in conjunction with leave on average pay in combination with other leave, the total' period of leave on average pay and vacation should not altogether exceed eight months in the case of officers under the special leave rules and four months in the case of officers under the ordinary leave rules.

Note 1 – Districts and Sessions Judges may avail themselves of the Court vacation and may combine them with regular leave whenever such a combination can be arranged so as to involve no additional expenditure, subject further to the conditions (i) that suitable arrangements should in each instance be proposed by the District and Sessions Judges concerned approved by the High Court, and made for the disposal during vacation of any criminal work requiring attention, and (ii) that a District and Sessions Judge should obtain the express permission of Government to avail himself without prejudice to his regular leave of so much of the vacation as is not needed for the disposal of criminal business.

Note 2 – In the case of Government servants not covered by this rule vacation cannot be treated as recognised holidays for the purpose of F. R. 68.

F. R. 69 – (1) A Government servant on leave may not take any service or accept any employment (including the setting up of a private professional practice as accountant, consultort or legal or medical practitioner) whether in or out of India without obtaining the previous sanction of the State Government.

(2) The leave salary of a Government servant who is permitted to take up employment under a Government or a private employer during leave shall be Subject to such restrictions as the Governor of Assam may by order prescribe.

Note 1 – This rule does not apply to casual literary work to service as an examiner or similar employment nor does it apply to acceptance of foreign service, which is governed by Rule 110.

Note 2 – This rule does not apply where a Government servant has been allowed to take up a limited amount of private practice and service fees therefore as part of his conditions of service, e.g., where a right of private practice has been granted to a Medical Officer.

Note 3 – The grant of leave preparatory to retirement to an officer in foreign service may not be coupled with permission to continue in the service of the same employer during that leave.

Note 4 – Though the grant of permission to take up private employment during the leave on medical certificate is technically covered by the provisions of F. R. 60, it is not the intention that the leave which can be obtained on the strength of the medical certificate should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. Fundamental Rule 69 should not be construed as permitting a Government servant who avails himself of leave on medical certificates to undertake regular employment during such leave.

Government of India's decisions – (1) Under the orders now in force, Government servants who are permitted to accept private employment during leave preparatory to retirement continue to get their leave salary, while those who are employed by Government in a department other than their own and draw leave salary in addition to pay, have their leave salary restricted to the anticipated amount of their pension; and those who are employed in their own departments are treated as having been recalled from leave and thus forego their leave and leave salary except to the extent admissible under F. R. 86. The question of removing these disparities to the extent possible, and suitably limiting the period for which a Government servant may be permitted to draw leave salary in addition to the pay of the post in which he is employed during leave preparatory to retirement has been under consideration for some time. The President has now decided that, in suppression of all previous orders on the subjects, such cases will be regulated in the following manner:

- a) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retirement is required for employment during such leave in any post under the Central Government in or outside India, and he is agreeable to return to duty, he will be recalled to duty and the unexpired portion of his leave from the date of re-joining duty will be cancelled. The leave so cancelled will be treated as refused and subject to the provisions of F. R. 86, it may be granted from the date of compulsory retirement of the Government servant. Such recall will be treated as optional for the purpose of F. R. 70.
- b) When a Government servant is employed in any post under the Central Government, while he is on leave under F. R. 86, he may continue to enjoy his leave concurrently with such employment but his leave salary, which may be drawn in addition to pay of the post in which he is employed, will be restricted as follows:
 - i) in the case of Government servant eligible for pension, to the amount of pension inclusive of pension equivalent of any retirement gratuity admissible under the new pension scheme which, it is anticipated will be admissible to him on retirement. No subsequent re-adjustment will be made on the basis of the actual amount of pension inclusive of gratuity finally sanctioned; and
 - ii) in the case of a Government servant not eligible for pension, to the leave salary admissible in respect of leave on half average pay.

In respect of the fresh employment during leave, the pay of the Government servant will be regulated as if he were a post 1931 entrant in temporary employ. No leave will be earned in respect of such period of employment during leave.

During such employment, he may also be granted dearness and compensator allowances, if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating the allowances.

- c) The leave salary of a Government servant who is permitted, during leave preparatory to retirement before attaining the age of superannuation, or during leave under F. R. 86 to take up employment under a State Government, or under a private employer or employ ment payable from a Local Fund, will also be restricted during such employment as in (b) above.

(2) These orders will also apply to officers who were initially appointed by the Secretary of the State in Council or by Secretary of State, and who may be employed during leave preparatory to retirement except that when any such officer accepts crown employment outside India and Pakistan, the expression 'Crown employment' being taken to mean employment under the Government of the United Kingdom or under the Government of any of its Dominions, Colonies or Protectorates, the restrictions on leave salary will not apply.

(3) Cases in which officers on leave preparatory to retirement may have already been permitted to accept employment on a basis different from that prescribed above will not be affected.

(4) These orders will also apply *mutatis mutandis* to Government servant subject to leave rules other than those contained in the Fundamental Rules.

Decision by the Government of Assam – The Government of Assam have adopted the above decisions in respect of Government servant under their rule making control.

NOTES

F. R. 69 – This; was substituted, vide Notification No. F.E.G. 15/59/ 45, dated the 7th May, 1960 to take effect from 7th May, 1960, vide Correction Slip No. 160. The present sub-R. (b) was inserted by Notification No. F.E.G. 15/59/18, dated 11-7-1959.

The "Government of India's decision" to this rule was substituted, vide Correction Slip No. 179.

While leave preparatory to retirement has to be on different basis in some respects, it does not cease to be leave as observed in *Dr. Pratap Singh v. State of Punjab*, AIR 1963 Punj 298 and *Jai Ram v. Union of India*, AIR 1954 SC 584; it is like any other leave revocable at the discretion of the authority empowered to grant it, when the exigencies of public services so require. If the Government servant has obtained lien on the post from which he proceeded on leave, he cannot say that he cannot be suspended from that post and his leave preparatory to retirement cannot be cancelled so as to recall him to duty while simultaneously suspending him.

F. R. 70 – All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If it is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled-

- a) if the leave from which he is recalled is out of India-
 - i) to receive a free passage to India and provided that he has not completed half of the period of his leave by the date of leaving for India on recall of three months, whichever period is shorter, to receive a fund of the cost of his passage from India;
 - ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and
 - iii) to receive-salary during the voyage to India, and for the period from the date of landing in India to the date joining his post to be paid leave salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of the leave, and for the latter period travelling allowance under rules made in that behalf under Rule 44.

Audit Instruction –The expression "on the termination of his leave" in clause (a) (iii) of Fundamental Rule 70 means "on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was originally granted". The effect of this interpretation will be to make the same leave salary admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been leave proper and the period of transit in India been leave proper or joining time under F. R. 105, as the case may be;

- b) if the leave from which he is recalled is in India, to be tread as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under Rule 44 for the journey, but to draw until he joins his post leave salary only.

Interpretation – The ‘concession’ referred to in the second sentence of F. R. 70 is a concession of the category permitted by that rule. The concession under F. R. 70 are clearly not intended to effect the privileges of Government servants which are admissible under other rules; the concessions may be availed of when they happen to prove additional to, or better than the ordinary privileges.

Note 1 – In all cases of recalling an officer from leave out of India the order should be communicated to him through the High Commissioner for India and should state whether return to duty is optional or compulsory as required by the rule.

Note 2 – For rules relating to travelling allowance admissible under this rule, see S. Rr. 269 and 270.

NOTES

F. R. 70 – The "Audit Instruction" under this rule was added vide Correction Slip No. -7.

F. R. 71 – No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the State Government may by order prescribe. The State Government may require a similar certificate the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

Audit Instruction [Omitted].

Auditor General's decision [Omitted].

Note – The Government of Assam have decided that the provisions of F. R. 71 being mandatory and not permissive, the production of a certificate of fitness is essential before a Government servant can rejoin his duties on the expiry of leave on medical certificate.

S. R. 68 – A Government servant who has taken leave on a medical certificate out of Asia elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:

"We certify that we have carefully examined C. D., of the Department and find that he is in good health and fit to return to his duty in India."

Date _____
Place _____

If the certificate be signed by foreigners, it should be attested by Consular or other authority as bearing the signatures of qualified medical practitioners.

S. R. 69 – A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form:

Signature of applicant.

We the members of a Medical Board _____

I _____ Civil Surgeon of _____ registered medical practitioner of _____ do hereby certify that we/I have carefully examined A. B. C. of the department whose signature is given above, and find that he has recovered from his illness and is now fit to resume duties in Government service. We'll also certify that before arriving at this decision we'll have examined the original medical certificate(s) and statement(s) of the case or certified copies thereof on which leave was granted or extended and have taken into consideration in arriving at our/my decision.

If the Government servant on leave is a gazetted officer, such certificate should be signed by a Medical Board except (1) in cases in which the leave is for not more than three months; or (2) in cases in which the leave is for more than three months, or leave for the three months or less is extended beyond three months, but the Medical Board granting the original certificate or the certificate for extension state at the time of granting such certificate that the Government servant need not appear before another Board for obtaining the certificate of fitness to return to duty.

Note – A certificate under S. R. 88 is equivalent for all practical purposes to a certificate from a Medical Board and such cases are not excluded from the operation of the decision mentioned above,

If the Government servant on leave is not a gazetted officer, a certificate from a Civil Surgeon or any lower medical authority or from a registered medical practitioner may, in its discretion, be accepted by the authority under which the Government servant will be employed on return from leave; but the certificate should invariably state that the officer signing the certificate has examined the medical certificate on which the leave was originally granted.

NOTES

F. R. 71 – The note to this rule was added, vide Correction Slip No. 36 and notification No. F. A. 42/42/Part 11/40, dated 23rd September, 1942.

The Audit instructions and Auditor General's decision were omitted respectively vide Correction Slips Nos. 56 and 126, Memo No. FA 11/52/3, dated 18th February, 1952.

F. R. 72 – A Government servant on leave may not return to duty before the expiry of the period of leave granted to him, unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-Rule (1) a Government servant on leave preparatory to retirement shall be precluded from withdrawing his request for permission to retire and from returning to duty save with the consent of the authority empowered to appoint him.

NOTES

F. R. 72 – This rule was substituted vide Correction Slip No.9 and Memo No. F. A. 11/52154, dated 3rd November, 1955.

F. R. 73 – A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the authority competent to grant the leave (Serial 8 of Appendix I). Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of R. 15.

President's Decision

In the case of Government servant, governed by the Revised Leave Rules, 1934, who remains absent after the end of his leave the period of such overstay of leave should, unless the leave is extended by the competent authority, be treated as follows:

(a) If the officer is in superior service-

- i) as leave on private affairs to the extent such leave is due unless the overstay is supported by a medical certificate;

- ii) as leave on medical certificate to the extent such leave is due, if the overstay is supported by medical certificate;
- iii) as extraordinary leave to the extent the period of leave due on private affairs and/or on medical certificate falls short of the period of overstay.

(b) if the officer is in inferior service-as in (a) (ii) and (iii) above mutatis mutandis.

The Government servant is not entitled to leave salary during such overstay of leave not covered by an extension of leave by the competent authority.

[The Government of Assam have adopted the above decision in the case of their officers subject to the Revised Leave Rules, 1934.]

NOTES

F. R. 73 – The President's Decision in this rule was substituted, vide Correction Slip No. 53, and CI. (a) (iii) was added, vide Correction Slip No. 54.

F. R. 74 – Subject to any directions which may be given by the Auditor-General of India in order to secure efficiency and uniformity of audit, the State Government may make rules prescribing the procedure to be followed in and out of India-

- (i) in making application for leave and for permission to return from leave;
- (ii) in granting leave;
- (iii) in the payment of leave-salary, and
- (iv) in the maintenance of record service.

Note – Appendices 13 and 14 contain respectively the rules made (1) by the Auditor-General of India and (2) by the President prescribing the procedure to be followed elsewhere than in India.

The latter rules have also been adopted by the State Government as applicable to persons serving in connection with the affairs of the State.

Leave Accounts

S. R. 70 – The leave account required by F. R. 76 shall be maintained in such form as the Auditor-General of India may prescribe.

Note – The form prescribed by the Auditor-General of India for leave account of Government servant under the ordinary leave rules in Assam Fundamental Rule Form No.1.

S. R. 71 – The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the Accountant General, Assam.

S. R. 72 – The leave account of a non-gazetted Government servant shall be maintained by the head of the office in which he is employed.

Exception – No leave account need be maintained for the members of the Coolie Corps establishments in the Sadia and Balipara Frontier Tracts.

Application for leave

S. R. 73 – Except as provided in S. Rs. 74 and 75 an application for leave or for an extension of leave shall be made to the authority competent to grant such leave or extension through the immediately superior, if any, Applications for leave should be submitted in Assam Fundamental Rule Form No. 2.

S. R. 74 – Where the authority competent to grant the leave is the Government, the application for leave shall be forwarded through the ordinary channel to the Commissioner of Divisions or the head of the Department, who after recording his own recommendations will forward the application to the Comptroller for submission to Government will the report required under S. R. 62.

S. R. 75 – An application by a Commissioned Medical Officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave, must be submitted to the local administrative Medical Officer, by whom it will be forwarded to the Director General, Indian Medical Service. . The Director General will countersign the application if the State of the Public Service admits of

the grant of the leave; otherwise he will abstain from countersigning it. In either case he will forward the application for disposal to the authority competent to grant the leave.

S. R. 76 – A Government servant transferred to foreign service must before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

Medical Certificates

S. R. 77 – Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospects that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit the Government service should be recorded in the medical certificate.

S. R. 78 – Every certificate of the Medical Committee or a Medical Officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

S. R. 79 – Before a gazetted Government servant can be granted leave or an extension of leave on medical certificate, he must obtain a certificate in the following form from the Civil Surgeon of the district in which he resides, or, if he is unable to travel for the purpose, from the Civil or Presidency Surgeon of the district where he is at the time. If in exceptional circumstances, the applicant cannot be examined by a Civil or Presidency Surgeon, the Civil Surgeon of the district in which he ordinarily resides may countersign a certificate granted by the medical attendant (if he is an approved registered medical practitioner) of the applicant, after satisfying himself that the conditions are fulfilled.

Medical Certificate for Gazetted

Officers Statement of the case of-

Name (to be filled in by the applicant in the presence of the Civil Surgeon or official medical attendant) _____

Appointment _____

Age _____

Total service _____

Service of India _____

Previous periods of leave of absence on medical certificate.

Habits _____

Disease _____

I, _____ Civil Surgeon of/Medical Officer at or of _____ after careful personal examination of the case hereby certify that _____ is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted _____ month leave with effect from _____

Civil Surgeon

Dated the _____

or Official Medical Attendant

Note 1 – This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide when application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for his service.

Note 2 – The term "Approved Registered Medical Practitioner" mentioned in this rule includes approved registered Ayurvedic Physicians under the employment of the Government and who are diploma holders.

We do hereby certify that according to the best of our professional judgment after careful personal examination of the case, we consider the health of _____ to be such to render leave of absence for a period of _____ absolutely necessary for his recovery.

Dated _____
The _____

President
Members

The certificate which shall be prepared in duplicate should be accompanied by a separate statement, also in the duplicate, of the Government servant's case in approved form. One copy of the certificate and of the statement shall be made over to the Government servant concerned for presentation to the Medical Board which examines him for fitness for return to duty.

NOTES

S. R. 79 – Note 2 appended to this rule was added vide Correction Slip No. 403 Memorandum No. FA. 30/52/3, dated 20th January, 1954, being subsequently amended vide Correction Slip No.4, FEG 92/66'23, dated 23rd April, 1968.

S. R. 80 – A gazetted Government servant shall before applying for the certificate prescribed in R. 79 from a Civil or Presidency Surgeon obtain the permission of the head of the office or department in which he is serving. When a certificate has been granted he shall if the leave recommended is for a period exceeding two months apply for the orders of the head of the office or department to appear before a Medical Board, and present himself before such a Board when so directed. The head of the office or department shall forward to the Board the certificate and copies of the statement of case on receipt of orders for the assembling of the Board. The Board will be assembled under the order of the Administrative Medical Officer of the State in which the Government servant is serving, who will, where practicable, preside over it. The Board will be assembled either at the headquarters of the State or at such other place as the State Government may appoint.

NOTES

S. R. 80 – In this rule the words "if the leave recommended is for a period exceeding two months" were added vide Correction Slip No. 183 and Notification No. FA 38/43/4, dated 20th May, 1943 and Correction Slip No. 599 and Notification No. FEG 44/65/15, dated 3rd October, 1967.

S. R. 81 – Before the head of the office or department may grant leave or extension of leave for a period exceeding two months he must obtain from the Board a certificate to the following effect, save as provided in R. 13.

Note – In the case of leave for a period not exceeding two months the certificate prescribed in S. R. 79 shall be considered sufficient.

FORM

We do hereby certify that _____ according to the best of our professional judgment, after careful personal examination of the case, we consider the health of C. D. to be such as to render leave of absence for a period _____ months absolutely necessary for his recovery.

NOTES

S. R. 81 – The Note appended to this rule was added vide Correction Slip No. 184. The word "two" in S. R. 81 and Note thereunder was substituted vide Correction Slip No. 599 and Notification FEG 44/65/15, dated 3rd October, 1967.

S. R. 82 – Before deciding whether to grant or refuse the certificate the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In this case it should grant to him a certificate to the following effect:

"C. D. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient~ before granting or refusing such a certificate to detain C.D. under professional observation for _____ days".

S, R. 83 – If the state of the applicant's health is certified by a Commissioned Medical Officer of Government or by a Medical-Officer-in-charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in S. R. 81, either-

1. (a) a certificate signed after personal examination by the Civil Surgeon of the district;

OR

by the Sub-divisional Medical Officer of the sub-division and countersigned by the Civil Surgeon of

the District where the officer is serving; or

- (b) a certificate signed by a Civil or Presidency Surgeon or a Medical Officer-in-charge of a sub-division other than the Civil Surgeon or Medical Officer of the district or subdivision where the officer is serving, and countersigned by the District Officer of the district where the officer is serving ;
- (2) Notwithstanding anything contained in sub-R. (1) the authority competent to sanction leave may dispense with the procedure laid down in Rr. 80 and 81;
 - (i) where the leave recommended by the authorised medical attendant is for a period exceeding two months and he certifies that in his opinion it is necessary for the applicant to appear before a Medical Committee; or
 - (ii) the applicant is undergoing treatment in a hospital as an in-charge of the case in the hospital not below the rank of Civil Surgeon or Staff Surgeon for the period of hospitalisation or convalescence.

NOTES

Sub-rule (2) was inserted vide Correction Slip No. 550 to take effect from 3rd October, 1967, Notification No. PEG 44/65/16, of the same date.

S. R. 84 – The grant of a certificate under S. R. 81 or 83 does not itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited.

S. R. 85 – An application by a non-gazetted Government servant in superior service for leave or for an extension of leave on medical certificate must be accompanied by a certificate in the following from the Civil Surgeon of the district where the applicant resides or from the Presidency Surgeon if the applicant is in a Presidency town, unless it is specially certified that the applicant is too ill to bear the journey, in which case the Civil Surgeon or Presidency Surgeon may exercise his discretion and countersign or refuse to countersign a medical certificate from an approved registered medical practitioner. In the event of the Civil or Presidency Surgeon refusing to countersign a medical certificate, they should arrange for the applicant to be examined at his residence by a Medical Officer of Government.

Such certificate should distinctly state the nature of the illness, its symptoms, probable causes and duration, and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health. The certificate shall be prepared in duplicate, one copy made over to the Government servant concerned for presentation to the Medical Officer who examines him for fitness for return to duty.

The authority competent to grant the leave may, however, in its discretion accept a certificate from the applicant's medical attendant without such countersignature, if the applicant be a female, may either dispense with countersignature or accept the countersignature of any female medical practitioner.

The authority competent to sanction leave may at its discretion can for a second medical opinion. In such cases too the certificate shall be prepared in duplicate and dealt with in the manner laid down in subparagraph 2 above.

The possession of a certificate such as is prescribed in this rule does not in itself confer upon the Government servant concerned any right to leave.

FORM

Medical certificate for non-Gazetted Officers, recommended for leave or extension or commutation of leave

Signature of applicant

I, _____ after careful examination of _____ the case hereby certify that _____ whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his health.

Dated _____

Government Medical attendant or
other registered practitioner

The _____

Note 1 – The nature and probable duration of the illness should be specified.

Note 2 – This form should be adhered to as closely as possible and should be filed in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him whether the applicant should go before a Medical Board to decide the question of his fitness for service.

Note 3 –The term "Approved Registered Medical Practitioner" mentioned in this rule includes approved registered Ayurvedic Medical Physicians under the employment of Government and who are diploma holders also.

Second Medical Opinion (If called for by the authority competent to sanction leave)

Note – Should a second medical opinion be required the Agency or Civil Surgeon leave sanctioning authority should arrange for the second medical examination to be made at the earliest possible date. The Agency or Civil Surgeon's opinion, both as to the facts of illness and the necessity for the amount of leave applied for should be recorded. He may require the applicant to appear before him or before a Medical Officer nominated by him.

NOTES

S. R. 85 – Note 3 appended to this rule was added vide Correction Slip No. 403 and Notification No. F. A. 30/52/3, dated 20th January, 1954 and subsequently amended vide Correction Slip No.4, Notification No. FFG 92/66/28, dated 23-4-1968.

S. R. 86 – No application should be made for a medical certificate to Medical Officer of Government and no certificate should be submitted for his counter signature without the cognizance of the head of the office in which the applicant is serving. For this purpose the correct procedure is to play through the head of the officer.

S. R. 87 – No application for extension of leave will ordinarily be considered by the head of the office in which the applicant is serving unless the application is received by him at least one week before the termination of the leave already granted.

S. R. 83 – In support of an application for leave, or for an extension of leave, on medical certificate from a non-gazetted Government servant in Class IV service, the authority competent to grant the leave may accept such certificate as it may accept such certificate as it may deem sufficient.

NOTES

In this rule, for the words "inferior service" the words "Class IV" were substituted vide Correction Slip No. 551 and Notification No. FM 44/65/8, dated 1st December, 1987.

S. R. 89 – Leave of absence cannot be claimed as of right. A competent authority may refuse, or revoke, leave of absence at any time according to the exigencies of the public service and may also refuse to the full amount of leave applied for in any case.

S. R. 90 – In case where all applications for leave cannot, in the interests of the public service be granted, an authority competent to grant leave should in deciding which application should be granted, take into account the following considerations;

- a) the Government servants who can, for the time being, best be spared;
- b) the amount of leave due to the various applicants;
- c) the amount and the character of service rendered by each applicant since he last returned from leave;
- d) the fact that any such applicant was compulsorily recalled from his last leave;
- e) the fact that any such applicant has been refused leave in the public interest.

S. R. 91 – Where a Medical Committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such a Government servant. It may be granted, if due by a competent authority on the following conditions:

- a) If the Medical Committee is unable to say with certainty that the Government servant will never be fit for service in India again, leave not exceeding twelve months in all may be granted. Such leave should not be extended without a further reference to a Medical Committee.

Note 1 – In the case of a Government servant who is granted leave under this rule and who subsequently returns to duty, the leave should be treated as leave on medical certificate for the purpose of the proviso to F. R. 81 (b) (ii).

- b) If the Medical Committee declares the Government servant to be completely and permanently incapacitated for further service the Government servant should, except as provided in Cl. (c) below be invalidated for the service, either on the expiration of the leave already granted to him, if he is on leave, when examined by the committee, or, if he is not on leave, from the date of the committee's reports;
- c) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave not exceeding six months is debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's break down in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service, or will complete at an early date an additional year's service for pension.

S. R. 92 – Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

S. R. 93 – If, in a case not covered by S. R. 92, an authority competent to remove a Government servant from service decides, before such Government servant departs from India on leave, that he will not be permitted to return to duty in India it must inform him to that effect before he leaves India.

S. R. 94 – If, when a Government servant is about to depart from India on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical which is of such nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary-or if for any reason it is considered inexpedient that a Government servant on leave should return to India full report of the circumstances must be made by the State Government to the India Office in time to enable the Secretary of State to take any necessary measures before the Government servant would in the ordinary course, be permitted to return to duty. The report should in any case reach the India Office at least three months before the end of the Government servant's leave.

S. R. 95 – When leave on medical certificate has been granted to a Government servant or, in the case of a military officer in civil employ when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the State Government must without delay forward a copy of the medical statement of the case to the High Commissioner for India.

S. R. 96 – When a Government servant who has been granted leave for reasons of health proceeds to any of the localities named in S. R. 95 the authority which granted the leave shall inform the High Commissioner for India whether a medical certificate of fitness to return to duty is required under the second sentence of F. R. 71.

Departure on leave

S. R. 97 – Every Government servant proceeding on leave out of India should procure from the audit office and take with him a copy of the memorandum of information issued for the guidance of Government servants proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

S. R. 98 – A Gazetted Government servant taking leave out of India must report his embarkation, through the audit office, to the authority which granted his leave, in such form as the Auditor-General may prescribe.

Return from leave

S. R. 99 – A Government servant on return from leave must report his return to the Government under which he is serving.

S. R. 100 – A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as matter of course the post which he held before going on leave. He must report his return to duty and await orders.

Payment of leave salary

S. R. 101 – A Government servant on leave, who does not leave his district does not require a last pay certificate, nor does an officer who leaves his district on leave without allowances.

Note – Other rules on the subject will be found in paragraphs 6-12 of the instructions issued by the Auditor-General of India under F. R. 74, vide Appendix 13.

Record of Service

Gazetted Government Servant

S. R. 102 – A record of the service of Gazetted Officers should be maintained by the audit officer who audits their pay. When an officer passes from one audit circle to another, a record of his past service should be passed on from the audit officer whose circle he leaves to the : audit officer to whose circle he is transferred.

S. R. 103 – When a Gazetted Officer is transferred to foreign service a copy of his service register will be sent by the audit officer whose duty it was to keep it, to the audit who will account for the contribution and the latter will return the register (or an extract from it) duly written up-to-date when the officer is re-transferred.

S. R. 104 – With exception of (I) the non-Gazetted Government servants the particulars of whose service are recorded in the History of Service of Gazetted and others maintained by the Audit Officer, (II) all Government servants in superior service on scales of pay the maximum of which does not exceed Rs. 24, (III) inferior servants of all sorts, (IV) Police Officers of and below the rank of Inspector, (V) Havildars of the Assam Rifles who are in receipt of pay in excess of Rs. 20, (VI) Keepers of the Mental Hospital at Tezpur, (VII) Jail Warders and (VIII) Assistant Forests and Forest Guards, a Service Book should be kept at the cost of Government for every non-Gazetted Government servant holding a substantive appointment on a permanent establishment in which every step in his official life should be recorded, each entry being attested by the head of his office. If the Government servant is himself the head of an Office the attestation should be made by his immediate superior. The head of the office should see that all entries in the service book are duly made and attested. There should be no erasure or overwriting, all correction being neatly made and properly attested.

Note 2 – Circle Sub-Deputy Collectors are heads of Offices for the custody of the service books of mandals or patwaris only.

Note 2 – Annual establishment returns should be submitted to the Audit Office in the case of police officers of the rank of Inspector and Sub- Inspector.

NOTES

S. R. 104 – This rule was substituted vide Correction Slip No. 433 and Memorandum No. F.E. 108/54/16, dated 6th June, 1955.

S. R. 105 – Service book must be kept in the custody of the heads of offices in which the Government servants are serving and transferred with them from office to office. A certified copy of the service book may be supplied to the Government servants on payment of a copying fee of Rs, 5, on quitting Government service by retirement, discharge or resignation.

NOTES

S. R. 105 – This rule was substituted *vide* Correction Slip No. 434 and Memorandum No. F.E. 108}54/146, dated 6th June, 1955, and further amended *vide* Correction Slip No. 517(A). Memorandum No. F.E.G. 157/61/5. dated 15th March, 1962.

S. R. 106 – It shall be the duty of every head of office to initiate action to show the service books to Government servants under his administration, control, every year and to obtain their signature therein in token of their having inspected the service book. A certificate to the effect that he has done so in respect of the financial year should be submitted by him to his next superior officer by the end of every September. The Government servants inter alia ensure before affixing his signature that their service books have been duly verified and certified as such. In case of a Government servant on foreign service, his signature shall be obtained in his service book after the Audit Officer has made therein necessary entries connected with his foreign service.

NOTES

This rule was substituted *vide* Correction Slip No. 1 and vide Notification No. F.E.G. 26/67, dated 5th February, 1968 and to take effect from 5th February, 1968.

S. R. 107 – Personal certificates of character should not, unless the Government so direct, be entered in the service book, but if the Government servant is reduced to a lower substantive appointment, the case of the reduction should always be briefly stated thus "Reduced for inefficiency", "Reduced owing to revision of establishment, etc.:"

S. R. 108 – Every period of suspension from employment and every other interruption in service should be noted, with full details of its duration, by an entry written across the page and attested by the head of the office or other attesting officer. The head of the office should take efficient measures to see that these entries are made with regularity. The duty should not be left to the non-Gazetted Government servant concerned.

S. R. 109 – When a non-Gazetted Government servant is transferred whether permanently or temporarily from the office to another, the necessary entry of the nature of the transfer should be made in his service book which after being duly verified to date and attested by the head of that office should be transmitted to the head of the office to which the Government servant has been transferred who will thenceforward have the book maintained in his office.

S. R. 110 – When a non-Gazetted Government servant is officiating in a gazetted post, his service book should be kept by the head of office to which he permanently belongs, but when he takes leave while so officiating, his service book should be forwarded to the audit officer for reporting admissibility of the leave. When he is confirmed the service book should be permanently sent to the audit office.

S. R. 111 – If the Government servant is transferred to foreign service the head of the office or department should send his service book to the audit officer who will return it after noting therein, under his signature, the order of Government sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particular which the audit officer may consider to be necessary in connection with the transfer. On the Government servant's re-transfer his service book should again be sent to the audit officer who will then note therein under his signature all necessary particulars connected with the Government servant's foreign service.

S. R. 112 – Service rolls should be maintained for all Government servants for whom service books are not kept, save those mentioned in exception (I) in S. R. 104. In this service rolls should be recorded the date of the enrolment, caste, tribe, village, age, height, marks of identification. when enrolled rank, promotion, reduction or other punishment, absences from duty on leave or without leave, interruptions in service, and every other incident in service which may involve forfeiture of portions of service or affect the amount of pension. Every in them should be signed by the head of the office. Service rolls should invariably be submitted with the pension papers to the audit office.

Exception – Service rolls need not be maintained for the members of the Coolie Corp establishment in the Sadiya and Balipara Frontier Tracts.

Note 1 – The Deputy Commissioner, Garo Hills, may delegate to the Deputy Inspector of Schools the power to sign the front page, and to make attestation in respect of entries made in subsequent pages, of the service rolls of the teachers of the vernacular schools of the district.

Note 2 – In the case of contingency materials who may be granted leave with or without allowance by the head of the office on the analogy of S. R.127, a service roll should be kept in the form specially prescribed for the purpose.

Section III – Special and Ordinary Leave Rules

F. R. 75 - (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia shall be subject to the special leave rules:

Provided that no such Government servant shall be entitled to the benefits of the special leave rules, who prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and has been deemed to be of Indian domicile.

Audit Instructions - (1) A Government servant who becomes eligible to the special leave rules while he is on leave under the ordinary leave rules may, from the date he becomes so eligible, change the balance of his leave under the special leave rules.

(2) The expression "at the time of his appointment" occurring in F.R. 75 (2) means the date of an officer's appointment to a service of post to which the provisions of the Fundamental Rules apply.

F. R. 75-A – For the purpose of F. R. 75 (2) the domicile of a person shall be determined in accordance with the provisions set out in the Schedule to these rules:

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom

the provision is sub-rule (2) of Rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

F. R. 75-B – No Government servant who, after his appointment to a service or post acquires a new domicile, shall thereby lose his right to, or become entitled to admission to the benefits of the special leave rules.

F. R. 75-C – If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the State Government shall be final.

Section IV – Grant of Leave

F. R. 76 – A leave account shall be maintained for each Government servant in terms of leave on average pay. A separate account should be kept of the leave earned by a Government servant serving under a Government and then transferred to another Government, and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted.

S. R. 113 – The rate of leave salary actually received by an absentee by the operation of the further proviso to F. R. 87 should not be taken into account in recording the leave granted to inferior servants in their leave account but that the account should be debited with the kind of leave granted irrespective of the leave salary.

F. R. 77 – In the leave account of a Government servant subject to these rules, shall be credited-

- (i) if he be under the special leave rules, five-twenty seconds of the period spent on duty; and
- (ii) if he be under ordinary leave rules, two-elevenths of the period spent on duty.

Audit Instructions – (1) Fractions of a day should not appear in the leave accounts, fractions below half should be ignored and those of half or more should be reckoned as one day.

(2) Five-twenty seconds of the period spent on duty should be calculated thus-

The amount of duty as expressed in terms of years, months and days should be multiplied by five and the product divided by twenty-two. In this process of multiplication and division a month should be reckoned as equal to 30 days.

Two-elevenths of the period spent on duty should also be calculated similarly.

F. R. 78 – The amount of leave to be debited against a Government servant's leave account is

- a. the actual period of leave on average pay. but excluding special disability leave on average pay under Fundamental Rule 83 (7) ; and
- b. half the period of leave on half average pay other than special disability leave or one quarter average pay or of special disability leave on average pay under Fundamental Rule 83 (7) (b).

F. R. 79 – When a Government servant, who has previously been subject to ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount leave prescribed in F. R. 81 (a) (i).

F. R. 80 – This amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

F. R. 81 – Leave may be granted to a Government servant at the discretion" of the authority entitled to grant the leave subject to the following restrictions:

- (a) The maximum amount of leave which may be granted, expressed in terms of leave on average pay is the privilege which it was permissible to grant to the Government servant in question, on the 1st January, 1922 under the rules applicable to him prior to that date ; *plus*

One-eleventh of the period spent on duty subsequent to that date; plus

- i. in the case of Government servants under the special leave rules, three years ; or
- ii. in the case of Government servant under the ordinary leave rules, two and a half years;

Provided that special disability leave on half average pay or on average pay under Fundamental Rule 83 (7) (a) shall not be taken into account in calculating the maximum prescribed by this clause, and in the case of such leave taken on average pay under Fundamental Rule 83 (7) (b) account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay including any furlough on average salary taken under rules in force prior to 1st January, 1922 but excluding special disability leave on average pay under F. R. 83 (7) (a) which may be granted is-

(i) to a Government servant under the special leave rules eight months at anyone time,

and in all-

the privilege leave which it was permissible to grant to him on the 1st January, 1922 under the rules applicable to him prior to that date. *Plus*

one-eleventh of the period spent on duty subsequent to that date, *plus*, one year,

(ii) to a Government servant under the ordinary leave rules, four months at anyone time,

and, in all

the privilege leave which it was permissible to grant to him on the 1st January, 1922 under the rules in force prior to the date, *plus*

one-eleventh of the period spent on duty subsequent to that date:

Provided that, in the case of a Government servant, other than a Class VI Government servant, subject to the ordinary leave rules, who either takes leave on medical certificate other than leave preparatory to retirement or spends his leave elsewhere than in India, Pakistan, Ceylon, Nepal or Burma the maximum prescribed in sub-clause (i) of this clause shall apply.

Note – (1) The expression "other than leave preparatory to retirement" in the proviso above has effect from the 10th August, 1937.

(2) Officers subject to the ordinary leave rules who take advantage of the said proviso when applying for leave on average pay on medical certificate are required to give an undertaking that they will refund the difference between average pay and half average pay for the period of leave on average pay which would not have been admissible had the proviso to Fundamental Rule 81 (b) (ii) not been applied if they subsequently decide to retire at the end of the leave, or of an extension of that leave, but the questions whether the officer concerned should be asked to refund the amount drawn in excess as leave salary should be decided on the merits of each case, i. e., if the retirement is voluntary, refund should be enforced, but if the retirement is compulsory thrust upon the officer by reason of ill-health incapacitating him for further service, no refund should be taken.

(c) Save in the case of leave preparatory to retirement, leave not due may be granted subject to the following conditions:

(i) on medical certificate without limit of amount; and

(ii) otherwise than on medical certificate, for not more than three months at anyone time and six months in all reckoned in terms of leave on average pay.

Note 1 – In cases where a Government servant who has been granted leave not due under this clause for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced.

Note 2 – (i) Leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen the officer will return to duty and earn it; and

(ii) that, except as provided in the Note 1 to Fundamental Rule 81 (c), the leave when granted should in all cases subject to the Government servant's wishes be allowed to stand, including cases in which the officer, fails to earn it by subsequent duty.

(d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty eight months. This period shall in no circumstances be exceeded by a Government servant who is on leave preparatory to retirement.

(e) When Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty is sufficient to earn a credit of leave' to the period of leave which he took before It was due.

Audit Instructions – (1) If leave on average pay is applied for after a Government servant has had leave on half-average pay in continuation of a period of leave on average pay either by the production of a medical certificate or by a Government proceeding out of India, Ceylon, Nepal, Burma or Aden, the period of leave on average pay that may then be granted should be similarly limited to the period actually covered by the medical certificate or spent elsewhere than in India, Ceylon, Nepal, Burma or Aden. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell or leave does not exceed eight months in such case the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for purposes of pension.

(2) If under the operation of the proviso to Fundamental Rules 81 (b) (ii) the maximum amount of leave on average pay admissible at a time is increased, further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India, Ceylon, Nepal, Burma or Aden. but such leave on average pay which may be taken on medical certificate or outside India, Ceylon, Nepal, Burma or Aden up to maximum of 12 months in a Government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate.

(3) Leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Government servant will return to duty and earn it. When, however such leave has once been granted, it should be allowed to stand, unless the Government servant otherwise desires, even if he proves unable to earn it by subsequent duty; but see Notes to F. R. 81 (c).

(4) The limit of 28 months of continuous absence prescribed in F. R. 81 (d) includes the period of vacation, if any, with which leave is combined.

(5) The expression "continuous absence from duty on leave" Occurring in F. R. 81 (d) does not include absence on extraordinary leave.

Government of Assam's decision – Subject to the consideration of special cases, where an officer' is placed on deputation in Europe or America while on leave out of India, the deputation shall be regarded as an interruption of the leave already granted. The expression "at any one time" in Fundamental Rules 81 (b) should be interpreted as meaning "in each separate period of leave granted". The effect of this ruling is that in ordinary circumstances the leave of such an officer will be extended by the period of the deputation but the deputation will not entitle him to a fresh grant of leave.

The balance of the unenjoyed leave should be worked out before deputation intervenes and the amount of leave to be enjoyed subsequently on the expiry of the deputation should be restricted to this available balance.

NOTES

F. R. 81 – In the proviso to Clause (II), sub-rule (b) to this rule, the words "Pakistan, Ceylon" were added vide Correction Slip No. 106 and Notification No. F.A. 71/48/24, dated 22nd August, 1984.

In the same proviso, after the word "Burma", the word "Aden" was omitted vide Correction Slip No. 178, dated the 13th September, 1961.

The words, "a Class VI Government servant" were substituted *vide* Memorandum No. F.E.G. 44/65/Pt, dated 1st December, 1967.

F. R. 82 – The following provisions apply to vacation departments only:

- a) The State Government may make rules specifying the department or parts of departments which should be treated as vacation department and the conditions in which a Government servant should be considered to have availed himself of a vacation.
- b) Vacation counts as duty, but the periods of total leave in Fundamental Rules 77, 81 (a) and 81 (b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.
- c) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Fundamental Rules 77 and 81 (a), as reduced by Clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.

- d) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Note 1 – The implied basis and condition of variation are that a Government servant only gets vacation on condition that he can arrange to carry out the vacation duties of his post, and that a Government servant should be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forego such a vacation or portion, of a vacation. A Government servant who has routine duties to discharge during the vacation, which does not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government servant, should be considered to have availed himself of a vacation or a part of it, while a Government servant who leaves his place of duty during a vacation is expected to arrange for, and is responsible for the performance, without any cost to Government, of such routine duties.

A Government servant who leaves his place of duty during vacation is liable to be called thereto at his own expense.

Note 2 – Subject to the provision in the note below F. R. 71, it is permissible under F. R. 82 (d) to allow vacation to intervene between two periods of leave.

Note 3 – An officer of a vacation department may be granted the additional leave which is credited under Fundamental Rule 82 (c) even though he has a debit balance in his leave account due to the fact that leave not due has not been liquidated as required by Fundamental Rules 81 (c). The credit of one month under Fundamental Rule 82 (c) is for every completed two years of duty and no fractional credit for a period of less than two years is permissible.

Note 4 – In the case of a Government servant who, at the time of going on leave has not completed a full year of duty and has not for that reason enjoyed any portion of vacation but who enjoys the next vacation in continuation of the leave, it has been decided that, for the purpose of CI. (b) of this rule as explained in item (3) of Audit Instructions below a deduction of 1/12th may be made for the period for which 1/11th is credited. If subsequently it is found that the vacation has not been enjoyed, the deduction already made can be suitably corrected.

Audit Instructions – (1) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation as required to be made under Fundamental Rule 82 (b) is intended to be made in respect of leave earned and vacation taken from 1st January, 1982.

Thus, in the case of Government servants of vacation departments, the leave credited to their leave account under F. R. 77 will be –

- i) privilege leave at their credit on 1st January, 1922, i.e., privilege leave earned under Article 272 or 275, Civil Service Regulations; plus
- ii) one-eighth or one-twelfth of the period spent on duty or vacation or privilege leave up to 31st December, 1921 ; plus
- iii) five-twenty seconds or two-eleventh of the period spent on duty or vacation from 1st January, 1922.

From this a reduction will be made of one month for each year of duty in which a Government servant avails himself of the vacation after 1st January, 1922. Similarly, the total leave admissible under Fundamental Rules 81 (a) and 81 (b) will be reduced by one month for each year of duty in which the vacation is taken after 1st January, 1922.

(2) The amount credited to the leave account under Fundamental Rule 82 (e) as well as that added to the maximum under Fundamental Rule 81 (a) should be the actual amount of additional leave taken under Fundamental Rule 82 (c) and not the total amount theoretically permissible, viz., one month for every two years of duty.

(3) The term "each year of duty" should be interpreted to mean, not a calendar year in which duty in a vacation Department is performed but twelve months of actual duty. If the Government servant has enjoyed such vacation as falls within the period of twelve months beginning on the day on which he begins his duty on return from leave or otherwise, then one month should be deducted from his leave account. It does not matter whether the day on which this year ends falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If, to take an example, a Government servant before going on leave has not completed a full year of duty including vacation during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account, is the fraction which the period of duty, including vacation, bears to the whole year.

If, to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one.

NOTES

F. R. 82 – Note 2 appended to this rule was substituted vide Notification No. FA 42/42/Pt. 11-59, dated 23rd September, 1924 and Correction Slip No. 37.

Under Note 4, under the head "Audit Instructions Cl. (3)" the words "in a vacation Department" were added vide Correction Slip No. 43.

Conditions in which a vacation should be considered to have been availed of under Fundamental Rule 82 (a)

S. R. 114 – A vacation department is a department or part of a department to which regular vacations are allowed during which Government servants serving in the department are permitted to be absent from duty.

In case of doubt a competent authority may decide whether or not a particular Government servant is serving in a vacation department to which these rules apply.

The following are vacation departments for the purpose of Fundamental Rule 82;

- 1) The High Court excluding the Chief Justice and the Judges and Civil and Sessions Courts, other than those under the control of Deputy Commissioners in the Assam Valley Division and Cachar District.
- 2) Educational institutions in the case of
 - a) the teaching staff ;
 - b) such Government servants, not being members of the teaching staff, as may be declared to be entitled to vacations by a competent authority.
- 3)
 - (a) The Government Weaving Institute, Gauhati;
 - (b) The Surma Valley Technical School, Sylhet ;
 - (c) His Royal Highness the Prince of Wales, Technical School Jorhat;
 - (d) The Fuller Technical School, Kohima.
 - (e) Assam Civil Engineering School, Gauhati.
- 4) The Assam Survey School, Jhalukbari.
- 5)
 - (a) The teaching staff of the Berry-White Medical School, Dibrugarh;
 - (b) such Government servants, not being members of the teaching staff, as may be declared to be entitled to vacation by a competent authority.

Note 1 – Fundamental Rule 82 does not apply to District and Sessions Judges.

Note 2 – A competent authority may by general or special order determine the periods of the vacation admissible to the staff of the Institutions referred to in Cls. (2) (b) and (3) above.

Note 3 – The teachers of Government Lower Primary Schools which do not enjoy a continuous vacation of a month in the year should not be regarded as belonging to a vacation department; provided that the holiday list of the school approved by the Deputy Inspector does not exceed 60 days.

Note 4 – Clerks in Government School and College in Assam should be treated as Government servant of a vacation department up to 31st December, 1921, and again from the 13th February, 1924, and of non vacation department for the period from the 1st January, 1922 to the 12th February, 1924.

NOTES

S. R. 114 – In sub-R. (1), the words "the High Court excluding the Chief Justice and the Judges and Civil and Sessions Courts" were added vide Correction Slip No. 441 and Memorandum No. FE 5967/55, dated 12th November, 1955.

Clause (e) under sub-R. (3) was added vide Correction Slip No. 398. Sub-rule (5) was added vide Correction Slip No. 158 and; Notification No. FA 42/42/59, Part II, dated 30th October, 1942

S. R. 115 – A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forego such vacation or portion of a vacation; provided that if he has been prevented by such an order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 1 – The 15 day's limit in the rule will be applied in respect of each vacation or of two vacations combined when there are two vacations in the year.

Note 2 – A period during which a Government servant is - on leave will not be considered a period of duty for the purposes of Fundamental Rule 82 (2).

Note 3 – The words "prevented by such an order from enjoying more than 15 days of the vacation" occurring in lines 5 and 6 of the rule mean that the Government servant's absence from duty during the vacation did not exceed 15 days.

NOTES

S. R. 115 – Notes 1 and 3 were added vide Correction Slip No. 147 and Notification No. FA 42/42/Pt. 11/49, dated 23rd September, 1942.

S. R. 116 – As soon as a vacation expires the head of the office will record in the service book of the officer whether or not he enjoyed vacation for more than fifteen days. If the period exceeded fifteen days the number of days should be specified.

Special Disability Leave

F. R. 83 – (1) Subject to the conditions hereinafter specified the State Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the State Government if it is satisfied as to the cause of the disability may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be "granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability

(6) Such leave shall be counted as duty in calculating service for pension and shall not, except as provided in Fundamental Rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall be equal –

- a) for the first 4 months of any period of such leave including a period of such leave granted under Clause (5) of this rule, to average pay ; and
- b) for the remaining period of any such leave, to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay:

Provided that the maxima specified in the table in sub-rule (2) of Rule 89 shall, notwithstanding anything contained in that rule, apply to the whole period of such leave and the minima specified in the table in Rule 90 shall apply when leave salary during such leave is equal to half average pay, subject to the conditions stated in that rule and in the notes thereunder.

(8) In the case of the person to whom the Workmen's Compensation Act,1923, applies the ,amount of

leave salary payable under this rule shall be reduced by the amount of compensation payable under Section 4 (I) (d) of the said Act.

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but he is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force; but, in either case any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

F. R. 83-A – The State Government may extend the application of the provisions of Fundamental Rule 83 to a Government servant who is disabled by injury incidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions:

- (i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of particular duty; and
- (ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the State Government, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of his form of leave; and
- (iii) that the period of absence recommended by the medical board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

Note 1 – The grant of the concession contemplated in this rule is not admissible to a Government servant in the case of injuries resulting from an accident to which he may be liable under the ordinary conditions of civil life or in connection with the ordinary discharge of his duties.

Note 2 – The intention of Fundamental Rule 83-A (ii) is not that special disability, leave should be given to cover any person of an officer's military service but that it should be admissible only after the officer's discharge as unfit for further military service.

State Government's decision – A question was raised as to whether special disability leave under Fundamental Rule 83-A would be admissible to Police Department official for falling off a pony while returning from a place of duty. It was decided in consultation with Auditor General of India that the accident of falling off a pony may occur to anybody and constitutes ordinary risk of civil life.

F. R. 83-B – (1) A Government servant who has been granted special disability leave under Fundamental Rule 83, and whose domicile is elsewhere than in Asia, may be granted by the State Government, free passage by sea for himself, his wife and children, to the United Kingdom. or to any port in Europe or in a British colony, dominion or possession, and on the conclusion of such leave, return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave in which case return passage shall not be granted save in exceptional circumstances; Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of embarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The State Government may extend the application of the provisions of Clause (1) and (2) to a Government servant who has been granted special disability leave under Fundamental Rule 83-A, and whose domicile is elsewhere than in Asia; provided that it may, at its discretion, grant free passage to the Government servant only, or to the Government servant and his wife only.

(4) For the purposes of this rule-

- (i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of Clause (2) of Rule 75 and Rr. 75-A. 75-B and 75-C;
- (ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the

Government servant, who if a female, is unmarried or, if a male, is under the age of 16.

Study Leave

F. R. 84 – Leave may be granted to the Government servants, on such terms as the State Government may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

S. R. 117 – The terms prescribed by the Secretary of State for officers under his rule-making control (Appendix 15) have been adopted by the State Government in respect of persons serving in connection with the affairs of the State.

Extraordinary Leave

F. R. 85 – (a) Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(b) A Government servant abstaining from work for any reasons whatsoever without permission shall be deemed to be absent without leave during the period of such abstinence.

(c) The authority which has the power to sanction leave may grant extraordinary leave as in Clause (a) in combination with or in continuation of, any leave that is admissible, and may commute retrospectively period of absence without leave into extraordinary leave.

[For Administrative Instructions issued by the State Government regarding "casual leave" and "quarantine leave", see Rr. 246 and 268 of the Assam Executive Manual].

Note – The power of commuting retrospectively periods, of absence without leave into extraordinary leave under Fundamental Rule 85 (b) is absolute and not subject to the conditions mentioned in Clause (a) of that rule; in other words, such communication is permissible even when other leave was: admissible to the Government servant concerned at the time of his absence without leave commenced.

Audit Instructions – "Leave not due" applied for by a Government servant with or without medical certificate is "leave admissible under rule", and in cases where "Leave not due" can be granted the grant of extraordinary leave under F. R. 85 will be irregular unless the latter kind of leave is specially applied for in writing.

NOTES

F. R. 85 – Sub-rule (b) was inserted vide Correction Slip No. 191 dated 22nd March, 1965, and then sub-rule (b) was re-numbered as presently the sub-rule (c)

Extension of leave at the time of Retirement

F. R. 86 – (a) Leave at the credit of a Government servant in his leave account shall lapse on the date of compulsory retirement

Provided that if in sufficient time before that date he has-

- (1) formally applied for leave due as preparatory to retirement and been refused it ; or
- (2) ascertained in writing from the sanctioning authority that such leave if applied for would not be granted in either case the ground for refusal being the requirements. of the public service;

then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months:

Provided further that every Government servant –

- (a) who after having been under suspension, is re-instated within six months preceding the date of his compulsory retirement and was prevented by reason of having been' under suspension from applying for leave preparatory to retirement, shall be allowed to avail to such leave as he was prevented from applying for, subject to a maximum of six months reduced by the period between the date of re-instatement and the date of compulsory retirement;
- (b) who retired from service on attaining the age of compulsory retirement while under suspension and was prevented from applying for leave preparatory to retirement on account of having been under

suspension, shall be allowed to avail of the leave to his credit subject to a maximum of six months, after the termination of proceedings, as if he had been refused as aforesaid if, in the opinion of the authority competent to order re-instatement, he has been fully exonerated and the suspension was wholly unjustified.

(b) A Government servant retained in service after the date of compulsory retirement shall leave on average pay at the rate $1/11^{\text{th}}$ of duty performed after that date, and shall be allowed to add thereto any amount of leave which could have been granted to him under Clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months.

When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of 6 months as follows:

- (i) the balance after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under Clause (a) had he retired on the date of compulsory retirement; *plus*
- (ii) the amount of leave earned under this clause which is due to the Government servant and which he has in sufficient time during the period of extension –
 - (1) formally applied for as preparatory to final cessation of his duties and been refused ; or
 - (2) ascertained in writing from the sanctioning authority that such leave would not be granted if applied for, in either case the ground of refusal being the requirements of the public service.

Note 1 – The proper test in applying the rule is whether it would be more convenient on general administrative grounds for a Government servant to take leave before or after the age of superannuation, and that all Government servant, should be warned that the rule is intended to apply only in cases in which a Government servant with leave due to him has applied for leave in sufficient time before the date of retirement and his application has been refused owing to the exigencies of the public service and that it is not intended to apply so as to enable a Government servant at his own option to take leave after instead of before the date of retirement.

Note 2 – Fundamental Rule 86 does not apply to Military Assistant Surgeons in civil employ.

Note 3 – [Deleted].

Note 4 – A deduction under Fundamental Rule 82 (b) on account of vacation enjoyed should also be made in the case of officers whose leave is regulated under Fundamental Rule 86 (b).

Government of India's interpretation – While the amount of the leave refused under Fundamental Rule 86 (a) or (b) is fixed, the quality of the leave (i. e., on average or half average pay), whether it is taken before or after the date of compulsory retirement or, as the case may be, the date of final cessation of duties, may be varied to the advantage of the Government servant concerned within the normal leave rules by the leave earned and standing to his credit on the date he proceeds on leave; and on second application for leave in sufficient time and its refusal are necessary merely to ensure this variation.

Audit Instructions – (1) A Government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (b) of Fundamental Rule 86 and a debit balance, if any, on the date he attained that age should be considered as wiped off.

(2) The period of six months mentioned in Fundamental Rule 86 (b) includes any period of vacation with which leave is combined.

(3) The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of compulsory retirement is merged in the common pool in the leave account and forms an indistinguishable part of the total leave at credit the whole of which with the exception only of the net amount of leave refused, lapses under clause (a) of Fundamental Rule 86 on the date of compulsory retirement. The grant of any leave between the date from which the refusal of leave took effect and the date of superannuation should therefore be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (a) after superannuation in such a case is therefore the amount of leave originally refused minus the amount of the 'post refusal' leave enjoyed, and this difference is subject to a minimum of 6 months. The principle applies equally to leave available under clause (b) including that earned in respect of duty during a period of refused leave.

Auditor General's decisions – The rule in Note 2 to Fundamental Rule 56 does not require that the authority sanctioning leave under Fundamental Rule 86 should necessarily be competent to sanction an extension of service also.

State Government's decision – (1) An officer of the State Government who was due to retire on superannuation on 16th July, 1956, applied for leave preparatory to retirement with effect from 16th March, 1956 and the competent authority refused his leave from 16th March, 1956 to 15th April, 1956, in the interest of public service. Although the competent authority was willing to allow him to proceed on leave preparatory to retirement from 16th April, 1956, the officer did not avail of the leave from that date but proceeded on leave from 7th July, 1956. On that day the officer requested that he might be sanctioned leave on average pay for nine days from 7th July, 1956 to 15th July, 1956 and in continuation refused leave for one month from 16th July, 1956 to 15th August, 1956. A doubt arose whether the officer was entitled to one month's leave from 16th July, 1956 to 15th August, 1956 previously refused in addition to nine days leave from 7th July, 1956 to 15th July, 1956. The position is that the officer applied for 4 months' leave carrying him to the date of superannuation out of which leave for one month was refused in the public interest and 3 months' leave was sanctioned to him. Thus one month's leave preparatory to retirement was actually refused to him which he was entitled to be granted after the date of superannuation. The mere fact that the officer did not avail of 3 months' leave granted to him did not change the character of the refused leave for one month and did not prejudice the officer's title to its grant after the date of superannuation. State Government have, therefore, decided that refused leave under Fundamental Rule 86 for one month from 16th July, 1956 to 15th August, 1956, in addition to nine days leave from 7th July, 1956 to 15th July, 1956 is admissible to the officer.

[Notification No. FE 234/60/9 (dy), dated 23-4-1960].

(2) The existing rules do not contemplate the grant of leave preparatory to retirement to a Government servant, coupled with permission to remain a service of the foreign employer. The Governor of Assam has now decided that such cases shall be regulated in the following manner;

- (i) Cases where a Government servant, who is already on foreign service in or out of India under a body corporate, owned or controlled by Government applies for leave preparatory to retirement;

The leave applied for can be granted only if the body corporate, owned or controlled by Government is prepared to release him from their employment to enable him to enjoy the leave. If he is not so released he should be refused in the interests of public service and it may then be availed of by the Government servant to the extent admissible under Fundamental Rule 86 or Rule 7 of the Leave Rules, 1934 (as amended with effect from 1st October, 1955), as the case may be, from the date of his quitting the service.

- (ii) Cases where a Government servant who is on foreign service in or out of India other than under a body corporate, owned or controlled by, Government applies for leave preparatory to retirement;

In such cases leave will be admissible only where the Government servant quits duty under the foreign employer. In other words, he will not be permitted so continue in employment under the foreign employer while on leave preparatory to retirement. Non-eligibility for leave preparatory to retirement as a result of continuance in service under the foreign employer will not be treated as refusal of leave for the purpose of Fundamental Rule 86 or Rule 7 of the Leave Rules, 1934 (as amended with effect from 1st October, 1956), as the case may be. If he is allowed to continue in employ of the foreign organization after the date of superannuation, he will be treated purely as on private employment;

- (iii) Cases where the Government servant seeks employment under a body corporate while on refused leave.

If while on refused leave Government servant is offered re-employment under a body corporate, owned or controlled by Government the authority by whom the leave was sanctioned may cancel the unutilised portion of leave and allow it to be enjoyed on termination of the period of re-employment. If, however, re-employment is permitted under an organisation in or out of India other than a body corporate, owned or controlled by Government, he cannot be allowed the benefit of availing himself of the utilised portion of refused leave on conclusion of the re-employment. He may either have the option of retiring forthwith or to remain on refused leave concurrently with re-employment under such as a private organisation on the condition that the leave salary will be restricted to that admissible during leave on half average pay Of half pay leave, as the case may be.

NOTES

F. R. 86 – In sub-rule (a), clause (1) the words "due as preparatory to retirement" and the words "such" in clause (2) of sub-rule (a) were added vide Correction Slip No. 140.

In sub-rule (a) after the first proviso a further proviso has also been added vide Correction Slip No. 212 published in the Assam Gazette (Part II-A), dated 4th January, 1970.

Paragraph after sub-rule (b) was substituted vide Correction Slip No.20.

In sub-clause (1), clause II, sub-rule (b), the words "as preparatory to final cessation of his duties" and the words "that such leave" in subclause (2) were added vide Correction Slip No. 140.

Note 3 under this rule was deleted vide Correction Slip No. 174, to take effect from 28th April, 1961.

The matter under head "Government of India's Interpretation" were substituted vide Correction Slip No. 61.

The para under the head "State Government's decision" was added vide Correction Slip No. 161, vide FE 234/60/12, dated 6th May, 1960.

Para 3 under the head "Audit Instruction" was added vide Correction Slip No. 70.

Para 2 under "Auditor General's decision" was deleted vide Correction Slip No. 96, FEG 67/66/24, dated 12th December, 1967.

This rule as it stood prior to the commencement of the Constitution did not contain any provision to the effect that the grant of refused leave would not amount to extension of service. The Government of India, Finance Department Notification No. 520-CER, dated 31st May, 1922 contain the Government's decision that the grant of leave under this rule automatically carried with it the extension required and no formal sanction to the extension was necessary. [*E. P. Royappa v. The State of Tamil Nadu*, AIR 1974 SC 555].

Section V – Leave Salary

F. R. 87 – Subject to the conditions in Rules 81,88,89, 90 and 91 Government servant on leave shall, during leave, draw leave-salary as follows:

- (a) If the leave is due, leave-salary equal to average pay or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and
- (b) if the leave is not due, leave-salary equal to half average pay:

Provided that when a non-gazetted Government servant, who was in service-on the 24th day of August, 1927, takes leave, and

- (i) his pay is less than Rs. 300 ; or
- (ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to the pay which he would draw in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay:

Provided further that the leave-salary of a Class IV Government servant shall not exceed what remains from his pay after providing for the efficient discharge of duties of the post during his absence, except when, in the resultant officiating arrangements, a Government servant who has no substantive post is given more than half the pay of the post in which he officiates, in which case the excess over half pay granted to him at the discretion of the authority sanctioning the leave be disregarded in calculating the amount of leave-salary.

Note 1 – In a case in which an outsider entitled to draw pay on the revised scale is appointed to officiate in place of an absentee inferior servant drawing the old scale of pay, old' scale of pay of the post should. be taken to be "the pay of post" for the purpose of calculating the rate of the absentee allowance.

Note 2 – Under Fundamental Rule 87 (a) the nature of the leave due and' applied for by a Government servant cannot be altered at the option of the sanctioning authority and under Fundamental Rule 67, while it is open to the sanctioning authority to refuse or revoke the leave due and applied for, it is not open to him to alter the nature of such leave.

Note 3 – Fundamental Rule 87 (a) provides that a Government servant on leave shall, during leave, if the leave is due, draw leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave

and half average pay during the remainder, as he may elect. The election given by the rule is the election between the three different forms of leave salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form. In that case the intention is that the-period on average pay should be taken first and should be succeeded by the period on half average pay.

Note 4 – The words "as he may elect" in Fundamental Rule 87 (a) imply election once for all and, therefore, debar a Government servant from claiming commutation of leave as of right. Though under the Fundamental Rules the authority which granted leave can (if so disposed) commute it retrospectively into leave of a different kind yet a Government servant does not possess any right to insist that it should be as commuted.

Note 5 – A Government servant who was only temporary or officiating and was not holding substantively a permanent post on the 24th August, 1927 has clearly no claim under the proviso to Fundamental Rule 87 (b).

Note 6 – A Government servant who was in permanent Government service or before the 24th August, 1927, and who was, therefore, entitled to the privilege under the proviso to Fundamental Rule 87 (b) will retain that privilege if re-appointed after resignation or discharge or if reinstated after dismissal; provided that he is allowed to count his past service for leave under Fundamental Rule 65 (a) or (b).

Note 7 – A Government servant who was holding, on probation, a permanent post on the 24th August, 1927, and had no lien on any other post, is not entitled to the concessions admissible under the above proviso, since his leave is absolutely governed by Fundamental Rule 104 and not by the rules in Sections I to V of Chapter X of the Fundamental Rules (cf. Fundamental Rule 58).

Audit Instructions – (1) A Government servant who holds substantively a non-gazetted permanent post, but proceeds on leave from a gazetted post, should be regarded as a gazetted officer for the purposes of Fundamental Rule 87.

(2) The term "pay" occurring in the expression "the pay which he would draw in the permanent post held substantively by him" contained in the proviso should be interpreted as including "special pay" whether attached to a post or personnel to a particular Government servant, since in either case he would draw it in the post which he holds substantively.

(3) The term "permanent post" occurring in the expression "the pay which he would draw in the permanent post" contained in the proviso may be a post on other permanent post.

President's decision – (i) For the purpose of the first proviso to Fundamental Rule 87 the status of a Government servant while on foreign service, i. e., gazetted or non-gazetted should be determined with reference to the permanent post under Government on which he holds a lien or would hold a lien had his lien not been suspended or, if during his absence on foreign service he is given any promotion under the Fundamental Rule 113, with reference to the post under Government to which he is so promoted.

(ii) In the case of such a Government servant, the term "his pay" occurring in item (i) of this proviso should be construed to mean what is prescribed under Fundamental Rule 117 (b) for counting his pay for the purpose of Fundamental Rule 9 (2) i. e., the pay drawn in foreign service at the time leave is taken less, in the case of a Government servant paying his own contribution for leave salary and pension such part of the pay as may be paid as contribution.

(iii) The expression "the pay he would draw in the permanent post held substantively by him at the time of taking leave" occurring in this proviso. should, in its application to a Government servant on foreign service, be taken to mean the pay which he would draw in the permanent post under Government on which he holds a lien or would hold a lien and his lien not been suspended, at the time of taking leave.

The Government of Assam has accepted this decision.

NOTES

F. R. 87 – In this rule, figures 89, 90 and 91 were substituted vide Correction Slip No. 10 under Finance Department's Notification No. 896-F (a), date 29th February, 1940.

The proviso to this rule shall not apply in case of 3 weeks extra leave on average pay granted for the anti-rabic treatment vide F. R. 9 (6) (a) (iii), or for earned leave under the Leave Rules, 1934.

The paragraph under the head 'President's decision' were added vide Correction Slip' No. 51.

F. R. 88 – After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave salary equal to quarter average pay, subject to the maximum and minimum prescribed in Fundamental Rules 89 and 90.

Audit Instructions – (1) The expression "continuous absence from duty on leave" occurring in this rule does not include absence or extraordinarily leave.

(2) The period of 28 months includes the period of vacation, if any, with which the leave is combined.

F. R. 89 – (1) During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs, 2,000 per mensem,

(2) Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table:

	Average		Half Average		Quarter Average	
	Outside Asia	In Asia	Outside Asia	In Asia	Outside Asia	In Asia
	£	Rs.	£	Rs.	£	Rs.
Government servants subject to the special leave rules	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules	150	1,500	75	750	60	600

Note – The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation and to a proportionate fraction of a month during which he has taken a part only of vacation: provided that in the case of a Government servant who is transferred which leave to his credit from a non-vacation to a vacation department, the State Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding for which the maximum limit of leave salary shall not be applied to him.

The above is not meant to give any additional advantage but is intended to be a restrictive exception to the main rule in Fundamental Rule 89 (2). A Government servant is not entitled to the concession mentioned in this not in addition to the concession granted in the main rule itself but only to the drawing of full pay for a period equivalent to one month for a year since the last leave taken during which vacation has not been enjoyed.

Audit Instruction – The intention is that vacation should be treated as the equivalent of the leave on average pay for the purposes of the rule.

F. R. 90 – Subject to the condition that the leave salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table:

	Half Average		Quarter Average	
	Outside Asia	In Asia	Outside Asia	In Asia
	£	Rs.	£	Rs.
Government servants subject to the special leave rules	33	333	16 ½	166
Government servants subject to the ordinary leave rules	25	240	12 ½	125

Note – The minima specified above apply only when leave is taken or extended out of India elsewhere than in Pakistan Ceylon, Nepal, Burma.

Audit Instructions –The term 'average pay used in Fundamental Rule 90 should be interpreted in terms of Fundamental Rule 9 (2) and need not be taken as the pay which a non-gazetted Government servant would draw in the permanent post held substantively by him at the time of taking leave, if this pay be more than the average pay under the proviso to Fundamental Rule 87.

NOTES

F. R. 90 – In note appended to this rule the word 'Pakistan' was added vide Correction Slip No. 107 and Notification No ... F. A. 71/48/24, dated 22nd August, 1949, and the word 'Aden' was omitted vide Correction Slip No. 178.

In the note under this rule the word "Aden" was deleted vide Correction Slip No. 187 [Ref. F.E.G. 32/61/Part 1/15, dated 13th September, 1961].

F. R. 91 – (1) Unless the Governor with the prior approval of the President by general or special order otherwise directs, leave-salary shall be drawn in respect in India.

(2) Subject to the provisions of sub-rule (1) leave-salary shall be drawn in rupees, but leave-salary in respect of leave spent out of Asia, may, at the option of the Government servant be drawn in sterling;

Provided that-

- (a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months' leave salary due one in respect of an initial period. of such leave spent in Asia may if the officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling;
- (b) In the case of leave of any other description or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling.
- (c) In the case of an attachment order having been issued by a Court in India in accordance with Rule 48, Order XXI, First Schedule, Code of Civil Procedure, 1908 (Act V of 1908), that part of leave-salary which is attached shall be remitted to the Court in rupees by the accounts authority in India. The balance of leave-salary if payable in sterling, may then be drawn reducing the maximum and minimum rates of leave salary prescribed in Rr. 89 and 90 by the amount specified in the attachment order, converted into sterling at the rates of exchange prescribed under sub-rule (5) of this rule.

Note 1 – For the purposes of this rule Cyprus shall be regarded as outside Asia

Note 2 – See Audit Instruction below F. R. 99.

Note 3 – Since in the case of an officer placed on deputation in interruption of leave out of India, leave is treated as one spell of leave, the leave before and after the deputations should be treated as "initial period" for the purposes of proviso (a) to Fundamental Rule 91 (2) and the Government servant allowed to draw, if he so desires, leave salary in India for the portion of leave immediately following the deputation. As deputation is duty for all purposes it should not be taken into account in calculating the maximum period of four months prescribed in F. R. 91.

(3) Leave-salary drawn in rupees shall be drawn in India, or in the case of a Government servant who spends his leave in Ceylon, Burma or Aden, as the case may be.

(4) Leave-salary drawn in sterling shall be drawn in London, or at the Government servant's option, in any British dominion or colony which the Secretary of State may by order prescribe for the purpose; provide d that the officer spends his leave in the dominion or colony in which he has elected to draw his leave-salary. But if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undraw for a no fault on his part, the State Government may authorise the undraw amount to be paid in India at such rate of exchange as the Secretary of State may by order prescribe.

Note 1 – For the rate of exchange vide 'Secretary of States' order below sub-rule (5).

Note 2 – If leave-salary due in respect of any portion of leave out of Asia and payable to a Government servant in sterling remains undrawn though the late arrival of a steamer, it may be held to be non-drawal though no fault of the Government servant concerned and the drawal in India permitted in such cases as a matter of course.

Note 3 – Payment of leave-salary in a colony shall be subject to such restrictions in the matter of foreign exchange as the Government of India may, from time to time, impose.

[For a list of British Dominions and Colonies in which leave-salary may be drawn in sterling, see Appendix 16.]

(5) Leave salary shall be converted into sterling at such rate of exchange as the Secretary of State may be order prescribe.

Secretary of State's order – The Secretary of State has decided that the rate of exchange shall, until further orders, be 1 s. 6 d.

(6) Any leave-salary drawn outside India shall be subject to deduction of Indian Income-tax and Super-tax and all the rates which would have been applicable if that leave-salary had been drawn in India.

Government of Assam's decision – For the purposes of the application of Fundamental Rule 91 the period of voyage to or from India is treated as leave out of Asia during which leave-salary is payable in sterling.

These orders are intended to apply to all direct (i.e., unbroken) voyages between India and a port outside Asia irrespective of the route followed and the time spent in Asia on the voyage including stoppages incidental thereto (e.g., for the purpose of transshipment). They are not, however, intended to make leave-salary payable in sterling when the voyage is broken in Asia at the violation of the officer or when he spends a portion of his leave in Asia before proceeding to another continent or resuming his duties in India.

Audit Instructions – Vacation should be treated as equivalent of leave on average pay for the purpose of proviso (a) to Fundamental Rule 91 (2).

NOTES

F. R. 91 – This rule was substituted vide Correction Slip No. 175 and Notification No. FEG 58/60/79, dated 21st June, 1961, and sub-rule (2) was further substituted vide Correction Slip No. 131.

Note 3 appended after sub-rule (4) was added vide Correction Slip No. 101 and Finance Department Notification No. FA 71/49/3, dated 28th October, 1948.

Sub-rule (6) was added vide Correction Slip No. 13 and Finance Department Notification No. 5463-F (a), dated 27th September, 1939, to take effect from 1st April, 1939.

F. R. 92 – The rupee and sterling maxima and minima prescribed in Fundamental Rules 89 and 90 shall be applied to leave-salaries paid respectively in rupees and in sterling.

Audit Instructions – Under Fundamental Rule 91 (2) (b) read with Fundamental Rule 92, a Government servant who spends not more than one month of his leave in Asia prior to embarkation to spend the balance elsewhere is entitled to draw leave-salary in respect of the entire period of his leave at the privileged rate and subject to the sterling minima prescribed in Fundamental Rule 90.

F. R. 93 – A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but the State Government may make rules specifying the conditions under which a Government servant on leave may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

S. R. 118 – (1) A compensatory allowance other than a house-rent allowance and a conveyance allowance may be drawn up to a maximum period of four months by a Government servant who takes leave on average pay from the post to which the allowance is attached, or is transferred therefrom for not more than one month to another post, as well as by the Government servant performing the duties of the post to which, (he allowance is attached:

Provided that –

- (a) the authority sanctioning the leave or transfer, as the case may be, certifies that Government servant is likely to return on the expiry of his leave or his temporary duty to the post to which the allowance is attached or to another post carrying similar allowance; and
- (b) the Government servant certifies that he continues to incur the whole or a considerable part of the expense to meet which the allowance was granted.

(2) The following are the forms of the certificate prescribed in provisos (a) and (b) above;

Certificate by the authority sanctioning the leave or Transfer

There is every expectation of his returning to the post from which he proceeds on leave/temporary transfer.

Signature _____
Designation _____
Date _____

These certificates should be included in the original orders sanctioning the leave or transfer.

Certificate by the Government servant proceeding on Leave of Transfer

Certified that for the reasons furnished below I continue necessarily to incur during the period of the _____ leave _____ the _____ whole _____ temporary transfer approximately _____ per cent of the expenses to meet which the _____ allowance was given.

Signature _____
Designation _____
Date _____

Reasons – Examples of such reasons would be –

- (1) that the leave was spent in _____
- (2) that the family was left in _____
- (3) that the Government servant was obliged to continue paying rent for his house or to maintain establishment during absence from _____

Certified by a Medical Officer on receipt of non-practising allowance proceeding on leave or transfer.

"Certified that I did not undertake any private practice during the period of leave, temporary transfer from _____ to _____.

Date _____

Signature _____
Designation of Medical Officer _____

Note 1 – The expression "period of four months" in S. R. 118 (1) should be interpreted as the period of leave on average pay whether taken alone or in combination with other leave and the allowance is not admissible during any period of leave which is not leave on average pay.

Note 2 – The term "conveyance allowance" in this rule does not include house allowance

Note 3 – In regard to the certificate prescribed in proviso (a) above, the authority competent to control the Government servant's posting should satisfy that there is reasonable expectation that the Government servant is, on the expiry of his leave or temporary transfer, likely to return to the post from which he is being relieved or to another post carrying a similar allowance. A mere hope or unsupported expectation on the part of the Government servant should not form the basis of the certificate. The authority sanctioning the leave or transfer should, in cases in which the above rule operates, invariably embody in the sanctioning orders a certificate regarding such likelihood of the Government servant's return.

Note 4 [Deleted].

NOTES

S. R. 118 – In Note 3 of this rule, the letter "(a)" after the word "proviso" and before the word "above" was substituted vide Correction Slip No. 148 and Notification No. FA 42/42/Part 11/49, dated the 3rd September, 1942.

Note 4 was omitted vide Correction Slip No. 467 and Memorandum No. FE 3/608/56, dated 7th December, 1957.

The certificate by Medical Officer on receipt of non-practising allowance providing in time of transfer inserted by Correction Slip No. 3 vide FEG 94/67, dated 29th March, 1968.

S. R. 119 – A house-rent allowance may be drawn by a Government servant on leave or transfer, in the circumstances specified in S. R. 118; provided that he certifies that his previous rate of expenditure for a house continues during his absence and that he places his house, free of rent, at the disposal of the Government servant, if any, who officiates in his post. The officiating Government servant cannot in such case draw the house rent allowance

attached to the post. If, however, the officiating Government servant, for a reason which a competent authority considers to be sufficient, refuses the accommodation placed at his disposal, he, and not the absent Government servant will draw the allowance.

Note – The condition prescribed in proviso (a) to S. R. 118 (1) is not applicable to a case falling under S. R. 119.

NOTES

S. R. 119 – The note appended to this rule was added vide Correction Slip No. 148 and Notification No. FA 42/42/Part 11/49, dated 23rd September, 1942.

F. R. 93-A – Except as provided by Rule 64, a Government servant transferred to a service or post to which the rules in Sections I to V of this Chapter apply, from a service or post to which they do not apply remains under the leave rules to which he was subject prior to his transfer: provided that it shall be open to him at the time of the transfer or any time thereafter to exercise the option of coming under the rules in Sections I to V of this Chapter, subject to the condition that all leave at his credit on the date on which he comes under these rules shall lapse. The intention of exercising this option must be specifically declared to the State Government, and the date of such declaration shall be the date of coming under these rules. The option once exercised is final.

Note 1 – *Government of India's Interpretations* – (1) It has been decided with the concurrence of the Secretary of States that Fundamental Rule 93-A should not be given retrospective effect, and that it applies only to those persons who are transferred from one service to another on or after the 13th of April, 1958, the date on which the rule was issued.

(2) Where the leave rules to which an officer was subject before his promotion are identical with those in the Fundamental Rules, he gains no advantage by electing the letter. All Accounts Officers should bring this fact to the notice of an officer when asking him to exercise his option under Fundamental Rule 93-A. [See also the Interpretation below Fundamental Rule 77 in Section III].

Interpretation of Government of India below Fundamental Rule 77 in Section III to Fundamental Rules and Assam Subsidiary Rules, 1939, is reproduced below:

Government of India's Interpretations – Fundamental Rule 77 permits leave earned under the Civil Service Regulations and the Military Leave Rules to be carried forward, but it does not contemplate cases in which the leave rules applicable to an officer before his transfer are identical with those in the Fundamental Rules which become applicable to him after the transfer. The change of leave rules in such cases is purely nominal and the intention was that the balance of leave standing to the credit of the officer on the date of his transfer should be allowed to stand, although the intention was not strictly covered by the provisions of the rule (Fundamental Rule 77). The President now makes this intention clear by this interpretation under Fundamental Rule 8. [Government of India, Finance Department Letter No. F-7 (3)-R-1/40, dated the 22nd February, 1940, Dy Fin (A)/109 of 1940].

Note 2 – The principle of Fundamental Rule 93-A should apply by analogy to persons who entered Government service on or after 1st March, 1934, and were transferred to a service or post to which the Leave Rules, 1934 (Appendix II) apply from a service or a post to which they do not apply from the date Fundamental Rule 93-A came into operation. viz., 13th April 1938.

Government of India's decision. Leave Rules applicable to "agency" staff – The Government of India have divided the staff employed on "agency" work into the following categories for the purpose of determining the leave rules, i.e., of the Central or State Government which should apply in the case of such staff:

- a) Personnel recruited for and employed in agency Department whose pay leave salary, allowances and pensions are charged direct to the Central Government. i.e., personnel who are paid direct by the Central Government but who are technically under the administrative control of State Governments;
- b) Personnel recruited and employed in connection with the affairs of the States whose pay, leave-salary, allowances and pensions are charged to States revenues, but whom the State Government employ temporarily on agency work. For their services the Central Government pays the State Governments an agreed sum and the entire pensionary charges borne by the letter.

- c) Personnel as in category (b) above whose services employed by the-State Governments part-time or casually, on performing Central Agency duties. For their services of the Central Government usually pays an agreed sum to the State Governments, which includes pensionary liability;
- d) Personnel falling in either of the three categories given above who have now come under the direct control of the Central Government on resumption by them of the administrative control over certain agency functions.

Category (a) – Those officers belonging to this category who entered the service of a State Government on or before the 31st March, 1937, would remain under the State rules and the Central Government would meet their share of leave and pensionary charges as calculated under those rules.

Officer recruited on or after the 1st April, 1937 for employment in agency Departments will be governed by the leave rules of the Central Government. In the case of such officers, however, who were on the date of issue of the Government of India's decision, viz., 6th January, 1914, governed by the leave rules of the State Government, it shall be open to them to exercise the option of remaining under State Government's leave rules or of coming under the Central Government's leave rules on the principles and conditions laid down in Fundamental Rule 93-A.

Categories (b) and (c) – Officers falling under these two categories (irrespective of dates of recruitment) will remain under the State Government's leave rules.

Category (d) – Officers belonging to this category will be given an option of remaining under State Government's leave rules or of coming under the Central Government's leave rules on the principles and conditions laid down in Fundamental Rule 93-A.

NOTES

F. R. 93 – **Note 1** appended to this rule was added *vide* Correction Slip Nos. "and 6.

Note 2 appended to this rule was added *vide* Correction Slip No. 25. The Government of India's decision after **Note 2** was added *vide* Correction Slip No. 60.

Section VI – Exceptions and Special Concessions

F. R. 94 – The rules in Section I to V of this Chapter are not applicable to the Chairman or a Member of the Public Service Commission whose leave is governed by regulations made by the Governor in his discretion under Clause (a) of sub-section (2) of Section 265 of the Act (Appendix 10).

F. R. 94-A – [Deleted].

F. R. 94-B – [Deleted].

F. R. 95 – [Deleted].

F. R. 96 – [Deleted].

F. R. 97 – [Deleted].

F. R. 98 – [Deleted].

F. R. 99 – [Deleted].

F. R. 100 – [Deleted].

F. R. 100-A – The following provisions apply to Government servants placed on deputations out of India under conditions declared by the State Government to be quasi-European if the period of the deputation exceeds one, year.

- a) The period of deputation shall not count as duty for the purposes of this Chapter;
- b) The amount of leave which can be earned by the deputation shall be determined by the State Government. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave account;

- c) Leave-salary during such leave shall be equal to the rate of deputation pay;

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceed one year, these provisions shall apply in respect of the period in excess of one year.

F. R. 101 – The State Government may make rules regulating the grant to Government servants under its control of-

- a) maternity leave to female Government servants; and
- b) leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

Maternity Leave

S. R. 120 – A competent authority may grant to a female Government servant maternity leave on full pay for a period which may extend up to the end of three months from the date of its commencement; or the end of six weeks from the date of confinement, whichever be earlier.

Note – Maternity leave under this rule may be granted in cases of miscarriage, including abortion, subject to the following conditions:

- (i) that the woman Government servant if temporary has been in service for not less than one year before the commencement of the leave; and
- (ii) that the leave does not exceed six weeks and the application is supported by a certificate from the authorised Medical Attendant.

Government of Assam's decision – (1) Maternity leave under this rule also is admissible to temporary female Government servants who have completed one year's continuous service.

(2) A female Government servant, having three children will not be entitled to any maternity leave after 20th September, 1977.

NOTES

S. R. 120 – The **Note** appended to this rule was added *vide* Correction Slip No. 408 to take effect from 1st April, 1954.

Paragraph No. (1) under the head "Government of Assam's decision" was added *vide* Correction Slip No. 354 and Memo No. FA 32/50/2, dated the 17th June, 1950, and para (2) under Notification No. FEG-62/76/16, dated 13th January, 1977.

S. R. 121 – (a) Maternity leave may be combined with leave of any other kind.

(b) Notwithstanding the provisions contained in Rule 13 (c) of the Leave Rules, 1934 any leave (including commuted leave) for a period not exceeding 60 days, applied for in continuation of Maternity leave may be granted without production of medical certificate.

(c) Leave in further continuation of leave granted under Clause (b) above may be granted on production of a medical certificate for the illness of the female Government servant. Such leave may also be granted in case of illness of a newly born baby, subject to production of medical certificate to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

NOTES

This rule was substituted *vide* Correction Slip No 501 and Memo No. FEG-46/74/112, dated 1st October, 1981.

Hospital leave on account of ill-health

S. R. 122 – A police officer of or below the rank of Assistant Sub-Inspector or head constable, a head warder or warder of the Jail Department, a head warder or a warder of a lunatic asylum, a subordinate employed in a

Government Laboratory, a subordinate of the Excise Department on pay not exceeding Rs. 200 or a forest subordinate (not being a clerk) whose pay does not exceed Rs. 200 a month, while sick in hospital or while receiving medical aid as an out-door patient from the hospital or dispensary of the station at which he is employed, may be allowed at the discretion of the sanctioning authority leave of absence from duty for six months altogether in any period of three years. Such leave may be taken in one period or by instalments and may be followed by, or taken in continuation of any other leave admissible under the rules. For the first three months of such leave the officer may receive full pay and for the remaining three months half pay, without the restriction that no extra cost shall be imposed upon the State. This concession shall be confined strictly to cases in which illness shall be certified not to have been caused by irregular or intemperate habits.

This rule so far as it relates to head warders or warders of the Jail Department or of a Lunatic Asylum includes both male and female warders.

Note 1 – When the illness is one caused by irregular or intemperate habits, such as venereal disease, the period spent in hospital by the patient and any subsequent leave granted in continuation for convalescence should be treated as leave on medical certificate on half or quarter average pay as maybe found standing at the credit of the person concerned. Such periods will not count towards approved service increment of pay.

Note 2 – The expression "a subordinate employed in a Government laboratory" occurring in this rule includes the sweepers attached to the Pasteur Institute, Shillong.

Note 3 – The expression "leave of absence from duty for six months altogether in any period of three years" used in this rule shall be interpreted to mean that not more than six months leave may be granted to an entitled Government servant during each spell of three years of service.

NOTES

S. R. 122 – The words Rs. 70 occurring in this rule were substituted *vide* Correction Slip No. 425 (a) to take effect from the 1st February, 1955, and further substituted by Rs. 200 *vide* Correction Slip No. 9 [FE 519/69 UO/1, dated 27th March, 1969.

Note 3 appended to this rule was added *vide* Correction Slip No. 85.

S. R. 123 – A Government servant may be allowed for the first three months of such leave during which full pay is admissible to retain any compensatory allowance or special pay attached to his appointment; *provided* that in the case of a compensatory allowance there is no *locum tenens* drawing the allowance.

S. R. 124 – A man employed in the Secretariat Press otherwise than as a permanent or temporary piece-worker in superior service of the Shillong Drawing Office, syce whether permanent or temporary employed in the Civil Veterinary Department and a *mahut* grass cutter in-charge of a Government elephant may during absence from work on account of injuries received in the execution of his duty, be allowed full pay for one month and thereafter half pay for three months.

S. R. 125 – Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; *provided* that the total period of leave, after such combination, shall not exceed 28 months.

F. R. 102 – [Deleted].

F. R. 103 – The State Government may make rules regulating the leave which may be earned by-

- (a) temporary and officiating service;
- (b) service which is not continuous; and
- (c) part time service, or I service which is remunerated wholly or partially by the payment of honoraria dally wages;

Provided that such rule shall not- grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

[For model terms regulating the grant of leave to Government officials engaged on contract, see Appendix 17].

Leave Earned by Temporary and Officiating Service

S. R. 126 – A competent authority may grant to a temporary engineer of the Public Works leave on such terms and with such leave salary as it may think fit; provided that the leave and leave-salary are not in excess of those admissible to a Government servant subject to the ordinary leave rules.

S. R. 127 – Leave may be granted to any other Government servant without a lien on a permanent post while officiating in a post of holding a temporary post; provided that the grant of the leave involves no expenses to Government. On this condition such a Government servant may be granted-

- a) leave on leave-salary equivalent to average pay up to one eleventh of the period spent on duty, subject to a maximum of four months at a time; or
- b) on medical certificate, leave on leave-salary equivalent to half-average pay up to two-eleventh of the period spent on duty, subject to a maximum of three months at a time; or
- c) extraordinary leave for three months at any one time.

Note 1 – Leave under anyone clause may be combined with leave under any other clauses subject to the general condition that no additional expense to Government is involved.

Note 2 – When supernumerary officers in excess of the actual working strength are provided in a temporary cadre for the purposes of filling temporary vacancies, leave may be granted under this rule to a member of the temporary cadre notwithstanding the fact that expenditure by way of travelling allowance is incurred in relieving him.

Note 3 – The provisions of this rule will apply to officers of Asiatic 4emic:Ie recruited in the United Kingdom or in India for service on contract, but in their case the condition that the grant of leave should involve no expenses to Government does not apply:

Exception – In the case of Government servants who have rendered five or more years continuous temporary service, a competent authority may dispense with the condition laid down in this rule that the grant of leave should involve no expense to Government but in the case of Government servants in inferior service, the leave-salary should in no case exceed what is admissible under S. R. 135.

S. R. 128 – If such a Government servant is, without interruption of duty appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under Rule 127. Leave taken under Rule 121, is not an interruption of duty for the purpose of this rule.

S. R. 129 – Temporary and officiating service rendered under another Government whether Central or Provincial will, if followed by confirmation under the Government of Assam, be taken into account for the purpose of the leave account maintained under F. R. 77 (b); provided that under the rules laid down by the other Government such service would have counted had the Government servant in question continued in the service of that Government without a break till confirmation.

Leave Earned by non-continuous and part-time Service

S. R. 130 – A Government servant employed in an establishment the duties of which are not continuous but are restricted to certain fixed periods in each year, or who belongs to a part-time service, is not entitled to leave with allowance.

Exception – A part-time teacher of an educational institution may, during leave, be allowed leave salary subject to the condition that it shall not exceed what remains from his pay after provision has been made for the efficient discharge of the duties of the post during his absence; where, however, no such provision is made the leave-salary shall be limited to half of the absentee's pay at the time of taking leave.

Note 1 – Government Pleaders and Public Prosecutors who receive retainers may keep the retainer during leave allowed by the Legal Remembrancer; provided he makes such arrangements that no extra cost to Government is entailed.

Note 2 – The Advocate-General may keep his retainer during leave allowed by Government; provided that he makes such arrangements that no extra cost to Government is involved.

NOTES

S. R. 130 – The Exception to this rule was added *vide* Correction Slip No. 19 and Finance Department Notification No. 206-F (a), dated 23rd January, 1940.

Leave Admissible to Government Servants Remunerated by Honoraria on Daily Wages

S. R. 131 – A Government servant remunerated by honoraria may be granted leave at the discretion of the appointing authority; provided that he makes satisfactory arrangements for the performance of his duties that no extra expense is caused to Government and that during leave the whole of the honoraria or allowances are paid to the person who officiates in his post.

Note – Government Pleaders remunerated by honoraria are allowed leave by the Legal Remembrancer; provided arrangements can be made for their work and their honoraria are paid to the person who officiates.

Leave Rules applicable to permanent piece-workers employed in the Assam Government Press who are not classed as "Inferior"

N. B. – See also Appendix 18 as regards Leave Rules for press employees entering service on or after 1st March, 1934.

S. R. 132 – (1) (a) Leave on average pay will be granted to pieceworkers according to their service as shown below:

<u>Length of service</u>		<u>Leave admissible</u>	
Less than 10 years	..	16 days	in each calendar year.
Ten years but less than 15 years	..	23 days	ditto.
Fifteen years and above	..	31 days	ditto.

Note – In calculating the length of service, the period of continuous temporary service rendered by a piece-worker up to the date of his being brought on to the permanent establishment as well as continuous inferior service rendered up to the date of his promotion to superior service shall be taken into account.

(b) This leave will be non-cumulative, i.e., any leave not taken during the year will lapse without any monetary compensation.

(c) Gazetted holidays actually enjoyed may, at the option of the piece-worker, be counted against any leave admissible to him under sub rule (a) and if so counted, will be paid for.

(d) The grant of leave under these rules cannot be claimed as a right, and can be refused by the Superintendent of the Press on administrative grounds. It may also be withheld from piece-workers who have been irregular in attendance.

(2) Leave on medical certificate on half-average pay will be earned at the rate of one month's leave for every complete period of eleven months' duty, and as regards incomplete periods one day's leave for every eleven days duty. It will be cumulative and will be granted only when no average pay leave is admissible.

(3) Leave without pay may be granted when no other leave is admissible.

(4) No continuous period of, leave with pay shall exceed one year; an extension over one year shall be leave without pay.

(5) Injury leave at half pay rates may be granted to a piece-worker who is injured in circumstances which would have given rise to a claim for compensation under the Workmen's Compensation Act, 1923 (VIII of 1923), if he had been a workman as defined therein, whether or not proviso (a) to sub-section (1) of Section 3 of that Act is applicable. Such leave shall not be deemed to be leave on medical certificate for the purposes of sub-rule (2) and (4). It shall be granted from the commencement of disablement so long as is necessary, subject to a limit of two years for anyone disability and a limit of five years during a piece-worker's total service. The salary payable in respect of a period of leave granted under this rule shall, in the case of a piece-worker to whom the provisions of the Workmen's Compensation Act, 1923 (VIII of 1923) apply, be reduced by the amount of compensation paid under Clause (d) of sub-section (1) of Section 40 of that Act.

Note 1 – Pay for average pay means remuneration at class rates at the time of taking leave.

The calculation is; Class rate multiplied by 7, to get the daily rate, multiplied by the number of days' leave. Thus, if a piece-worker whose class rate is 2 annas per hour applies for leave for 10 days he will be entitled to Rs. 8-12-0 and Rs. 4-6-0 as leave salary during leave on average pay and half average pay respectively.

For calculating the class pay of a piece-worker who is promoted to a post on a time-scale of pay, a month is taken to the 17S hours.

Note 2 – For the purposes of determining the classification of service of a piece-worker who may be in superior service in one month and in inferior service in another month on account of fluctuations in his earnings, the monthly emoluments shall be taken as equivalent to two hundred times his hour by class rate.

Note 3 – The above rules will also apply to temporary piece-workers in superior service who have rendered three years' continuous service.

Note 4 – (a) Leave for 16 days each year at class rates may be given to temporary piece-workers, in superior service with less than three years continuous service and to piece-workers in inferior service whether permanent or temporary to cover absences on account of holidays, sickness or leave; provided that the worker has been in regular employment for the previous twelve months.

(b) The term "regular employment" shall be interpreted as not less than 90 per cent of the required working hours; regard should be had to absence in case of sickness.

(c) The leave shall be non-cumulative. i.e. any leave not taken during the years shall lapse.

Note 5 – When a piece-worker after working for certain periods on a working day goes on leave for the remaining hours of the day, he will be treated as on leave for the whole day and will receive leave-salary admissible to him under the rules in addition to the payment for the value of work done before leaving office.

NOTES

S. R. 132 – **Note 1** appended to this rule was substituted *vide* Correction Slip Nos. 99 and 41 and Notification No. F.A. 2/42/1, dated the 7th January, 1942 to take effect from the 1st February, 1941.

In **Note 4** the words "in superior service" and the words "and to piece-workers in inferior service whether permanent or temporary" were added *vide* Correction Slip No. 142.

Note 5 was added *vide* Correction Slip No. 142.

F. R. 104 – During their period of probation or apprenticeship probationers and apprentices may be granted leave as follows;

- a) If appointed under contract with a view to permanent service or if appointed to posts created temporarily with the prospect' more or less definite of becoming permanent to such leave as is prescribed in their contract or when no such prescription is made to leave in accordance with the model leave terms in Part I, II or III of Appendix 17, as the case may be;
- b) if appointed otherwise – to such leave as is admissible under rules framed in this behalf by the State Government, subject to the proviso in F. R. 103

Grant of leave to probationers and apprentices

S. R. 133 – Leave may be granted to a probationer if it is admissible under the leave rules which would be applicable to him if he held his post -substantively, otherwise than on probation.

S. R. 134 – Leave of the following kinds may be granted to an apprentice:

- a) on medical certificate-leave on leave-salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;
- b) Extraordinary leave under Fundamental Rule 85.

Leave rules of Government servants in inferior service

S. R. 135 – (a) Leave may be granted to a Government servant in inferior service so far as it can be done without imposing any cost upon the State. The absence allowance of the substantive incumbent shall be regulated in accordance with Fundamental Rule 87.

(b) In cases where no absence allowance is admissible under clause (a) a Government servant in superior

service may be given extraordinary leave without allowances even though other leave is admissible. Similarly, where the absentee allowance admissible amounts to less than half pay an officer in inferior service may at his own option be given extraordinary leave without allowances instead of other leave.

Note – In deciding whether to grant extraordinary or ordinary leave officers should bear in mind the provisions of Fundamental Rule 26 (6).

S. R. 136 – (I) The following rules govern the grant of leave to Government servants of the following clauses serving in the Assam State Survey Department and not being members of the upper subordinate service or of the establishment of the headquarter office in Shillong:

- a) Subordinates not being Class IV Government servants;
- b) Menials attached to parties or offices

(2) In addition to leave under Chapter X of the Fundamental Rules departmental leave may be granted in the circumstances and on the conditions prescribed in Rules (3) to (8) below.

(3) (a) Departmental leave may not be granted except to a Government servant whose services are temporarily not required.

(b) It may be granted with the previous approval of the Deputy Director Assam Surveys during the recess by the head of the party or officer to which the Government servant belongs; provided, in the case of a menial, that the officer granting the leave considers it desirable to re-employ of the menial in the ensuing sessions.

(c) It may be granted at times other than the recess, for not more than six months at a time, by the Director of Survey, Assam; provided that the leave is granted in the interests of Government and not at the Government servant's own request; and leave so granted may in special cases be extended by the Director of Surveys, Assam up to a maximum of one year in all. Leave on medical certificate should never be regarded as granted in the interest of Government.

(4) A Government servant while on departmental leave shall be paid leave salary not exceeding half pay but not less than 10 (ten) per cent of pay on duty at the end of each month for the first three months and thereafter it shall be paid when the Government servant returns to duty. If, however, a Government servant dies while on departmental leave, his leave salary up to the date of his death will be paid to his heirs. The departmental leave does not count as duty and such leave shall not be debited to leave account.

This takes effect from the date of issue of the order.

(5) Departmental leave may be granted when no leave is due, departmental leave granted shall not be taken into account when calculating the maximum amount of leave admissible under Fundamental Rule 81 (a).

(6) Departmental leave may be combined with any other kind of leave which may be due.

(7) When a Government servant subject to these rules holds a post in which the Director of Survey, Assam, considers that he is unlikely to be eligible for departmental leave in future, the Director of Surveys, Assam, may, by special order in Writing, declare that, with effect from such date, not being earlier than the Government servant's last return from departmental leave, as the Director of Surveys, Assam may fix, any balance of leave at debit in the Government servant's leave account shall be cancelled. All leave earned, after such date will be credited as due in the Government servant's leave account, and all leave taken after such date, including departmental leave, if any, will be debited in it.

NOTES

S. R. 136 – In clause (d) of sub-rule (3), the words "Deputy Director, Assam, Survey" were amended *vide* Correction Slip No. 166 and Reference File No. RS-132 of 1942.

In clause (a), the words "subordinates in superior service" substituted by "subordinate not being Class IV Government servants" *vide* Correction Slip No. 551, to take effect from the date of issue.

Sub-rule (4) substituted *vide* Memo No. FEG-46/74/112, dated 1st October, 1981.

Rule (5) reading as "Departmental leave does not count as duty and will be debited to the leave account as though it were leave on half average pay", was deleted *vide* Notification No. FEG-46/74/860, dated 15-3-1983, published In the Assam Gazette, dated 3-8-1983 and subsequent rules were re-numbered as (5), (6) and (7).

PART V
Joining Time

F. R. 105. – Joining time may be granted to a Government servant to enable him –

- a) to join a new post either at the same or a new station without availing himself or any leave on relinquishing charge of his old post;
- b) to join a new post in a new station on return from –
 - (i) leave of not more than six month's duration;
 - (ii) leave other than that specified in sub-clause (i) when he has not had sufficient notice of his appointment to new post;
- c) (i) to proceed on transfer or on the expiry of leave from a specified station to join a post in a remote locality which is not easy of access;

(ii) to proceed on relinquishing charge of a post, on transfer or ' leave, in place in remote locality which is not easy of access to a specified station.

Note - If a State Government servant who is appointed to a post under the Central Government while on duty in his old post but who joins his new post after termination of his employment under the State Government by resignation or otherwise, neither travelling allowance nor joining time or joining time pay should be granted except when the employment of a particular Government servant is in the wide~ public interest.

Audit Instructions – (1) If a Government servant is authorised to make over charge of an office elsewhere than at his headquarters, any joining time to which he may be entitled shall be reckoned from the place at which he actually makes over charge:

(2) The intention of sub-clause (1) of Fundamental Rule 105 (b) is that joining time should be allowed to those Government servants who are granted privilege leave or leave on average pay for not more than four months; and who are transferred to a new section on the termination of such leave.

(3) If vacation is combined with leave, joining time should be regulated under clause (b)(i) of Fundamental Rule 105, if the total period of leave and vacation combined is of not more than four months' duration and under clause (c) if the leave out of India and vacation combined is more than four months.

(4) In the case of a Government servant who is appointed while on leave of not more than four months' duration to a post other than that from which he took leave, the full joining time calculated under Subsidiary Rule 145 is admissible irrespective of the date on which the orders of transfer were received by the Government servant concerned. Should the Government servant join his new appointment before the expiry of such leave plus the joining time admissible, the period short taken should be considered as leave not enjoyed and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If in any case, the Government servant desires not to avail himself the full period of joining time admissible, the period of leave and joining time should be adjusted with reference to such option.

(5) Joining time under Fundamental Rule 105 (c) is reckoned from the date of disembarkation at an Indian Port. Colombo is not regarded as an Indian Port for this purpose.

(6) Joining time under Fundamental Rule 105 (c) is admissible to a Government servant for organising his domestic establishment even if he does not make any journey from the port of disembarkation.

(7) If a Government servant returns from leave out of India for a period exceeding four months' duration, the termination of his leave is governed by Fundamental Rule 68 and the joining time for the journey (a) from the port of disembarkation to the "fixed point" and (b) from the "fixed point" onwards is governed by the Subsidiary Rules framed under Fundamental Rule 105 (c) and Fundamental Rule 105 (d) respectively. The Government servant should be paid under Fundamental Rule 107 (b) for the portion of the joining time regulated under Fundamental Rule 105 (c) and under Fundamental Rule 107 (c) for the portion regulated under Fundamental Rule 105 (d).

NOTES

F. R. 105 – Sub-rule (a) of this rule originally substituted *vide* Correction Slip No. 151 and Notification No. FEG-5/59/3, dated the 23rd March 1959:

The Note appended to this rule was inserted *vide* Correction Slip No. 12 and Government of India, Finance Department's letter No. F/S (3)/R 1/40, dated the 16th January, 1940.

This rule was finally substituted *vide* Correction Slip No. 211, dated 20th November, 1969 [Reference Department's Notification No. FEG4/62/Pt., dated 20th November, 1969].

The Note below Fundamental Rule 105, however, does not appear on the substitution of the rule *vide* Correction Slip No. 211.

F. R. 106 – The State Government may make rules regulating the joining time admissible in each of the cases mentioned in Fundamental Rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

S. R. 137 – Government servants posted at the places named in Col. (1) of the following table are entitled to joining time under Fundamental Rule 105 (d) during journey as made while proceeding on or returning from leave, between any such place and the station named against it in Col. 2 of the table. The amount of joining time admissible between such places and stations either the actual time spent on the journey or the period shown for the journey in Col. 3 of the table, whichever is less; provided that the journey shall be held to commence on the day following either the handing over of the charge of the Government servant's post or his arrival at the station named in Col. 2 of the table, according as the Government servant is departing on or returning from leave:

Journey between		Period
Place	Station	
1	2	3
<i>Naga Hills</i>		
Poekrokejama	Kohima	6 days
Henema	Do.	6 days
Workha	Merapani	4 days
Mokokchung	Charali	4 days
Wokha	Do.	4 days
<i>United Khasi and Jaintla Hills</i>		
Nongstoin	Shillong	4 days
Nongtalang	Do.	4 days
Umpanai	Do.	5 days
Kuliang	Do.	5 days
leliakhola	Do.	4 days
Moheskhola	Do.	7 days (8 days in rainy season)
Kairabad	Do.	6 days (7 days in rainy season)
Borsora	Do.	5 days (6 day in rainy season)
Bolabbeta	Do.	4 days
Tilligaon	Do.	3 days
Dalat	Do.	3 days (4 days in rainy season)
Sonatola	Do.	3 days (4 days in rainy season)
LUong	Do.	3 days
Donna	Do.	4 days
Sonapur	Do.	3 days
<i>Sadia Frontier Tract</i>		
Denning	Sadiya	5 days
Rotung	Do.	5 days
Yembung	Do.	6 days
Majum	Do.	3 days

<i>Mizo District</i>			
Aijal	Kukichhera (Cachar) via Sairang	7 days	
Sialsuk	Do.	10 days	
Ghamphai	Do.	15 days	
North Vanlaiphai	Do.	14 days	
Lungleh	Do.	15 days	
Demagiri	Do.	19 days	
Tuipana	Do.	22 days	
Saicha	Do.	20 days	
Bualpui (Lungleh Sub-division)	Kukichhera (Cachar) via Lungleh	21 days	
Buarpui (Lungleh Subdivision)	Do.	19 days	
Vahai	Do.	25 days	
Sairang	Kukichhera (Cachar)	6 days	
Aijal	Bhaga Bazar (Cachar)	2 days	
Sairang	Bhaga Bazar (Cachar) via Aijal	3 days	The Controlling officer may allow an additional period up to a limit of 4 days in all these cases for the journey between Aijal and Bhaga Bazar for delay in getting motor conveyance, breakdown of motor conveyance on way or journey on foot, subject to production of satisfactory evidence.
Sialsuk	Do.	5 days	
Chamaphai	Do.	10 days	
North Vanlaiphai	Do.	9 days	
Lungleh	Do.	10 days	
Demagiri	Do.	14 days	
Tuipang	Do.	18 days	
Saiha	Bhaga Bazar (Cachar) via Lungleh and Aijal	16 days	
Bualpui (Lungleh Sub-division)	Aijal	17 days	
Buarpui Do.	Do.	15 days	
Vahai Do.	Do.	21 days	
Kolasob	Bhaga Bazar (Cachar)	1 day	The controlling officer may allow an additional period up to a limit of 2 days for the journey between Bhaga Bazar and Kolasib on above mentioned ground and terms

Note 1 – If the Government servant arrives at the station on the forenoon of the day following the day on which his leave expires and proceeds forthwith to the next stage he may be held to have arrived at the station within the period of his leave.

Note 2 – The scope of this rule is also extended to cases of transfer from or to a station in a remote locality which is not easy of access.

Note 3 – The route to Lungleh Sub-division through Aijal either via Kukicherra, or Dwarband is a recognised one for Government servants performing, journeys on duty to and from Lungleh sub-division.

NOTES

S. R. 137 – The words and figures under the head "United Khasi and Jaintia Hills" were added *vide* Correction Slip No. 507. The matter made under the head Mizo District were substituted *vide* Correction Slip No. 472 and Memo No. FE 390/58, dated the 9th April, 1958.

Note 3 – appended to this rule was added *vide* Correction Slip No. 305 and Memorandum No; BA 79/48/2, dated the 28th August, 1948.

Joining Time

S. R. 138 – Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

S. R. 139 – In cases involving a necessary change of station the joining time allowed to a Government servant is subject to a maximum of 30 days. Six days are allowed for preparation and in addition, a period to cover the actual Journey calculated as follows;

(a) A Government servant is allowed

(i) For the portion of the journey which he travels by aircraft Actual time occupied in the journey.

(ii) For the portion of the journey which he travels or might travel One day for each.

By railway 500 Km. } Or any longer time actually occupied in the journey.
By ocean steamer 350 Km. }
By river steamer 150 Km. }

By motor-car horse drawn conveyance plying for public

hire 150 Km.

In any other way 25 Km.

(b) For any fractional portion of any distance prescribed in (a) an extra day is allowed;

(c) When part of the journey is by steamer, for the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer;

(d) Travel by road not exceeding 8 kms. to or from railway station at the beginning or end, of a journey does not count for joining time;

(e) A Government servant whose pay does not exceed Ra. 100. not ordinarily expected to travel by motor-car or horse drawn conveyance plying for public hire, and his joining time is calculated accordingly;

(f) A Sunday does not count as day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days.

NOTES

Clause (a) in this rule was amended *vide* Correction Slip No. 548 to take effect from 1st May, 1967.

S. R. 140 – When a Government servant, returning from leave out of India exceeding four months, takes joining time before joining his post, his joining time shall be calculated as prescribed in Subsidiary Rule 139;

provided that it shall, if he so desires, be subject to minimum ten days.

S. R. 141 – By whatever route a Government servant actually travels, his joining time shall; under a competent authority for special reasons otherwise orders, be calculated by the route which travellers ordinarily use.

S. R. 142 – If a Government servant is authorised to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he make over charge,

S. R. 143 – If a Government servant is appointed to a 'new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

S.R. 144 – If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave. On the expiry of the leave, the Government servant may; however, be allowed normal joining time.

Provided in cases where leave on medical grounds is taken after availing of normal joining time, the split up of the spell of absence allowing joining time first and leave afterwards may be allowed to stand.

S. R. 145 – If a Government servant is appointed to a post while on leave (whether spent in out of India) of not more than six month's duration, his joining time will be calculated from his old station or from the plaCe in which he received the order of appointment, whichever calculation entitles him to the less joining time.

NOTES

Substituted *vide* Notification No. FEG. 79/60/123, dated 9th March, 1964.

S. R. 146 – A competent authority may in any case extend the joining time admissible under these rules; provided that the general spirit of the rules is observed.

Note – If a Government servant is transferred from one post to another but the transfer order is subsequently cancelled, after he has handed over charge of his old post but before he could take charge of the new post, the period intervening between the date of handing over charge of the old post and taking over charge of the same post or any other' post later on account of cancellation of transfer orders should be treated as joining time.

This takes effect from the date of issue of orders.

NOTES

This Note under S.R. 146 was inserted *vide* Notification No. FE. 1427/78/10, dated 3rd November, 1979 to come into effect from the date (Correction Slip No. 498) published in the Assam Gazette, dated 25th June, 1980, page 1137.

S. R. 147 – Within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a Government servant a longer period of joining time than is admissible under the rule in the following circumstances;

- a) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules ; or
- b) when such extension is considered necessary for the public convenience, or for the saving of such public expenditure as is caused by unnecessary or purely formal transfer ; of
- c) when the rules have in any particular case operated harshly; as for example, when a Government servant has through no fault on his part missed a steamer or fallen sick on the journey.

S. R. 148 – When a Government servant under the administrative control of the Government of Assam is transferred to the control of a Government, which has made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

F. R. 107 – A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows;

- a) where joining time granted under clause (a) of Rule 105 – the pay which he would have drawn if he had continue in the old post or the pay which he will draw on taking charge of the new post, whichever is less:

[See Audit Instructions under Fundamental Rule 20].

Note – A temporary Government servant is entitled to joining time pay when his transfer is arranged in the interests of the public service and while he still holds a temporary post. This concession is not, however, admissible to him if the transfer takes place after the term of the temporary post has ended.

- b) where the joining time is granted under clause (b) of Rule 105:
- i. if it is in continuation of leave which included a period of leave on average pay-pay 'equal to the leave salary which he last drew during such leave on average pay at the rate prescribed for payment of leave salary in India; and
 - ii. if it is in continuation of leave which did not include a period of leave on average pay-pay equal to the leave salary which the Government servant would have drawn under the leave rules applicable to him as if he had been on leave on average pay in India for the period of joining time;
- c) where joining time is granted under clause (c) of Rule 105 – the pay which he would draw in his post in the remote locality:

Provided that-

- (i) a Government servant on transfer shall not be entitled to any pay for the period of joining time unless his transfer is in the interests of public service;
- (ii) no joining time pay shall be granted to a Government servant who does not hold a permanent post under Government in a substantive capacity or a post under the Central Government in a quasi-permanent capacity, when he is appointed to a new post on the result of a competitive examination or interview which is open to both Government servants and others.

State Government's decisions – (i) The pay of Government servant, transferred to a post on return from leave should, during the period of taking over charge, be regulated as follows:

If he went on leave while working in a post in an officiating capacity the officiating pay of that post or the pay which will be admissible to him in the new post after taking over charge, whichever is less.

NOTES

F. R. 107 – The Note appended to sub-rule (a) of this rule was added *vide* Correction Slip No. 38 and Notification No. FA 42/42/Pt. II/49 dated the 23rd September, 1942.

This rule was substituted *vide* Notification No. FEG 4/62-Pt., dated 20th November, 1969 and Correction Slip No. 211.

The Note below Fundamental Rule 107 (a) does not appear after the substitution of the rule *vide* Correction Slip No. 211.

F. R. 108 – A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of Fundamental Rule 15.

F. R. 108-A – A person in employment other than Government service or on leave granted from such employment, if in the interest of Government he is appointed to a post under the State Government, may, at the discretion of the State Government, be treated as on joining time while he prepares for and makes the journeys to join the post under Government, and while he prepares for and makes the journey on reversion from the post under

Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or, in the case of joining time immediately following leave granted from the private employment, to the leave-salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

PART VI
CHAPTER XII
Foreign Service

F. R. 109 – The rules in this Chapter apply to those Government servants only who are transferred to foreign service after the 1st January, 1922.

F. R. 110 – (a) No Government servant may be transferred to foreign service against his will ; provided that this sub-rule shall not apply to the transfer of a Government servant to the service of-

- (i) a body, incorporated or not, which is wholly or substantively owned or controlled by the Government, and
- (ii) an Autonomous District Council.

(b) A transfer to foreign service in or outside India including transfer to the service of an Indian State may be sanctioned by the State Government.

Audit Instruction – The Government which would be entitled to recover pension contribution on behalf of a Government servant lent to foreign service should be regarded as the State Government competent to sanction his transfer to foreign service.

Government of India's order – The Government of India and the Crown Representative will be glad to be consulted before hand in regard to any request for the loan of the services of State officers from a foreign country outside the British Empire and from an Indian State, respectively, in order that they may have an opportunity of considering the proposal from the point of view of their respective responsibilities. The State Government will doubtless give full weight to any views which the Government of India or the Crown Representative may express on such consultation.

Note – The Government of India in consultation with the Crown Representative have decided that the latter need only be consulted before hand in the case of officers belonging to the State and All India Services on their transfers to foreign service in the Indian States.

NOTES

F. R. 110 – Sub-rule (a) was substituted *vide* Correction Slip No. 170 to take effect from the 27th October, 1910.

Sub-rule (b) and the para under the head "Government of India's Orders" were amended *vide* Correction Slip No. 30.

F. R. 111 – A transfer to foreign service is not admissible unless –

- a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and
- b) the Government servant transferred holds; at the time of transfer, a post paid from the revenues of the State or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended,

Note – The transfer of a temporary Government servant to foreign service is permissible.

NOTES

F. R. 111 – Where a Government employee held a lien on the additional post in which he was confirmed; therefore, his transfer on foreign service was admissible under this rule. In *Nohiria Ram v. The Director General of Health Service Government of India*, AIR 1958 SC 113, held that where the Government servant did not belong to a

cadre immediately before his transfer, the Fundamental Rule 113 have no application in his case.

F. R. 112 – If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

Note 1 – In the case of an officer who takes up employment in an Indian State during leave preparatory to retirement, the concession of drawing leave-salary during such leave in addition to pay from the Indian State should not be granted. In such cases he should be required either to retire or go on foreign service terms subject to the fulfilment of the condition in clause (a) of Fundamental Rule 111.

Note 2 – The concession of treating employment in an Indian State during leave preparatory to retirement as private employment should not be granted to an officer who is in foreign service at the time he applies for such leave and proposes to continue on duty in the service of the same employer during the leave.

Note 3 – The decisions referred to above should apply to all foreign service, and not only to service in an Indian State.

F. R. 113 – (i) A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given, subject to the conditions prescribed under the second proviso to Fundamental Rule 30 (1), such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion such authority shall also take into account the nature of the work performed in foreign service.

(ii) Nothing in this rule shall prevent a member of a subordinate service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government service may decide.

NOTES

Sub-rule (i) was substituted *vide* Correction Slip No. 189, dated 10th November, 1964, Notification No. FEG 4/62/Part, dated 10-11-1964.

F. R. 114 – A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to the observance of the principle laid down in Appendix 19, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the 'foreign employer.

Government of India's decisions – 1. The Government of India have decided that in the case of an officer transferred to foreign service in India, who is at the time of such transfer holding in an officiating capacity a post from which he is unlikely to revert, his pay in foreign service may be fixed on the basis of his officiating pay. The authorities to whom power in this respect has been delegated should therefore take into account for the purpose of fixation of pay in foreign service officer's substantive pay or in the case mentioned above, his officiating pay in Government service. The Government of India have also decided that special pay, or emoluments classed as pay under F. R. 9 (21) (a) (iii) should in no case, be taken into account in regulating foreign service pay.

The above decision will apply to transfer to foreign service in India or extension of the period thereof sanctioned on or after the date of issue of this letter.

2. (a) The question of fixing the liability of the foreign employer was raised in regard to the payment of-
 - 1) leave-salary during disability leave granted to Government servants sustaining war injuries, and
 - 2) increased pension contribution on account of such disability leave.

The President has after careful consideration decided that foreign employers should in the case of Government servants transferred to foreign service in future, or on renewal of existing foreign service agreements, accept liability for leave-salary in respect of disability leave granted on account of a disability incurred in and through foreign service, even though such disability manifests itself after the termination of foreign service. The leave-salary charges for such leave should be recovered direct from foreign employers, a condition to this effect being inserted in the terms of transfer to foreign service. In present conditions no additional pension contributions need be recovered in respect of the period of disability leave.

(b) In the case of permanent State Government servant lent to the Central Defence Services, the Defence Services estimates will bear the leave-salary charges in respect of disability leave granted to them while in such services, on account of disabilities incurred in and through such service, in addition to the ordinary leave contributions at foreign service rates payable during such service, excluding periods of leave. As regards the pensionary liability in respect of periods of disability leave in such cases, it is hoped that State Government will, as a practical solution and in view of the very small amounts involved, not insist on extra contribution. This course is in line with the Central Government's decision regarding pension contributions from foreign employers in respect of their own servants.

Decision by the Government of Assam – The Government of Assam have decided not to insist on extra contribution towards pensionary liability in respect of periods of disability leave granted to their own servants while employed in the Defence Services.

Audit instructions – When any Government servant lent on foreign service conditions retires from British service without, at the same time, retiring from the service of his foreign employer, the Audit Officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from the British Government so as to give that foreign employer the opportunity if he be so inclined, of revising the existing terms of employment.

Note – No Government servant shall be transferred to foreign service unless the foreign employer undertakes to afford to him at the employer's own expense privileges as regards medical attendance not inferior to those which he would have enjoyed if he had been employed in the service of the Government of Assam or reimburse the cost incurred by that Government for the provision of such privileges.

NOTES

F. R. 114 – In this rule in first paragraph, the words "subject to the observations of the principles laid down in Appendix 19" were amended *vide* Notifications No. F.A. 42/42/7, dated 2nd April, 1942, and Correction Slip No. 31;

Para 1 under the head "Government of India's decision" was added *vide* Correction Slip No. 44.

Para 2 under the head "Government of India's decision" was added *vide* Correction Slip No. 63.

F. R. 115 – (a) While a Government servant is in foreign service, contributions towards the cost of his pension must be paid to the revenues of the State on his "behalf.

(b) If the foreign service is In India, contributions must be paid on account of the cost of leave-salary also.

(c) Contributions due under Clauses (a) and (b) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under Rule 23 (b), Contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

Note 1 – Pension, throughout this Chapter, includes Government contributions, if any, payable to a Government servant's credit in a Provident Fund.

Note 2 – In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office whose contributions are paid in accordance with special arrangements with the War Office.

State Government's decision – In the case of a Government servant in foreign service in India, a contribution on account of leave salary is recoverable from the foreign employer or the Government servant himself when the foreign employer does not consent to pay, and in return for the contribution, Government accepts to charge leave-salary. As the rates prescribed for such contribution have been calculated on the basis of the leave on full and half pay normally taken by Government servant during the total period of his service, and do not take into account any compensatory allowance, which may form part of leave salary as defined in F. R. 9 (12), the Government of Assam has decided that the whole expenditure in respect of any compensatory allowance for periods of leave in or at the end of foreign service shall be borne by the foreign employer or the Government servant himself, as the case may be. In order to avoid any misunderstanding, it is desirable that a condition to this effect should be inserted in the terms or transfer to foreign service.

S. R. 149 – A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Account Officer (referred to in the next rule, by the authority by whom the transfer is

sanctioned). The Government servant himself should without delay, communicate a copy to officer who audits his pay, and take his Instructions as to the officer to whom he is to account for the contribution: report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while, in and on return, from foreign service, and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

S. R. 150 – (a) In the case of foreign service out of India, the "Account Officer" is the Accountant General, Central Revenues.

(b) In the case of foreign service in India –

- (i) if pay in foreign service is paid from a Government Treasury and is subject to audit by an audit officer of Government, the Account Officer is such audit officer;
- (ii) otherwise, the Account Officer is the Accountant General of the State in which the Municipality, Port Trust or other body concerned is situated or in the case of service under an Indian State, the Accountant General of the Government under whose administration the State is.

NOTES

F. R. 115 – The State Government's decision at the end was inserted *vide* Correction Slip No. 184.

F. R. 116 – The rate of contribution payable on account of pension and leave-salary shall be such as the State Government may by general order prescribe.

Note – The rates of contribution; prescribed by the President (Appendix 20) have been adopted by the State Government as applicable to persons serving in connection with the affairs of the State. These rates take effect from 1st January, 1939.

Audit Instruction – The leave-salary contribution for the period of joining time taken by a Government servant in continuation of leave under Clause (b) of F. R. 105 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

F. R. 117 – (a) The rate of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred of foreign service.

(b) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under tire condition applicable to him. In calculating the rate of leave-salal'l admissible, the pay drawn in foreign service, less, in the case of Government servants paying their own contributions, such part or pay as may be paid as contribution, will count as pay for the purpose of F. R. 9 (2).

Note – The rates of contributions prescribed by the President in respect of military officers and other ranks in permanent civil employ are liven in Appendix 21.

F. R. 118 – [Deleted]

F. R. 119 – The State Government sanction a transfer to foreign service may-

- (a) remit the contribution due in any specified case or class of cases, and
- (b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

Rate of Interest to be Levied on Overdue Foreign Service Contributions

S. R. 151 – (1) Contribution for leave salary or pension, due in respect of a Government servant on foreign service may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expire before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the State Government, at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid up to the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the later.

(2) The leave salary and pension contribution should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government, on any account should be set off against these contribution.

(Added by Noti. No. 54/76/86, dated 26-5-1986 with immediate effect).

NOTES

S. R. 151 – This rule was substituted *vide* Correction Slip No. 226 to take effect from 6th October, 1976 being earlier substituted *vide* Correction Slip No. 522, Notification No. F.E.G. 55/10/33, dated 6-10-1976.

F. R. 120 – A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he or the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

F. R. 121 – A Government servant transferred to foreign service may not, without the sanction of the State Government, accept a pension or gratuity from his foreign employer in respect of such service.

F. R. 122 – A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

Note 1 – A Government servant on foreign service in India is himself personally responsible for the observance of the rule contained in F. R. 122: by accepting leave to which he is not entitled under the rules he renders himself liable to refund leave-salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave-salary.

Note 2 – The grant of leave preparatory to retirement to an officer in foreign service may not be coupled with permission to continue in the service of the same employer during that leave.

F. R. 123 – (a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual Case the State Government may determine beforehand in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the foreign employer pays to the revenues of the State leave contribution at the rates prescribed under F. R. 116.

Note – For purposes of pension the period of leave granted by foreign employers out of India to Government servants lent to them under Fundamental Rule 123 (a) should be treated as 'leave' and not as 'duty'. Any such leave, if taken on full or half average pay or equivalent terms should, up to a limit of four months on any one occasion, be treated as privilege leave for the purposes of Article 65 of the Assam Pension Manual, and all other leave with leave allowance should be dealt with as in Article 56 of the Assam Pension Manual.

F. R. 124 – A Government servant in foreign service if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

F. R. 125 – A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; *provided* that, if he takes leave on the conclusion of his foreign service before re-joining his post, his reversion shall take effect from such date as the State Government on whose establishment he is borne may decide.

F. R. 126 – When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his continuations will be discontinued with effect from the date of reversion.

F. R. 127 – When an addition is made to a regular establishment on the condition that its cost or a definite portion of its cost shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:

- (a) The amount to be recovered shall be the gross sanctioned cost of the service, or the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month;
- (b) The cost of the service shall include contribution at such rates as may be laid down under F. R. 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) A contribution for passages also should be levied in respect of Government servants entitled to passage concessions at the same rates as are applicable to Government servants entitled to passage concessions who are transferred to foreign service, viz., Rs. 50 per mensem in the case of superior officers and Rs. 30 per mensem in the case of non-superior officers. The contribution is should be levied during the whole period of service in the additional post except that it should not be charged during leave where-
 - (i) the leave taken is leave preparatory to retirement; or
 - (ii) the Government concerned will, on return from leave be given different duties and return to the additional post ; or
 - (iii) the substitute in the additional post, for the Government servant on leave. is entitled to passage concessions and a contribution for passages is recovered on his behalf.
- (d) The State Government may reduce the amount of recoveries or may entirely forego them.

Audit Instruction – Principles for the calculation of contributions for leave-salary and pension – The words "its cost" in line 2 of F. R. 127 refer to an "addition" in line 1 of that rule. The underlying intention of the rule is to recover the cost of the additional establishment sanctioned. Contributions for leave-salary and pension leaviable under Clause (b) of this rule should, therefore, be based on the rates of pay old and/or revised, as the case may be, on which that establishment is actually sanctioned, irrespective of whether the person employed on the work for which it is sanctioned is an old or a new entrant.

NOTES

F. R. 127 – The Audit Instructions, to this rule were added *vide* Correction Slip No. 33.

This rule corresponds to Article 783 in Chapter XLI of the Civil Service Regulations, and lays down the principle in accordance with the cost or definite portion of the additional cost shall be recovered.

CHAPTER XIII

Service under local funds

F. R. 128 – Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

Audit Instructions – (1) Employees of local funds administered by Government who are not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules.

(2) The expression "local funds which are administered by Government" means funds administered by bodies which by law or rule having the force of law come under the control of Government in regard to proceedings generally and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enactment of leave, pension or similar rules; in other words, it means funds over whose expenditure Government retains complete and direct control.

F. R. 129 – The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

F. R. 130 – Persons transferred by Government service from a local fund which is not administered by

Government will be treated as joining a first post under Government and their previous service will not count as duty performed. The State Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

The Schedule referred to in Fundamental Rule 75-A

Provisions for the determination of domicile

1. A person can only have one domicile.
2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his father was domiciled or, if he is a posthumous child, in the country in which his father was domicile at the time of the father's death.
3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.
4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.
5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.
(2) Any person may, if the law of any country so provide and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1. A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2. A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin;

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.
9. An insane person cannot acquire a new domicile of another person.

SECTION III – Fundamental rules (Applicable to services and posts under the rule-making control of the secretary of state).

[Not Printed]

79. Period of training to be counted as service qualifying for leave

- (a) Time spent by officers in the Police training school or college while under training shall count as service qualifying for leave, and will not be regarded as an interruption entailing forfeiture of leave already earned.

Subject to the general condition that the grant of leave will involve no extra expenditure to Government probationary Sub-Inspectors of Police (Cadets) will be allowed leave as if they held their posts substantively otherwise than on probation.

- (b) For the leave of officers not holding substantive appointments, see Rules 103 and 104 of the Fundamental Rules and the Subsidiary Rules framed thereunder by the Government of Assam.

NOTES

For Rules 103 and 104 of Fundamental Rules see **Notes** under Rule 78.

80. Limit of absentees

The number of Head-Constables and Constables allowed to be absent on leave other than casual leave or extraordinary leave without pay should not exceed ten percent of the effective numerical strength of the district, but this percentage may be exceeded when leave is required on medical grounds.

81. Grant of leave to officers transferred

When an officer is transferred or is under order of transfer to a new district or post no leave will be granted to him within three months from the date of the order of transfer without the sanction of the authority who made the transfer.

82. Employment during leave

The general rule on the subject is to be found in Fundamental Rule 69 which lays down that a Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of the authority empowered to appoint him. See also Section 11 of the Police Act (Act V of 1861) which provides that no police officer will engage in any employment or office whatever other than his duties under the Act, unless expressly permitted to do so in writing by the Inspector General.

83. Leave of officers of and below the rank of Sub-Inspector.

Superintendent of Police are empowered to grant leave to Assistant Sub-Inspectors, Head-Constables and Constables. They may also grant leave to Sub-Inspectors upto six months, provided local arrangements can be made to carry on the work. The sanction of the Inspector General will be necessary to the grant of leave to Sub-Inspectors for a period of over six months or of an extension of leave to such officers which will make; the total duration longer than six months, or in any case in which local arrangements cannot be made to file the place of the officer requiring leave.

84. Leave of Inspectors, Sergeant-Majors, and Sergeants.

Application of Inspectors, Sergeant-Majors and Sergeants for leave of all kinds except casual leave, will be sent through the District Magistrate to the Inspector General for disposal. Application should be submitted in ample time, and in forwarding them, Superintendents of Police and the District Magistrate should remark whether the leave is recommended and if so how the work of the officer going on leave will be performed. If not recommended full reasons should be given.

In case of an application for leave on medical certificate, an Inspector, Sergeant-Major or Sergeant may with the District Magistrate's approval be granted, leave by the Superintendent of Police in anticipation of sanction. The date on which the officer takes any leave granted to him and the date of his return, should be promptly reported to the Inspector General.

Application for leave from these officers should be in Form No. 216, Schedule XL(A), . (Part I) and should show under what Fundamental Rule or Subsidiary Rule the leave is claimed, for the convenience of the officer-in-charge of revenue in certifying its admissibility.

85. Leave on medical certificate

(a) The case of non-gazetted officers in superior service applying for leave on extension of leave on medical certificate is provided for in Rules 214 to 217 of Assam Subsidiary Rules. The correct procedure for the officer concerned is (A) to apply through the Head of his office to the Civil Surgeon of the District where the applicant resides Or to the presidency Surgeon if the applicant is in a presidency town, for a medical examination and the grant of a certificate, or (B) when he is too ill to undertake the journey to appear before the Civil Surgeon, to forward the certificate of his medical attendant, who must be a registered medical practitioner, to the Civil Surgeon, through the same channel, for counter-signature. Such certificates should distinctly state the nature of the illness, its symptoms, probable causes and duration and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health.

(b) The head of the office may, however, accept the certificate of the medical attendant without the countersignature of the civil surgeon if the medical attendant is a registered medical practitioner or, if the applicant be female, may either dispense with countersignature or accept the countersignature of any female medical practitioner.

(c) In the medical certificate granted to a police Constable the medical officer must state whether it is necessary for the applicant to report himself to the Civil Surgeon of his home district or of the district to which he proceeds on leave, who will decide whether the man will remain under treatment as an in-door patient or in the lines, or will go to his home; or lodging.

(d) When applicants are reported by their departmental superiors as having reasons other than or in addition to illness for applying for sick leave they should be kept under close observation to enable the medical officer to satisfy himself whether or not leave is absolutely necessary and his final decision should be based on the result of such observation.

(e) These rules do not apply in the case of officers in inferior service. The medical certificate to be required from such officers applying for leave or extension of leave is left to the discretion of the officer competent to grant the leave.

NOTES

The Subsidiary Rules 214 to 217 as referred to in this rule are quoted as follows:

Mileage allowance and actual expenses in place of or in addition to d any allowance

S. R. 214 – A competent authority may by general or special order and on such conditions as it thinks fit to impose, permit any Government servant or class of Government servants to draw mileage allowance instead of daily allowance for the whole period of any absence from headquarters, if it considers that nature of Government servant's duty is such that daily allowance is not sufficient to cover his travelling expenses.

S. R. 215 – A competent authority may, by general or special order and on such conditions as it thinks fit to impose permit any Government servant or class of Government servants to draw mileage allowance instead of daily allowance for journeys involving exceptional expenditure.

Note – Heads of Departments are allowed to draw mileage allowance instead of daily allowance for journeys on the Dimapur-Imphal Road.

S. R. 216 – (a) Subject to any conditions which a competent authority may, by general or special order impose a Government servant of the Senior, 1st, 2nd, and 3rd grades may exchange his daily allowance for mileage allowance on any day on which he travels by railway or steamer or both and on any day on which he travels more than 32 Kms, by road except as mentioned in Clause (c); provided that, if a continuous journey extends over more than one day, the exchange must be made for all such days and not for a part of them.

(b) When a journey by road is combined with a journey by railway or steamer under Clause (a) of this rule-

- (i) mileage allowance may be drawn on account of such journey by road, but such mileage is limited to the amount of daily allowance, unless the journey by road exceeds 32 Kms.;
- (ii) unless such journey by road be a journey to or from the Government servant's headquarters, mileage allowance shall be calculated on the distance actually travelled, without regard to the points fixed by or under S. R. 169.

Note – The road journey must be in continuation of the rail Or steamer journey [See also **Note** 1 under S. R. 182].

(c) Officers travelling on the Shilong-Cherra and Imphal-Dimapur roads shall, subject to the exceptions Noted below, draw the following allowances for journey in excess of 32 Kms. performed on these roads in lieu of mileage under S. R. 182 or 206:

- (i) the daily allowance to which they are entitled minus the proportionate permanent T. A., if any;
 - (ii) in addition a single fare of the class **Noted** below; as fixed from time to time for journeys by omnibus-
- | | | |
|--|----|--------------|
| Officers of the Senior, 1 st and 2 nd grades | .. | Upper Class. |
| Officers of the 3 rd and 4 th grades | .. | Lower Class. |

S. R. 216-A – As partial exception to S. R. 216, in the case of halts on tour, half the daily allowances ordinarily admissible under the rules may be drawn in addition to mileage allowances on the day of arrival of the Government servant at the place of halt; *provided* it involves staying the night at that place.

Note – The expression place of halt in the above rule does not include a temporary at a Railway Station in the course of a journey except at Gauhati and Calcutta. The halt at these two station in the course of a journey will entitle an Officer to draw half daily allowance in addition to mileage where admissible if it involves staying the night there.

These orders take effect from the 1st June, 1945.

The following principles are laid down for the guidance of all touring officers in the matter of the drawal of

half daily allowance while on tour.

1. For the purpose of the travelling allowance rule the word 'halt' means a pause in the course of a journey on tour necessitated by the performance of official duty at an out-station. No half daily allowance can, therefore, be claimed by a Government servant who stops at outstation merely for the purpose of breaking the journey for the night, or spends the night at such out-station in order to catch the next available means of conveyance on the following morning, or to resume his forward journey in continuation of the previous day's journey, subject to the special exception accorded in the **Note** to halts at Gauhati and Calcutta necessitated by timing regulation.

Note – 'Journey' means journey by Road, Air, Railway or Steamer.

2. No half daily allowance is admissible for anyone unless the halt is preceded by a journey in respect of which an officer actually draws mileage allowance under S. R. 216.

3. Half daily allowance is intended to cover the expenses of halting for the night on tour; it follows that it is not admissible for the day on which an officer returns to his headquarters even when he has drawn mileage for that day except in the case when a Government servant, who, while returning to headquarters, performs a journey of not less than 240 kilometers on the day of return. The rate of allowance to be drawn for this purpose will be half the daily allowance admissible within the State if the journey commences within the State; and if the journey commences outside the State, the allowance to be drawn will be half the daily allowance admissible outside the State.

4. In case of an officer whose absence from his headquarters does not exceed 24 hours but falls on two calendar days half daily allowance will be admissible for the first calendar day of the halt; provided mileage allowance is drawn under S. R. 216 for the journey to the place of halt. The drawal of half daily allowance in such a case will be subject to the condition that the officer had to halt at the out-station for the night for the performance of the official duty.

5. In view of 2 above, no half daily allowance can be drawn by an officer on any day on which he uses for his travel – a means of locomotion, provided at the expense of Government, since for such a journey he is not entitled to draw mileage allowance under S. R. 216. He will, however, be eligible to the half daily allowance, if otherwise admissible if a part of the journey is made by other means of locomotion for which he is entitled to claim mileage allowance under S. R. 301.

6. As a result of these interpretations it is also necessary to lay clearly the principle governing the drawal of daily allowance by a Government servant after the first ten days' halt at out-station including the day 'of arrival. For a halt exceeding ten days including the day of arrival, the Government servant will be entitled to only 91 full daily allowances and thereafter 'at reduced rates as laid down in Note 1 to S. R. 212 ; if he is exempted from the operation of S. R. 212 (1). Where, however, the officer concerned does not apply for and obtain the order of exemption from the competent authority, he can draw for a halt exceeding ten days including the day of arrival ten full daily allowances.

7. All Controlling Officers are expected to see that no improper claim is passed under these rules.

NOTES

S. R. 216-A – This rule was substituted *vide* C. S. No. 261 to A. S.R.

The Executive Instruction No.3 was substituted *vide* Correction Slip No. 28 [F. M. 5/70/4, dated the 7th August, 1970].

In the Note below the Executive Instruction 1, the word " Air" was inserted *vide* Correction Slip No. 30 [Reference No. 62/66/44, dated 3rd September, 1970].

S. R. 217 – Subject to any conditions which a competent authority may, by general or special order, impose, a non-Gazetted ministerial or menial Government servant may, for any day on which he travels by public or hired conveyance under a certificate from the Head of his Office that he is required to do so exchange daily allowance for mileage allowance.

Note 1 – "Hired conveyance" includes a bullock cart, but only one cart should be allowed.

Note 2 – The mileage allowance shall be limited to actual expenses when drawn under this rule.

86. Casual Leave

(a) Casual leave is not recognised by the leave rules and an officer absent on casual leave is not treated as absent from duty. Government will make no arrangement to supply the place of officers absent on such leave. The officer granting the leave and the officer taking it will be held responsible if the public service suffers in any way from

the absent of the officer on casual leave.

(b) Superintendent of Police are authorised to grant casual leave upto fifteen days at anyone time in a calendar year, in deserving cases to sergeant Majors, Inspectors, Assistant Sub-Inspectors, Head-Constable and Constables serving under them.

Casual leave may not be combined with any other kind of leave. If casual leave is taken in extension of gazetted holidays, these holidays must be counted as part of casual leave.

(c) Casual leave should only be granted for adequate reasons. The concession of casual leave must not be converted into an unauthorised system of privilege leave.

(d) An officer who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

(e) The authority- which grants casual leave will cause a register of such leave to be maintained in Form No. 67 of Schedule XL (A) (Part 1). This register should be regularly examined by Inspecting Officers.

(f) Officers empowered to grant casual leave to their subordinates may also grant to those subordinates leave of absence during holidays.

In all cases in which the officer asking for casual leave, or for leave of absence during holidays, desires to absent himself from the jurisdiction of the officer empowered to grant the request, this facts should be clearly Noted in the application. (See also Rule 246 of the Assam Executive Manual and Rule 85 of Part I of the Assam Police Manual) (Correction Slip Nos. 331, dated 4-4-1950, 343, dated 24-7-1951, 320, dated 28-8-1976 are incorporated).

87. Leave to the member of auxiliary territorial forces during drill season

The Inspector General of Police and Heads of officers subordinate to him are authorised on receipt' of an annual application from officers commanding units of the Auxiliary or Territorial Forces, to grant casual leave in each drill season to such of their subordinates as are members, in order to enable them to attend training and camp, *provided* that such leave can conveniently be given without detriment to the disposal of public bus mess.

88. Leave register – (Form No. 63 of Schedule XL, (A) (Part I)

(1) All applications for leave other than casual leave from men having leave due to them should be entered in this register and be returned to the applicant with an intimation that this has been done. When the leave is applied for on medical or other urgent grounds the application should be disposed of at once, but care should be exercised to see that unfair use is not being made of apparently urgent applications by men to obtain leave out of their turn.

(2) Rosters of the applicants leave should be maintained in the form of wall chart for Armed Branch separately. Priority in the roster will be determined by the length of service since the applicant last return from leave. Except in special cases, leave should be granted in this order, each man's name being struck off as soon as he proceeds on leave.

(3) It should be arranged that a man due for leave goes as soon as a man returns, and any man delaying to take his leave more than three days after it has been granted should except in special circumstances, have the grant cancelled.

89. Leave certificate

A leave certificate in form No. 69 of Schedule XL (A) (Part I), will be given to each man going on leave, and on return he should at once appear before the Superintendent of Police or Senior Officer present who will Note the date of return on the back of the certificate.

90. Officers to leave their addresses when proceeding on leave or retirement

All non-gazetted officers should leave their addresses during leave in the reserve office of the Superintendent of Police.

Officers who are about to leave the department or retire from the service should also leave their addresses with the Assistant to the Inspector General of Police.

(Correction Slip No. 210, dated 2-9-1938 incorporated.)

91. Hospital leave

(a) Absence from duty while sick in hospital of Police officers or an below the rank of Head-Constable and Assistant Sub-Inspector is required by Assam Subsidiary Rule 249.

(b) Hospital leave will be given only to deserving men whom it is desirable to detain in hospital. It is not debited in the leave account and it may be granted irrespective of the 10 percent limit, and does not constitute a break in service.

(c) A Police Officer whose illness is due to irregular or intemperate habits (e.g. who is suffering from venereal disease) is not entitled to the concession of hospital leave. In such cases the period spent in hospital, and any subsequent leave granted for convalescence will be treated as leave on half (or, if not at credit, on quarter) average pay, on medical certificate, and will not count towards approved service increments of pay.

Leave on average pay will not be granted in such cases.

Foot Note:- Patients, who attend the sick parade daily and are excused all duties but do not remain in hospital should also be granted Hospital leave.

(C. S. No. 31, dated 15.3.34 incorporated.)

91. Absence without leave and overstaying leave

(1) Subordinate Police Officers often do not clearly understand the rules under which they obtain leave and the danger they run in overstaying the leave obtained. An officer frequently puts forward the excuse for absence without leave the fact that, towards the end of their leave, he applied for an extension. All officers are warned that it is their duty to re-join their appointments at the end of their leave if they have not received information that an extension has been granted.

(a) Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and the period will be debited against his leave account as leave on half average pay. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Fundamental Rule 15, vide Fundamental Rule 73.

(b) A Police Officer who absents himself without leave is liable to prosecution under Section 29 of the Police Act, 1861 (Act V of 1861), as amended by Section 9 of Act VIII of 1895. Prosecution however, should only be instituted in exceptional circumstances. As a rule, when an officer does not return within a week of the expiry of his leave enquiry should be instituted about him from the Superintendent of Police of his native district. If he fails to appear, formal notice should be sent to his last known address warning him that proceeding will be taken against him within fifteen days in his absence, if necessary.

(2) To deal with the period of absence without leave or overstay of leave the following rules should be noted :-

(a) *Absence without leave* – When a man is absent without leave may, if it is thought desirable, be refused under Fundamental Rule 67 and the period of absence without leave commuted to extra-ordinary leave under Fundamental Rule 85 (b), irrespective of the restriction contained in Fundamental Rule 85 (a). Viz. the extra-ordinary leave can only be granted when no other leave is by rule admissible.

(b) *Overstay of casual leave* – Either the whole period from the commencement of casual leave to the date of return to duty or merely the period overstayed may be commuted to extraordinary leave under Fundamental Rule 85 (b), irrespective of the restriction contained in Fundamental Rule 85 (a).

(c) *Overstay of regular leave* – Under Fundamental Rule 73 read with Serial 10 of the delegation made thereunder, the authority granting the original leave may either grant an extension or refuse an extension. If the leave is not extended. (i) The period of overstay counts neither for increments nor towards pension, but (ii) the leave account should be debited for the period overstayed as though this period leave on half average pay, and (iii) no leave allowance should be paid for the period overstayed.

(d) When leave on average pay or on half or quarter average pay is granted under the Fundamental Rules, leave salary for the period of _____ (sic)

93. Information regarding nature of illness how to be obtained

When the particulars of a Government servant's illness are required in the interest of Government by his official superiors they should ordinarily be demanded, if at all, from the subordinate himself, who can obtain it from his medical attendant in the way in which the analogous statements required to support an application for leave on medical certificate are obtained.

POLICE HOSPITAL
(Rules 94 to 100)

94. General Rules

- (1) A Police hospital is established at every district Head-quarters with a Medical Officer-in-charge and the necessary subordinate staff.
- (2) The hospital and the staff will be under the control of the Civil Surgeon.
- (3) The Civil Surgeon will arrange that the hospital is properly and fully equipped and will apply to the Superintendent of Police for necessary assistants, whenever necessary.
- (4) Any complaint should be brought to the notice of the Civil Surgeon, who will take such action as he considers necessary.
- (5) A Police orderly will be detained by the Superintendent of Police to assist the medical officer in the maintenance of discipline.
- (6) No officer or man should be permitted to treat himself. He will be treated only by the medical officer in whose charge he is placed.
- (7) Concealment of disease and in particular of venereal disease is forbidden.
- (8) A patient should not refused treatment ordered by the Medical Officer or discontinue treatment or leave hospital until properly discharged.
- (9) For rules regulating hospital leave, see Rule 91.
- (10) For rules regarding recommendations for invaliding see Rule 85.
- (11) If patient in hospital will be provided with hospital clothing and bedding, of a special pattern and should not be permitted to use their own.

Articles for 'Tubercular' patients should be marked 'T' for dysentery patients 'D' and for Venereal patients 'V'. Such articles should be kept separate from the general stock of clothing and bedding.

- (12) Before a patient is admitted to hospital, his superior officer will arrange for the handing over of his clothing and equipment.
- (13) A boiler will be provided, and all soiled articles should be boiled before being sent to the wash. "Hospital leave granted to patients who attend the sick parade daily and are excused all duties but do not remain in hospital should also be entered in the medical history sheets."

95. Duties of the Medical Officer

- (1) He will be responsible for the general managements of the hospital; the treatments of all patients, and the proper maintenance of all books and registers.
- (2) He will make frequent inspections at irregular intervals of the sanitary conditions of the barracks, lines, cook-sheds, married-quarters, drains and latrines.
- (3) He will keep the Superintendent of Police informed as to the health of the force and bring to his notice in writing all matters requiring attention.
- (4) He will maintain a diary for (2) and (3) above and send it weekly to the Superintendent of Police through the Civil Surgeon:
- (5) He will submit to the Superintendent of Police all recommendations for sick leave or invaliding, made by the Civil Surgeon.
- (6) The medical officer-in-charge of Police Hospital will submit, with reference to Rule 91; to the Superintendent of Police on the 20th of each month, a list of all men, who have been in hospital in excess of three months. In this list will be shown the date of admission to hospital, and the date on which the three months expired. Blank returns will be submitted, when there have been no cases of such detention.

96. Admission to hospital

- (1) A sick parade will be held by the Reserve Officer daily half an hour before the morning parade.
- (2) Any officer or man stationed at head-quarters, who falls sick should report himself through his

immediate official superior to the reserve officer who will send him to the hospital, immediately with a sick report in Form No. 202 of Schedule XL(A), (Part I). An officer if he is to be instated as an in-patient may be attended in his own quarters.

(3) The medical officer will examine the patient and decide whether he should be admitted as an in-patient or treated as an out-patient. In the latter case the medical officer will send the patient back to the reserve officer with a recommendation as to the nature and period of duty on which the patient can be employed. In either case the sick report should be immediately sent back to the reserve officer.

(4) In doubtful cases the medical officer will keep the patient under observation for not more than 24 hours, and then report to the reserve officer.

(5) The medical officer should not, except in cases of emergency admit any patient without a sick report from the reserve officer.

(6) In stations other than headquarters any person who falls sick should report himself to his immediate official superior, who will send him to the local dispensary with a sick report, in Form No. 210 of Schedule XL (A), (part I).

(7) The patient should be sent to the headquarters hospital if in the opinion of the medical officer of the local dispensary such a course is necessary. Otherwise the rules in paragraph 3 and 4, and Rule 91 should be observed. On the discharge of the patient, the police officer will forward the sick report to the Superintendent of Police.

(8) Where there is no local dispensary, the officer-in-charge of the police station or out-post will use his discretion as to whether the patient should be sent to the nearest hospital or dispensary, or in cases in which the patient's condition is such that he cannot be moved, to ask for medical aid to be sent out.

97. Medical history sheets

Medical history sheet be opened for every officer or man, on first appointment and should be maintained throughout his service.

When the officer or man is transferred to another district his history sheet should be forwarded to the Superintendent of Police or Deputy Commissioner in charge of police concerned.

When a patient is admitted to hospital, it is the duty of the reserve officer, who keeps the medical history sheets of the man at headquarters, to send to the medical officer the patients history sheets Form No. 209. Schedule XL (A), (Part I). The medical officer will fill up the necessary columns in this sheet and on discharge of the patient from the hospital will return it to the reserve officer who will file it with the service sheet.

For the force at mufassil police stations (including treasury guards, court staffs etc.) the medical history sheets will be kept at the thana or court office concerned, and when man falls ill, his medical history sheet will be sent with the sick report to the local dispensary.

The necessary columns will be filled up by the medical officer-in-charge and returned by him on the man's recovery or sent to headquarters with the man if he has to be transferred to the police hospital. On discharge of the patient from the police hospital the history sheet should be returned to the officer-in-charge of the station where the man is posted.

All medical history sheets in mufassil station, etc., will be sent to the reserve a week before the audit department commences inspections of the police office accounts to be available for examinations by the auditor. To enable this to be done, the audit department will notify the Superintendent of Police or the Deputy Commissioner-in-charge of Police concerned in time for the sheets to be called in.

98. Infectious patients

(1) Patients suffering from infectious or contagious diseases should be kept segregated from the rest of the inmates of the hospital.

(2) "Clothing of men who have suffered from contagious or infectious diseases should be destroyed".

99. Diet of patients in police hospitals

(a) A Police Officer in Hospital who does require special diet will supply his own food. If the patient is unable to prepare his meals, a Constable of suitable caste may be detained on the requisition of the Medical Officer as a temporary sick attendant.

(b) If special sick diet is ordered by the Medical Officer, it will be supplied at Government expense, the

cost being debitable to the head "Diet of Police in Hospital".

(c) The Medical Officer will maintain for each such patient an individual diet sheet (Form XLB-24) and will transfer the daily totals by means of compilation sheet (Form XLB-24-A) to the abstract diet sheet (Form XLB 25). At the end of the month the particulars on the reverse of the form will be completed, and the abstract and all individual sheets sent to the Superintendent of Police for payment.

(d) If the daily cost per patient exceeds annas 4 in the plains districts, or annas 5 in hill districts, a certificate by the Medical Officer that the excess expenditure was essential must be endorsed on the monthly abstract and counter-signed by the Civil Surgeon.

99-A. Free diet of patients in police hospitals

(a) A Police Officer in hospital drawing pay of Rs. 50 per mensem or less will be provided with free hospital diet, but adjustments be made against the ordinary free ration if drawn. The value of the free ration to be determined in consultation with the supply department for the period of stay in the hospital should be recovered from the pay of the police officer concerned.

(b) The Medical Officer will maintain a list of each such patient and a copy should be sent to the Superintendent of Police at the end of the month for necessary adjustment.

100. Diet of men in hospitals other than their own

(a) Civil Police Constables admitted as patients into any Assam Rifles hospitals will receive rations, and if necessary, hospital diet at the same rate and subject to the same conditions as men of the Assam Rifles in hospital *vide* Assam Rifles Manual, Rules XVII-3 and XIX-4.

(b) When a civil Police Constable is admitted into an Assam Rifles Hospital as laid down above, particulars of the amount recoverable on that account will be sent to the Superintendent of Police of the district to which the man belongs, who will deduct it in the next pay bill and inform the Commandant concerned who will then enter the amount as recovered, showing the name of the treasury and the voucher number in his monthly statement.

In case of recovery of the cost of sick diet the amount should be adjusted as "Police Receipts" under the head "Diet of Police in Hospital".

(c) In the case of men from other districts admitted into Police Hospitals if the amount payable for special diet is small, it will be borne by the district in the police hospital of which the man is. If the amount exceeds Rs, 5 however the Superintendent of Police will prepare a contingent bill for the amount; marking it in red ink 'Debitable to _____ District Police', and send it to the Superintendent of Police of the Constable's district for acceptance and return. The bill will then be cashed in the ordinary way, and the adjustment made by the comptroller by book debit.

PENSIONS (RULES 101 TO 103)

101. Ordinary pensions

The rules regarding the grant of superannuation, retiring, invalid, compensation, wound and injury, compassionate and family pensions and gratuities will be found in the Assam Pensions Manual.

101. Checking or pension and gratuity rolls

Delay in the sanctioning of pensions and consequent hardship to the individual frequently occurs owing to the existence of small discrepancies amongst the various documents which are submitted with the pension application. Viz. the last pay certificate, sheet roll, Service Book, Character Roll, Proceedings Signatures, specimen finger impressions and declaration of non-receipt of other pension.

Special care should therefore be taken before submission of the Roll to ensure that in addition to the verification laid down in the pension Manual, all variations in spelling of names, both of the applicant and of his kindred. of address and dates in all the documents are fully reconciled.

103. Quarterly return of applications for pension and gratuity

Officers empowered to grant pensions and gratuities should submit to the Inspector General of Police on the 5th of January, April, July and October a return of pensions and gratuities in Form No. 66A of Schedule XL(A)

DISCHARGES **(RULES 104 TO 108)**

104. Discharges

All men who are to be discharged will be brought into headquarters; their uniform will be taken from them and dealt with in accordance with Rule 330; their appointment certificates will be withdrawn; their accounts will be settled and their dues paid to them; their pension and gratuity rolls will be prepared, or when this is not possible, all necessary information for their preparation will be obtained and then, and not till then are they to be discharged. Should any man fail to obey the order to join the reserve prior to discharge, he should be treated as absent without leave. The date on which an Inspector, Sergeant Major or Sergeant vacates his appointment on retirement' or discharge should be promptly reported to the Inspector General.

105. Discharge certificate

A certificate in Form No. 74 of Schedule XL(A) (Part I) will be given to every police officer discharged. It will be signed by the Superintendent of Police. The actual cause of each man's leaving the police force, whether discharged at his own request, dismissed for misconduct, discharged as unfit for further service or discharged on reduction, or whatever the cause may be, must be stated in the certificate fully and correctly but concisely.

106. Resignation

All resignations must be in writing, signed by the person making application. Verbal application should not be taken in into consideration. Two months notice of resignation is required under Section 9 of Police Act (Act V of 1861). If resignations are frequent the reasons should be investigated.

Note – "This rule ceases to be in force as long as the Government of India ordinance No. XI of 1942 remains operative". (A.G.P. (police): No. 18.735-3-8-1942).

107. Transfer of service to other departments

It is the duty of a servant of the crown who, wishes to transfer his services to a different Government office or department, to obtain the consent of the authority which appointed him to his existing post before taking up the new employment. If he takes up the new employment without such consent, he commits a breach of discipline and is liable to be punished in the last resort by dismissal from his former post and consequent loss of pensionable service. Resignation of his former appointment will not, it should be noted, protect him from this penalty.

In granting or withholding consent to the acceptance by a subordinate of other Government employment, the head of an office or department must consider whether the transfer will be consistent with the interest of the public service. Permission should not be refused, however without strong reasons which should be recorded in writing.

The head of an office or department shall not employ, either temporarily or permanently, an officer whom he knows, or has reason to believe, to belong to another establishment without the previous consent of the head of the office or department in which he is employed. In the rare cases in which, for reasons which appear satisfactory to the new employer, an officer cannot obtain the required consent before taking up the new, appointment, the employment may be made conditional on consent being obtained at the earliest opportunity.

The foregoing instructions apply equally to officers on leave whether with or without pay. All leave salary must *ipso facto* cease on the taking up of new employment other than work of a purely casual nature. (*see* also Rule. 309 of the Assam Executive Manual).

108. Leave to be granted before Invaliding

Leave may not be granted to any man who in the opinion of the certifying medical officer has no reasonable prospect of becoming fit for service again, but while there is any hope of recovery, no man should be retired as physically unfit as much leave as is due has been granted and found to have done him no good. When requesting civil Surgeons to examine any man to see whether he is incapable of further service Superintendent of Police should be careful to note the age of the man sent for examination accord¹⁰⁹ to his service book.

DRILL AND MUSKETRY **(Rules 109 To 133)**

109. 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.

110. 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.

111. Drill books

The manuals for Infantry and Small Arms Training as authorised from time to time for the Indian Army will be used and thoroughly taught, modifications necessary in view of the fact that the police are differently organized and armed from regular troops being made where required.

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

112. 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 intersection 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.

113. Principles to be observed by magistrates and the police in opening fire on hostile mobs

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 obviate the risk of the force being rushed and to enable strict fire control to be maintained;

114. 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 115.

The following procedure will be adopted when dealing with a riotous mob which has to be 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 20 rounds each.
 - 5) Note down the amount of ammunition issued.

- 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 incapacitate and not to kill *vide*, Government letter No. H. P. L. 386/56/25 dated 18-2-1957.

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 men 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 authorised to do so and being protected under Sections 91-106 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 and the Deputy Commissioner.

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 114 (6) (a)]

I hereby authorise 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 47 of Part I of the Manual.

115. 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 accoutred 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 tiles 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 overwhelmed.

116. Fire must cease on the first signs of dispersal of the mob

All armed police and town police should be constantly practised 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 muskets are allotted to have a thorough knowledge of their weapons and how to use them.

117. Functions of the Assam Police Battalion in support of the District Police

(1) The Assam police battalion forms the provincial 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 platoon basis, and normally operates in units of a platoon; for operational works it should never be used in detachment of less than a section.

Requisition for the deputation of the Assam Police Battalion will be made by the Deputy Commissioner normally on the advice of the Superintendent of Police to the Inspector General of police, who will issue the instructions to the commandant, and report the circumstances and action taken immediately to Government. If the Deputy Commissioner is not available and the need is urgent, the Superintendent of Police may submit his requisition directly to the Inspector General of Police, obtaining the Deputy Commissioner's concurrence subsequently.

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, is responsible for accommodation, transport and utilization of their services, but will not interfere with internal administration or discipline. The officers of the Assam 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 Assam 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, (Clause II cancelled *vide* circular No.2, dated 8th May, 1948).

118. Parade at head-quarters

All available men at head-quarters will parade every morning (Thursday and Sunday excepted). It is left to the discretion 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.

119. 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 Inspector General 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 in their own vernacular 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 the rank of Naik.

120. 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 musket 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 musket taken for examinations by the armourer.

Cleaning – No gritty material may be used for cleaning any part of a musket; 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 musket 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.

121. Examination of Arms

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

- 1) *Barrel* – clean and free from fouling, rust, cuts, scratches, 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.

122. 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 musket on charge.

(b) On the occasion of Durga Puja festival the firing of blank cartridges up to a limit of 50 rounds for each civil police district is authorised by Government (*Vide* Assam Government Notification No. A.R.-I06-3160 A.P., dated the 13th January, 1926).

123. 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 ball.

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 (see Rule 111-113) 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-s-other suggested schemes are an attack on armed dacoits in a building, defence of a treasury, or protection of an escort 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 ill their 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 fire.

This part will be carried out under the supervision of the Superintendent of Police who will ensure that it is fired on a 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 :- Grouping - 5 rounds.
Distance - 50 yards.
Position - Kneeling, musket rested.
Scoring - 1' group 20.
(Signalled as Bull)
2' group 10
(Signalled as Inner)
3' group 5
(Signalled as Magpie)

PRACICE 2:- Grouping - 5 rounds.
Distance - 100 yards.
Position - Kneeling, musket rested
Scoring - 2' group 20 (Signalled as Bull)
3' group 10 (Signalled as Inner)
5 shots on target 5 (Signalled 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 firer will be given 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.

PRACJICE 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.

124. Method of marking

For marking, a dummy target set up in front of the marker's butt and a signalling 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 signalling 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.

125. 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 signalled 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 signalled.

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

126. Men to fire the Annual Musketry Course

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

Armed Police – Parts I, II, III, annually

Town Police – Parts I, II annually

Unarmed Police – Parts I, II biennially.

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

(Correction Slip No. 271, Dated the 26th February, 1942, has been incorporated).

117. Disposal of lead recovered from butts after target practice

The sergeant Major 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.

(Correction Slip No. 272, Dated the 26th February 1942, has been incorporated).

118. Register of target practice

A register of target practice will be kept in form No. 76, schedule XL (A) (Part I) and each page will be signed by the Officer 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.

129. Officers to attend target practice

In districts where there is a Sergeant-Major that officer shall 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. In districts where there is no Sergeant-Majors, the Assistant Superintendent of Police at head-quarters shall attend all target practice except when the Superintendent of Police is present.

130. 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 has 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.

131. Annual report on target practice

Between the 1st and 15th of May each year a report in Assam Schedule XI (A) (Part I) Form No. 77 will be submitted to the Inspector General of Police.

132. Musketry prizes

(1) Each Superintendent is authorised to distribute as prizes his grant under "Rewards for Marksmanship" at his discretion, in the proportion detailed below:-

- Armed Police - 30 percent.
- Best Section Commander (Part III) - 5 percent.
- Best Section (Part III) - 10 percent.
- Un-armed Police - 15 percent.
- Best recruit - 5 percent.
- Superintendent of Police's discretionary grant for improvements.
- Marksmen etc - 20 percent.

2. On the 1st May each year Superintendent of Police will submit to the 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 Inspector General of Police will then award special prizes out of his reserved grant under "Rewards for Marksmanship".

3. The Inspector General of Police will also award two prizes Rs. 30 for the best shot and Rs. 15 for the next best shot in the annual revolver course. Indian Police Officers and Sergeant-Majors will not be eligible for these prizes.

Authority – Assam Government Letter No. H.P.L. 28/42/2, dated the 16th February, 1942, (IMF/32-41).

133. Musketry badges

The following badges will be awarded on results of the Annual Musketry course:-

- 1) Crossed rifles and crown, surrounded by a wreath to the best shot in the province.
- 2) Crossed rifles and crown to the best shot in the district.

These badges will be in blue worsted on a red ground and will be worn on the right forearm, one each above the point of the cuff, or of the topmost good conduct chevron. They will be paid for from the clothing grant and the recipient will wear the badge for one year. Not more than one such badge may be worn at a time.

(Correction Slip No. 124 dated 8th June 1937 incorporated).

REGISTERS AND RETURNS (Rules 134 to 145)

134. 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 initialled 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 demi 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 the black mark awarded in demi official No _____ dated _____ this is hereby expunged". "Head-Constable C having 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.

N. B. – Superintendent of Police will keep a separate manuscript book of orders requiring the District Magistrate's approval. Such approval should ordinarily be obtained before entry is made in the District Order Book.

135. Morning report (Form Nos. 78 and 79 of Schedule XL(A) (part I)

This book will be kept by the Sergeant-Major 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 acting 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 shown in foot-note. The total number of vacancies and excesses in each rank in Part I must agree with that in Part II of 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.

(Correction Slip No. 50 dated the 12th November 1934 incorporated).

136. Force return (Form Nos. 80 and 81 of Schedule XL(A) Part 1)

The force return is divided into three parts and contains all the information required by the 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 Assistant to the Inspector this return showing separately the armed and unarmed branches.

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

Superintendent of Police will attach the two following certificates to the force return.

(1) Certified that I have counted the number of Arms in stores and I am satisfied that they have been properly accounted for in the register showing distribution of Arms.

(2) Certified that all approved service stripes and increments due to men have been awarded.

Note – Certificate No.2 is necessary only in the return for January and July submitted in February and August respectively.

(Correction Slip No. 211 dated the 2nd September, 1938 incorporated.)

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

(1) Monthly statement (Form No. 81 A of Schedule XL (A) (Part I) 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 Assistant to the Inspector 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 province will be submitted to the office of the Comptroller not later than the 14th of the month following that to which it relates.

(Correction Slip No. 212 dated 2nd September 1938 incorporated).

138. 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 are to be shown.

The reason for excess in the percentage of foreigners over the sanctioned number should be given.

The details of force employed on miscellaneous duty should be explained in the foot-note.

139. Information for the correction of the gradation list of Non-gazetted and Ministerial officers

All information, e.g., Postings, Casualties, Promotions, etc. during the preceding six months which are necessary for the correction of the gradation list of:

(1) Sergeant-Majors, Inspectors and Sergeants.

(2) Sub-Inspectors.

(3) Clerks in the office of the Superintendents of Police, the Superintendent, Railway Police and the Principal, Assam Police Training School, which are compiled in the office of the Inspector General of Police will be sent with the force return to his assistant on the 2nd of April and October each year with a view to enable the latter office to bring the aforesaid-list up to date.

(Correction Slip No. 213 dated 2nd September 1938 incorporated).

140. Register of landed property and relatives (Form No. 84 of Schedule XL (A) (Part I)

Superintendent of Police will keep a record in loose sheets of all lands held by Inspectors, Sub-Inspectors and ministerial officers serving under them whether in perpetuity, in farm, or Under any tenure whatever and whether held in the district in which the officer is serving or in any other. Similar particulars must be given of property held by and managed by wives of officers or other members of their families living with and in any way dependent on them. In the sheet will also be entered under the name of the officer concerned the names and the residences of all Government servants, pleaders, bankers, land-holders and the like residing in the province to whom the police officer concerned is merely related. The names of those officers only who own landed property or who have relations in the province will be entered.

One sheet will be allotted to each officer. The sheets of the executive officers will be kept tied up together in one file and those of ministerial officers in a separate file.

In January of each year, each officer will be required to report whether he or his wife has acquired any property during the year in any district either in their own names or in the names of their children or relatives, or in that of any servant or dependent or in any way benami and whether any changes have taken place in the list of his relatives. From the reports received the record will be brought up to date.

When an officer is transferred to another district, his sheet will be sent to the Superintendent of Police of the district to which he is transferred along with his service papers.

Superintendent of Police should bring the fact to the notice, of the Inspector General of Police, if any officer owning a considerable amount of land or having influential relatives in the district is transferred to his district.

141. Reserve register: Form No. 85 of Schedule No. XL (A) (Part I)

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.

142. Ammunition account register; Form No. 86 of Schedule XL (A) (Part I).

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.

143. Return of Police Officers 58 years old: Form No. 81 of Schedule XL (A), (part I) ;

An annual return showing the names of all officers who will, during the 12 months commencing from 1st April following attain or pass 58 (or in the case of ministerial officers 60) years of age, or may exceed the period of any extension of service already granted under the rules will be submitted to the Inspector General on the 3rd January.

The return will be submitted in duplicate. One copy will be retained in the Inspector General's office and the other, with orders noted in Column 8, will be returned to the Superintendent of Police.

In Column 6 the period of extension recommended will be specified. If discharge is considered necessary concise reasons for not recommending extension of service should be given in Column 7. The number and date of orders sanctioning any previous extension of service should be given in Column 4. Before submission of the return the men whose names are entered in it will be personally examined by the Superintendent of Police and before recommending an extension the Superintendent of Police should consider the effect on other officers whose prospects may be adversely affected thereby,

(See also Rule 56 of the Fundamental Rules).

144. Principle to determine age when date of birth is not known.

The following principle has been laid down for determining the date on which an unconvenanted officer shall be held to have attained the age of 58 years in cases in which the date of birth is not known.

If the year of birth is known but not the month, the 1st July shall be taken as the date of birth. If the month is known but not the exact date, the 16th of the month shall be taken as the date of birth-Vide note to Rule 283 of the Audit Code.

145. Visiting guards and register of visiting guards.

(Form No. 88 of Schedule XL (A) (Part I) - An officer will be told off daily 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, (Form No. 88 of Schedule XL (A) (Part I).

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 utilised 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 in Form No. 89 of Schedule XL (A) (Part I). In sub-divisions this register will be kept up by the Circle Inspector.

**ARMS AND AMMUNITION
(Rules 146 to 181)**

146. 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.

147. Test of ammunition.

If a musket is damaged 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. If it 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 hangfire, pierced cap, burst cap, split to within one inch of base, or detached base-disc a second similar test will be made with another musket 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.

148. 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 labelled "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.

An account of receipts and issues of ammunition will be kept in Form No. 86 of Schedule XL (A) (Part I). For further particulars see Rule 142.

149. 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 authorised 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.

150. 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.

151. Marking and numbering of arms.

The muskets 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 musket.

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.

152. 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 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 despatched to the arsenal direct.

153. 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 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.

(Rule 40 - Chapter XXIII - Assam Rifles Manual Page 236).

154. Arms accoutrements and ammunition.

1. *Source of supplies* – The list of articles supplied by the ordnance department is given in "Equipment Tables of Civil Police and Jails, 1925" which gives also the scale of issue, and should be quoted as authority in indents.

Articles not mentioned in this list with the exception of arms and ammunition will be procured from private firms. If arms and ammunition which are not included in the equipment tables are required a reference to Government is necessary before they can be purchased.

Swords and Kukris may however be purchased from private firms without such reference; a contractor is usually appointed by the Inspector General of Police for the supply of Kukris for the Assam Rifles and Kukris required for the Armed Police Reserve should be obtained from the same source. (Rule I, Chapter XXIII, Assam Rifles Manual, Page 222)

155. Scale of arms.

The scale of distribution of muskets is one muskets per Head-Constable and Constable of the Armed Branch (Less ordinary reserve) and town and union police, and one per Assistant Sub-Inspector and Constable of the Thana staff as sub-divisional head-quarters.

In addition, a few muskets are also allotted to each district for miscellaneous use. Their distribution within the district is at the discretion of the Superintendent of Police.

The 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 muskets supplied to the police in excess of the present scale sanctioned for the province. 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 (vide letter No. 1076, dated the 21st October, 1910).

156. Indents for ordnance stores.

All indents for ordnance stores "Except those for small Arms and important Component thereof to replace an equal number condemned", will be submitted in duplicate to the office of the Inspector General of Police. The duplicate copy will be retained by the Inspector General of Police, and the original copy, after countersignature by the Inspector General of Police will be forwarded by him to the arsenal for compliance.

Note. - Indents for ordnance stores up to a value of Rs. 250 for each item, other than Arms and Ammunition will be submitted by the Superintendent of Police, in original, direct to the ordnance Department.

(Authority-Assam Government letter No. CP-I080/6217-H, dated the 3rd September, 1938, File V-M/S-38).

Indent on I. A. F. Z.-2098 for small Arms and important components thereof to replace an equal number condemned should be submitted in quadruplicate. The original copy is treated as an indent, the duplicate copy is retained in the Arsenal to check the receipt of unserviceable components which are ordered into Arsenal, and the triplicate copy returned to the unit by the Arsenal with the necessary disposal instructions duly entered thereon. This copy constitutes an authority for the unit for the disposal of condemned small Arms and components. The fourth copy will be retained by the Inspector General of Police, the other three copies being forwarded to the Arsenal for compliance.

Indents for small Arms Ammunition are to be submitted with the following certificate :-

"Certified that the balance of cartridges and fired cases remaining on hand, plus the quantity under demand, less.....forced cases, awaiting return of voucher Nodate"

Or

Have been returned, does not exceed the maximum allowed to three unit.

N. B. - The voucher No. and date must invariably be quoted except in the case of '22 in-cartridges.

The certificate to be submitted with all indents for '22 in-cartridges is as follows :-

"Certified that the balance of cartridges remaining on hand plus the quantity under demand does not exceed the maximum allowed to the unit."

(Authority - Assam Government letter No. C. P. 595-3402-H, dated the 9th May, 1938).

The following instructions were issued by the chief ordnance officer, Allahabad Arsenal, and should be followed in submitting indents:-

All indents from the district police are treated as "Ordinary" indents. as although the stores, other than arms, are noted in their Equipment Tables as on payment, the cost of them is debited through the exchange accounts. The demands are therefore treated by the arsenal as a book debit only. The form is I. A. Form Z/2091, and the proper printed form must be used-manuscript forms will not be accepted by the arsenal.

Ordinary indents for ordnance and clothing (including foot-wear) stores will be rendered in original.

Each indent will be given a consecutive number which should be written in the top right-hand corner immediately over the space provided for "Last indent number" in the case of annual, half-yearly or quarterly allowances. In this latter space should be quoted the last indent number and date on which similar items were demanded.

In the top line of the heading the name of the unit will be stated.

In the second line will be given the correct authority. Such expressions as "Regulations" "Equipment Regulations". To replace unserviceable, *vide* I. A. Form No. Z-2098 attached" by, themselves are inadequate. The exact regulations will be quoted, viz.: The Equipment Table, or in special cases, the sanctioning letter of Government; otherwise the indent will be returned. Where no sanction exists for stores required, application will be made to higher authority through the usual channel.

In the third line of the heading full information will be given regarding establishment of men.

Separate sheets are required for each section of ordnance stores as shown in the priced vocabulary of stores, but when the indent involves the filling up of more than one Indian Army Form Z-2091 the full heading will be entered on the first form only, the signature and date on the last form. On the top of the intermediate forms and on the last only the name of the unit and the station need be inserted.

In column 1 of the indent the correct vocabulary nomenclature of the item required will be given.

In column 2 will be stated the authorised proportion of the particular item of the unit. Thus if one bolt is required for a rifle and the unit is authorised to hold 500 rifles on charge, the figures 500 rifles should appear in column 2, and not the figure 1. In column 3 will be stated the actual number of similar item on-charge. Column 4 will be filled in when the information is available. Column 5 explains itself, but the figure in this column added to the figures of the serviceable items in column 3 should equal the figures in column 3. For this purpose column 3 should be subdivided into "Serviceable" and "Un-serviceable".

In column 6 should be stated any information likely to obviate queries and assist in check of indents, e.g., "First Issue", to replace unserviceable "Payment to replace lost or damage" "Periodical Allowances". "Station Stores", "Petty Expendable stores not brought on units ledger", The words "To complete authorised proportion" are in themselves insufficient explanation. Full details as to the necessity for the demand should be furnished.

In the bottom left-hand corner the station or railway station to which the stores are to be consigned will be stated, and the bottom right hand corner will be signed by the indenting officer.

In the case of ordnance stores allowed annually, the number or quantity on charge will always be shown and deducted from the annual allowance.

Attention is directed to the foot-notes of the form especially (b), (c) and (d).

157. Date of submission of indents.

The dates on which indents for ordnance stores under the various tables of the civil police equipment table should be submitted are given below :- (The tables omitted from this list do not concern the Assam Police).

Table II .. On 1st February, 1st May, 1st August and 1st November.

Table IV	..	After C. C. M. A's inspection or on 1 st January.
Table VII	..	After C. C. M. A's inspection or on 1 st August.
Table IX	..	After C. C. M. A's inspection or on 1 st August.
Table XII	..	After C. C. M. A's inspection or on 1 st August.

It should be noted that the dates given above are the dates on which the indents are required to reach the office of the supplying arsenal and. not the office of the Inspector General of Police. They should be despatched therefore by Superintendent of Police in time to allow their arrival at the arsenal in due time.

Subject to instructions issued from time to time by the Military Department indents for small arms, ammunition (i.e. Cartridges for muskets and revolvers), and for materials for cleaning and preserving arms (oil, flannelette, mineral jelly, etc.) will be submitted to the, ordnance officer, Fort William Depot, Calcutta, and indents for all other ordnance stores to the Chief Ordnance Officer, Allahabad Arsenal.

158. 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.

159. 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 all articles rendered unserviceable through fair wear and tear the proceedings of the board will be on Assam Schedule XL (A), (Part I), Form No. 91.2241.

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 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.

Separate indents are required for each section of ordnance stores as shown in the priced vocabulary of stores.

160. 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).

161. Return of Stores to arsenal.

When stores are returned to the arsenal vouchers will be sent on the same day that the stores are despatched.

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 despatched 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 despatch 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.

162. Stores not to be sent bearing.

No consignment of ordnance stores should be forwarded "bearing" to the arsenal by rail or steamer. The amount paid should be entered in the delivery vouchers. This is necessary to admit of the arsenal authorities paying for any undercharge made by the railway authorities on account of errors made at the despatching station. Moreover, the arsenal authorities decline to pay demurrage incurred whilst enquiries are being made on this point.

The receipt of arms, ammunition, empty cases or stores returned to the arsenal without the necessary delivery and receipt vouchers will not be acknowledged. Such stores will remain in the arsenal at the risk and responsibility of the sender, and a report of such return will be forwarded to the Inspector General of Police.

163. 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 Inspector General of Police who will issue orders for their disposal.

164. 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 auctioneer; 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	-	Ina Ram	-	Gopal
Rs.2-4-5		Rs. 3-0-0		Rs. 4-8-0
		Ram Singh		
		Rs. 5-0-0		

The proceeds of sale will be credited in the treasury under the head "XIX-Police-Sale of old stores".

165. Scale of Ammunition supply.

The following is the scale of ammunition for service practice by the various branches of the police:-

1. For Service.

Five rounds buckshot per musket.

Fifty rounds ball per musket.

2. For practice annually:-

(a) Armed Police – (40 rounds ball per man. 10 rounds blank per man)

(b) Town Police - (20 rounds ball per man. 10 rounds blank per man)

3. For practice biennially -

Un-armed Police - (20 rounds ball per man. 10 rounds blank 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 40 rounds ball, and 20 rounds blank per recruit trained.

Note. - In view of existing conditions Superintendent of Police are permitted to reduce their practice and service buckshot to reasonable limits taking the following scale as a basis.

(a) *For service* - Five rounds buckshot per musket.

Five rounds service, to be turned over every three years.

To be fired off as a riot practice, to be devised by Superintendent of Police.

Note. - "In view of the existing condition the Superintendent of Police are permitted to reduce their practice and service buckshot to reasonable limits taking the following scale as a basis :-

(1) For service - One round buckshot per musket.

(2) For practice - 4 rounds buckshot per musket."

Authority – Assam Government letter No. H.P.L. 28/142/2, dated February, 1942 (I-F/32-41)

166. Indents.

(a) Indents for ammunition should be submitted in duplicate (I.A.F.Z. - 2091) to the office of the Inspector General of Police, one copy of the indent will be retained in the office of the 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.

(c) 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 to two in number during the year.

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

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

The 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.

(Note. - Superintendent of Police are competent to write off finally the irrecoverable value of stores or public money up to a limit of Rs. 28/- subject to the conditions laid down in column 4, item No. 46 (H) of paragraph 29, part VI at page 77 of Book of Financial Powers, Assam).

(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.

167. Inspector General of Police's sanction to purchase.

Superintendent of Police are authorise to purchase on indent direct to the ordnance department, ordnance

stores, up to a limit of Rs. 250/- for each item other than arms and ammunition provided that the annual allotment made for them is not exceeded.

In all other cases the previous sanction of the Inspector General of Police is necessary. Superintendent of Police when asking for such sanction shall specifically state in their application that there are sufficient funds available in their budget for payment in full, of the articles indented for.

In the case of articles obtained on indent from the Ordnance other than those authorised to be purchased direct up to a limit of Rs. 250/- the countersignature of the indent by the Inspector General of Police in itself constitute the sanction, but the certificate of availability of funds must accompany with indent.

(Authority - Assam Government letter No. C.P. 1080/6217-H, dated the 3rd September, 1938. File V.M/5-38).

All articles whether supplied by the Ordnance Department or by private firms will be paid from the sub-head "Arms and accoutrements" of the Superintendent of Police's budget.

168. 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. These reminders may be submitted directly by Superintendents of Police without reference to the Inspector General of Police desired to bring the delay to the notice of the latter.

All indents should clearly show the railway station or steamer ghat to which the stores are to be sent.

169. Despatch and freight of stores.

Stores will be despatched by the cheapest route and mode of carriage but in exceptional circumstances they may be despatched by a more expeditious method provided the sanction of the Inspector General of Police is obtained.

Freight and packing charges should be debited to the head "Office expenses and miscellaneous" except in the following cases in which they should be debited to the same head as the cost of articles supplied:-

- (a) When the charges are included in the suppliers bills or invoices for the articles supplied.
- (b) In all other cases if the charges exceed Rs. 50/-.

Note. - Charges for delivery, such as cart and coolie hire, are not freight within the meaning of this rule. They should be debited to the head "Office expenses and miscellaneous", irrespective of any monetary limit

On the following journey, however, cart or boat hire may be treated as "freight" and dealt with under (b) above :-

Manipur road to Kohima or Imphal, Saikhowaghat to Sadiya, Silchar to Aijal, Chittagong to Demagiri or Lungleh.

170. 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 unstill the enquiry closes.

171. Responsibility of railway.

The railway administration is responsible for giving a receipt specifying the number of articles, parcels or packages, delivered to it for carriages and loaded into wagons on its premises.

The fact that such articles, parcels, or packages may be carried at owners risk or despatched by the railway administration in complete loads will not absolve the railway administration from the responsibility of giving a receipt, and such receipt should be demanded at the time the goods are tendered for despatch.

172. Stores arriving late or without advice.

Stores which arrive before the railway receipt may be taken over on an indemnity bond. If stores do not arrive within a reasonable time, which in no case exceed three months from the date of despatch, the consignee will take the necessary steps to trace them.

173. Credit note details.

Details of stores despatched, together with the number and weights of packages, will be shown in the credit notes and vouchers.

174. 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 in Form No. 92 of Schedule XL (A) (Part I). 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 the railway with a copy to the district Traffic Superintendent of the railway or to the Agent of the steamer company, as the case may be.

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

N. B. - All claim must be submitted within six months of the date on which the articles were handed over to the railway or steamer company for despatch.

175. 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 muskets 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.

176. Loss or theft of arms or ammunition.

In the case of loss of rifles, revolvers, pistols, (Government or private), ammunition for rifles or other explosives an immediate telegraphic report will be made to the Deputy Inspector General of Police in-charge of Criminal Investigation Department, (Gauhati), and a copy to the Deputy Commissioner; 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.

177. 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 Inspector General of Police for his order.

178. Ammunition boxes-how 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.

179. 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, labour and trouble fall on the arsenal through the departmental rules not being adhered to by officers indenting for or returning stores.

180. Custody of arms etc.

All arms and component parts when not in use will be kept in racks in the armoury, and the ammunition in the magazine. All stores should be kept in the store room. The Sergeant Major or Officer-in-charge, Reserve, will keep the keys of the armoury 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 Sadar stations the town police arms will be kept, when not in use, in the reserve lines-armoury; in Sub-divisional headquarters they and those sanctioned for the thana staff will be kept in the treasury guard room. The reserve officer or 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 armoury 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.

181. 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 198.

The officer-in-charge, reserve will also keep a register of arms in Form No. 93, Schedule XL(A), (Part I) showing district police numbers, factory numbers and marks on all muskets and in whose possession the musket are. Surplus muskets 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 muskets, 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 in plains districts or Sub-Inspector in Hill districts and Frontier Tracts.

RULES REGARDING REVOLVERS (Rules 182 to 186)

182. Revolvers.

A revolver of any pattern taking 380 ammunition is prescribed as part of the equipment of all police officers of and above the rank of Sub-Inspector.

Revolvers can be obtained from the arsenal on payment. Indents should be submitted by the Superintendent of police through the Inspector General of Police, the cost being paid by the officer purchasing the revolver. To enable an officer to do so, the Inspector General of Police may grant and advance not exceeding Rs. 130 to an Inspector or Sub-Inspector. The money thus advanced, should be recovered in twenty monthly instalments by deduction from the officers pay bill. To guard against any loss of Government money thus advanced, the recipient will be required to execute a registered bond with two sureties binding themselves jointly and severally to repay the advance within the stated time.

Indents for the Government revolvers will be dealt with in the same way as those for any other arms.

182-A.

Police Officers of an above the rank of Sub-Inspector of Police who are in possession of their own revolvers or pistols are allowed to purchase ammunition for their own use or for revolver practice at their own cost up to a limit of 50 rounds per weapon per annum from District Police Reserve stocks.

(Correction Slip No. 299, dated the 18th April, 1945 to Rule 182, has been incorporated).

183. Custody of Revolvers.

All districts and the Railway police are supplied with revolvers with holsters and ammunition pouches on the scale laid down.

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

1. Sergeant Major.

2. Sergeant.

3. Armed Police Sub-Inspector.

Revolvers 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 and ammunition during the month and have found them clean and serviceable.

Authority - Assam Government Letter No. HPL 28/42/2, dated the 16th February, 1942 (I-F/32-41).

(Correction Slip No. 275, dated the 26th February, 1942, to the Rule 183 has been incorporated).

184. Revolver 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.

At the discretion of the Superintendent of Police, officiating Sub-Inspector may be put through the annual revolver course if a corresponding number of Sub-Inspectors who by reason of age or other disabilities, cannot be expected to become proficient with the revolvers, are not put through the course.

(Authority - Assam Government Letter No. C. P.-I06/814-G. J., dated the 8th March. 1937).

Twelve rounds of practice ammunition will be issued to every officer possessing a revolver 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.

(Correction Slip No. 303. dated the 14th June, 1945 and Correction Slip No. 118. dated the 19th March. 1937, have been incorporated).

185. Annual revolver Course.

Every Police Officer possessing a revolver 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 Police Training College will fire the course prescribed by the Government of Assam before passing-out.

Officers from Police stations and Sub-Divisional Head-quartets will use the 48 rounds mentioned in the foregoing rule to be replaced on the completion of the course from the stock at Head-quarters.

The scores obtained will be kept in the register of target practice (Rule ITI-128) and the results will be included in the annual report of Target Practice (Rule 111-131).

"The prizes for the best shots of the province in the annual revolvers course are laid down in the Rule 132, Assam Police Manual, Part III."

(Correction Slip. No. 304, dated the 14th June, 1945, May 1945 and Correction Slip No. 130, dated the 26th August, 1937 have been incorporated).

186. Revolver 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 drill on parade grounds.* - The instructor will first train each individual in the correct way to hold a revolver. Continual practice is necessary to ensure that the revolver 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 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 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 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

2. 4 ft. half figure target at 15 yds. Same as above-6 rounds only.

3. 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 loaded with 6 rounds.

On target appearing, firer will draw-revolver 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 187 to 192

187. Armament.

The Assam Civil Police are armed with the '476 M. H. musket and bayonet. The approved bayonet is the short sword patt 87 and other types in use (e.g., triangular, and long sword patt) should be replaced by the correct pattern as opportunity occurs, on indent to the Allahabad Arsenal.

The scale of muskets 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".

188. 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 muskets sanctioned. Where the number of musket 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 muskets in addition to his ordinary duties.

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

(3) Superintendents of Police will arrange that every musket 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 musket not inspected, or found defective after inspection.

(4) The Armourer or his Assistant will similarly inspect monthly all muskets and bayonets belonging to the Jail department and will receive remuneration at the same rates from that departments.

(5) 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 muskets repaired, and overhauled.

(6) 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.

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

189. 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 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 authorised by small arms training.

190. 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 Inspector General.

(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 166 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 Armourer 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) Armourer's 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.

191. Stripping and cleaning of arms.

(I) For the ordinary cleaning and oiling of his musket, the constable to whom it is issued is responsible, and the monthly inspections by the Armourer, vide Rule 188 should ensure that muskets are always serviceable.

In addition, once every three months every musket 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 musket 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 Oxide bottles on their belts to enable them to clean their weapons daily.

192. 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 Inspector-General of Police and every musket 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 muskets 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 193 to 199)

193. Accoutrements.

(I) A list of accoutrements in use in given in the equipment table. Accoutrements are supplied for Head-Constables and Constables on indents to the authorised Contractors through the Inspector General. They must not be otherwise procured.

(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.

194. Whistles and Whistle calls.

(A) *Whistle* – Whistles of "Metropolitan Police" pattern, and lanyards of the same colour 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 town police, Railway police and River 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 _____
immediate assistance required. Other calls to suit local conditions (e.g., between beats in towns) may be instituted by district order.

195. 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 the Inspector General bat not otherwise.

(II) In despatching 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 despatched. A packing note, (I. A. Form Z-2097), containing the packer's name must be enclosed in the box, case or package in which the articles are sent.

196. 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 of the" district given in clause (II).

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

illegible.

(II) The following abbreviations should be used for the purpose of marking all ordnance and departmental stores except ammunition.

Cachar	..	..	CC
Goalpara	..	..	GL
Kamrup	..	..	KM
Darrang	..	..	DR
Nowgong	..	..	NO
Sibsagar	..	..	SG
Lakhimpur	..	..	LK
River Police	..	..	RP
Recruit Training	..	..	RT
School			
Assam Railway	..	..	AR
Police			

(III) Accoutrements should last for four years.

197. Cleaning of Accoutrements

The reserve officer is responsible that the accoutrements, boots and any other leather items in store are properly cleaned and dubbed. 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 dubbin or castor 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 dubbin until pliable, and then repolished.

The following recipe formomrogon 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.

198. The reserve stock book

A stock book shall be kept by every reserve officer in FORM No. 52 of Assam Schedule II 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.

199. 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 195.

(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 Inspector General of Police not later than the first of June (See also Rule 342 of the Assam Executive Manual).

(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 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 200 TO 201)

200. Camp Equipage.

The following supply of tents to be obtained through the Indian Stores Department is authorised by Government:-

(A) For Inspector General of Police:-

1. One Miniature swiss cottage tent (round ended) GE/TEX/T 21-12' x 12'.
2. One light Field service tent G/TEX/T. 41A - 10' x 8'.
3. One servants Pal G/TEX/T. 40 - 10' x 10'.

(B) For Superintendent of Police, Assistant Superintendent of police or Deputy Superintendent of Police in-charge of a Sub-Division.

1. One light field service tent G/TEX/T-41B-10' x 8', or one miniature swiss cottage tent (round ended) G/TEX/T. 21-12' x 12'.
2. One servants Pal G/TEX/T-40B-6' x 6' (Weight 20 seers).

(C) For reserve force and for the occasional use of Assistant and Deputy Superintendent of Police or sergeant major on deputation.

1. Two Miniature Swiss cottage tents (round ended or square ended) G/TEX/T-21A"-12'
2. Two servants Pals G/TEX/T-40B-10' x 10'.
3. One servants Pal G/TEX/T-40-6' x 6' (Weight 20 seers).

Authority – Government of Assam, Home Department, Memo No. HPL. 270/43/3, Dated the 5th August 1943) (IX-T/1-43).

201. 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 202 TO 224)**

202. 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 armoury, 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 Commissioners and Deputy Commissioners when 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. Commissioners or Deputy Commissioners may employ one or two constables if the strength of the reserve during their absence from headquarters.
- ii) To the Jail Superintendent with the sanction of the Deputy Commissioner in the case of sudden Illness of the warder staff for Jail cholera camps, and to attend at execution, if necessary:

Note - This does not refer to emergencies such as Jail mutinies or escapes of convicts for which such temporary guards as may be required by the circumstances will be given without delay.

- iii) To the Executive Engineer, with the sanction of the Deputy Commissioner when on tour, for the protection of Government treasure, of valuable crown property.

All other requisitions for guards will be referred to the 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.

(Correction Slip No, 185 dated the 2nd September 1938 has been incorporated).

203. Guards Supplied to private persons.

The foregoing rule does not apply to the supply of guards in cases actual or threatened breach of the peace, under Sections 13, 14 or 15 of the Police Act. 1861 (Act V of 1861) which are employed as Additional Police. The procedure as to deputation and recovery of the cost of Additional Police is given in Part II.

204. Application for permanent guards.

No requisition for the supply of a permanent guard shall be acceded to without a reference to the 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 Provincial 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.

205. 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 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.

206. 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 Inspector General of Police with a view to its adjustment against vacancies in other districts.

207. 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.

208. 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, *vide* Rule 1-51.

209. 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 behaviour 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.

210. Magazine and armoury guards.

The quarter guard over the Magazine and Armoury 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.

Authority - Assam Government letter No. H.P.L.-28/42/2. dated the 16th February, 1942 (I-F/32-41).

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

211. 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. (*vide* Rule 218-111).

(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 scrutinised, 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 roster 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 210, 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) When the nazir or any responsible member of the office establishment of the civil court does not reside in the close vicinity of the court house, the duplicate keys of the office should be handed over to the officer in-charge of the treasury guard, in a cover secured with the seal of the court. The officer in-charge will only deliver up the keys in the event of an alarm of fire, between sunset and sunrise, or upon presentation of a written order from one of the presiding officers of the courts concerned. This order shall be pasted into the roster book and preserved.

(vii) 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.

Note – The following modifications are made in respect of Treasuries and Sub-Treasuries which are not opened daily:-

For the first and second sentences of Rule 211 (I) read. "Whenever the guard is relieved, the relieving guard commander will go round with the guard commander relieved and will satisfy himself as to the secure condition of the locks and buildings under his charge".

In the first paragraph of Rule 211 (II) omit the words "or receptacles for treasure contained therein" and for "officer on duty" read "guard commander" and in the second paragraph thereof after "guard" in the fourth line insert the words "out side the strong-room door" and after "examined" in the fifth line, add the words "by the guard commander and the sentry".

(Correction Slip No. 73, dated the 26th August, 1935, has been incorporated).

212. 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 Sergeant Major 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.

Authority – Assam Government letter No. H.P.L.-28/42/2, dated the 16th February, 1942 (I-F/32-41).

- 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 10 rounds buckshot 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.

(Correction Slip No. 277, dated the 26th February, 1942, has been incorporated).

213. Relief of sentries and guards.

Detailed orders for relieving or posting guards and sentries are laid down in Infantry Training, Volume I, 1922, paragraphs 143 et seq, and will be adhered to. 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.

214. 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 accoutred 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 no 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 musket 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 muskets, 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 accoutred as set forth above and that each man knows all orders and rules regarding the duties of the guard.

215. Compliments paid by guards.

(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 of Divisions, Agri. Food Commissioner and other Development Commissioners.
- xv) Chairman, Board of Revenue.
- xvi) Police Officers of and above the rank of Deputy Inspector General Police.
- xvii) 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 turnout 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.

(Correction Slip No. 219, 220, dated the 2nd September, 1938, C.S. No. 62. dated the 15th August, 1935 have been incorporated).

216. 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".

When a subordinate officer of the Assam Rifles or Civil Police passes a sentry, the latter will come to attention.

217. 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 crown, both civil and military including commissioned officers of the Auxiliary and Territorial Forces, whom they can recognise. 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 on horse back will salute superior officers by placing the right hand on the bridle hand and then dropping it smartly to its full extent outside the right thigh.
 - vi) Officers any men or bicycles will salute by turning their heads smartly in the direction of the officers saluted.
 - vii) Salutes by officers and men will be returned by all officers present and not by the senior only.
 - viii) 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 "Royal salute" will be given to the President of India on all occasions on which he attends a parades.

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

- a) The Royal salute will not be given nor the National Anthem Played for the Governor of Assam when the President of India is in the same place as the Governor of Assam.
- 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:-
 - a) to the Governor of Assam when attending a parade other than those mentioned in preceding paragraph.
 - b) the Commissioner of a Division,
 - c) the Inspector General of Police.

(Correction Slip No. 221, dated the 2nd September, 1938 and C.S. No. 222, dated the 2nd September, 1938 have been incorporated).

218. The Roster.

A roster of duty in Form No. 105 of Schedule XL, (A) (part I) 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.

219. Rounds.

At Sub-Divisional headquarters the Circle inspector and in his absence the Court Sub-Inspector will keep up the round register, vide Rule 145 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.

220. Special guards.

A police guard providing one sentry will be mounted over the house in which an Hon'ble Minister or an "Hon'ble member of the Governor General's Executive Council" or "Hon'ble Ministers of other provinces on official visits to Assam" resides during his tour "Also police arrangements should be made at all big stopping stations during an Hon'ble Members passage through the province by rail, during his stay in the province and during his tour in or passage through the province otherwise than by rail".

(Authority - Assam Government Letter No. HPL-678/42/II, dated the 2nd June, 1943 (VIII-R/43'-42).

Superintendent of Police will issue instructions if special arrangements are considered necessary for the comfort of any of these officials, or the convenience of their work during their tour.

Information as to propose tours should be communicated by Deputy Commissioners to Superintendent of Police as soon as the tour programmes are received in order to enable the latter to make the necessary dispositions.

(Correction Slip No. 223, dated the 2nd September, 1938, Correction Slip No. 281, C.S. No. 288, dated the 4th June, 1943 and C.S. No. 296, dated the 29th August, 1944 have been incorporated).

221. Guard of honour.

(a) To the President of the Union, the Governor of Assam 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 ball 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 Sergeant Major and 50 rank and file.

Note – If a Sergeant Major is not available the Armed Police Sub-Inspector should command the guard.

When a number of Police available in the station will not admit of the guard being of the Prescribed strength, the Superintendent of Police should report to the Inspector General of Police for orders.

Guards of honour will be supplied only at the headquarters of Districts and Sub-Divisions.

(b) To Hon'ble Prime Minister of India, Hon'ble Minister of other States on official visit to Assam and Hon'ble Ministers of the State of Assam subject to the limitation that more than one guard at the same place need not be provided within one month to the same Hon'ble Minister of the State of Assam, and no guard shall be provided if the Hon'ble Minister of the State of Assam intimates that the courtesy may be omitted.

A guard of honour of two head constables and 12 constables will be detailed to attend the arrival at and departure from the Head Quarters Station of any district or sub-division.

All guards of honour will be draws up in open order and when the official for whom the guard is posted has arrived within 25 Paces, or in the (cases of arrival by steamer or train) has alighted will present arms.

If the times of arrival and departure of the Hon'ble Ministers are not published in their tour programmes in the official Gazette it will be understood that Guards of honour are not required. When the times of arrival or of departure and the place (e.g. Railway Station, Steamer ghat or Circuit house) are published in the tour programme, this will

indicate that a Guard of Honour is required, and the guard will then be mounted at the time and place indicated in accordance with standing orders.

The Superintendent of Police, or in his absence, the senior Police officer present at headquarters is responsible for security of the tour programmes in the official Gazette.

In all cases the Superintendent of Police should be present, or if unavoidably absent, the senior gazetted officer should be present.

(Guards of honour are not furnished between sunset and sunrise)

(Correction Slip No. 226, dated the 2nd September, 1938, C.S. No. 225, C.S. No. 224, and C S. No. 340 dated 18th April, 1951 have been incorporated).

222. Public Arrivals.

Before the public arrival of any high officials it is the duty of the Superintendent of Police to visit the railway station or 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. Barriers can generally be procured on requisition from the railway or steamer companies. Should tickets for arrivals or public functions be issued, responsible officers must be appointed to scrutinise 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 these functions should be practised 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.

223. Mounted escort.

On state occasions or at public arrivals should carriages be used by the president of the Union, the Governor, one or if possible, two mounted police officers should ride 50 yards ahead of the carriage on 30 yards ahead of the mounted escort:-

- (i) The Superintendent of Police or Police Officer-in-charge will ride with his horse's head dressing on the door of the right side of the carriage and the Assistant Superintendent of Police in a similar position on the left with their swords at the carry.
- (ii) When only one officer is available for this purpose, he should ride on that side of the carriage on which the official to be escorted is seated.
- (iii) Should there be a military or mounted volunteer escort the officer-in-command and the second-in-command will ride as directed in (i) and the Superintendent of Police and his assistant will ride out side and slightly in the rear of these officers on either side, but on these latter occasions they should not draw swords.
- (iv) It will be the duty of the senior Police Officer accompanying the carriage to arrange before hand with the officer commanding the escort that, on the event of any attack being made on the carriage, one officer and at least one mounted man of the escort should be told off to gallop after and secure the offender in company with the police officer. The remainder of the escort and the other police officer will close round the carriage.
- (v) In cases in which there are two police officers only and no escort the senior will arrange before hand which officer will stay with carriage and which will attempt to arrest the offender.
- (vi) Where there is only one officer he must use his own discretion according to the circumstances of the case remembering that mounted man can always make his way through a crowd while a man on foot cannot always do so.

224. 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 behaviour 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 – “Specific orders as to the method of escorting the Governor of Assam, Hon'ble Chief Minister and Hon'ble Ministers of this state are sent to the Superintendent of Police from time to time by the Deputy Inspector General of Police, Criminal Investigation Department, which should be carefully read in conjunction with this rule and strictly followed”.

No. HPL-28/52/2, dated the 26th February, 1952. A. G. P. (Police) No. 64/61-800-17-4-1952.

(Correction Slip No. 344, has been incorporated).

GENERAL RULES FOR ESCORTS (Rules 225 to 246)

225. Officers competent to indent for escorts.

Only the officers named below are competent to indent for an escort or guard:-

- 1) Commissioners.
- 2) District Officers.
- 3) Settlement Officers.
- 4) Sub-Divisional Officers.
- 5) Superintendent of jail.
- 6) Treasury Officers.
- 7) Assistant Currency Officer-in-charge, Officer in-charge, Reserve Bank of India, Gauhati.

Other officer requiring escorts must apply to Deputy Commissioner with reasons in support of the demand.

(Correction Slip No. 330, dated the 27th October, 1949 has been incorporated).

226. Requisitions for escorts.

Requisition should be made in Form No. 106 of Schedule XL (A) (Part I) books of which can be obtained from Superintendent of Police. A separate indent is necessary for each escort required. It must be stated clearly on the Form when any dangerous prisoners or any prisoners requiring special arrangements are to be escorted.

227. 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.

228. 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 Inspector General by telegram applying for his assistance in the matter.

229. 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 by Rule 232 will forward it with tile officer commanding the escort to the accountant for payment of actual expenses unless the escort

is travelling on a railway or steamer warrant.

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

"So far as arrested persons required by other states/Union Territories (except West Bengal) are concerned, such expenditure will be borne by the District Magistrate of the district in which the arrest are effected."

230. 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 and lanterns as may be required.

(ii) The reserve officer will give a command certificate in Form No. 90 of Schedule XL (A) (Part-I), 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, the number of the railway warrant 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.

231. 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.

232. Strength of escorts.

The scale prescribed for escorts for prisoners and treasure by road, country boats, rail and steamer are given below:-

- (i) Prisoner by road and Country boat:-
Constables Fifty percent of the number of Prisoners, Sub-Inspectors and Head Constables as required. Minimum escort 3 men.
- (ii) Prisoner by rail and steamer:-
Constables Thirty-three percent of the number of prisoners, Sub-Inspectors and Head-Constables as required. Minimum escort 2 men.
- (iii) Female prisoners when escorted single should be accompanied two constables, one of whom should be selected for his age and responsibility of character.
- (iv) Treasure and stamps by road or country boat :-
- | | | | |
|--------------------|--------------|----|------------------------------------|
| Sums not exceeding | Rs. 150/- | .. | 1 Constable |
| " " " | " 1,500/- | .. | 2 Constables |
| " " " | " 10,000/- | .. | 1 Head-Constable and 3 Constables. |
| " " " | " 1,00,000/- | .. | 1 Head-Constable and 6 Constables. |

Above a Lakh

.. 1 Sub - Inspector, 2 Head-Constables and 12 Constables.

These strengths prescribed are not exhaustive, and may be increased as occasion may necessitate. The strength of escorts for private remittances will be calculated on the same basis, but no escort of less than 1 Head-Constable and 3 Constables will be given for a private remittance.

“For escort of treasure by air, the scale is 1 Head-constable and 1 Constable during flight, but full strength of escorts will be given for guarding the treasure from the treasury until departure 'of the aircraft, and again from arrival at the Airfield to the receiving Treasury”.

(Correction slip No. 338, dated the 19th December, 1950, has been incorporated).

233. 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.

234. 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 muskets and bayonets. Each Head-Constable and Constable will also carry, 10 rounds of ball and 5 rounds of buckshot.

(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.

235. Lanterns for escort parties.

When one or more nights be expected to intervene before the escort arrives at its destination one hurricane lantern for every ten men will be given to the officer in-charge of the escort. Oil or funds to procure it, will be made over to the officer- in-charge of the escort by the police department for use during the journey. Great care must be taken of these lanterns and they must be returned when the duty is completed. In every place, hut or tent, where prisoners are confined or treasure guarded during halts, and at every place of detention on railway owing to change of trains or steamers, etc., at night a hurricane lantern will be suspended so that the treasure or prisoners may be in full view the whole time.

236. Routes to be taken by escorts.

As a rule railways and the steam navigation lines should be utilized as much as possible and 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.

237. 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 or country boat 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.

(ii) Escorts whose journey is entirely by rail or steamer, or a combination of rail and steamer, will not be relieve en route, and will only be relieved at the station where the rail or steamer journey terminates if the journey to destination

has to be continued by rail or country boat for a distance exceeding five miles.

Note – For the purposes of this rule a journey by a recognised motor service is considered to be a journey by rail.

B. *Escorts arriving from or proceeding to Bengal* – (i) Escorts proceeding by road or country boat will be relieved at the several district head quarters en route.

(ii) Escorts proceeding by rail to West Bengal from Assam, will be relieved by the West Bengal Police at Alipur Duar, in Jalpaiguri district and the Superintendent of Police, Jalpaiguri will have to be addressed for providing necessary relief.

(iii) Escorts entering Assam by Rail will be relieved by the Assam Police at Fakiragram, in Goalpara District and the Superintendent of Police Goalpara, will have to be addressed for providing necessary relief.

Inter State escorting of accused persons.

(iv) Whenever any proclaimed offender or any other accused person residing in a State Union Territories is arrested by the Police or that State Union Territories (except West Bengal) on the requisition from the District Superintendent of Police or any other State/Union Territories (except West Bengal) the District Police who arrest that person, will be responsible to escort him to the place where from he is wanted. The State/Union Territories sending the under-trials involved with necessary escorts will bear all the charges. Scale of such escort should be as laid down in Rule 232 of Assam Police Manual Part III. Charges relating to such escort shall be borne by the Police Department, and those on account of arrested persons as distinguished from the escort, shall be paid by the District.

A.G.P. (Police) No. 8/50-800-10-1-1951.

(Correction slip No. 333. Dated 9th August 1950, has been incorporated)

238. 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 despatching 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.

239. Payment of fares.

The Superintendent of the Jail which the prisoners are despatched will pay the fares or grant a warrant for the prisoners and Jail servants for the entire journey both by rail or by steamer.

The same principle holds good in the case of treasure. Treasury servants, lunatics and opium, etc

240. Accounts of advances.

The officer-in-charge of an escort will keep an account of all expenditure on account of the convicts etc. escorted and whenever that expenditure is made at any police station or out post or other Government establishment. the officer-in-charge of such station, etc., will attest such expenditure on the above account.

The officer in-charge of an escort will on reaching his destination render a detailed account of the funds entrusted to him to the Superintendent of the receiving jail or to the treasury officer.

241. 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 or steamer must post one or more sentries and arrange for their proper relief at all times.

242. 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 dusk or at night except under special instructions.

242-A. Safe custody of un-disbursed Government money or treasure in the B.O.Ps/out posts of A.P. battalions.

Notwithstanding anything contained in Rules 232, 241 and 242 of the A. P. Manual Part III, the officer escorting un-disbursed Government money or any treasure from the A.P. Battalion Headquarters to B.O.Ps. Out-Posts should invariably follow the instructions contained in those rules for safe custody of Government money.

Disbursing officer should ensure that the strength of escort is adequate. The officer-in-command of the escort will be jointly responsible with the officer-in-charge of the B.O.P. or Out-Post of high halt en route for the safe custody of Government money which should be kept in the Magazine or a Guard room mounting one or more sentries as considered adequate. Under no circumstances the officer escorting Government money to a B.O.P. or Out-Posts should travel by road at night.

(Correction Slip No.6, dated the 27th March, 1973, has been incorporated).

243. 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.

244. 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. The officer in-charge will place himself in rear of the prisoners. 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 unauthorised persons with prisoners or drivers of bullock carts or animals carrying treasure be permitted.

245. Attacks on escorts parties.

The rules regarding attack on guards will also apply to attacks on escorts.

246. 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 cost of the telegram will be borne by the Police Department. 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 boat or 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 out post 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) In case of sickness on steamer journeys recourse should be had to the medical assistance available on board the steamer, and the officers in-charge of the escort will be guided by the advice of the medical officer.

(iv) 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 247 to 264)

247. Packing of treasure.

The following precautions have been ordered by Government to be adopted in packing and despatching

treasure and are laid down below for the information of Police Officers who are intimately concerned in their except execution. The instructions apply equally to cases of despatch 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 tumbrils or in large chests placed in carts at the door of the treasury in the presence of the treasury officer.

For journeys by rail or boat or (if convenient) by road, they should be packed in stout boxes capable of containing Rs. 4,000 to Rs. 6,000 each, screwed and bound with iron, without gunny covering or ropes, as the hoops should be riveted together where they cross; every box should have the name of the treasury of despatch out into or painted on it and a number.

248. Custody of keys of treasure chest, etc.

If any chest tumbril 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.

249. 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.

250. Invoices of treasure.

Invoices will be prepared in triplicate by the treasury officer who will give the marks on every tumbril 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 tumbril 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 _____ tumbril (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 despatched 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.

251. Remittance of specie by road and in the hill districts.

The following rules regarding the escort of specie by road and in the hill districts should be observed:

- (i) Whenever and wherever possible treasure will be carried in country carts or tumbrils. Where this is impossible, ponies, bullock or mules will be employed, one spare animal being taken in case of accidents. When such animal are not available boxes will be carried by coolies, each box to contain 50 Lbs of specie. The coolies should not be roped together but the other rules regarding the escort of prisoners by road must be enforced. Special care must be taken that no straggling of animals or coolies is allowed and that by night all boxes are safely secured in a police station malkhana or lock-up or a secure house. Two sentries with two lights will be placed on duty, one on either side of the house. Half of the escort will be told off to march on either flank of the carts, animals or coolies. Half of the remainder will act as an advance guard and the remainder will march under the officer-in-charge in the rear of the treasure.
- (ii) At each encamping ground the carts must be packed in a compact square, yokes out ward, being a narrow path between each line of carts, and the bullocks will be fastened to the front of each cart.

- (iii) The officer-in-charge will march with the escort and he and the senior constable will see the sentries posted as laid down in Rule 214.
- (iv) Where motor transport is available, this may be used provided that at least half the escort is able to ride on the vehicle carrying the treasure, and the remainder (if any) on another vehicle immediately behind.

252. Escort of treasure by boats.

- (i) When boats are used for escorting treasure or prisoners they should be provided by the requisitioning authority.
- (ii) Boats must on no account be more than 20 years apart when travelling, and when anchored must be tied together bow and stern.
- (iii) At least four constables should travel in each boat two in front and two behind the roofed in portion.
- (iv) The officer in-charge of a party escorting treasure by water should be particularly careful to see that the ropes and buoys attached to the treasure boxes to each box are coiled on the top of each box and not wrapped round or mixed or in any way knotted or entangled with anything or each other.

Note – The buoys will consist of floats of bamboos not less than 3" in length, and secured to the treasure boxes by ropes of sufficient length, the ropes being coiled in such a way that should the boat sink the bamboo floats will remain on the surface to indicate the position of the boxes.

- (v) Should any boat or a steamer sink, the escort must remain on the spot, till relieved or till the treasure is recovered.

253. Strength of escort when treasure is conveyed by railway or steamer.

In any case where the railway company or the steamer company, accepts responsibility for the safe delivery of treasure not exceeding half a lakh the guard will consist of one Head Constable and three Armed Constables, but when it exceeds half a lakh but is less than one lakh the guard will consist of one Head-Constable and six Armed Constables, a full escort between the steamer stations and treasuries being provided. If the treasure is conveyed on the sender's risk, these strengths may be increased at the discretion of the Superintendent of Police.

When remittances are sent by steamer the weight of each box must be taken and noted at the time of its receipt on board the steamer. This should be done in the presence of the agent (if there be one) who is to accompany the treasure on behalf of the treasurer.

All remittances of nickel, bronze or copper coin intended for despatch by rail should be sent at railway risk unaccompanied by escort or pottadar when such remittances are sent along with notes or silver the strength of the escort and the number of pottadars should be determined solely with reference to the notes or silver.

"In case of districts which are linked by regular air services, and where the sums to be escorted are large and the cost of escort less than that of travelling by surface routes the journey should be performed by air and the strength of escort will be as laid down in the Assam Police Manual Rule 11-232, for air escorts".

A. G. P. (Police) No. 18/~800-28-5-1951.

(Correction Slip No. 339, dated the 19th December, 1950 has been incorporated).

254. Instruction to officers of police escorting treasure by rail.

The following instructions govern the escort of treasure by rail. The instructions should be printed in English and the vernacular, and a copy of containing both the English and the vernacular version "together with as many blank receipts as there will be relief" must be handed over by the treasury officer, "and take a receipt therefore" at the despatching station to the officer-in-charge of any escort who will travel in-charge of treasure, the copy being transferred by him to the officer in-charge of the relieving guard, if the escort, is relieved at any point of the journey, Officer commanding escorts are responsible for strict and undeviating adherence to the instructions.

- (i) The escort officers will see the boxes of notes and coins weighed or in the case of chests or tumbrils containing bags of coins, will count the number of bags. He will sign the receipt at the foot of each copy of the invoice; the blanks will be filled up in words, and if the escort officer be ignorant of English, he should be required to write the number of bags or boxes which he has received in the vernacular on the copy of the invoice to be retained by the Treasury Officer.
- (ii) The escort should be accommodated in a brake van attached to the treasure van, or in the end compartment of the carriage next adjoining the treasure van, and the door of the escorts carriage should

never be locked.

- (iii) The officer-in-charge of the escort will telegraph to the receiving officer the number of the train conveying the remittance, and its hour of departure, and will also telegraph en' route if any change in the train has been made, or anything has occurred to delay its arrival.
- (iv) An officer relieving such an escort will see that the numbers of the wagons agree with those given in the blank receipt tendered for his signature; that the locks are secure and that the locked doors of the van cannot be opened.
- (v) The officer-in-charge of a treasure escort will be provided with lantern which will burn all night, and should cause a sentry to alight at every alternate stopping place, and, ascertain that the locks have not been tampered with. During any stoppage of five or more minutes two sentries must remain on duty, one on either side of the treasure wagons; if there be several such wagons it will suffice to tell off four men who will stand two on either side of the wagons.
- (vi) In case of a breakdown separating a convey of prisoners or of treasure, or of a wagon being detached on account of accident or heated axles, the officer in-charge, should separate his party attaching himself to the disabled portion, if any, and should be careful that the keys are rightly divided. In such cases he should telegraph the facts to the relieving escort, to the Railway Police and if necessary to the nearest Superintendent of Police en route for assistance.
- (vii) On delivering the boxes at the treasury to which they are addressed the officer-in-charge will obtain a receipt in Form No. 149 of Schedule XXXIX for “ _____ bags said to contain _____ Coin to the value of Rs _____ or for _____ boxes with marks and weights detailed in the invoice said to contain Coin to the value of Rs _____”. If any box be short in weight or shows signs of having been tampered with it should be opened in the presence of the escort officer ; otherwise he should be allowed to return at once.
- (viii) The form of receipt to be used by a Relieving Escort will be in Form No. 150 of Schedule XXXIX and will run this:-

"Received charge from _____ Police office of _____ district of Railway, wagon no _____ said to contain _____ boxes aggregating Rs _____ (and so on). The wagons are duly locked and one key for each madeover; receipts to be given by other relieving escort are also acknowledged."

The relieving escort must invariably see that the numbers on the wagons agree with those given in the receipt, that the locks are secure and that the locked doors of the van cannot be opened. The number and contents of each wagons should be detailed in case of breakdown. The receipt should be in English if the Police Officer is acquainted with the language; otherwise in the officer's vernacular.

- (ix) In all cases in which there may be reasons to suspect that remittance has been tampered with, either from external appearances or from a discrepancy between the description and weight of the boxes and the particulars given in the invoice, it should be opened and examined forthwith in the presence of the Treasury Officer:, and if possible, of the officer in-charge of the escorts. Strict enquiry should be instituted in the event of any deficiency being discovered, and the result reported immediately by the Treasury Officer to the remitting officer, to the local District Magistrate, Superintendent of Police and to the currency officer, Reserve Bank of India, Calcutta.
- (x) Whenever any breach of these rules occurs, the officer-in-charge of the escort must insist on the treasure van being detached from the train and should immediately telegraph the fact to the Remitting Officer, to his own departmental superior and to the Traffic Manager of the Railway.
- (xi) The officer-in-charge of the escort will present the command certificate for examination to the remitting Treasury or Bank Officer before the remittance is handed over to him. He should also present it for examination to the Treasury or Bank Officer after taking charge of the treasure. The latter will satisfy "himself that he is taking over the treasure from the officer named in the command certificate and will at the same time check the strength of the escort with that stated in the command certificate, nothing any difference he may find. When all is correct he will merely sign the certificate.
- (xii) When a potdar accompanies a remittance, he is responsible during the whole course of the journey for

the contents of the boxes and the police guards act as escort. The potdar will not interfere in any way in the performance by the escort of its legitimate duties, but he must be permitted to satisfy himself that all necessary precautions are being taken. In the event of damage occurring to a box it is the duty of potdar to take over any coin that may fallout and to verify the contents and repack the box if repacking become necessary. The officer-in-charge of the escort must not permit the potdar to be interfered within the execution of his duties.

255. Deleted.

256. Deleted.

(Correction Slip No. 328, dated the 21st June, 1949, C.S. No. 297, dated the 4th November, 1944 and C.S. No. 227, dated the 2nd September, 1938, have been incorporated).

257. Doors of Railway van containing treasure to be locked.

When Government treasure is loaded for despatch by rail the doors on the left or outside of the van should be safely secured from the inside and all doors that can be opened from the outside should be secured by good padlocks supplied by the Treasury Officer. The officer-in-charge of the escort will have to obtain a receipt for these padlocks from any guard which may relieve him, or from the Treasury Officer of destination.

If such a course is feasible, the station master at the despatching station should be asked to rivet the doors also.

"When a separate vehicle is used it must be locked on both sides and the keys must be in possession of the officer-in-charge of the escort."

- 1) Loading, unloading and transhipment of treasure carried a luggage or in reserved passenger compartments or carriages must be done by the owners. The coolie charges for handling of such treasure en-route may be paid by the accompanying potdar on a maundage basis at a rate per maund fixed by the Deputy Commissioner of the District concerned on the basis of local conditions or labour prevailing from time to time.
- 2) Loading, unloading and transhipment of consignments of treasure booked in charge of escorts in separate vehicles will be done by Railway staff under the supervision of the escort."

(Correction Slip No. 297, dated the 4th November, 1944 has been incorporated).

258. Remittance of currency notes by rail.

When currency notes are sent by rails, the strength of the police guard will be determined by the police authorities but a minimum of not less than one Head constable and three constables of the Armed Branch will be detained for the duty. The packets will be carefully packed in sealed parcels or boxes. Provided the value of the remittance is small, the boxes used are also small and the whole journey can be completed in day light the guard may take the boxes in the carriage with it.

The Police Officer-in-charge must sign the original invoice sent to the Treasury Officer to whom the notes are consigned as well as the copy kept for record. The Police Officer has not to Count the notes and his signature is only a receipt for a packet said to contain certain notes.

(Correction Slip No. 297, dated the 4th November, 1944 has been incorporated).

259. Escort of remittance by munsifs and others.

(i) District remittances, i.e., remittances from one place to another in the same district, are ordinarily to be made twice in each month only, one such dates as may be determined by mutual arrangements.

(ii) Where Munsif's court exist the dates in each month on which the money will be made over to the Police for transmission to the treasury will be fixed by the judge.

(iii) On the day appointed, a Police officer with a guard will proceed to the Munsif's court. The money will then be counted in the presence of the Officer Commanding of the guard and placed in a bag, which will then and there be sealed and madeover to the guard who will forthwith proceed with it to the treasury or sub-divisional treasury. The officer commanding will be furnished with a memorandum of the amount. The Police officer will cause the bag and seal to be inspected in his presence by the treasury officer to whom it is addressed and while held responsible for the total amount in the bag, he will not, provided the bag and seal show no signs of having been tampered with; be called on to replace any light or spurious coin that it may contain.

(iv) The above rule applies only to small remittance made by Munsifs in bags; larger remittances will be

sent more securely packed. If a remittance be in copper coin and exceeds six seers and one quarter in weight, or of coin over Rs. 500 in value, Coolie labour should be employed and paid for by the Munsif. Should any necessity arise for a second remittance during the month the same course will be pursued.

260. Remittance of postal money by police escort.

Rules for giving notice to Post Masters of escorts passing between stations and headquarters will be found in Rule V-63.

In special cases when large sums have unexpectedly to be sent to any office, the head of the local post office may ask the Superintendent of Police for a special escort, and when this can be given without interfering with other work it should be supplied on payment and the cost will be recovered under Assam Police Manual, Rule 11-84.

It must, however, be distinctly understood that this Rule confers no right to indent for escorts.

261. Arrival of treasure on holidays.

Treasury officer not refuse to receive remittances on the ground that the day is an authorised holiday. They should, however, remember not to despatch 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.

262. Arrival at treasure at night.

When a treasure sent by rail arrives at the destination at night it should not, if it is in a special wagon, be treasure is in a brake-van or on a steamer and unloading at night is unavoidable the escort sent to the station should be rather larger than the minimum scale laid down for the escort of treasure by road.

The part of the station or land where the treasure is being moved should be carefully lighted. After unloading it will be kept in the safest available place (a railway police station, if possible) and sentries properly mounted over it until the next stage of the journey commences.

263. 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 despatch the tumbrils, chests, etc., should be sent back under its charge; coolies cart hire and freight being paid by the treasury.

264. Escort charges.

The travelling allowance and other incidental expenses of police escort employed in connection with the remittances of treasure including the escort of treasure required by disbursing officers of the public work department will be met from Federal Revenues, and be debited to "38-currency-charges for remittance of treasure."

A separate record must be kept of such charge in the contingent Register and the charges drawn on separate bills prominently marked in red "Debitable to 38-Currency". Before such bills are drawn they must be accepted by the officers sending the remittances.

**Prisoners Escorts
(Rules 265 to 281-A)**

265. 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, bazars 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 Reserve Officer 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.

266. 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.

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.

267. 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 European Police Officer and the Superintendent of Police will, in consultation with the jail or Magisterial authorities, determine the strength of the guard.

268. 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 and labour tickets 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.

269. Escort of lunatics.

Before a lunatic is despatched 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 despatch, 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.

270. 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.

271. 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 or River. 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.

272. 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*.

273. 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 carts.

274. 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.

European military prisoners and military insanes will be carried in second class carriages which, being compartments, will not require to have iron frames attached for purposes of segregation.

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.

275. 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 Provincial 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.

276. Railway Police lock ups to be utilised 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.

277. 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 ID 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 cognisance 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.

278. Escorts of prisoners by Steamers.

(i) The rules regarding escort of prisoners by rail will, as far as possible, be applicable in case of escort prisoners by steamer. Prisoners sentenced to more than six months, rigorous imprisonments, prisoners pending trial for serious offences who have previous convictions and every prisoner or lunatic who is reported to dangerous and fettered in Jail, should be put in leg shackles as well as hand-cuffs. At night a light chain should be passed through the fetters of each prisoner and the ends tied to the sentry, or the ends padlocked to stanchions. The escort commander will

make a written request to the jailor to provide leg shackles in such cases.

(ii) A chain should also be used whenever a prisoner goes to the latrine, the end of the chain being passed under the door.

(iii) On river steamers the officer in-charge of the escort will report all circumstances connected with the convicts in his custody to the commander of the steamer or flat to whom he should apply in all difficulties for advice and assistance, and from whom he will receive all orders necessary for the safe custody and well being of the convicts.

279. Escort of prisoners by Boat.

The same rules will apply *mutatis mutandis* as for the escort of prisoners by road, and of treasure by boat.

280. 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 despatched.

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.

281. 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.

281-A. Payment of conveyance and other incidental charges of under-trial prisoners sent from one province to another.

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

**MISCELLANEOUS ESCORTS
(Rules 282 to 285)**

282. Weekly escorts to and from sub-divisions.

(i) To avoid indents by sub-divisional officers and munsiffs 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, other than the regular weekly ones, they should be informed that they are to indent on the 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.

283. March of troops through districts and the duties of the police in connection therewith.

(a) If the Deputy Commissioner, on receipt of information that troops are to march through his district indents to detail a police officer to accompany them he will ask the Superintendent of Police to depute an officer for the purpose.

(b) The Superintendent of police on receiving this requisition, will at once depute an officer with a sufficient body of police to join the troops as they enter the district and to remain with them until they leave it. The Officer so deputed will report himself to the Deputy Commissioner for orders.

(c) The Superintendent of Police will be careful to depute men of tact and judgement on this duty; and officers in charge of police stations and out posts on or near the line of march should be instructed to attend any requisitions made from the police officer with the troops and be on the alert as to the movements of the bad characters in the neighbourhood of the line of march of the troops. Officer in-charge of police stations or outposts should call on the officer commanding the troops when in their jurisdiction and enquire if they be of any assistance to him.

(d) If the troops marching through the district are Indian Infantry or cavalry and the services of the police are requisitioned it will be sufficient to depute an Indian Officer in command of the police. But if the troops are European, however, small the body, an European officer is invariably to be sent on this duty, if any such officer is available: if no European is in the district, application for assistance should be made to the Inspector General of Police. In the last resort an Indian Inspector must be employed.

(e) The strength of the police when required to be detailed will be as follows:-

(i) One Armed Branch Inspector (Sergeant Major) two head constables and ten constables for every English regiments, cavalry and infantry.

N. B. - A party of one head constable and five constables will proceed in advance with the baggages to the next camping ground, and the Inspector and one head constable and five constables will remain with the camp.

(ii) For every battery of artillery, one Armed Branch Inspector (Sergeant Major) one head constable and six constables.

iii) One Sub-Inspector one head constable and six constables for every Indian infantry or cavalry regiment.

The Following memorandum of Instructions on the subject issued by the Government of India is reproduced below for the guidance of the police department –Memorandum of instructions for collectors or Deputy Commissioners With regard to troops marching through district under their jurisdiction :-

1. (i) On receipt of informations that troops are to march through the district or his jurisdiction. the Collector or Deputy Commissioner concerned will detail a police officer or other officer to accompany them and take steps to prevent the irregular sale of liquor or fruits to the troops, on or near the route, and exclude from the camp or its vicinity all women of loose character.
- (ii) The official will report himself to the officer commanding the troops the day before the troops enter the limits of his jurisdiction and remain with them until they leave it.
- (iii) He will be the medium of communication in his district between the officer commanding the troops and the subordinate civil officials and inhabitants generally and will give all the assistance in his power to the officer commanding the troops.
- (iv) He will settle, in communication with the officer commanding, all disputes with the inhabitants, or with any transport establishment engaged by the civil authorities, within his power, and be responsible for reporting cases beyond his powers to his superiors.

- (v) He will be provided with written instructions by the collector or Deputy Commissioner defining his duties and powers which he will show to the officer commanding the troops.
 - (vi) If irregularities committed by the troops are not discovered until they have proceeded outside the limits of the jurisdiction of the collector or Deputy Commissioner he will send a full report of the occurrence to the General Officer commanding the Brigade area in which it occurred, who will investigate the matter and take all necessary action for its disposal.
2. (i) Rationing arrangements for all troops and animals are made by the Indian Army service corps under the orders of the General officer commanding concerned. A suitable detachment of supply personnel will be in supply charge of units whilst on the march. The civil authorities may be called upon to provide supplies of the kind mentioned in Indian Army Form S-1526, and such articles as are not ordinarily kept in stock (e.g., sheep, fowls and eggs) or which are rapidly perishable (e. g., milk); other ration articles the civil authorities cannot be called upon to provide.
- (ii) When the assistance of the civil authorities is necessary, and in the cases of pre-arranged marches, i.e., when such marches are not due to a sudden emergency, the General officer commanding concerned will detail an advance party consisting of personnel of the supply service, or of the unit marching, to go ahead of the troops and associate themselves with the civil official in the purchase of supplies. The civil authorities should be informed that an advance party is being sent to assist in the necessary purchases.
 - (iii) All indents of the civil authorities for the class of articles which they are required to supply, should be preferred on them a fortnight before they are actually required. Any changes in dates, routes or quantities of supplies must be communicated at once to all concerned. Losses due to these circumstances will only be borne by the Government when the competent financial authority is satisfied that they were unavoidably due to circumstances beyond the control of the responsible authority or unit. Losses due to excessive estimates will be borne by the unit responsible.
 - (iv) To enable the civil officials to purchase supplies, the military authorities, when submitting their indents for supplies, will arrange to pay in advance to the responsible civil authorities a sum to cover the cost of the supplies requisitioned. This advance will be obtained from the controller of military accounts concerned. If time does not permit of an advance being obtained from the controller of military account, it should be obtained from the civil treasury on the authority of a station order as provided for in paragraph 42, Army Regulations, India, Volume III.
 - (v) The advance party is responsible for the actual acceptance of supplies, the passing in of which should be done in the presence of the civil official. Rejections should only be made when the articles tendered are unfit for consumption due to their being below the standard usually consumed by the persons or animals for whom they are intended. Supplies which have been accepted by the advance party will not be subject to further passing in; the decision of the officer commanding the advance party being final. If the supplies become unfit for consumption owing to the late arrival of the unit or to causes outside the control of the supplier, a receipt for the supplies must be granted by the officer commanding the troops to the civil official concerned.
 - (vi) The military officer who takes over supplies from the civil official will furnish the latter with a receipt for the supplies actually received, and will send a duplicate of this receipt to the military authority responsible for the submission of the original indent with a view to the sum advanced to the civil authorities being adjusted by the controller of military accounts concerned.
 - (vii) When supplies of a quality inferior that of which might reasonably have been expected are provided, a report to this effect will be made by the officer commanding the troops to the district civil officer.
 - (viii) If shops are, or can be established, on or near the camping ground, articles such as sheep, fowls eggs, milk etc., will be retailed by the Shop Keepers ; if shop neither exist nor can be arranged for these articles will be supplied in the usual way and arrangements made for their retail issue and the subsequent disposal of any surplus.
 - (ix) In the case of marches due to sudden emergencies when sufficient notice of the arrival of a unit in district cannot be given or an advance party sent ahead of the troops, and the supplies have consequently to be arranged by the civil authorities in a hurry, the Indian Army Service Corps Officer,

or, in his absence the officer commanding the troops, should bear in mind the following factors before rejecting the supplies arranged for by the civil, authorities :-

- (a) the notice given and the circumstances in which the supplies are purchased.
- (b) the quality which might reasonably be expected in the district traversed.
- (c) whether the supplies are fit for consumptions though below the usual standard.

In the event of it being necessary to reject supplies on account of unfitness for consumptions the officer commanding the troops will furnish to civil official concerned with a statement showing the nature and quantity of supplies so rejected and will furnish a duplicate copy of the statement to the military authority originally responsible for making the demand who will arrange with the controller of Military Accounts concerned to obtain a refund from the civil authorities in respect of such supplies.

- (x) The officer commanding will be responsible that whenever any article is taken without payment, or when dasturi is exacted the responsible person is severely dealt with.

He will cause the officer of the day to visit the bazar, frequently to see that the guard or military police, which should be posted thereon, are doing their duty and that no irregularities are permitted. The Officer commanding will ensure that he is readily accessible to any official or inhabitant who may be desirous of lodging a complaint.

- (xi) The civil supply official should report to the officer commanding each evening whether any claims remain unsettled, and if so, the latter will personally see to their immediate settlement. The civil official should endorse all receipts given for payments made and the officer commanding should not accept receipts unless so endorsed.
- (xii) Individual or small parties will ordinarily purchase their own supplies from bazars. If any assistants is required, they will apply to the local police officer.

284. Liquor or opium escort.

(a) Police will escort liquor in bond or opium on transit to the distilleries, breweries, or warehouses when required.

(b) These escorts will be armed with batons only, and their strength will be fixed according to the scale given below:

By land-a man for every two carts.

By water-a man for every boat.

(c) Ordinarily, a head constable need not be supplied, but the senior constable of the party will be in charge, and will give a receipt for the number of casks, crates, cases, or vessels which may be made over to him.

(d) The excise department will issue instructions that consignments may be so timed as to fall in with existing escorts arrangements, so that indents on the police for special escorts may be avoided as far as possible.

285. 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. Diet money shall be calculated at a rate not exceeding four annas per diem according to the number of the days which the escort will take in going to and returning from the court.
- (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 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) On the completion of the duty for which the escort was detailed the Superintendent of Police supplying it shall, if the presence of the prisoner ' was required in any civil matter, submit a bill to the court from which the requisition proceeded for the cost of the guard and for the actual expenditure incurred by them on account of carriage by land or water, if the journey is not performed entirely on foot. The cost should be calculated in accordance with the last paragraph of Rule II-84. A separate bill shall also be forwarded by the Superintendent of Police for diet and travelling expenses of the prisoner or prisoners should no advance have been made on this account. To enable him to do so, the officer in-charge of the jail from which the prisoner was transferred shall furnish him with an account of the expenses incurred.
- (h) All sums received in payment of these bills shall at once be paid into the treasury of the district from which the escort started, to the credit of Government as a receipt, either of the police or jail Department according as the amount is paid on account of the escort or of the prisoners.
- (i) 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).
- (j) 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. |

Rule 285

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."

RAILWAY WARRANTS (Rules 286 to 290)

286. Rules regarding the issue of railway and steamer warrants.

(i) Railway and steamer warrants should be issued only in urgent cases in which funds for the journey are not immediately available and should not be issued for journeys for sums less than eight annas and rupees two, respectively.

(ii) Railway warrants. Form No. 199, Schedule XL (A) (PART I), will be issued for the conveyance by rail (a) of police officers and men below the rank of Inspectors (other than those of the railway police) when travelling on duty in circumstances in which travelling allowance is admissible, (b) of prisoners and accused persons when in police custody (including custody of railway police), as distinguished from those in judicial custody who are merely escorted by the police. As the cost of all warrants issued by the civil police department (except those for escort of treasure which should be distinctly marked in red ink. "For remittance of treasure" the expenditure being debitable to "38 currency" for which a separate warrant should be issued) is debited to a single detailed head "cost of passage warrants" and the warrants are in all cases countersigned by the Superintendent of Police, separate warrants need not be issued by police officers for prisoners in police custody. "In case of escorting prisoners in judicial custody the cost of railway journey for them should always be paid by the magistrate, and police officers and men will use the passage warrants only for, themselves. In such cases when no cash payment can be made from the magistrate's fund at the time, separate warrants should be issued, the one issued for the prisoner being debitable to district (or other) magistrate and the warrants being marked "debitable to district (or other) magistrate" in red ink, the counterfoil also being similarly marked and forwarded to the magistrate. When cash payment is made by the police department for prisoners the amount will be recovered from the magistrate concerned. As members of the railway police are given free passes, they are not allowed to travel on these warrants except when they are required to travel on business unconnected with the railway. They are then liable to the payment of ordinary fares and must use these warrants. Railway police may also use these warrants for the conveyance of all prisoners whether connected with railway cases or not.

(iii) Warrants must be issued from the station at which the journey is commenced and when a return journey has to be performed a separate warrant must at the same time be issued for the return journey except for the journey for which return ticket concessions are available when one warrant should be issued to cover both journeys and the concessions thereby availed of. Great care must be taken to see that the members in column 5 of the foils headed "for company" and "for Superintendent of Police" are correct. In the event of the actual number travelling being less than the number entered in column 3, the person in charge should alter the entries in the latter to make them agree with those in column 5 and should initial the alteration. If unable to write, he will take the warrant to the nearest officer empowered to issue warrants, who will correct and initial it for him.

(iv) Railway warrants for escort duty will be for 2nd class accommodation only, as the police officers, above the rank of Constables who are entitled to higher class accommodation, are required to travel with the escort party in the same compartment. The use of a warrant however does not debar a police officer above the rank of Constable from claiming travelling allowance on escort duty when he travels on a railway warrant issued for 2nd class accommodation. He may in addition draw under Rule 40 of the subsidiary rules framed by the Government of Assam under the Fundamental Rules three quarter fare of the class to which he is entitled.

(v) Inspecting officer must see that the instructions contained in the rules regarding the issue of railway warrants are strictly carried out.

(vi) Thana and reserve officers will send to the Superintendent of Police, the Superintendent's copies of passage warrants at the close of each month, and those will be kept in his office separately for each sub-division. When the travelling allowance bills of sub-divisional thanas are received from the Sub-Divisional Police Officers they will be checked in the office of the Superintendent of Police with his copies of the passage warrants. The thana and reserve officers will note on the travelling allowance bills the number and dates of the passage warrants issued for the journeys and also add a certificate in the travelling allowance bills, to the effect that the value of the warrants has been deducted from the fare charged".

N.B. - These rules also apply *mutatis mutandis* to the issue of passage warrants for journey by steamer.

C. S. No. 53, dated the 25th April, 1935 and Correction Slip No. 55, dated the 25th April, 1935, have been incorporated.

287. Officers authorised to issue Railway Warrants and when can they do so from intermediate stations.

(i) Railway warrants. Form No. 199, Schedule XL (A), (Part I), will be issued by (a) the officer-in-charge of the Police Station (as defined in Section 4 (b) of the Criminal Procedure Code) from which the Police Officer or Prisoner is travelling, (b) by the Reserve Sub-Inspector, and (c) by any Inspector or Officer of higher rank, who may be supplied with books for the purpose.

Officers entitled to issue railway warrants are responsible for their safe custody and proper use. The books actually in use must be kept under lock and key.

(ii) Warrants must not be issued from intermediate stations nor any officers of districts other than those in which the journey was commenced issue warrants except in the following circumstances:-

- (a) If a return warrant has been mislaid or lost; or
- (b) When a warrant has been issued to cover the return journey of it party of two or more persons, if anyone of the party owing to illness or other cause is unable to travel on the return journey with the party ; or
- (c) When an escort party before returning to its district is deputed by a competent authority under Rule 231, to escort prisoner or treasure to some other district on the line of route.

In all such cases the officer issuing the fresh warrant must satisfy that the police party or prisoner is entitled to travel at Government expense and in cases falling under (b) the original return warrant must be cancelled, and a fresh warrant issued for the men who are actually to travel. Whenever a warrant is cancelled, the word 'cancelled' must be written across the form in large letters and the warrant returned to the issuing officer (through the Superintendent of Police of the district from which the warrant was issued) to be pasted to the counterfoil which must also be so cancelled. In case (c) the officer issuing a fresh warrant will issue two or more warrants to cover the whole return journey according as the escort party is required to break its journey once or oftener. Whenever a fresh warrant is issued the officer issuing it will at once send intimation of the fact to the Superintendent of Police of the district from which the man started.

When a passage concession is granted to a Head Constable or Constable of the armed or unarmed branch going on leave other than leave on Medical certificate, the Superintendent of Police must endorse on the warrant a certificate that no free passage was given to him during the preceding 33 months, vide Assam Subsidiary Rule No. 268.

NOTES

Section 4 of the Code of Criminal Procedure, 1898 corresponds to Section 2 of the 1973 Code, quoted as follows. The S. R. 268 as referred to in this Rule has also been quoted as follows.

S. R. 268 – A competent authority may, for special reasons which should be recorded, permit any Government servant to draw, for a journey of the kind specified in S. R. 267, travelling allowance as for a journey on tour.

Head constable and constables of both the armed and unarmed branches of the Civil Police Force, head Warders and Warders of the Jail Department, and Head Keepers and Keepers of the Mental Hospital may be granted free return passages of the class admissible under S. R. IS3 for journey on tour, by rail or steamer or by road motor on the Dimapur-Kohima Gauhati-Shillong road, and also Shillong-Dawki road while proceeding on leave to their homes irrespective of the nature and period of the leave, on the following conditions:

- (i) in the case of leave on full pay the concession shall not be granted more than once after every thirty-three months spent on duty, each period counting from the date on which the officer last enjoyed the privilege, t. e., from the actual date of officer's resumption of duty;

Note – A certificate should be attached to the travelling allowance bills by the controlling officer concerned that a free passage has not been granted during the preceding thirty-three months in the case of leave on full pay;

- (ii) the concession shall 'not be given more than eight times in an officer's service; and

- (iii) the concession cannot be claimed as a matter of right and will be dependent on the good work and conduct of the officer during the previous thirty-three months;
- (iv) the restriction that free passages shall not be granted more than once after every thirty-three months spent on duty shall not apply when leave is taken on medical certificate; provided-
 - (a) the Civil Surgeon or Assistant Surgeon at District headquarters or the Assistant Surgeon at Sub-divisional headquarters has after personal examination, recommended leave for one month or upwards;
 - (b) the free passage shall not be granted to an officer who goes on ordinary leave and afterwards obtains a medical certificate;
 - (c) an officer returning from sick leave for which he has obtained free passages shall not again receive the concession (except in cases of sickness) until a period of thirty three months has elapsed from the date of his return to duty;
 - (d) the grant of leave on medical certificate shall not entitle any officer to exceed the maximum prescribed in sub Clause (ii) ; and
 - (e) head constables and constables of both the armed and unarmed branches of the Civil Police Force who are recruited from outside the State may be allowed free passages whom it invalidated from service on medical grounds.

Section 4 of the Code of Criminal Procedure 1898 corresponds to Section 2 of the 1973 Code, wherein the expressions "officer in charge of a police station" and "police station" are defined, as follows:-

"2 (o). Officer in charge of a police station includes, when the officer in-charge of the police station is absent from the station house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present"

"2 (s) Police station means any post or place declared generally or specifically by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf".

288. Entries in the Railway warrants – How to be made.

The three folios of the warrant Form No. 199 Schedule XL(A), (Part I), must be written up simultaneously by the pen carbon process; the first folio with which must be written in ink must be transmitted to the Comptroller, Assam, Columns 1,2,3 and 4 must be filled up by the officer issuing the warrant. Column 5 must be filled up by the Police Officer or Constable or by the officer-in-charge of the party. Column 6,7 and 8 must be filled up by the Railway staff. The foils headed "for company" and. "for Superintendent of Police" will be given to the Police Officer or Constable or to the Officer-in-charge of the party for presentation at the Railway Station. The Station Master will return the foil headed "for Superintendent of Police" to the person by whom it was presented. The latter will then forward it to the Superintendent of Police.

The entries must be clearly written. Any alteration made must except in the case referred to in clause (II) of the foregoing rule, be attested by the initial of the officer who issues the warrant, and no erasure should be made. If any form is rendered illegible owing to too many corrections or otherwise. It must be cancelled and a fresh form issued. The purpose of the journey must be mentioned in the warrant, which should also state whether the journey is to be made by mail or by ordinary Train. It must also be clearly stated whether the person covered by the warrant is (a) a Police Officer or Constable or (b) a prisoner. In exchange for these warrants ordinary tickets of the class required will be issued.

Provision has been made in the form itself for the entry of authorised baggage charges such as charges on account of prisoners baggage exhibits required in a case.

The provision made in the form for specifying the weight of railway treasure carried has been exercised because the freight of railway treasure is not an item, which is charged to the police budget.

Whenever a railway warrant is issued for a journey on transfer to another district the fact of the police officer or constable transferred having received a warrant should be noted in the command certificate.

N. B. – Correction Slip No. 54, dated the 25th April, 1935 has been incorporated.

289. Action in the office of the Superintendent of Police and the Comptroller regarding railway

warrants.

On receipt of a supply of railway warrants Form No. 199, Schedule XL(A) (Part I), the Superintendent of Police will ascertain the actual number of warrants in the book and enter the number over his signature on the inside of the first page of the cover. He will at the same time have each form of warrants stamped in his presence with his office seal. All unused forms must be kept under lock and key in the custody of the head clerk and a register of receipts and issues must be maintained by him. The Superintendent of Police will distribute the warrant forms to the various officers requiring them as needed. The books actually in use must be kept under lock and key. Police officers entitled to issue warrants are responsible for their safe custody and proper use.

Warrants will be treated as cash and forwarded by the Railway administration to the Accountant General or Comptroller of the province to which the police party or prisoner belongs as vouchers for adjustment of the amount in the account. The Accountant General or Comptroller will pay the amount due to the railway administration at once, either in cash or by book adjustment credit in the administration's accounts, subject to corrections, as regards over-charges, if any, brought to notice within six months from the date of presentation of the credit note by the railway administration. In either case the Accountant General or Comptroller will forward the warrants to the Superintendent of Police of the district concerned for scrutiny and countersignature, and will bring the amount finally to book after it has been passed by the Superintendent of Police concerned. Any deduction found to be necessary by the Superintendent of Police owing to the improper use of warrants will be recovered by him from the officer responsible and not from the railway administration.

The Superintendent of Police on receipt of the intimation will debit the amount as contingent charges in his contingent register under the proper sub-head.

The foils of railway warrants filed in the office of the Superintendent of Police and of the officers issuing the warrants are to be preserved for one year after issue.

In consequence of the adoption of the system of payment by means of warrants instead of by cash, for railway tickets purchases by, or for the use of police officers travelling on duty, the railways will be paid at the uniform rate of Rs. 16/- per hundred warrants on a proportionate basis on the actual number of warrants issued in a month for a particular railway, fractions of an anna in the total of each month being rounded off to the nearest anna. No charge will be levied when the warrants are not used in any month.

In the case of railways receiving cash payment from departmental officers on account of passage warrants, the bill for extra charge will be paid by the Comptroller, Assam.

The above system is in force from the 1st April, 1936.

"No commission charges will be levied in respect of emergent police passes."

(Correction Slip No. 99 dated the 8th April, 1936 and C.S. No. 77, dated the 14th September, 1935, has been incorporated.)

290. Issue of Railway Warrants for escorts sent beyond the Province.

In the case of escorts sent beyond the province the Superintendent of Police of the despatching district will issue a warrant Form No. 199, Schedule XL (A) (Part I), for the whole journey to the final destination, together with a return warrant for the journey from the station at which his men will be relieved. The Superintendent of Police of the district furnishing the relieving guard will furnish their respective guards with a return warrant from the next relieving station to the headquarters of their own districts. In case an escort party cannot for any reason, be relieved at a relieving station, the Superintendent of Police, who should have provided the relieve, will provide a warrant for the return journey of the party to the station where they should have been relieved.

N. B. Any excess fare paid by a Superintendent of Police in Assam for escorts going to another province will be adjusted against the grants in the provincial police budget.

Departmental Examinations (Rules 191 to 292)

291. Departmental Examinations.

"The examination of non-gazetted officers will be held in the headquarter of the district in which they may be serving at the time under the supervision of a separate local examination board in each district except the Naga Hills, the examination being held simultaneously with the examination on Police Law and Languages at the half yearly Departmental Examination centres at Gauhati and Silchar. Police Officers serving in the Naga Hills District will however appear at Jorhat.

The officers serving in the Kamrup or Cachar District will appear at Gauhati or Silchar as the case may be, but separate examination boards should be constituted at Gauhati and Silchar for the Districts of Kamrup and Cachar for the examination of those officers in April or November each year respectively.

The District Examination Board shall consist of the Deputy Commissioner of the District as President, the Superintendent of Police and an Indian Officer selected by the Deputy Commissioner as members.

The full syllabus of subjects for examination is laid down in the, Assam Government Notification No. 103 G. J., dated the 5th January, 1934 and No. 2906-A. P., dated the 23rd March, 1936.

Every officer who is liable to pass an examination must appear until he does pass, an excuse brought forward for failing to appear should be scrutinized carefully. An officer is allowed to draw travelling allowance on two occasions only on account of journeys to appear in any subject in which he has to pass, but if he fails and has to appear subsequently, or if, from the examination results it appears that he has neglected to prepare himself sufficiently, travelling allowance will not be granted. Daily allowance for halts at examinations is not admissible. See also Rule 129 of the Assam Subsidiary Rules.

Assistant Sub-Inspectors are not required by rule to pass departmental examinations, but may appear with the permission of the Superintendent of Police. They should be encouraged to do so voluntarily, and preference in the matters of officiating promotion and nomination for training at the Police Training College should be given, if the officers are otherwise suitable, to those who show an interest in doing so.

The Inspector General of Police has power to extend the periods or to modify the penalties in special case but this power will not ordinarily be exercised without very strong reasons. Where the penalty or stoppage of increment is imposed, this will operate from the date of the next increment due after the expiration of the prescribed examination period, and will continue until the date of the examination in which the officer eventually passes.

No Indian officer is required to pass an examination in his mother tongue, The prescribed language for Assamese, Garo, Lushai and Khasi officers in Bengali and for Bengali and Naga officers, Assamese. Officers of the hill races and Anglo-Indian officers must also pass by the higher standard in the remaining language, i. e., Assamese or Bengali, within two years of posting to a district in which it is spoken, under penalty of stoppage of increments.

(For examination of gazetted officers see part I).

(*Authority* – Assam Government letter No. C.P.-1650/6693-G, dated the 29th December, 1936").

(Correction Slip No. 115, dated the 12th January, 1937 has been-incorporated).

292. Examination of Sub-Inspectors and Inspectors.

"Probationary/Temporary Sub-Inspectors will be trained in the Assam Police Training College. Dergoan and before leaving the college they must pass the examinations prescribed for them which include amongst other subjects Law with and without books, under penalty of reduction to the Tank of Assistant Sub-Inspector in case of departmental cadets, and discharge in the case of others. These officers must also pass in Hindustani and one language by the lower standard within one year of passing-out of the college, and in the language by the higher standard within two years of passing out, under-penalty of reduction or discharge as above.

NOTE

- (i) The language referred to above is detailed in the last paragraph of the proceeding rule.
- (ii) A probationary Sub-Inspector whether a direct recruit or departmental cadet will not be confirmed until he has passed -the -departmental examination completely before which his service will not count towards increment.
- (iii) A probationary Sub-Inspector promoted from the rank of Assistant Sub-Inspector who may be exempted from the training at ,the Police Training College must pass the departmental examination completely within two years from the date of his appointment as Sub-Inspector under penalty of reversion to Assistant Sub-Inspector.
- (iv) Assistant Sub-Inspectors newly appointed to officiate as Sub-Inspectors on or after the 1st January, 1935 will draw the minimum of the revised scale of pay introduced with effect from the 1st January, 1935. Probationary Sub-Inspectors whether directly recruited or promoted on probation from the rank of Assistant Sub-Inspectors on or after the 1st January, 1935 excepting those who had officiated as Inspectors before the 1st January 1935 will draw the minimum of the revised scale of pay introduced

with effect from the 1st January, 1935 until they are confirmed.

- (v) The Inspector General of Police may grant periodical increments on the merits of each case, for their officiating service to those Assistant Sub-Inspector of Police appointed to act as Sub-Inspectors who have passed the Departmental examinations either before they are appointed to officiate or within two years of their officiating appointment. Those Assistant Sub-Inspectors who have not passed will, as hitherto, not be allowed to officiate without special orders of Government, and any who do not pass the qualifying examinations within the periods of two years will not be granted increment save under the special orders of Government.

The orders come in to force with effect from the 1st January, 1942.

(Authority:- Assam Government Letter No. C.P. 875/41, dated the 16th January, 1942).

- (vi) Those Assistant Sub-Inspectors who have officiated before the 1st January, 1935 and are officiating but who have drawn no increment for the period of the officiating service, will, on substantive appointment as Sub-Inspectors, count their officiating service for increment. The effect of this would be to speed up their first increment after confirmation (i.e. the next stage above Rs, 80) by the period of officiating service.
- (vii) Inspectors who are promoted from the rank of Sub-Inspector and who have not completely passed must do so within one year, under penalty of reversion to their substantive rank. Inspectors directly appointed are subject to the same examination rules as Deputy Superintendent of Police, except the examination in Accounts and Settlement work.
- (viii) Sergeant Majors, Sergeants and Sub-Inspectors of the Armed Branch must pass in:-

Law Oral.

Hindustani (Colloquial).

Assamese or Bengali (Colloquial).

Within two years of appointment, under penalty of stoppage of increment."

(Authority:- Assam Government Letter No. C.P.-1650/6698 G.J. dated the 29th December, 1936).

(Correction Slip No. 116, dated the 12th January, 1937, and C.S. No. 281, dated the 13th August, 1942, have been incorporated).

Criminal and Civil Cases by and against Police (Rules 293 to 306)

293. 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 the notice of the Inspector General of Police, through the District Magistrate, 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 Inspector General of Police, through the District Magistrate. The Inspector General of Police will then forward it with his

recommendations for the orders of Government. The provincial Government after consulting the legal remembrances and, if the latter's opinion conflicts with that of the Inspector General of Police, after further consultation with the 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 Provincial 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 Provincial Government before the commencement of the proceedings in 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 Provincial 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 or the Railway Police the Magistrate of the district in which the case is instituted shall be considered the District Magistrate for the purposes of this rule.

(Correction slip No. 63, dated the 24th August 1935, C.S. No. 168, dated the 2nd September, 1938 and C.S. No. 169, dated the 2nd September 1938, have been incorporated).

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:

"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;
- (bb) 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 authorised by that Government in this behalf.
- c) 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 subsection (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 sc 56. It is neither to be too narrowly construed nor too widely. Too narrow and pedantic construction may render is 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 *Bajinath 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.

294. 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,

295. 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 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 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 later 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.

(Correction Slip No. 65, dated the 24th August, 1935 has been incorporated)

(Rule 295)

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 authorised to take cognizance 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, whereunder 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.

296. 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 victimising 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 fictitious 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.

(Correction Slip No. 66, dated the 24th August, 1935 has been incorporated).

(Rule 296)

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) I 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.

297. Cancelled vide C.S. No. 67, dated the 24th August, 1935.

298. Cancelled vide C.S. No. 68, dated the 24th August, 1935.

299. Cancelled vide C.S. No. 69, dated the 24th August, 1935.

300. Defence of Police Officers

(i) (a) 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 "after consulting the AP.S.C." It is to be distinctly understood however, that Government do not undertake to pay any except reasonable expenses.

(b) 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 referred to in Rule 203, 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 Remembrancer 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 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 Inspector General of Police may sanction an advance to meet pleader's fees or other incidental expenses up to a limit of Rs, 300/- in each case.

301. Prosecution of cases instituted by private persons against police and payment of legal expenses.

(i) 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.

(ii) deleted.

302. 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 pleaders 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 or mukhtar 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 and a mukhtar 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 scrutinised by the Superintendent in order to ascertain what amount of work was actually done by the pleader or mukhtar 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.

(Rule 302)

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.

303. 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 infructuous.

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 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.

(Rule 303)

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*).

304. 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 Remembrancer through his official superiors the Superintendent of Police, the District Magistrate and the Inspector General of Police, as contemplated by Rule 97, Chapter VI of the Assam Law Department Manual.

305. 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 Inspector General of Police through the District Magistrate. For civil suits in general brought by or against servants of the crown, see Rule 304 above.

306. 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 and schedule should then be submitted to the Inspector General of Police for orders.

UNIFORM (Rules 307 to 336)

307. 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 trousers and not shorts. The Sam Browne belt will also always be worn in court.

The order regarding modifications in uniform permitted for gazetted officers on informal occasions, and in the hot weather apply also to Sergeant-Majors and Inspectors.

No officer on duty may carry an umbrella.

A description of uniforms of subordinate police officers is given in Appendix "C".

"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 unless he customarily wears a beard. No officer when in uniform (except in the case of Traffic Police for whom there is special provision) may carry an umbrella".

308. 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.

309. Wearing of Indian title badges by police officers in uniform.

I. Uniform worn by police officers on various occasions are:-

- 1) Full dress,
- 2) Working dress on ceremonial occasions.
- 3) Working dress on ordinary occasions.
- 4) Mess dress.

The manner in which badges should be worn with these dresses is as indicated below:-

Full dress – This has now been abolished. In the case of these officers, however, who still retain it the badges should be worn, suspended by a ribbon round the neck.

Working dress on 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) The insignia of the orders of the Garter, the Thistle and St. Patrick, are not worn in miniature.
- iv) 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.

310. Wearing of uniform by retired police officers.

Officers of the police department down to and including Sub-Inspectors who have rendered approved service of not less than 15 years in the department at the time of retirement, may be permitted after retirement to wear an ceremonial occasions or when calling on servants of the crown the uniform of the rank which they held in the police force at the time. Permission to wear such uniforms should be obtained in each individual case, by gazetted officers from the Provincial Government under which the officer has last served and by non-gazetted officers from the Inspector General of Police under whom they last served.

Officers who, after retirement, are permitted to wear uniform on ceremonial occasions should be warned that they must always appear properly dressed; otherwise the privilege granted to them will be withdrawn.

311. Constable's district number to be worn right breast.

Every Constable on being enlisted will be given a district number, which will remain unchanged so long as he remains a Constable. The number given will be that of the Constable in whose vacancy he has been enlisted. Thus the highest number in use will represent the total number of Constables sanctioned for the district. The primary object of the number is to serve as a means of identification. It should always be given in all official documents after the Constable's name, and must be worn attached to the uniform on the right breast just above the nipple. The number will also be used for making a Constables clothing, accoutrements, etc., and must be entered in his service sheet.

312. Outfit allowances.

A Sergeant on first appointment will be given an outfit allowance of Rs. 150/- to provide himself with the full kit laid down in Appendix "C".

In addition he will draw a monthly compensatory allowance of Rs. 150/- to cover maintenance. The uniform will remain the property of Government, and on the promotion of the sergeant, or his leaving the service, must be returned, or its value refunded.

A Probationary/Temporary Sub-Inspectors, on passing out of the Police Training College may be granted an advance by the Superintendent of Police not exceeding Rs. 150/-- for the purchase of uniform and accoutrements. This advance must be applied for within three months from the date of his leaving the College and will be repaid in 12 monthly instalments, commencing at the sixth month after leaving the Police Training College. A registered bond with two sureties for the due repayment of the advance must be executed.

313. Uniform and replacement and kit allowance.

Sergeant Majors, Inspectors, Sergeants and Sub-Inspectors before confirmation are expected to maintain two and after confirmation three sets of uniform except head dress, putties and boots, two of each of which will suffice, and accoutrements and great-coat of which one set is necessary.

These officers will make their own arrangements for obtaining and making up their uniforms. Superintendents of Police will see that the uniforms are properly out and fitted, and suitable material of the regulation Police Shade (No. II). Boots must be dark-brown-fancy making on light shades are prohibited.

Sergeant-Majors and Inspectors as well as Sub-Inspectors will be given a kit allowance of Rs. 200/- and Rs. 200/- respectively for first kit and Rs. 100/- and Rs. 100/- respectively from the second year for their annual maintenance. The uniform will remain the property of Government and on the promotion or his leaving the service must be returned or its values refunded. Assistant Sub-Inspectors and Sub-Inspectors of Police officiating as Sub-Inspectors or Inspectors respectively in whose case the officiating period is expected to last not less than four months should draw the first kit allowance of their rank and also a proportionate annual maintenance allowance. In case an officer reverts the broken period should be excluded in calculating when the next instalment of maintenance allowance falls due.

Note. Probationary/temporary Sub-Inspectors under training at the Police Training College need not provide themselves with one complete set uniform, plus one spare coat, one spare pair of khaki shirts, two khaki shorts and one khaki neck-tie.

313-A. Issue of clothing to officers on payment.

(i) Gazetted Police Officers, Inspectors and Sub-Inspectors are permitted to purchase such articles of uniform "and clothing including mosquito netting, etc." (as far as items common to officers and to the rank and file are concerned) as may be available on payment from the district police clothing store.

(ii) The cost of articles so purchased from the district police clothing store will be paid in cash or by deduction from the pay bills, the recoveries in both cases being treated as "Police receipt". In the case of officers in receipt of an allowance for clothing, the value of the supplies may be paid by deduction from the allowances, the recovery on this account being clearly specified on the bill to enable the audit office to correctly classify the recovery.

(iii) The departmental officers will be responsible for the maintenance of individual clothing accounts and also for the recovery of receipts.

(iv) To avoid any loss to Government the rate of recovery is fixed at 10 percent in excess of the invoiced price of the articles in order to cover freight and miscellaneous expenses.

314. Kit to whom to be given.

A first kit will be given:

- (a) to all recruits on being passed into the ranks as efficient;
- (b) to all Constables transferred to the district police from the Railway; River or Military Police, or vice versa;
- (c) to all assistant Sub-Inspectors and Head-Constables on first appointment, or on promotion to this rank.

A Constable re-enlisted or re-enlisted after dismissed or discharged will, if his clothing has been disposed of, be treated as newly enlisted.

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 realised 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".

315. 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.

In particular, boots should always repaired as soon as the necessity becomes evident, as delay may mean that the boots become incapable of repair and consequently unserviceable.

316. Annual grant for supply and maintenance of kit.

In order to provide for the cost of kit of Assistant Sub- Inspectors, Head-Constables and Constable a sum, bases upon the figures given in the foregoing rules will be placed annually at the disposal of each Superintendents of Police under the detailed head "Clothing" (an item of regular contingencies) in his budget.

A maximum limit of expenditure for each district is laid down by Government and will be varied from time to time in accordance with variations in the sanctioned strength of the force.

317. Kit in excess of scale.

No man should ordinarily have more than the number of articles prescribed for his branch of the police. Provided however, that expenditure does not exceed the amount provided in the budget, and that the standard kit of all his men are fully maintained, there is no objection to a Superintendent of Police utilizing any available savings in supplementing the kit e. g., in providing boots for the town police, or shirts and fatigue caps for the Armed Police. Similarly, if this can be achieved without general detriment the percentage of great coats and waterproofs may be increased as funds permit.

In addition, one suit of unserviceable and condemned uniform may be retained by Constables to wear when carrying out rough fatigue duty e. g., repairing shooting ranges, or in petty repairs to quarters but each article in this case must be prominently marked "unserviceable" to prevent its being substituted for standard kit.

Superintendent of Police are authorised further to purchase mosquito nets and to supply them at their discretion to Assistant Sub-Inspectors, Head-Constables and Constables in malarious localities at a cost not exceeding Rs. 6 for each net, provided funds are available for such purpose within the sanctioned grant for Police Clothing for each district.

The period of wear of these nets is fixed at 3 years.

318. Great coats and waterproofs.

Where the scale of issue of great coats or waterproofs allows one per man, these articles should be treated in the same way as other items of kit, and entered in the hand books and clothing ledger.

Where the scale does not permit of this, the great coats and waterproofs will be kept at the police station, town, out post or reserve, as the case may be, and issued as necessary to men proceeding on duty. They will be returned on completion of the duty, and the officer-in-charge should not then whether any unusual damage has taken place.

Where this procedure is in force the articles will be entered in the list of Government property on the charge.

319. Submission of indents.

Certain items of clothing generally khaki drill, twill, salu and putties are obtained from the Indian Stores Department, and for the remaining items Contractors are appointed annually by the Inspector-General of Police their names, the articles they supply, and the agreed rates being published in the Assam Police Gazette.

Indents for such articles should be sent direct to Contractors quarterly after the quarterly verification of stock. Indents must be in Form No. 96 or 97 Schedule XL (A) of (Part I) and should show clearly the number and size of the articles required.

The last indents should be submitted in time to enable the articles to be delivered and examined, and payment made before the close of the financial year.

For extra police, additional police and guards supplied to private parties, etc., special indents will be submitted for the clothing actually required as necessity arises.

320. Indents on the Indian Stores Department.

In the case of items supplied by the Indian Store Department, Superintendent of Police will submit to the Inspector-General of Police annually by the 1st May an indent for the quantities of the various articles required by them during the financial year. These indents will be consolidated in the office of the Inspector-General of Police and the provincial indents forwarded to the Indian Stores Department which will thereupon arrange for the supply of the articles directly to the original indenting officers.

To enable the Indian Stores Department to arrange its contracts, it is important that the indent should be submitted as early in the financial year as possible and delay in forwarding district indents as instructed in the proceeding paragraph is to be avoided.

If desired instructions may be given in the indent to supply the articles in two or more instalments, to avoid keeping an unnecessarily large stock of clothing in hand.

321. Checking of Indents.

Indents must be carefully checked by the Superintendent of Police who should see that an unnecessarily large stock is not kept in hand, particularly in the rains. The amount of the indent should be compared with the consumption

during the corresponding period of the previous year and should not largely exceed that amount without good reasons; in any case, the most careful examination must be made with regard to the amount allotted in the district police budget under the head "Clothing" due allowance being made for freight and packing charges and a margin left for contingencies. Care should be taken that the proportion of the various size indented for corresponds with the probable requirements as shown in columns 20 to 24 of the reserve and the clothing ledger register.

322. Taking delivery of clothing packages.

On receipt of intimation of the arrival of clothing from Contractors the reserve officer shall be deputed to take delivery. He should have the packages weighed in the presence of the authority giving delivery, and if on comparison with the waybill or railway receipt, it is found that the weight is short, a note shall be made on the way-bill or receipt, which shall be duly attested by both parties; if there is a serious discrepancy in weight, or if any package appears to have been tampered with, open delivery should be demanded, and a claim made against the railway or steamer company in respect of any shortage.

The packages should also be carefully examined before delivery is taken, specially in the rains, etc. If it is found that any are damaged owing to defective packing the fact should be at once brought to the notice of the Superintendent of Police who will take up the matter with the contractor according to the circumstances.

323. Committee on receipt of clothing.

Before opening the packages a 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 Sergeant Major 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 condemned, the Superintendent of Police shall submit a copy of the committee's report with the samples of the best and of the worst of the articles condemned to the Inspector-General, and pending receipt or orders the clothing objected by the committee shall be kept by the Superintendent of Police. A copy of the report should also be submitted at once to the firm or department who supplied the articles.

324. Method of payment.

(a) Clothing bills of contractors shall be settled within fifteen days of receipt if the clothing is approved.

All payments for clothing to contractors should, unless the contractors appear personally for payment, invariably be made by the Remittance Transfer Receipt. The bills paid to local contractors should be made payable to them by name.

(b) Payment for clothing supplied by the Indian Stores Department will be made by book debit. The bill will be submitted in triplicate by the Indian Stores Department the original being attached to the regular contingent bill, the duplicate returned to the Indian Stores Department and the triplicate retained by the Superintendent of Police for reference.

325. 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 in "Form No. 225 of Schedule XL (A), (Part I)".
- ii) The committee report book. Form No. 99 of Schedule XL(A), (Part I).
- iii) The individual clothing ledger, Form No. 100 of Schedule, XL(A) (Part I).
- iv) Clothing hand books, Form Nos. 101 and 102 of Schedule XL(A), (Part 1).

326. 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 despatched. The "Receipt" entries should tally with the committee report book proceedings and the "Issue" entries with the issue forms.

Clothing received from men leaving the force, or going on leave for over four months after washing and examination by the committee, will be treated as serviceable. Each article should be marked before being taken into stock with its estimated remaining "Life".

327. Committee report book.

The committee report book shall contain a record of the proceedings of all committees held under Rule 323 to pass clothing received from contractors or from the Indian Stores Department and also clothing received back from men. The proceedings should be recorded in two parts:-

- (i) For clothing received from contractors, etc.
- (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 of Form No. 225 of Schedule XL(A), (Part 1) and their serial number, should be noted in the margin of the receipt side of the register of receipt and issue.

Clothing received from contractors must be checked by invoices and returned clothing by the hand book.

In the case of serviceable clothing, the estimated "Life" of each article will be noted in the orders of the committee thus 8 1/4, 8 1/2, etc., indicating that the articles is serviceable for a quarter, or a half, etc., of its standard life.

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.

328. Individual Clothing Ledger.

The individual clothing ledger shall be kept up by the Reserve Officer in Form No. 100 of Schedule XL(A), (Part I). 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.

329. Clothing Hand Books.

Each Assistant Sub-Inspector, Head Constable and Constable shall be provided with a clothing hand book in the Form No. 101 or 102 of Schedule XL(A), (Part I) 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.

330. 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 Court Officers 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 court officers in their daily undertrial case 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. Treasury guards will be inspected by the Court Officers. 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 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.

331. 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.

332. Quarterly Checking of Stock.

On the first day of April, July, October and January the Superintendent of Police will carefully check 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 arranged 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.

333. Strike off and issue forms.

All clothing found unserviceable or defective should be entered in a strike off form. Form No. 104 of Schedule XL(A), (part I) showing the articles unserviceable or wanting, the reasons therefore, and the date on which such articles were issued from stock. It should state clearly whether such articles are to be replaced and what the size should be. On receipt of the strike from Superintendent of Police will, if necessary, order the articles in question to be struck off the clothing hand book and individual ledger and direct the Reserve Officer to supply the defect in an issue form.

All clothing will be issued in Form No. 103 of Schedule XL (A) (part-I), and the signature of the recipients taken on it. These issue forms are to be serially numbered each year and to be filed in consecutive order so as to form vouchers of expenditure, their serial number being shown on the issue side of the register and issue.

334. Return of Clothing.

The clothing of men leaving the force by transfer to the railway, river and military Police, by 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. Clothing of men granted leave for more than four months will be dealt with similarly. 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.

The kits and band books of men going on leave for not more than months or less shall be taken from them and kept in a place a security until they return. These kit must be returned washed and fully repaired the Reserve Officer will examine them on their being handed in. If any article is found dirty or unrepaired the cost of washing and repairing will be recovered from the man concerned.

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. For men at outlying stations, the opportunities mentioned in Rule 330 should be utilized for this purpose.

All such charges will be met from the clothing grant of the district police.

336. Marking of Clothing.

(a) All clothing whether for the first kit or maintenance will be marked, previous to issue, with:

- i) the district abbreviation (Rules 196 of this part).
- ii) the number of the month and the last 2 figures of the year e. .g., 6/30 to indicate June of 1930, and
- iii) the district number of the man to whom issued, thus

CC

6=33
755

(b) The mark will be stamped or stencilled, with printing, marking or other indelible ink on the article itself, care being taken not to cause disfigurement. Boots will be marked with steel figures or punches; Inspecting officers should order the marks to be renewed whenever they begin to become illegible.

Medals (Rules 337 to 340)

337. Medals and replacement of lost medals.

Medals are to be worn at kit inspections. Superintendent of police will deal with application for replacement of medals lost by police officers at their own cost in the manner *mutatis mutandis*, laid down in the subjoined extract from the Army Regulations, India, Volume II, Paragraph 625 which apply equally to British and Indian troops:-

Applications from British Officers for the replacement of lost medals will be submitted to-the secretary to-the Government of India in the "Defence Department, Army Branch" by the unit commander or head of the department concerned. In the case of all others evidence regarding the loss will be taken by the Squadron, battery or company commander and proceedings countersigned by the unit commander who will record his opinion as to whether the loss occurred:-

- (i) When the soldier was on duty and from causes entirely beyond his control.
- (ii) by accident.
- (iii) wilfully.

When a person who has ceased to serve in the army loses a medal, the circumstances of the loss will be investigated or the officer under whom he is employed, if he is, still in the service of the crown, otherwise by the nearest civil officer. The investigating officer will forward the result of his investigation with his opinion as to the degree of blame attaching, to the claimant to the officer commanding the unit which the person belonged when the medal was granted, who will verify the claim and dispose of it as directed above. The circumstances attending the loss of a medal by a person who has not served in army will be investigated by the nearest civil officer, who will forward the application with an accurate description of the medal (and clasps) to the Secretary to the Government of India in the Army Department.

Applications under (i) and (ii) will be submitted on AFB-I77 with the original record of evidence, the Secretary to the Government of India in the Defence Department, Army Branch. In cases where there is no evidence as to loss except such as may be furnished by the soldier himself, the unit commander will take the man's, character into consideration in recording his opinion.

As it is necessary to safeguard medals falling into unauthorised hands, it is seldom that medals can be replaced at Government expense. Such replacement can only be justified when the loss is entirely due to unavoidable circumstances.

Loss by theft, or on account of loss of baggage while travelling will not justify replacement at the expense of the state.

If it be decided that the cost of replacement shall be borne by the individual the unit commander will forward the application direct to the Secretary to the Government of India in the Defence Department, Army Branch. Care will be taken that the rank, number and spelling is exactly the same as on the original medal roll.

Note – Medal ribbons may be obtained free on requisition from the Secretary to the Government of India in the Defence Department, Army Branch (Paragraph 622, Army Regulation, India, Volume II).

338. Disposal of unclaimed medals.

Forfeited and unclaimed medals will after one year be returned direct to the Secretary to the Government of India in the Defence Department (Army Branch) (Vide Paragraph 626, Army Regulation, India, Volume III).

339. Grant of medals by the Royal Humane Society.

All representations with reference to the grant of the Royal Humane Society's medals will be submitted through the Inspector General of Police to the Secretary to the Government of India, Home Department, as laid down in I.A.F.Z.2000 and not direct to the Society (Vide Paragraph 623, Army Regulation India, Volume II).

340. Decorations and medals.

The orders regarding the wearing, of medals and decorations for gazetted officers apply to all ranks. In addition, non-gazetted officers and men who hold the first-aid certificate of the Saint John's Ambulance Association may wear the badge of the Association in uniform on the left sleeve, midway between the elbow and the shoulder.

Miscellaneous Provisions

(Rules 341 to 361)

341. Interview with the Inspector General of Police.

No Police Officer, executive or ministerial, of non-gazetted rank when out side 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 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.

342. Orderlies.

Orderlies are allowed to police officers according to the following scale:-

Inspector General of Police	.....	1 Head constable and 2 Constables.
Deputy Inspector General of Police and Superintendent of Police	.....	3 Constables.
Additional Superintendent of Police and S. S. P. (C)	.....	2 Constables.
Office of the Superintendent of Police	.....	1 Constable.
Assistant Superintendent of Police or Deputy Superintendent of Police at headquarter	.....	1 Constable.
Deputy Superintendent of Police in Sub-Division	.....	2 Constables.
Circle Inspector/Inspector	.....	1 Constable.
Police Hospital	.....	1 Constable.

No orderlies are to be allowed beyond the above scale or to persons not entitled to orderlies, unless in exceptional circumstances, and then only with the express permission of the Inspector General of Police.

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 utilised as such.

(Amended vide Government Notification No. FE 80/55/90, dated 28-12-1959).

343. Command Certificate.

A Command Certificate in Form No. 90 of Schedule XL(A) (Part I) 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.

344. Personal disputes between police and railway servants.

All cases of difference of opinion and friction between railway officials and servants and Police Officers shall be settled departmentally.

Any such case, when it occurs, shall be immediately reported to the Superintendent of Police concerned with a view to the institution of departmental proceedings, in co-operation with the railway departmental head concerned. The assistants of the Superintendent of Railway Police should be obtained if the circumstances appear to be doubtful. IUs only when the departmental heads cannot agree as to a finding, that the aggrieved Police Officer may have recourse to the criminal court, and then only with the previous permission of the Superintendent of Police. This arrangement applies reciprocally to railway employees.

Nothing in this rule relates to cases which under the "law must be referred to courts. The investigation of all such cases shall, when possible, be supervised by a superior officer.

345. Medical aid to Government servants.

(1) All officers of the crown living at the headquarters station of a district and drawing a salary of Rs. 300 or over a month, whether gazetted or not are entitled to gratuitous medical attendance at their own residences from the civil surgeon, or, in the absence of the civil surgeon, from an Assistant or Sub-Assistant Surgeon.

(2) Officers drawing a salary of Rs. 75 and over but under Rs. 300 a month are entitled to the gratuitous services, at their own residences of an Assistant Surgeon, or where there is no Assistant Surgeon, of a Sub-Assistant Surgeon.

(3) Officers drawing a salary of less than Rs. 75 a month are entitled to the gratuitous services at their own residences of the Sub-Assistant Surgeon who will call in the Assistant Surgeon in serious cases.

(4) Medical officers liable to attend sick servants of the crown without charging fees should be paid the actual cost of conveyance the patient if required to attend such patient outside municipal limits, but with a distance of 5 miles from their headquarters.

Further instructions as to procedure in case of sickness will be found in Rules 94 to 100.

346. Rules for special ceremonial parade.

Ceremonial parades will be held on:

- a) The anniversary of his Majesty's birthday.
- b) Celebration of the assumption of the title of president of India by his Majesty the king.
- c) Such other special occasions as may be ordered.

On such parades, the salute shall be taken only by the highest Executive Officer present on the occasion, that is the Government, the Commissioner, the Deputy Commissioner, the Superintendent Lushai Hills or the Political Officers, as the case may be.

(Authority – Government of India, Home Department, Memo No. E99/37 Public, dated the 22nd March, 1937).

The following orders are prescribed for special Parades:-

- i) In stations where there are regular troops the police can only join in a ceremonial parade at the invitation of the former.

Such an invitation should always be complied with.

If an auxiliary force detachment desire to take part in parade it will take precedence, of the Military and civil police according to the rules, customs and instructions applying to the regular army and auxiliary' and territorial forces.

- ii) At stations where there is a detachment of one platoon or more of the Assam Rifles under an Assistant Commandant, and where there are also armed police the parade will be held by the Assistant Commandant, who will notify to the Superintendent of Police that the parade will be held and the latter will cooperate.

The Assam Rifles will take the right of the line. The parade in such cases will be commanded by the senior police officer present, seniority being reckoned by the warrant of precedence for India, or, in cases in which this does not apply, from date of commission in the army in the case of Assam Rifles Officers and date of first appointment to the Indian Police in the case of civil police officers.

- iii) In stations at which the combined strength of Assam Rifles and armed police amounts to under two platoons, no *feu-de-joie* will be fired, but provided a force of not less than 50 Rifles of both services

together is available such force should be paraded, present arms and march past. For less than 50 men. no ceremonial parade will be held.

- iv) On these parades, the officer taking the salute moves direct to his post to take part in the Royal Salute. The force paraded will not receive him with a salute; and the procedure laid down for ceremonial parades in "Infantry Training" will be followed.
- v) A note of the numbers of all ranks attending any ceremonial parade will be made in the morning report of the date on which such parade is held, and will also be entered in the monthly force return for the information of the Inspector General of Police.
- vi) Whenever a parade is to be held, all civil officers should be informed several days before hand of the time and place of the parade and invited to be present. These officers should also be asked to intimate the date to gazetted officers who are subordinate to them and to the leading gentlemen of the town and neighbourhood.

347. 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.

348. 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 (i) above includes the acquisition of certificates or letters of recommendation other than certificates granted Under Rule 348-A 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 Inspector General of Police.

348-A. 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. This rule, however, is not intended to apply to the case of servants of the crown who, on retirement, are looking for employment outside India. In such cases former superiors may give direct certificates but such certificates should be carefully worded.

349. Rules for the grant of Language Rewards to Subordinate Police Officers.

1. Any officer or men of the subordinate police services who in the opinion of the Inspector General of Police, should be acquainted with any language spoken in the Hill District or Frontier Tract in which he is serving, for the efficient discharge of his duty, may (provided the language is not the candidates native language or language with which by reason of birth, education or other circumstances he is naturally familiar or which is closely allied to his native language) be permitted by the Inspector General of Police to sit for an examination in the language and if he passes will be eligible for reward prescribed in clause 3 of this rule.

2. The examination will consist of (i) a practical (colloquial) test to be conducted under the order of the Inspector General of Police who may prescribe the tests suitable for the different classes of officers and men under him and determine how the examination is to be conducted, (ii) or "a combined colloquial and written' test" to be

conducted similarly in which the, candidate will be required:-

- a) "In addition to the tests prescribed for a colloquial examination" to write down sentences spoken in the tribal language or a conversation held between two tribes men and to explain the sentences or the conversation correctly in English, and
- b) To translate without assistance from English or his mother tongue into the tribal language, sentences which are not of a very much more difficult nature than those described in clause (a). The translation must be substantially correct and intelligible to a native whose language he is writing.

3. The result of the examination will be sent to the Inspector General of Police who is empowered, subject to the budget provision, to grant a reward equivalent to two month's pay subject to a maximum limit of Rs. 50 for the colloquial test and a lump sum reward not exceeding Rs. 150 for the combined colloquial and written test to the successful candidate or candidates.

350. 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 of Sub-Inspector and Sergeant. These officers therefore are exempted 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.

351. 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 Inspector General of Police.

(Authority – Assam Government Letter No. G. P. 1531/6586-H, dated the 23rd October, 1937).

351-A. 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 removal from the service.

(Authority – Government Letter No. H.P.L. 234/38/15, dated 23/12/ 1966).

352. Public 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 crown 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.

353. 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 Chief Secretary to the Government of Assam, 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 provincial 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.

354. 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 punished by summary dismissal. This prohibition also extends lending money with or without security to any person residing within the local limits of their jurisdiction. The prohibition contained in the Home Department Resolution No. 2R-87-103, dated the 16th January 1890, shall be held applicable to loans whether on the security of a mortgage or unsecured to estates administered under a Court of Wards or an Encumbered Estates Act.

355. 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 Inspector General of police with a copy of the schedule filed in the insolvency court when recourse is had to that court.

Under the Code of Civil Procedure, 1908 (Act V of 1908) a Civil Court may direct the attachment of the salary of a police officer to the extent of (i) the whole of the salary, where the salary does not exceed forty rupees monthly; (ii) forty rupees monthly where the salary exceeds forty rupees and does not exceed eighty rupees monthly; and (iii) one moiety-of the salary in any other case.

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 instalments 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 instalments, 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 instalments, 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 or the funds of the railway company or local authority or 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.

356. 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 Inspector General of Police.

357. 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.

358. Taking part in politics and elections.

(1)(i) No Government servant shall take part in 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 Provincial 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.

359. 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.

360. Police officers and military service.

Every officer who is eligible under Section 4 of the Auxiliary Force Act, 1920. (Act XLIX of 1920) is expected to be enrolled in his local unit of the Auxiliary Force, and to carry out the prescribed training. A police officer may not hold a higher rank than that of private without the sanction of the Inspector General of Police.

Police officers wishing to apply for appointment to the army in India Reserve Officers must submit their application in the prescribed form (which can be obtained from the headquarters of any Auxiliary Force unit) through their Auxiliary Force unit commander to the Inspector General of Police who will forward it after consideration, through the Provincial Government to the Army Department.

Members of the force wishing to join the Indian Territorial Force must submit their applications through the Superintendent of Police to the Inspector General of Police for sanction.

361. Appointment of Police Officer in the Army in India Reserve of Officers.

1. Not more than four Assistant Superintendent of Police are eligible for enrolment in the Army in India Reserve of Officers and no Officer who is likely to be confirmed in a superior post within three years is permitted to join. Previous sanction of the Provincial Government must be obtained before an officer is allowed to join the Army in India Reserve of Officers.

2. An Assistant Superintendent of Police who is a member of the Army in India Reserve of Officers must resign his commission on confirmation in the superior scale.

3. No Superintendent of Police is eligible for enrolment in the Army in India Reserve of Officers.

4. An Assistant Superintendent of Police who is a member of the Indian Army in India Reserve of Officers will receive his civil emoluments in addition to military pay when called up for training. He is also eligible to draw when on such deputation any compensatory allowance that may be attached to his substantive post.

5. The prescribed period of training is ordinarily 16 days in a year or every second year which may be increased to a maximum of 30 days.

6. In place of such Assistant Superintendent called up for military training or mobilised for duty with the Army in India Reserve of Officers. Inspectors may be promoted to act as Deputy Superintendents.

362. The motor vehicles in charge of police.

The vehicles shall ordinarily be used on the following occasions.

- a) For the carriage of escorts prisoners and Government Money.
- b) For the carriage of Police personnel to places where disturbance have occurred, the outbreaks of fire, etc., and for transport of Government material goods, etc.
- c) For the carriage of Police Officers and men and their luggage and goods on transfer as far as possible. But for such use of a Police Vehicle, charges are payable at the prescribed rates noted under Rule 361, when travelling allowance is drawn as admissible under Fundamental Rule and Assam, Subsidiary Rules.
- d) For the use of Superintendent of Police, Assistant Superintendents of Police and Deputy Superintendent of Police when touring on duty, provided that requirements of (a) and (b) above, are fully met and that no outside transport has to be hired owing to use by a Gazetted Officer of Police

Vehicles under this sub-rule.

363. Private use of police motor vehicles.

(i) When a police motor vehicles is not required for any of the purposes detailed in Rule 362, when a vehicle proceeding on duty has empty space in it, such Vehicle or space may be used for private purposes by Gazetted Police Officers and with the permission of the Superintendent of Police when the whole Vehicle is required, by other Police personnel or police institutions.

(ii) When the whole vehicle is used for private purposes the following charges shall be payable, subject to a minimum of one rupee on each occasion:-

- a) Officers of and above the rank of Sub-Inspector _____ annas 6 per mile.
- b) Other ranks _____ annas 4 per mile.

In each case the charge will be payable in respect of the distance travelled empty from or to its depot by the vehicles to or from the place, where private use commences or terminates, in addition to the charge for the mileage ran while in such private use.

(iii) When the vehicle is proceeding on duty and only space is used by personnel not on duty, the charges payable per mile or fraction a of mile shall be:-

- a) Personnel _____ 7 pies per person.
- b) Luggage (which should be weighed) _____ 4 pies per maund.

In each case the total should be rounded to the nearest anna.

364. Except for prisoners in custody.

The carriage of any one not a member of the police force is absolutely forbidden unless the permission in writing of the Superintendent or the Additional Superintendent of Police has been obtained.

APPENDIX 'A'

LIST OF BOOKS, REGISTERS, FILES, ETC. TO BE KEPT BY THE RESERVE OFFICERS

No.	Name of Registers and files	Authority under which kept up		Orders with regard to preservation of destruction
		Rule	Part	
1	2	3	4	5
1	Register of Candidates.	26	III	Free Years.
2	Service Sheets	32	„	See Rule II. 33.
3	Service Books	35	„	Ditto.
4	Register of Punishment.	67	„	Three Years.
5	Roster or daily duties.	218	„	To be destroyed after completion.
6	Register of disposition of Force.	77	III	To be destroyed as- soon as or soon after it is exhausted
7	Leave Register	88	„	To be destroyed three months after completion
8	Register of Casual Leave	86	„	Ditto
9	Daily Register of diet Supplied to patients in police hospital	99	„	Two years
10	Register of Target Practice	128	„	To be destroyed a year after completion
11	District Order Book	134	„	To be bound. and preserved volume by volume
12	Morning Report	135	„	Five Years
13	Register of landed property and relatives	140	„	To be destroyed as soon as it is exhausted
14	Reserve Register	141	„	Permanently until renewed re-written
15	Ammunition account	142	„	Two years after completion
16	Reserve Stock Book	198	„	To be retained until a new register is opened in which all outstanding items have been brought forward and has been inspected by the auditors
17	Register of visiting Guards	145	„	To be destroyed on completion
18	Register showing distribution of arms	181	„	Permanently.
19	Register of receipt and issue of clothing	326	„	Two years after completion
20	The committee report book	„	„	Ditto

21	The individual clothing ledger	„	„	Permanently till a new register is made out.
22	Clothing hand book	„	„	Permanently till the man leaves the force
	FILES			
23	File of Police Gazettes	86	II	Ten years
24	File of nomination rolls Sub-Inspectors	11	III	Two years
25	File of Verification rolls of Sub-Inspector	11	III	To be destroyed alongwith the Service Sheets of the individual concerned
26	File of agreements	27	„	Ditto
27	File of Verifications rolls of Constables	28	„	Ditto
28	File of Appointment Certificates of men going on leave	31	„	To be returned when the man joins
29	File of dismissal report slips	56	„	Permanently till the dismissed man is dead
30	File of Proceedings	66	„	Papers ,about suspension, degradation, or dismissal affecting preparation of pension rolls to be preserved permanently, others being destroyed after two years
31	File of leave applications	84	„	Two years
32	File of Office copy of monthly abstract of cost of diet supplied to patients	99	„	Ditto
33	File of Office copy of statement of charges and recoveries	99-A	„	Two years
34	File of discharge certificate	105	„	To be destroyed alongwith the service Records
35	File of Appointment Certificate of discharged men	„	„	See Rule 31
36	File of copy of pension and gratuity rolls	102	„	To be destroyed alongwith other pension cases on death of pensioner
37	File of office copy of annual report to target practice	131	„	Two years
38	File of office copy of force return	136	„	Ditto
39	File of return of police officers attaining 55 years	143	„	Ditto
40	File of report of visiting Guards	145	„	Ditto
41	File of command certificate.	343	„	Ditto

42	File of proceedings of committee to inspect stores	174	„	Ditto
43	File of office copy of statement of casualties in ball ammunition	147	„	Ditto
44	File of office copy of indents for uniform	319	„	Ditto
45	File of issues forms	333	„	Ditto
46	File of strike off forms	333	„	Ditto

APPENDIX B

(Referred to in Rules 68 and 72)

STATEMENT OF MEMORIALS ADDRESSED TO THE _____
WITHHELD BY THE _____ DURING THE QUARTER ENDING _____ 19_____

Number	Name and residence of memorialist	Date of Memorial	Authority addressed	Full and definite description of the facts referred to and the request contained in the memorial	Rules under which withheld	Number and date of previous order passed by the appellate authority or the Provincial Government	Remarks
1	2	3	4	5	6	7	8

APPENDIX "C"

DESCRIPTION OF UNIFORMS

1. Uniform of Sergeant-Majors.
2. Uniform of Inspectors.
3. Orders of dress for Inspectors.
4. Uniform of Sergeants.
5. Uniform of Sub-Inspectors.
6. Orders of dress for Sub-Inspectors.
7. Uniform of Assistant Sub-Inspectors.
8. First Kit of Assistant Sub-Inspectors.

9. Uniform of Head-Constables.
10. Orders of dress for Head-Constables.
11. First Kit of Head-Constables.
12. Uniform of Naiks.
13. Uniform of Constables.
14. Uniform of the River Police.
15. First Kit of Constables, District Police, Unarmed Branch,
16. First Kit of Constables, Armed Branch.
17. Uniform of Orderlies.
18. Scale of Cloth for Police Uniform.
19. First Kit of Constables, Town Police and Railway Police.
20. A First Kit for recruits.

1. Uniform of Sergeant-Majors.

Helmet, Cap, Coat, Breeches, Trousers and Shorts, as for officers of the Assam Police Service.

A Khaki shirt and collar and khaki necktie will be worn, and a plain pin may be used to hold the soft collar in place.

Boots Plain brown leather ammunition pattern ankle boots.

Putties Drab Cloth.

Badges Departmental letters A. P. in white metal at the base of the shoulder straps, silver crown on the right forearm three inch~ above the point of the cuff.

Same brown belt sword, sword knot and scabbard as for officers of the Assam Police Service, Steel Jackpurs with brown leather straps and guards may be worn when mounted.

The orders regarding modifications in uniform permitted for gazetted officers on' informal occasions, and in the hot weather, apply also to Sergeant- Majors.

Overcoat – Coat, warm British, of drab Serge, lined flannel reaching to just above the knee, single breasted, fastening with four large buttons in front, plain sleeves, turn down collar and cut away at the throat to show the top button, 5" deep in front and 3" at back. Shoulder straps of the same material, fastening with a small button on the collar seam. Two patch pockets at sides with flaps.

2. Uniform of Inspectors – Helmet (Head dress) khaki woollen peak cap.

Jacket – As universal pattern 'A' for officers of the Indian Army, but with the waist band extended to form a belt, having a detachable white metal buckle in line with button holes on the left side, and the right sufficiently long to fasten in the buckle with a 3" spare and to fit under a loop on the left side. Buttons A. P. pattern.

Rank Badges – White nickel A. P. letters, and three stars and a ribbon (blue and red) The stars will be five pronged plain and inckel.

Breeches – Khaki drill, or Bedford cord, to lace at the knee strapped drill or cord.

Shirt – Khaki drill, with two breast pockets, and shoulder strap, collar attached or detachable at option.

Tie – Khaki, to be tied in a sailor knot.

Trousers – Khaki drill, to reach to the ankle.

Jodhpur Breeches – Khaki drill, to fit to the leg closely, and reach to the ankle. Any opening required in the lower part of the leg to be in the inside seam, and closed by press studs, or flat buttons in a fly. A thin leather or khaki drill strap, to buckle on the outside of the leg to be worn below the knee.

Stockings – Plain khaki woollen.

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.

Sword – Infantry pattern, with A. P. device in hilt, brown leather scabbard and sword knot.

Crest – Nickel A. P. crest for Inspector.

Note – 1. All the items of uniform will be of the standard No. 11 shade and all items worn together (e. g. shirt, jackets, breeches) much match in shade.

Note – 2. During the cold weather Uniform of similar pattern, but of woollen serge may be worn, but is not obligatory.

3. Orders of Dress for Inspectors.

D.E.F. A.B. U.B. Inspector – (1) *Ceremonial Dress* – Khaki Tunic Poplin (Khaki) shirt, Khaki tie, Khaki lanyard with whistle, (Khaki) slacks, brown boot/boots derby pattern with Khaki Socks, Sam Brown Belt. (Medals if entitled Khaki woollen Peak Cap (for A. P. Battalions A. B. I./ A. B. S. I. khaki peak cap for Inspection Dress).

D. E. F. A. B./U. B. Inspector – (2) *Working Dress* – 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. (Medal ribbons (for A. P. Battalions A.B.I./ A.B.S.I. Khaki Peak Cap or Khaki beret cap for working dress). The existing pattern for A. P. Bn, will continue but Inspector will wear three stars and a ribbon.

(Traffic personnel will wear white uniform instead of khaki and blue lanyard).

Vide Govt. Home Deptt. No. HMP, 477/79/25, dated 1st June, 1979 have ordered that the uniform of Police personnel will conform to all India pattern. Hence the Above/following alterations to uniforms are ordered. This will apply to equivalent ranks. In A. P. R. O./State Fire Service except that A. P. letters/Crest will be replaced by A.P.R.O./S.F.S. letters/ Crest.

Note 1 – Working dress may be worn by Court Officers during prosecution of cases. Officers giving evidence in court must wear inspection kit, without sword.

Note 2 – When the Sam Brown belt is worn the detachable buckle will be removed from the cloth belt on the jacket.

Note 3 – During the hot weather the jacket need not be worn in working Kit; in such a case the rank badge will be worn on the shoulder straps of the shirt.

4. Uniform of sergeants

Helmet and Cap – As for Sergeant-Majors.

Badges of Rank – "Sergeant A. P," to be worn on each shoulder strap. All other items are the same as for Sub-Inspectors. The rule headed "Orders of dress for Sub-Inspectors" applies mutatis mutandis in the case of Sergeants.

5. Uniform of Sub-Inspectors

As for Inspectors but two stars with ribbon (blue and red) and nickel A. P. letters.

Helmet (Head gears) Khaki woollen Peak-Cap.

Coat – Khaki drill, as in the Indian Army universal pattern "B%", but with the waist band extended to form a left as described in the details for Inspectors, uniform.

Badge of rank (Shoulder badge) Two stars with ribbon (blue and red) to be worn on each shoulder strap. Breeches, trousers, Jodhpur breeches, stocking boots, shoes, as for Inspector. Sam Brown belt, Sword Scabbard and sword knot as for Inspectors.

Crest – Nickel A. P. crest for Sub-Inspectors.

Note 1 – All uniform must be of NO. UU, II shade, and all items worn together must match.

Note 2 – During the cold weather, uniform of similar pattern, but of woollen serge may be worn.

6. 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).

(Traffic personnel will wear white uniforms instead of khaki and blue lanyard).

D.E.F. A.B./U.B.

Sub-Inspector.

Working Dress

Same as Inspectors but with Same brown belt. The existing pattern for A.P.Bn. will continue. Head gear for A.B.S.I. 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 Officers prosecuting but officers giving evidence must wear Inspection dress, without sword.

Note 2 – When the Sam Brown Belt is worn the detachable buckle on the waist band of the Coat will be removed.

Note 3 – During the hot weather Coats need not be worn, except in Inspection kit. In such a case, a khaki shirt and collar of pattern as for Inspectors, but without a tie, will be worn, with the rank badges on the shoulder straps.

Note 4 – 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 "A. P." in white metal backed with scarlet cloth on the shoulder straps.

7. Uniform of Assistant Sub-Inspectors

Head Dress-Khaki beret cap as for Armed Branch Constables, with nickel A.P. crest in front.

Badges of rank and buttons – One star with ribbon (blue and red) with nickle A.P. letters on each shoulder straps.

Buttons – As for Inspectors and Sub-Inspectors.

Coat – Khaki drill with stand up collar, front open the whole way down. Two breast pockets with flap hold down by A .P. buttons five A.P. Buttons down front, belt hook on either side.

Departmental nickel "A.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 A.P. pattern brass buttons.

Waist Belt – Brown leather circular brass clasp with A.P. monogram on clash.

Jersey or Cardigan Jacket – Grey, blue or khaki wool.

Socks – Grey woollen Army pattern.

Kit Box – Of steel, coloured black and measuring 24 inches long, 14 inches broad and 9 inches deep with padlock fastening.

8. First Kit of Assistant Sub-Inspector.

An 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>
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Khaki beret cap	2	2	Years
Cap with strap	1	2	”
Trousers khaki drill	1 pr	1 ½	”
Coats	2 Nos	1 ½	”
Jersey	1	2	”
Haversack	1	1 ½	”
Star with ribbon, nickel A.P. letters and buttons	1 set	10	”
Socks	2 pairs	1 ½	”
Boots	1 pair	1 ½	”
Kit box	1 No.	10	”

*In Plains and Hills Districts, two shirts khaki twill, will be issued in addition to two the above, the period of wear for each being nine months, the life of the Coats prescribed above being expanded from 1 ½ years to 2 years.

The approximate initial cost of this outfit is Rs. 39 and of its annual maintenance Rs. 30.

As Assistant Sub-Inspector in a hill district will receive in addition a Great-Coat, to last for six years, the initial cost and annual maintenance of this kit being Rs. 53 and Rs. 32 respectively.

"The life of jersey for Assistant Sub-Inspectors and Head-Constables of the Khasi and Jaintia Hill District Police, is fixed as one year instead of two years as prescribed above. II

9. Uniform of Head Constables, Armed Branch.

Head Dress – Khaki baret cap as for Constables of A. B.

Cap – Khaki cloth, stiffened with canvas, 2 ½ " high with brass "A.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.

Armed and unarmed branches – Other items:-

Coat, 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) black 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).

D. E. F. A. B./U. B., A. S. I. – Working Dress-Khaki shirt, without sleeves, slacks (Khaki) black shoes, boots, khaki lanyard with whistle, brown belt.

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 A. P. letters.

Constables – Only A. P. letters (brass).

(The star will be five pronged plain and nickel).

Crest – Nickel A. P. crest for A. S. I./one brass crest for Constable.

Head Gears – Khaki beret for A. B. Constable/A. S. I.

(2) The existing pattern for A. P. Battalion will continue.

(3) The A. P. R. O. same as above for equivalent ranks except that the A. P. R. O. letters will be used in place of A. P. letters and beret will be blue.

(4) State Fire Service will be same for equivalent ranks except that the A. P. letters will be replaced by S. F. S. A. letters.

10. Order of dress for Head Constables.

Inspection Kit – Cap (Armed Branch) or other head dress (Unarmed Branch), Coat, Trousers, boots, belt and medals.

Working Kit – Beret cap, Coat, Boots, Belt and medal ribbons.

Note – In the hot weather coats need not be worn in working kit, when so ordered. In such occasions, a shirt of khaki twill or other suitable khaki material will be worn.

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:-

ARTICLE	NUMBER	LIFE
Beret cap	2	3 years
Coat	2	1 ½ ,,
Trousers	1	1 ½ ,,
Jersey	1	2 ,,
Haversack	1	1 ½ ,,
Chevron	1	2 ,,
Badges, buttons and letters	1 set	10 ,,
Socks	2 pairs	1 ½ ,,
Boots	1 pair	1 year
Kit box	1 No.	10 years
Great Coat	1	6 ,,
Water proof	1	5 ,,

“The life of jersey for Assistant Sub-Inspector and Head Constables of the Khasi and Jaintia Hills District Police. is fixed as one year instead of two years as prescribed above.”

The original cost of this kit is approximately Rs. 75 and the annual maintenance cost Rs. 36.

A head constable of the Armed Branch Police Reserve will be given in addition a red worsted sash to last 3 years, the initial cost of this kit being Rs. 80 and the annual maintenance cost Rs.38. "The Superintendent of Police are authorised to issue at their discretion a third pair of shorts (trousers) instead of the one pair of trousers to the Head Constables".

"In Plains and Hill Districts, two shirts, khaki twill, will be issued in addition to the above, the period of wear for each being nine months, the life of the coats prescribed above being extended from 1½ years to 2 years"

(Vide correction slip No. 51, dated the 31st January 1935).

12. Uniform of Naiks

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.

13. Uniform of Constables.

Head dress – Khaki beret cap for A. B. Constables and red beret cap for 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 fiats 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. Great Coats Socks, Boots and Haversacks as for Head Constables.

Waist Belt – Brown leather, two inches deep brass clasp of A. P. pattern, with name of district embossed.

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, interspace 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.

14. Uniform of the River Police.

Head dress-Cap, Naval blue serge with brass badge.

Shirt – Blue drill.

Short – Blue drill.

Scarf – Red Salu.

Putties – Blue cloth.

Great Coat – As for District Police, but blue.

Heversack – As for District Police, but blue. Departmental letters and roll number of brass, as for district Police.

Kit Box – As for district Police.

Note – Head Constables of the River Police will wear the same uniform as constables, but with red cloth chevrons on the right sleeves, as for the district Police.

The uniform of Inspectors and Sub-Inspectors of River Police in the same as for the district Police, except that these officers are permitted, if they desire to wear blue uniform instead of khaki.

15. First kit of Constables. District Police/ Unarmed 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:-

ARTICLE	NUMBER	LIFE (YEARS)
Beret cap	2	3 „
Fatigue cap	1	1 ½ „
Jersey or cardigan jacket	1	2 „
Drab ankle patty	1 pair	1 ½ „
Haversack	1	1 ½ „
Badge and letters	1 set	10 „
Kitbox	1	10 „
Khaki Serge Coat	1	2 „
Khaki Serge trousers	1 pair	2 „
Shirts Khaki twill	2	9 months each

"In plains and hills district, two shirts, khaki twill, will be issued in addition to above the period of wear for each being nine months, the life of the blouses prescribed above being extended from It years to 2 years. The life of

jersey for Constables of the Khasi and Jaintia Hills District Police is fixed at 1 year instead of 2 years prescribed above.

Approved service badges, to last 2 years, will be issued when earned. The approximate cost of this uniform is Rs. 32 and of its annual maintenance, Rs. 17.50.

Great-Coats and Water-proofs Caps or Coats will be provided for a percentage of force according to the local requirements of each district.

In hill districts, where climatic conditions require it, Coats and trousers of drab twill cloth may be issued in winter instead of Blouses and shorts of khaki drill.

In the Garo and Mizo hills districts, khaki caps, kilmernocks with two covers as prescribed for the Armed Branch Constables will be issued instead of pugress, fringes and kullas.

"One extra pairs of shorts (trousers) and one shirt, or one pair of duggress will be issued to each of the drivers of Police Vehicle in Assam.

16. First kit of Constables Armed Branch

A Constable of the Armed Branch will be provided with the following kit, the items of which should last at least the period stated:-

ARTICLES	NUMBER	LIFE (YEARS)
Beret cap (khaki)	2	2 „
Fatigue cap	1	1 ½ „
Coats	2	2 „
Trousers	2	1 ½ „
Shirts, Khaki twill	2	9 months each.
Jersey or cardigan Jacket	1	2 years
Boots	1 pair	1 ½ „
Socks	2 pairs	1 ½ „
Haversack	1	1 ½ „
Sling for Haversack	2 ½ Yards (maximum)	
Buttons, Badge and A. P. letters	1 Set	10 „
Kit box	1	10 „
Black hockey boots	1 pair	6 months.

"The life of the boots for the Constables of the town Police for night patrol duties fixed at two years instead of It years prescribed above."

"The life of boots for Constables of the Khasi and Jaintia Hills Districts Police is fixed at 1 year instead of 1 ½ years prescribed above."

Approved Service badges will be issued as required.

The approximate initial cost of this kit is Rs. 43 and of its annual -maintenance Rs. 27.

Great-Coats and Water-Proof Coats or Caps will be provided for a percentage of the force according to the local requirements of each districts.

In the hill districts, where climate conditions require it, coats and trousers of drab twill cloth may be issued in winter instead of blouses of and shorts of khaki drill.

The Superintendent of Police are authorised to issue at their discretion a third pair of shorts (Trousers) instead of the one pair of trousers to the Constables."

17. Uniform of orderlies.

“The personnel orderlies of Gazetted Police Officers will wear the following uniform instead of khaki:-

Cap – Black pill-box hat. Armed branch men will wear black highlander warm cloth Caps with approved badges on them.

Coat – Black drill, reaching to half way between waist and knee. Turn down collar. The Coat to fasten in front with three black buttons.

Shorts – White drill.

Stockings – Blue black.

Shirts – White twill-collar to be worn outside the coat.

Shoes – Black leather, walking.

This uniform is in lieu of and not in addition to the ordinary uniform, and no extra cost to Government is admissible on this account.

The uniform is reasonable to stock if orderlies are changed.

ARTICLES	NUMBER	LIFE (YEARS)
Cap, Pill box	1	2 „
Coat (Black) drill or Serge for hill district ,	1	2 „
Shorts (White drill)	1	1 ½ „
Stockings (Blue black)	1 pair	4 ½ months
Shirts (White twill)	1	9 months.
Shoes (Black leather walking)	1 pair	1 ½ years
Cap badge	1	2 „

(Vide A. G. P. (POLICE) No. 26-735 dated 30-7-1942.

18. Scale of cloth for Police uniform.

The following scale of cloth gives the average for making up the articles detailed; a variation up to one-twelfth (8 ½ percent) either way may be allowed to allow for difference in individuals.

ARTICLES	AMOUNT OF CLOTH
Assistant Sub-Inspector Coat	3 ½ years
Head Constables Coat	3 ¼ „
Trousers	2 ½ „
Knickers	2 „
Constable's blouse	3 ½ „
Shirts	1 ¾ „
Shorts	1 ½ „
Fatigue Cap	1 foot

Haversack	32 inches
Sling for Haversack	2 ½ Yards (Maximum)
Great Coat	3 „
Lining for Great Coat	1 ½ Yards or of 54’’ width
Water-proofed Cap	3 ¼ Yds. Or of 54’’ width
Ground Sheet	5 ¼ Yds of 36’’ width
Mosquito Netting	5 ¼ Yds. Of 49’’ width proportionately for other width
Long Cloth for a Mosquito Net	5 ½ Yards

Scale of Sewing thread for a :-

Shirt	100 Yards.
Short	75 Yards.
Coat or Blouse	180 Yards.
Great Coat	375 Yards.
Fatigue Cap	30 Yards.
Haver Sack	40 Yards.
Cap Ground Sheet	275 Yards.
Mosquito Net	275 Yards.

1 ¾ Yards instead of 1 ½ yards will be issued to the men of the Government Railway Police for a pair of shorts.

In the cases of very large men an increase of one-fourth (25 percent) of the prescribed length of cloth may be allotted.

The following scale of cloth are allowed to the C. I. D. personnel for their plain cloth uniform.

RANK	AMOUNT OF CLOTH
Cotton Coat. For A. S. Is; H. Cs and C. I. D. Constables.	4 Yards each.
Cotton Shirt. For A. S. Is; H. Cs and C. I. D. Constables.	3 Yards each.
Warm Coat. For A. S. Is; H. Cs and C. I. D. Constables.	1 ¾ Yards each.
Cotton Trousers. For A. S. Is; H. Cs and C. I. D. Constables.	3 Yards each.
Warm Trousers. For A. S. Is; H. Cs and C. I. D. Constables.	1 ½ Yards each. (double breadth)

19. First Kit of Constables, Town and Railway Police.

Constables of the Town Police and of the Government Railway Police will receive the same outfit as a constable of the Armed Branch with the exception that they will get two Beret Caps, two Kullas instead of the Hat and Cap -prescribed for the Armed Branch. They will be further supplied with a great-coat and a water-proof. A third blouse and a third pair of slacks should also be supplied to them provided that the cost can be met by corresponding savings in other items or by prolonging the periods of wear. Besides the above, Town Police Constables actually employed on point duty in the Headquarters and Sub-Divisional Stations will be supplied with umbrella once in two years and braces once in four years.

Constables of the Shillong town Police on point duty will each be supplied with a pair of woollen gloves annually.

The approximate cost of the uniform is Rs. 67 and of its annual maintenance is Rs 33.

20. A first kit for recruits.

A first kit for recruits will consist of the following articles:-

ARTICLES	AMOUNT OF CLOTH
Beret cap	2
Khaki drill blouse	1
A. P. letters and buttons	1 Set
Haldall	1
Khaki drill Shorts	2 Pairs
Khaki twill Shirts	2
Khaki fatigue Cap	1
Jersey or cardigan Jacket	1
One belt with waist plate	1

All Constables are provided with a leather waist belt, with brass plate fastening in front on which the name of the Police District will be engraved.

Assistant Sub-Inspectors and Head Constables will wear leather waist belt with disc fastening engraved Assam Police.

21. First kit and the cost of its annual maintenance for Assistant Sub-Inspectors, Head Constables of the Criminal Investigation Department:-

1	Serial Nos. 2	Articles 3	No. 4	Cost. 5			Life 6	Up keep (annual cost) 7		
				Rs.	a.	P		Rs.	a.	P
Assistant Sub-Inspector-Hills and Head Constables-Hills	1	Cardigan Jacket	1	2	15	0	2 Years	1	7	6
	2	Warm Coat	1	14	0	0	2 Years	7	0	0
	3	Cotton Coat	1	4	0	0	2 Years	2	0	0
	4	Shirt	1	1	13	0	1 Year	1	13	0
	5	Dhuties or Shorts	2 Pr or 2	6	0	0	1 Year	6	0	0
	6	Shoes	1 Pr	6	0	0	1 Year	6	0	0
	7	Shocks	1 Pr	0	15	0	1 Year	0	15	0
				35	11			25	3	6
Assistant Sub-Inspector-Plains	1	Warm Coat	1	14	0	0	3 Years	4	10	8
	2	Cotton Coat	1	4	0	0	2 Years	2	0	0
	3	Shirt	1	1	13	0	1 Year	1	13	0
	4	Dhuties or Shorts	2 Pr or 2	6	0	0	1 Year	6	0	0
	5	Shoes	1 Pr	5	0	0	1 Year	5	0	0
	6	Socks (Cotton)	1 Pr	0	8	0	1 Year	0	8	0
				31	5	0		19	15	8
Constables-Hills	1	Cardigan Jacket	1	2	15	0	2 Years	1	7	6
	2	Warm Coat	1	11	0	0	2 Years	5	8	0
	3	Cotton Coat	1	4	0	0	2 Years	2	0	0
	4	Cap	1	1	0	0	1 Year	1	0	0
	5	Dhuties or Shorts	2 Pr or 2	5	0	0	1 Year	5	0	0
	6	Shoes	1 Pr	5	0	0	1 Year	5	0	0
	7	Shirts	1 Pr	1	13	0	1 Year	1	13	0
	8	Socks	1 Pr	0	12	0	1 Year	0	12	0
	9	Umbrelia	1	--	--	--	3 Years	--	--	--
				31	8	0		22	8	6
Constables-Plains	1	Warm Coat	1	11	0	0	3 Years	3	10	8

2	Cotton Coat	1	4	0	0	2 Years	2	0	0
3	Dhutles or Shorts	2 Pr or 2	5	0	0	1 Year	5	0	0
4	Shirt	1	1	13	0	1 Year	1	13	0
5	Shoes	1 Pr	4	0	0	1 Year	4	0	0
6	Socks (Cotton)	1 Pr	0	8	0	1 Year	0	8	0
			26	5	0		11	15	8
7	Umbrella	1	--	--	--	3 Years	--	--	--

Note – The above should be purchased locally and care should be taken that *provisions for shorts has been made for those Assistant Sub-Inspectors and Constables who are not accustomed to wear dhuties.

TABLE OF FORMS

Form No.

Name of Form

1	2
1	Form of application for appointment as a Sub-Inspector of Police.
2.	Verification Roll.
3.	Certificate of physical fitness for Government service.
4.	Bond to be executed by Probationary/Temporary Sub-Inspector on their first appointment.
5.	Register of Candidates.
6.	Appointment Certificate.
7.	Service Sheet.
8.	Service Book.
9.	Dismissal Report Slip.
10.	Proceedings.
11.	Application for Leave.
12.	Register of Casual Leave.
13.	Leave Account (Ledger).
14.	Register of Punishments.
15.	Disposition Register.
16.	Leave Register.
17.	Leave Certificate.
18.	Sick Report (for use by Reserve Officer).
19.	Sick Report (for use by officer not in the head quarter).
20.	Medical History Sheet.
21.	Individual diet sheet of additional hospital diet.
22.	Compilation Sheet for Hospital Diet issued daily.
23.	Abstract/Diet Sheet of the Hospital.
24.	Slip containing Thumb and Finger impressions of pensioners.
25.	Quarterly Return of Pension and Gratuities.
26.	Discharge certificate.
27.	Register of target practice.
28.	Annual Musketry Return.
29.	Morning Report (Armed Branch).
30.	Morning Report (Unarmed Branch).
31.	Force Return (Armed Branch).
32.	Force Return (Unarmed Branch).
33.	Statement of unfilled vacancies in the ranks of Assistant Sub-Inspectors. Heed constables and constables.
34.	Register of landed property and relative of Non-Gazetted Officers serving in the Police Department.
35.	Reserve register
36.	Ammunition account.
37.	Roll of officers and men who will attain or have passed the age of fifty-eight years.

38.	Register of Visiting Guards.
39.	Report of Visiting Guards.
40.	Committee Report.
41.	Loss Statement – All Services.
42.	Gratis.
43.	Gratis – Details of Stores/Discrepancies.
44.	Gratis – Referred to in Rules 159 and 166.
45.	Gratis – Delivery/receipt/expenses voucher.
46.	Packing Note.
47.	Proceedings of committee to inspect and condemn stores.
48.	Proceedings of committee to inspect and pass stores.
49.	Register showing distribution of arms.
50.	Stock book of furnitures etc.
51.	Roster.
52.	Escort Requisition.
53.	Command certificate to be carried by Police Officers deputed on duty.
54.	Receipt to be given by treasury officer to an officer-in-charge of an escort party on receiving treasure.
55.	Form of receipt to be given by an officer-in-charge of a relieving escort party.
56.	Railway Warrant.
57.	Form of passage warrant for company.
58.	Form of Passage Warrant for Superintendent of Police.
59.	Indent for uniform for Inspectors and Sub-Inspectors of Police.
60.	Indent for uniform required for Head constable and constables.
61.	Loose Ledger.
62.	Committee Report.
63.	The individual Clothing Ledger.
64.	Clothing hand book for constables.
65.	Clothing hand book for Assistant Sub-Inspectors and Head constables.
66.	Issue Form.
67.	Strike Off Form.

FORMS REFERRED TO IN PART III TABLE OF CONTENTS OF FORMS IN PART III

Serial No. of FORMS as given in schedule	Name of Forms
1	2
SCHEDULE II	
52.	Stock Book of furniture etc.
75.	Proceedings.
SCHEDULE III	
68.	Service Book.
70.	Leave Account (Ledger).
76.	Slip containing thumb and finger impressions of pensioners.
SCHEDULE XL (A), PART I	
56.	Nomination roll for appointment as Sub-Inspector of Police.
57.	Verification Roll.
58.	Certificate of health required of a selected candidate for appointment as Sub-Inspector of Police.
SCHEDULE XL (A) PART I	
59.	Register of candidates.
61.	Appointment certificates.
62.	Service Sheet.
63.	Dismissal report slip.
65.	Register of punishments.
66.	Disposition Register.

67. Register of Casual Leave.
68. Leave Register.
69. Leave certificate.
74. Discharge certificate.
76. Register of target practice.
77. Annual return of target practice.
78. Morning Report (Armed).
79. Ditto (Un-armed).
80. Force return (Armed).
81. Do (Un-armed).
- 81-A Statement of unfilled vacancies in the rank of Assistant Sub-Inspectors, Head-Constables and Constables.
84. Register of landed property and Relatives.
85. Reserve Register.
86. Ammunition Account.
- 86-A Quarterly return of pensions or gratuities.
87. Roll of officers and men who will attain or have passed the age of 55 years.
88. Register of visiting guards.
89. Report of
90. Command certificate.
91. Proceedings of committee to inspect and condemn stores.
92. Proceedings of committee to inspect and condemn stores.
93. Register showing distribution of arms.
96. Indent for uniform required for Inspectors and Sub-Inspectors.
97. Indent for uniform required for Head-Constables and Constables.
98. Loose leaf ledger for entering articles of clothing.
99. Committee Report.
100. Individual clothing ledger.
101. Clothing hand-book for Constables.
102. Clothing hand-book for Assistant Sub-Inspectors and Head Constables.
103. Issue Form.
104. Strike-off Form.
105. Roster.
106. Escort requisition.
199. Railway warrant.
202. Sick report for head-quarter.
209. Medical history sheets.
210. Sick report for outlying stations .etc,
215. Agreement to be entered into by probationary Sub-Inspector of Police.

216. Application for leave.
- SCHEDULE XL (B)**
24. Individual Diet Sheet
- 24-A. Compilation sheet for hospital diet issued daily.
25. Abstract diet sheet.

SCHEDULE XXXIX

149. Receipt to be given by treasury officer to an officer in-charge of an escort party on receiving treasure.
150. Form of receipt to be given by an Officer-in-charge of a relieving escort party.

SCHEDULE XLIII (PART I)

- 33-A. Medical certificate for employment.

ARMY FORMS

- | | | |
|----------|------|---|
| I.A.F.A | 2. | Committee Report. |
| I.A.F.A. | 498. | Loss statement. |
| I.A.F.O. | 1453 | Statement of casualties in hill ammunition. |
| I.A.F.Z. | 2091 | Requisition for ordnance stores. |
| I.A.F.Z. | 2096 | Receipt and delivery vouchers. |
| I.A.F.Z. | 2097 | Packing note. |
| I.A.F.Z | 2098 | Details of unserviceable stores. |
-

FROM No.1

FORM OF APPLICATION FOR APPOINTMENT AS A SUBINSPECTOR OF POLICE

(Assam Schedule XL(A), (Part I) Form No. 56)

Referred to in Rule II

1. Name of the applicant and caste.
2. Native place (Village, Thana and District).
3. Postal and telegraphic address to which communication should be sent.
4. Father's name and occupation.
5. Whether the applicant has applied before for the post of Sub-Inspector .
6. Date of birth of applicant. (See instructions on reverse).
7. Educational qualification. (See instructions on reverse).
8. Schools and Colleges where educated.
9. Special qualification and present occupation if any.
10. Previous appointment if any, whether in public or in private service and reasons for leaving them.
11. Whether the candidate has at any time been pronounced unfit for Government employment by a duly constituted Medical authority.
12. Names of relations in the service of the crown now or in the past and the appointments held by them (the relationship should be stated only father, Grand-father, father's brothers, mother's brothers, wife's brothers and their sons need be mentioned).

ON REVERSE

13. Names and status of persons who can testify, to the character of the applicant and vouch for his social status. (See instructions below).
14. Height and chest measurement of the applicant ascertained by the Superintendent of Police (See instructions below).
15. Recommendations of District Magistrate and Superintendent of Police (See instructions below).
16. Left thumb impression of the candidate taken in presence of the committee at time of selection. Left thumb

impression of the candidate taken at time of selection by the Superintendent of Police.

INSTRUCTIONS FOR FILLING IN THE FORM

(The above mentioned heading are given in the left hand side of the form)

- I. Column I to II of the form should be filled in English by the nominee.
- II. Column 6. If the date of birth does not agree with that given in the Matriculation certificate, the discrepancy must be explained.
- III. Column 7. Copies of I.A., I.Sc. or other certificates should be attached to the application. The originals should be produced before the Superintendent of Police when called for.
- IV. Column 12. Testimonials may be attached to the form. If copies and not the originals are attached, the latter must be produced before the Superintendent of Police when required. The testimonials should include a certificate of moral character from some person who has known the applicant for at least three years and a certificate from the principal of the school or college in which the applicant has attended during the past 12 months.
- V. Column 13 should be filled in by one of the officers named in Rule 2 of the appointment rules, namely Divisional Commissioner, District Magistrate, District Judge, Inspector General of Police, Superintendent of Police, Director of Public Instructions, Inspectors of Schools and Principals of Government Colleges.
- VI. Column 14 should be filled in by the Superintendent of Police.
- VII. Column 15 should be filled in by the District Magistrate and Superintendent.

N.B.-Canvassing is forbidden and any attempt on the part of a candidate to enlist support for the application through relatives, friends, patrons or officials will disqualify him for appointment. Spontaneous recommendations from persons interested in the candidates or otherwise known to them, will be disregarded.

FORM No. 2.

VERIFICATION ROLL

(Assam Schedule XL (A) (Part f), Form No. 57)

Referred to in Rules 11 and 28.

(To be filled in by applicant for the post of _____)

1. Name and Caste.
2. Date of birth. Also state whether horoscope is available or not:
3. Residence (Village, post Office, Police Station and District should be given):
- 3-A. Educational qualifications and Schools, etc., where educated, with dates:
4. Whether married or not. If so the number of children:
5. Father's name, residence; and past and present occupation:
6. Names of applicants brothers, of father's brother's and father-in-law:
7. Whether applicant has ever been accused in a criminal case or has ever been in prison:
8. Whether in debt and whether any civil suit is pending against him:
9. Have you been inoculated, vaccinated and had small-pox:
10. Names of relations (if any) in the service of the crown, and if so the appointment held by them (only father, grand-father' father's brothers, mother's brothers, wife's brothers and their sons need be mentioned:

ON REVERSE

11. Whether held any appointments since leaving Schools ? If so left them? (Copy of certificates, if any should be attached):
12. Names of three persons whom applicant wishes to be his heirs:
13. Names of three referees and their address:
14. Whether applicant or his wife owns any landed property either solely, jointly, or benami; if so, the approximate amount or value should be stated where situated:

I solemnly declare that the above information is to the best of my belief correct.

Right

----- thumb mark of the applicant to be affixed in presence of Superintendent of Police.

Left

Signature of applicant.

To be made in presence of Superintendent of Police.

Signed in my presence.

Superintendent of Police.

***Note** – The unnecessary word should be scored through.

Report of verifying Officer

The report should say whether the applicants' statements contained above are correct, whether he is a respectable man of good moral character and whether he or his near relatives have taken a prominent part" in politics or in political associations.

FORM No. 3

CERTIFICATE OF PHYSICAL FITNESS FOR GOVERNMENT SERVICES

[Assam Schedule XL(A) (Part I), Form No. 58]

Referred to in Rule 11

I _____ do hereby certify that I have examined _____ a candidate for employment in the police department. His age is according to his own statement _____ years.

- (a) General conformation.
- (b) Vision.
- (c) Hearing.
- (d) Lungs.
- (e) Heart.
- (f) Liver.
- (g) Spleen.
- (h) Hernia, present or absent.
- (i) Hydrocele, present or absent.
- (j) Glycosuria, present or absent.
- (k) Alluminuria, present or absent.
- (l) Distinguishing marks.
- (m) Stammering or stuttering, present or absent.

I consider that he is of sound health and good physique, and capable of bearing fatigue and exposure, and that he is fit to enter the service of the crown.

I consider him unfit to enter the service of the crown for the reason given at.

Place _____

Date _____

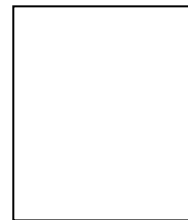
The thumb impression below was made by the applicant in my presence.

Civil Surgeon _____ or Professor, Medical College, Gauhati, Silchar, Dibrugarh.

Date _____

The day of

*Here take thumb
impression in the
presence of the civil Surgeon.



FORM No.4

Bond to be executed by Probationary/Temporary Sub-Inspector, on their first appointment

[Assam Schedule XL(A), (PART 1). Form No. 215)

Referred to Rule 12

AGREEMENT

I _____ son of _____ of village _____ thana _____ in the district of _____ agree to serve full three years in the Assam Police from the date of my confirmation as a Sub-Inspector, unless I am discharged or dismissed or certified by a competent medical officer to be unfit for such service. If I leave the service by resignation or through an appointment obtained in another department before the expiry of the said three years I undertake and agree to pay to Government as compensation on the following scale.

Rupees 300 if service is left in the first year.

Rs. 200 Ditto Ditto second year.

Rs. 100 Ditto Ditto third year

Witness _____

1. _____ Signed _____

2. _____ Signed _____

FORM No. 5

Register of candidates

[Assam Schedule XL(A) (Part I), Form No. 59]

Referred to in Rule 26

- 1) Finger prints to be taken by Superintendent of Police.
 - 2) Serial number.
 - 3) Date of entry.
 - 4) Name, father's name, occupation and caste of candidates.
 - 5) Name of any person recommending for enlistment.
 - 6) Proposed rank.
 - 7) Age.
 - 8) Height.
 - 9) Chest measurement.
 - 10) Whether he has been vaccinated, inoculated, or had small-pox.
 - 11) Civil Surgeon's remark.
 - 12) Superintendents order.
 - 13) Enlistment.
 - 14) Departure to school
 - 15) Return from school
- } Date of
- 16) Finger prints to be taken by civil surgeon and compared with finger print Medical Certificate for employment-(Assam Schedule XLIII. Form No. 33-A) Referred in Rule 26. For details see S.R. 5.

FORM No.6

APPOINTMENT CERTIFICATE

[Assam Schedule XL(A) (Part I), Form No. 61]

Referred to in Rule 30

ASSAM POLICE APPOINTMENT CERTIFICATE

_____ District _____ has been appointed
_____ Assam Police under V of 1861 and is vested with the powers, functions and
privileges of a Police Officer.

The _____ 19

Superintendent of Police.

by

Certified that the Government servants' conduct rules have been read over --- the recruit
to

Signature

FORM No. 7
Service Sheet
 [Assam Schedule XL(A) (Part I), Form No. 62]
 Referred to in Rule 32
 ASSAM POLICE DEPARTMENT
 SERVICE SHEET

Name :
 No. :
 District:
Note – (I) All the entries to be made neatly legibly and concisely.
(II) Do not waste space.
(IV) A Service Book (Assam Schedule III, Form No. 68) need not be maintained in addition to the service sheet for any non-gazetted officer.

SERVICE SHEET

Name :
 Caste :
 Address :
 Post Office :
 Nearest railway station:
 Date of birth :
 Distinguishing marks :
 Verified by Local Police on :
 Village :
 Telegraph Office :
 Distt. :
 Age of enrolment :
 Police Station :
 Province :

Particulars of previous service (Military or Civil) allowed to court
 for
 (i) Pension (ii) Increment .

Authority.

Superintendent of Police
 _____ District

KINDRED ROLL
(to be verified Annually)

Relative	Name	Date of birth of children and of marriage and form of marriage	Address
1	2	3	4

Thumb and finger impressions
(Left hand)

Signature if literate

Wife
 Father
 Mother
 Sons
 Daughters
 Others

_____ Hairs-nominated to estate in case of death.

Provident Fund Account Number.

Superintendent of Police .
 _____ District.

Certificate of Verification of Kindred Roll and nomination of heirs

Date	Initial and rank of Officer.	Date	Initial and rank of Officer.	Date	Initial and rank of Officer.
1	2	3	4	5	6

AGREEMENT UNDER ACT V OF 1861

I _____ son of _____ of _____ Village in the District of _____ undertake that on being enrolled as a _____ in the Assam Police. I will proceed to whatever district I am posted and I will serve three years in Assam Police, from the date of joining my district, unless I am discharged or dismissed or certified by a Civil Surgeon to be unfit for such service. If I resign before the expiry of the said three year, I undertake and agree to refund to Government the cost of my training and travelling allowances i.e. my pay for the period I was under training plus the cost of travelling allowance to join the training school and to join my district.

Witnesses

1. _____
2. _____

Signed

Date.

FORM OF OATH

I _____ son of _____ by caste resident of _____ District _____ have been made to understand the duties and responsibilities of a Police Officer and I am willing to accept these duties and responsibilities and I swear that I shall remain faithful to my president, the Government, my superiors and fellow police men and shall perform my duties honestly diligently and cheerfully and shall always behave well and honestly towards the public.

Administered and attested by me.

Signed

Signature

Date

Date.

WILL FORM

This is the last will and testament of _____ of the _____ District Police.

I bequeath the whole of my personal property including balance of pay and other-sums to my credit in and with the unit to which I belong and proceeds of the scale of my moveable property on the spot to:

- (1) The heirs nominated in the Kindred Roll of my sheet roll if traced within 24 months of my death.
- (2) In the event of the nominated heirs not being traced by the Superintendent of Police within a period of 24 months from the date of death, to the Superintendent of Police _____ District, in trust to be credited to any Police fund for the benefit of men of the District; Police or for the widows and children of men who have served in the District Police as he may think fit. In witness whereof I have set my hand to this Will this the _____ day of _____ 19 .

Signed by the above _____ as his Will in the presence of us who in his presence and the presence of each other have hereinto subscribed our names as witness.

1st witness.

2nd witness.

Superintendent of Police

_____ District.

QUALIFICATION'S CERTIFICATE, DEGREES. COURSE, CLASSES

Date	Nature of Course (To include University Degree etc.)	Result.
1	2	3

MUSKETRY AND REVOLVER RECORD

Year	Points	Classification	Year	Points	Classification
1	2	3	4	5	6

POSTINGS

Post	Date joined	Number of district order	Date left.	Period
1	2	3	4	5

Record of Service:- All Appointments, Promotions, Reductions and an occurrence affecting pay to be ENTERED with date from which they take effect and the number of the District Order.

Date	Record	Number and date of district order	Initial of Gazetted Officer.

REWARDS

Case or other Reference	Short particulars of reward	By whom granted	Number and date of District Order	Initials
1	2	3	4	5

OFFENCES AND PUNISHMENTS (MINOR PUNISHMENTS TO BE ENTERED IN BLACK, MAJOR IN RED)

Reference to proceedings, if any	Punishment and short reasons for the award	By whom awarded	Number and date of District Order	Initials
1	2	3	4	5

ACCOUNT OF ESTATE ON DISCHARGE OR DEATH

Place and cause of becoming non-effective

Date	Assets	Rs.	a.	p.	Date	Liabilities	Rs.	a.	p.
	Arrears of pay.					Recoveries due to Govt.			
	Deferred Pay.					Recoveries due to Police Funds.			
	Provident Fund.					Funeral charges (if any)			
	Sale or effects.					Balance			
	Other sums due.								

Net amount of estate Rs. a. p. paid to _____ by _____ in the presence of (signed) _____

Signature of recipient in acknowledgement.

Superintendent of Police

FORM No. 8

SERVICE BOOK

(Assam Schedule III (Section I), Form No. 68)

(Referred to in Rule 35)

This form is in book size containing 9 pages with different columns as follows:-

(On the cover)

SERVICE BOOK
(IN ENGLISH AND ASSAMESE)

Name _____

(On reverse)

Thumb and finger impressions of (Non-gazetted) Government Servants Page 1. Side heading-

1. Name: _____

2. Race: _____
3. Residence: _____
4. Father's name and residence _____
5. Date of birth by Christian era as nearly as can be ascertained _____
6. Exact height by measurement _____
7. Personal marks for identification _____
8. Signature of Government servant _____
9. Signature and designation of the Head of the Office, or other Attesting Officer.

Note – The entries in this page should be renewed or re-attested at least every five years and the signatures in lines of 8 and 9 should be dated.

Pages 2, 4, 6 and 8 Columns.

1. Name of appointment _____
2. Whether substantive or Officiating and whether permanent or temporary _____
3. If officiating, here state substantive appointment _____
4. Pay in substantive appointment _____
5. Additional pay for officiating _____
6. Other emoluments falling under the term "Pay" : _____
7. Date of appointment Pages 3, 5,7 and 9. _____
8. Signature of Government servant: _____
9. Signature and designation of the Head of the office or other Attesting Officer in attestation of columns 1 to 8 _____
10. Date of termination of appointment _____
11. Reason of termination (such as promotion, transfer, dismissal etc.): _____
12. Signature of the Head of the office or other attesting officer. : _____
13. Leave taken, nature and duration of: _____
14. Signature of the Head of the Office or other Attesting Officer: _____
15. Reference to any recorded punishment or censure, or reward or prize _____

Columns 4, 5 and 6 are divided into money columns.

FORM No. 9
DISMISSAL REPORT SLIP
 (Assam Schedule XL (A) Part I, Form No.63)
 (Referred to Rule 56)

1. Name and Father's name
2. Rank
3. District
4. P. S.
5. Village.
6. Reasons for discharge.

FORM No. 10

Proceedings. (Assam Schedule II, Form No. 75) – Referred to in Rule 66.

This is in book size form containing 20 pages with the following different headings:-

PROCEEDINGS
Against _____
Commenced _____
Order _____

In order that a servant of the crown when dismissed or removed or reduced may be able to exercise his right of appeal the orders of the Government explicitly require that (except in the cases of public servants who are dismissed in consequence of fact or inferences elicited at a Judicial trial or in the cases of persons who abscond with an accusation over their heads and in which, therefore the prescribed procedure would be unnecessary or impossible), in all cases of removal, dismissal or reduction the charge against the public servant concerned shall be reduced to writing that his defence shall either be taken in, and reduced to writing and that the decision thereon shall also be in writing. When witnesses are examined, they should, when possible, be heard in the presence of the accused, who should be allowed to cross-examine and a memorandum of this evidence should be placed on the record. The Commissioner and other Appellate Officers are, therefore, precluded from confirming orders of removal or dismissal which have been passed in contravention of the above orders of Government. It is not sufficient that these orders should be substantially complied with; they must be strictly carried out (Rule 548 (1) at page 150 of the Assam Executive Manual).

In the spirit of the orders referred to above, a similar procedure should be followed in all cases in which servants of the crown other than Mandals, Peon, or other menial servants are punished, otherwise than by removal, reduction or dismissal, and in cases in which a Deputy Commissioner or the Commissioner submits recommendations for the punishment of subordinate officers.

The following sequence will be observed:-

- 1) Name, rank, grade of officer proceeded against.
- 2) Offences charged. The offence should be clearly and explicitly stated.
- 3) Summary of evidence recorded. Documentary evidence should be attached to the proceedings.
- 4) Defence. If accused puts in a written defence, this should be attached to the proceedings.
- 5) Character of the accused.
- 6) Findings and orders.

N.B. – If it is decided to prosecute, this will be noted as a preliminary order, the final order being recorded when the judicial proceedings, including appeal; have been disposed of.

A copy of the appellate"" order will be filed with the proceedings. Pages 1 & 2 both inclusive, contain the following:

Name, rank and grade of officer proceeded against.

Charges – The offence or offences should be clearly and explicitly stated.

No .	Particulars
------	-------------

N.B.-If necessary, additional pages may be added to the guards given in the form. Pages 3-8 – Evidence in support of charges.

(Summary of evidence to be recorded, documentary evidence should be attached to the proceedings.)

Charge No.

N.B. – Additional pages may be attached to the guards, if necessary. Pages 9-14- Defence.

(If accused puts 'in a written defence, this should be attached to the proceedings.)

Charge No. Statement of accused and evidence for defence.

N.B.-Additional pages may be attached to the guards if necessary.

Pages 15-16 – Character of the accused. Date of enlistment, punishment and rewards to be noted.

Pages 17-20-Findings and order.

(Here record comments on the evidence and defence and a separate and clear finding on each charge.)

Charge No.

N.B.-Add additional pages to the guards, if necessary.

FORM No.11

APPLICATION FOR LEAVE

[Assam Schedule XL(A), (Part 1), Form No. 216]

Referred to in Rule 84

For details *see* Part II.

FORM No. 12

REGISTER OF CASUAL LEAVE

[Assam Schedule XL(A), (Part I), Form No. 67]

Referred to in Rule 86

1. Name, Rank and number of Officers to whom casual leave has been granted.
2. Number and days granted and number and date of district order granting the leave.
3. Date on which leave is taken.
4. Date of return to duty.
5. Remarks. (Here make entry regarding overstayed leave and forfeiture of pay, etc., the number of the bill in which deduction is made should also be stated.

FORM No. 13

LEAVE ACCOUNT (LEDGER)

[Assam Schedule III (Section I), Form No. 70]

Referred to in Rule 78

Rule 9-A. (Ordinary leave rule).

Leave Account of _____

Date of commencement of service _____

Date of attaining the age of 55/60 years _____

Date of Contract, if any _____ date of coming under civil leave rule _____

COLUMNS

Duty

1. Government servant under

From

2. -----

To

3. Divided into Y. M. D. Columns.

4. 1/11th of duty subsequent to coming under the Fundamental Rules. (Rules 81 (b) (II) -divided into Y. M. D. Columns.

5. Balance of 2/11th of duty subsequent to coming under Fundamental Rules-divided into Y.M.O. Columns.

Leave Earned

Leave at credit	6	1/11th of duty subsequent to coming under Fundamental Rule (Rule 81 (b) (II) Column 16 and 4) - divided into Y. M. D. Columns.
	7	Balance 2111th of duty subsequent to coming under Fundamental Rules (Columns 17 and 5) - divided into Y. M. D. Columns.
	8	Total (Columns 6 and 7) - divided into Y. M. D. Columns.
Leave taken On average Pay	9	Dates - divided into from and to Columns.
	10	Against entries in (Column 6) - divided into Y. M. D. Columns.
	11	Against limit of one year for leave OD medical certificate and leave spent elsewhere than India or Ceylon (Proviso to Rule 81 (b) (11)divided into Y. M. D. Columns.
Leave taken on half or quarter average pay	12	Dates divided into from and to Columns.
	13	Actual period - Y. M. D. Columns.
	14	Actual period converted into period in terms of leave on average pay - divided into Y. M.D. Columns.
	15	(Total Columns 10, 11 and 14) - divided into Y. M. D. Columns.
Balance (on return from leave)	16	Of leave equivalent to 1/11th of duty subsequent to coming under Fundamental Rules (Rule 81 (b) (II) (Columns 6 and 10).
	17	Of leave equivalent to balance of 2/11th of duty subsequent to coming under Fundamental Rules (Column 7), (Columns 11 and 14).
	18	Total (Columns 8 and 15).
	19	Remarks.

FORM No.14

REGISTER OF PUNISHMENT

[Assam Schedule XL (A), (Part I), Form No. 65]

Referred to in Rule 67

Punishments with description and date. Departmental

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 overstaying leave, damaging Government property etc.
8. Remarks (No. and date of district order and date of deductions, if ordered).

FORM No.15

DISPOSITION REGISTER

[Assam Schedule XL (A), (Part I). Form No. 66]

Referred to in Rule 77

1. Service sheet number
2. Rank and pay.
3. Name.
4. Residence, i.e., name of district, if home is in another district and name of P. S. if a native of the district in which serving.
5. Date of joining.
6. Date of transfer and name of place to which transferred.
7. District Order number and initials of S. P.

FORM No.16
LEAVE REGISTER
[Assam Schedule XL (A), (Part I), Form No. 68]
Referred to in Rule 88

1. Serial number of applicant.
2. Service book number of the applicant.
3. Name.
4. Rank and grade.
5. Where stationed.
6. Date of appointment.
7. Resident of what district.
8. Length of description of leave.
9. Date of return from last leave.
10. Date of application for leave.
11. Length and description of leave applied for.
12. Superintendent's orders.
13. Date of commencement of leave.
14. Date of expiration of leave.
15. Date of return.
16. Remarks.

FORM No.17
LEAVE CERTIFICATE
[Assam Schedule XL (A), (Part I), Form No. 69]
Referred to in Rule 89
ASSAM POLICE
LEAVE CERTIFICATE
DISTRICT _____

Certified that _____ has been to be absent from his duties in the _____ police force under rule _____ of the F. R. for the period of _____ from _____ to _____ and to proceed to village _____ in the P.S. _____ in the district of _____. He has been paid upto the _____ 19.

*He shall appear before Civil Surgeon of his native district as directed by the Civil Surgeon of this district. (vide certificate on the reverse).

The _____ 19.

Superintendent of Police
_____ District.

(Certificate to be filled in when the officer or men returns from leave).

Certified that _____ reported his return from leave personally to me this day, the _____ forenoon.

afternoon

Superintendent of Police.

N. B. This sentence is to be struck through in the case of a man granted ordinary leave i.e. not on medical certificate.

ON REVERSE

No.1

Certified that _____ has been suffering from _____ and he is advised to appear before the Civil Surgeon of his native district within _____ days for the date on which he avails himself of the leave. Prior to rejoining he must obtain the signature of the Civil Surgeon of his home district to certificate No.4.

Civil Surgeon recommending leave

2

†Certified that _____ I examined _____ who appears before me or _____ and I consider that he should remain under treatment as indoor patient in the hospital or in the police line may go to his home.

Civil Surgeon of the native district
of the patient on leave.

3

Certified that _____ is not fit for duty and is recommended _____ months further sick leave.

The _____ 19.

Civil Surgeon.

4

Certified that _____ is fit to return to duty.

The _____ 19.

Civil Surgeon.

N. B. *To be stated in the case of Constables only.

†This is intended for Constables only.

FORM No. 18

SICK REPORT

[Assam Schedule XL (A), (Part I), Form No. 202]

Referred to in Rule 96

(For use by the Reserve Officer)

To

The Sub-Assistant Surgeon

_____ Police Hospital

Officer

The following ----- have been ordered to go to Hospital for examination and treatment, if necessary

Men

Please fill in Column 4 and send back to me.

Name (and number of Constable, rank and posting)	Date & hour of permission to go to hospital	Alleged on suspected complaint	Sub-Assistant Surgeon's report
1	2	3	4

Note: If space is insufficient, entries should be continued on reverse in the Columns provided.

Dated, the. _____ 19 Reserve officer

Sub-Assistant Surgeon

Dated, the _____ 19.

FORM No.19
SICK REPORT
[Assam Schedule XL (A). (Part I). Form No. 210]
Referred to in Rule 96
Sick Report

To
The Medical Officer-in-charge of
Hospital.

Dated the _____ 19.

Sir,

I send herewith _____ for treatment. Kindly return this form to me in due course with the necessary information given on the reverse or report if in your opinion the Officer requires to be sent to the

Men

head-quarters hospital.

I have the honour to be

Sir,

Your most obedient servant.

Officer-in-charge of _____

Reverse

out

I certified that the patient named on the reverse was treated as -----door patient in the hospital as detailed below in

1. Date of admission or commencement of treatment,
2. Date of discharge or cure.
3. Name of disease.
4. Remarks on nature of disease, how induced, whether mild or severe, whether recovery was complete, whether any parties to treatment was adopted. If an accident occurred it should be stated occurred it should be stated whether it occurred on duty, recommended with duration of each period.

(Below the statement)

Forwarded in original to the
Superintendent of Police _____ for favour
of entry in the Medical History sheet.

Dated _____
the _____ 19

Medical Officer-in-
Charge _____
Hospital

Dated _____ the _____ 19

Officer—in-charge of _____

FORM No. 20
MEDICAL HISTORY SHEET
[Assam Schedule XL (A), (Part I), Form No. 209]
Referred to in Rule 97

Heading - Medical History Sheet of No. _____ Name _____

Rank

1. Name of Hospital.
2. Date of admission on commencement of treatment.
3. Date of discharge.
4. Name of disease.
5. Remarks or nature of disease, how induced, whether mild or severe whether recovery was complete,

24

25

26

27

28

29

30

31

To be suspended in frame at the bed head of the patient.

At the end of the month to be attached to the Abstract Diet Sheet and filed in the office of the Chief Medical Officer at Battalion headquarters.

FORM No. 22
Compilation Sheet for Hospital diet issued daily
(Assam Schedule XL (B) (Form No. 24-A))
Referred to in Rule 99

.....Hospital. Date.....

Serial Number	Name of Patients dieted	Arrowroot, Ozs	Egg, Number	Milk Seer	Sheep, Ozs	Goat, Ozs	Sago, Ozs	Sugar, Ozs	Lime Juice, Ozs	Brandy, Ozs	Rum, Ozs			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

TOTAL

Note: - Spare columns will contain other kinds of diets, e. g., rice, Ghee, etc., supplied.

(On reverse)
 Cost of diet issued

Arrowroot	_____ lbs _____ oz	at Rs. _____	Per lbs.		Rs.	P.
Eggs	_____ at Rs. _____		Per dozen			
Milk	_____ Seers at Rs. _____		Per seer			
Sheep	_____ Seers at Rs. _____		Per seer			
Goat	_____ Seers at Rs. _____		Per seer			
Sago	_____ lbs _____ oz	at Rs. _____	Per lbs.			
Sugar	_____ lbs _____ oz	at Rs. _____	Per lbs.			
Lime	_____ oz at Rs. _____		Per oz.			
Juice	_____ oz at Rs. _____		Per oz.			
Brandy	_____ oz at Rs. _____		Per oz.			
Rum	_____ oz at Rs. _____		Per oz.			
Total cost of diet _____						

Total number of patients reduced to single days _____

Average daily cost per patient _____

Countersignature of Civil Surgeon

or Chief Medical Officer-in-charge of Battalion.

Signature of Medical Officer-in-charge
 of _____ Hospital

FORM No. 23

ABSTRACT/DIET SHEET OF THE _____ HOSPITAL _____ BATTALION ASSAM RIFLES FOR THE
MONTH OF _____ 19 .

(Assam Schedule XL(B) Form No. 25) - Referred to in Rule 99

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
	Daily total of Patients dieted	Arrowroot, Ozs	Eggs, number	Milk, seers	Goat, Ozs	Sago, Ozs	Sugar, Ozs	Lime Juice, Ozs	Brandy Ozs	Rum, Ozs								Medical Officer's initials
1																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		
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25																		
26																		
27																		
28																		
29																		
30																		
31																		

Monthly

Total

(On reverse)

COST OF DIET ISSUED DURING THE MONTH

Arrowroot	_____ lbs _____ oz at Rs. _____	Per lbs.	Rs.	P.
Eggs	_____	at Rs. _____	Per dozen	
Milk	_____	Seers at Rs. _____	Per seer	
Sheep	_____	Seers at Rs. _____	Per seer	
Goat	_____	Seers at Rs. _____	Per seer	
Sago	_____ lbs _____ oz at Rs. _____	Per lbs.		
Sugar	_____ lbs _____ oz at Rs. _____	Per lbs.		
Lime	_____ oz at Rs. _____	Per oz.		
Juice	_____ oz at Rs. _____	Per oz.		
Brandy	_____ oz at Rs. _____	Per oz.		
Rum	_____ oz at Rs. _____	Per oz.		

Total cost of diet _____

Total Dumber of patients reduced to single days _____

Average daily cost per patient _____

Countersignature of Civil Surgeon

or Chief Medical Officer-in-charge of Battalion.

Signature of Medical Officer-in-charge of

_____ Hospital.

FORM No. 24

SLIP CONTAINING THUMB AND FINGER IMPRESSIONS OF PENSIONERS

(Assam Schedule III, Form No. 76)

Referred to in Rule 102

Space for thumb impression

Thumb impression of _____

Date _____

Taken before _____

Name of Officer _____

Designation of Officer _____

On (Date) _____

FORM No. 25

QUARTERLY RETURN OF PENSION AND GRATUITIES

(Assam Schedule XL(A), (Part I), Form No. 86-A)

Referred to in Rule 103

Return of pension and gratuities for the quarter ending _____

Name &. Rank of Officers Proceeding on pension or gratuity	Date of Discharge	Number & date of letter submitting the pension	Reason for Delay in submitting the Pension or Gratuity Paper	Remarks
1	2	3	4	5

FORM No. 26
DISCHARGE CERTIFICATE
(Assam Schedule XL(A), (Part I), Form No. 74)
Referred to in Rule 105

Certified that the bearer _____ of the _____ district *Discharged or dismissed
_____ police has been _____ from police _____ service,
and has been paid upto date. His conduct during his service for _____ Years was _____

may
He ----- be enlisted in the police department.
may not

The _____ 19

Superintendent of Police

I hereby acknowledge to have received all arrears of pay up-to-date.

Signature of discharge or dismissed man

FORM No. 27
REGISTER OF TARGET PRACICE
(Assam Schedule XL(A), (Part I), Form No 76)
Referred to in Rule 128

First practice 50 yards.	1. Rank and number. 2. Name. 3. Points per shot, divided into 1,2, 3, 4, 5, 6 and 7. 4. Total points.
Second practice 100 yards.	5. Points per shot, divided into 1. 2, 3, 4, 5, 6 and 7. 6. Total points. 7. Total points in period.
Volley firing	8. Upper. 9. Lower. 10. Remarks.

The following are in the bottom of the form:

Under Column 3 - Bulls eyes - Centres.

Under Column 5 - Outers.

Ricochets. Misses.

Total shots fired.

Date _____

Officer Superintending the practice

N. B. – This register is to be filled up as the practice proceeds. An (X) in red ink is to be entered against each marksman's name. The divisions of the target should be measured before the practice begins.

FORM No. 28
ANNUAL TARGET PRACTICE
 (Assam Schedule XL(A), (Part I), Form No. 77)

Referred to in Rule 131

Annual Musketry Return

District.....year ending 31st March 19.....

Part I and II Revolver

	Average score per man					Number of					
1	2	3	4	5	6	7	8	9			
	Number fired	Percentage of sanctioned strength	Practice 1	Practice 2	Practice 3	Practice 4	Men	1 st Class	2 nd Class	3 rd Class	Remarks
Armed Police											
Reserve											
Armed Branch											
Unarmed Branch											
Town Police											
Unarmed Branch											
others											
Total											
Revolver											

Note 1. – In Column 3 the sanctioned strength should be taken as Assistant Sub-Inspectors, head constables and constables for the musket course, and Sub-Inspector, Inspectors, Sergeant Majors and Assistant and Deputy Superintendent of Police for the revolver course.

Note 2. - The number or first year recruits should be mentioned in Column 6.

Note 3. - Name of officers completing the revolver course should be noted in Column 6.

Part III (Fired by Armed Police Reserve only) Short description of the “scheme” adopted for Part III :-

No. of section	Hits	Points for -		Total	Remarks
		Style	Buckshot distribution		
1					
2					
3					
4					
5					
6					
7					

8					
---	--	--	--	--	--

Note I. - Actual strength of the section firing should be noted in the Remarks column.

SUMMARY

1. Total number of officers and men firing.....
- Prize money earned.....
- Name and score of best shot in.....
- Armed Police Reserve.....
- Armed Branch
- Unarmed Branch.....
- Part III.....

Name of best section commander (Armed Police Reserve) in Number of days on which firing was carried out.....

Supervising officers, and number of days supervised by each.....

2. General remarks by Superintendent of police, with the certificate. that the musketry has been fairly and correctly carried out.

.....

Memo No. Dated

Forwarded to the Inspector General of Police, Assam.

Superintendent of police

3. Remarks by the Inspector General of Police.

.....

Memo No.

Returned to the Superintendent of Police.....for information and record.

Inspector General of Police, Assam.

Compilation Sheet for hospital diet issued daily - (Assam Schedule XL (B), Form No. 24 - A) - Referred to in Rule 99

.....Hospital.

FORM No. 29
MORNING REPORT (ARMED BRANCH)
 (Assam Schedule XL (A), (Part I), Form No. 78)
 Referred to in Rule 135

1. Detail of force.
2. Monday, the.....of.....19 divided into.
 - (a) Sergeant Major.
 - (b) Sub-Inspector.
 - (c) Head Constables.
 - (d) Constables.
 - (e) Total.
3. Tuesday, the.....of.....19, divided into same columns as in 2.
4. Wednesday, the.....of.....19, divided into same columns as in 3.
5. Thursday, the.....of.....19, divided into same columns as in 4.
6. Friday, the..... of.....19, divided into some column as in 5.
7. Saturday, the.....of.....19, divided into same columns as in 6.

SIDE HEADINGS UNDER COLUMN 1

Armed Branch or Headquarters force. Present and fit for duty at headquarters (Armed Police Reserve) Present and fit for duty at headquarters (other than Armed Police Reserve) <div style="text-align: right;">Total</div> Under suspension. Recruits awaiting despatch (to school) <div style="text-align: right;">Total</div> Duties other than escorts and guards. <div style="text-align: right;">Total</div> Escorts. On command at Ditto “ “ “ <div style="text-align: right;">Total</div> Guards. Magazine guard. Headquarters. Sub-divisions. Treasury guard. Headquarters. Sub-divisions. Other guards. Total.	On line leave. On average pay leave. On half-average pay leave. On quarters-average pay leave. On extraordinary leave. On casual leave. Absent without leave. On deputation (to school). Sick in hospital. <div style="text-align: right;">Total</div> Grand total. Sanctioned strength. Vacancies. Excesses. In the bottom of the form Details of miscellaneous duties.
---	---

FORM No. 30
MORNING REPORT (UNARMED BRANCH)
(Assam Schedule XL(A), (Part I), Form No. 79)
Referred to in Rule 135

1. Details of force.
2. Monday, the.....of.....19 divided into.
 - (a) Inspectors.
 - (b) Sub-Inspectors.
 - (c) Assistant Sub-Inspectors.
 - (d) Head Constables.
 - (e) Constables.
 - (f) Total
3. Tuesday, the.....of.....19, divided into same columns as in 2.
4. Wednesday, the.....of..... 19, divided into same columns as in 3.
5. Thursday, the.....of.....19, divided into same columns as in 4.
6. Friday, the.....of.....19, divided into same columns as in 5.
7. Saturday, the.....of.....19, divided into same columns as in 6.

FORM No. 31
FORCE RETURN (ARMED BRANCH)
(Assam Schedule XL(A) (part II), Form No. 80)
Referred to in Rule 136

PAGE I

19.....

.....District.

Monthly return of the headquarters force as it stood on the first of.....19

Dated.....19

Superintendent of Police

Despatched to the I. G. on.....

Received by the I. G. on.....

Page 2

PART I

1. Particulars.
2. Inspectors.
3. Sub-Inspectors.
4. Assistant Sub-Inspectors.
5. Head-Constables.
6. Constables.
7. Total.

SIDE HEADINGS UNDER COLUMN 1

Armed Branch or headquarters force. Present and fit for duty at Headquarters (Armed Police Reserve). Present & fit for duty at headquarters (and other than Armed Police Reserve). <p style="text-align: right;">Total.</p> Under suspension. Recruits awaiting despatch (to school). <p style="text-align: right;">Total.</p> Duties other than escorts & guards. Total. Escorts. On Commandant. Ditto “ “ “ <p style="text-align: right;">Total</p> Guards. Magazine guard. Headquarters. Sub-divisions. Treasury guard. Headquarters. Sub-divisions.	Other guards. On line leave. On privilege leave. On sick leave. On furlough leave. On private affairs leave. On leave without pay On Casual leave. Absent without leave On deputation to school. Sick in hospital. <p style="text-align: right;">Total.</p> <p style="text-align: right;">Grand Total.</p> Sanctioned strength. Vacancies..... Excesses.....
---	--

PART II

MEMO OF SICK IN HOSPITAL DURING THE MONTH.....

1. Particulars.
2. Inspectors.
3. Sub-Inspectors.
4. Assistant Sub-Inspectors.
5. Head-Constables.
6. Constables.
7. Total.
8. Daily average of sick of all ranks.

SIDE HEADINGS UNDER COLUMN 1

Sick remaining at the end of last month.	
Sick admitted during the month.	
	Total.
Discharged cured.	
Sick leave.	
Died.	
Remaining.	
	Total.

DETAILS OF VACANCIES AND EXCESSES

Regular police	1. Rank and grade. 2. Present strength. 3. Excesses. 4. Vacancies. 5. Sanctioned strength.
Extra police as it stood on last day of the Month	6. Present strength. 7. Excesses 8. Vacancies. 9. Sanctioned strength inclusive of extra police received from other district.

10. Remarks N.B. :-State how many extra police were, entertained as a preventive measure under Section 15, Act V of 1861, and quote the G. O. on the subject and the strength of police received from other district with name of district.

SIDE HEADINGS UNDER COLUMN 1

Inspector.	|	Head Constables.
Sub-Inspector.		Constables on Rs.
		Total.
Total Number of firearms.	|	Guns (excluding those sanctioned for jungly thanas and outposts.
Number of swords.		
Number of kookrees.		
The total number of natives of the province of all ranks.	}	Muhammadans.
		Hindus.
		Others.
The total number of foreigners of the province of all ranks	}	Muhammandans.
		Hindus.
		Others.
		Total force.
		Percentage of Gurkhas in the Force

PART III

LIST OF MEN UNDER SUSPENSION DURING THE MONTH OF

1. District number.
2. Name and rank.
3. Date of suspension.
4. Cause of suspension.
5. Remarks

The following certificates are given below the form :-

Certified that I have counted the number of arms in store and an satisfied that they have been properly accounted for in the register showing distribution of arms.

Superintendent of Police

Also

*Certified that all approved service stripes and increments due to men have been awarded.

Superintendent of Police

*To be struck out when not necessary.

FORM No. 32

FORCE RETURN (UNARMED BRANCH)
(Assam Schedule XL (A). (Part I), Form No. 81
Referred to in Rule 136

PAGE 1

19

..... District.

Monthly return of the Unarmed Branch of the force as it stood in the First of.....19

Dated.....19 .

Superintendent of Police

Despatched to the Inspector General on.....

Received by the Inspector General on.....

PAGE 2
PART I

1. Particulars.
2. Inspectors.
3. Sub-Inspectors.
4. Assistant Sub-Inspectors and Head-Constables.
5. Sergeants.
6. Constables.
7. Total.

SEE HEADINGS UNDER COLUMN 1

UNARMED BRANCH

Present and fit for duty at headquarters. <p style="text-align: right;">Total.</p> Under suspension. Recruits awaiting despatch to school. On orderly duty. On miscellaneous duty at headquarters <p style="text-align: right;">Total.</p> At railway and steamer stations. On court duty at headquarters. On investigation, (including patrol post). On union and town duty. On court duty at sub-divisions. <p style="text-align: right;">Total</p>		On line leave. On average pay leave. On half-average pay leave. On extraordinary leave. On casual leave. Absent without leave. On deputation to school. Sick in hospital. <p style="text-align: right;">Total.</p> Grand Total. Sanctioned strength. Vacancies Excesses
---	--	--

PAGE 3
PART II

Memo of sick in hospital during the month of.....

1. Particulars.
2. Inspectors.
3. Sub-Inspectors.
4. Assistant Sub-Inspectors and Head Constables.
5. Sergeants.
6. Constables.
7. Total.
8. Daily average of sick of all ranks.

SIDE HEADINGS UNDER COLUMN 1

Sick remaining at the end of last month.	
Sick admitted during the month.	
Discharged cured.	Total
Sick leave.	
Died.	
Remaining.	Total

Details of vacancies and excess

- Regular Police
- Extra Police as it stood on the last day of the month.
1. Rank and grade
 2. Present strength
 3. Excess
 4. Vacancies
 5. Sanctioned strength
 6. Present strength.
 7. Excesses.
 8. Vacancies.
 9. Sanctioned strength inclusive of extra Police received from other district.
 10. Remarks, N. B.- State how many extra Police were entertained as a preventive measure under Section 15 Act V of 1861, and quote Government order on the subject, and strength of Police received from other districts with name of district.

SIDE HEADING UNDER COLUMN 1

Assistant Sub-Inspectors.

Head Constables.

Sergeants.

Constables.

Total number of firearms (only guns sanctioned for jungly thanas and outposts).

Number of swords _____

Number of batons _____

The total number of natives of the province of all ranks ,

{ Muhammadans.
Hindus.
Others.

Ditto foreigners

{ Muhammadans
Hindus
Others

Total force.

List of men under suspension during the month of _____

1. District number.
2. Name and rank.
3. Date of Suspension.
4. Cause of suspension.
5. Remarks

The following certificates are given below the form:-

Certified that I have counted the number of arms in store and am satisfied that they have been properly accounted for in the register showing distribution of arms.

Superintendent of Police.

Also

*Certified that all approved service stripes and increments due to men have been awarded.

Superintendent of Police.

*To be struck out when not necessary.

FORM No. 33

**STATEMENT OF UNFILLED VACANCIES IN THE RANKS OF ASSISTANT SUB-INSPECTORS,
HEAD-CONSTABLES AND CONSTABLE**
Assam Schedule XL (A) (Part I), Form No. 81-A
Referred to in Rule 137

State showing the number of unfilled vacancies in the rank of Assistant Sub-Inspectors, Head-Constables and Constables for the month of _____ 19.

Districts	Armed Branch		Unarmed Branch			Remarks
	Head Constables	Consts.	Asstt. Sub-Inspectors	Head Constables	Consts.	

FORM No. 34

**REGISTER OF LANDED PROPERTY AND RELATIVE OF NON GAZETTED OFFICERS SERVING IN THE
POLICE DEPARTMENT**
Assam Schedule XL (A) (Part I), Form No. 84
Referred to in Rule 140

1. Name and designation of officers.
2. Nature of property and extent of interest held. This includes immovable property as well as stores in any partnership or company doing business as a land mortgage bank.
3. District and P. S. in which the property is situated.
4. Name of the person in whose name held, i.e., the officer himself his wife or other members of his family living with or in any way dependent upon him.
5. How acquired, i.e., whether by purchase, inheritance or otherwise.
6. Date of acquisition.
7. Particulars of connection of the officer with other Government officers or with land holders, pleader and bankers of the districts in which employed or in other districts of the province.
8. Purport and date of receipt of annual report.

N.B. – One sheet will be allotted to each officer. The sheets of all executive officers will be kept tied up together in one file and those of ministerial officers in a separate file. In January of each year officer will be required to make any additions or alternations which may be necessary in the entries owing to changes which have occurred in the previous 12 months to certify that no changes have occurred.

When an officer is transferred to another district his sheet will be sent to the Superintendent of Police of the district to which he is transferred along with the service papers.

The register need not be kept for Head Constables.

FORM No. 35
RESERVE REGISTER
Assam Schedule XL (A) (Part I). Form No.85
Referred to in Rule 141

- | | | |
|---|-----|--|
| Year of | 1. | Serial number. |
| | 2. | District number. |
| | 3. | Name. |
| | 4. | Native district and province. |
| | 5. | Birth. |
| | 6. | Enlistment. |
| | 7. | Attaining 57 years of age. |
| Hindu Religion | 8. | Caste. |
| | 9. | Christian. |
| | 10. | Bengali |
| | 11. | Assamese. |
| Mohammedans | 12. | Nepalese. |
| | 13. | Up-Country men and others. |
| | 14. | Local. |
| Education. | 15. | Foreigners. |
| | 16. | Other creeds. |
| | 17. | Can read and write in. |
| Size of | 18. | Can sign only. |
| | 19. | Illiterate. |
| | 20. | Greatcoat. |
| | 21. | Blouse. |
| Date on which service increments are (a) due and (b) drawn. | 22. | Cap. |
| | 23. | Trousers. |
| | 24. | Boots. |
| | 25. | Last year's target practice. |
| | 26. | Number and date of district order granting rewards. |
| | 27. | Three years |
| Date on which service increments are (a) due and (b) drawn. | 28. | Seven years. |
| | 29. | Ten years. |
| | 30. | Eighteen years. |
| | 31. | Remarks (including any punishment or interruption to approved service increments. Drill instruction Certificate and qualifications in first-aid to the injured; etc.). |

FORM No. 36
AMMUNITION ACCOUNT
Assam Schedule XL(A) (Part I), Form No. 86
Referred to in Rules 142 and 148

		1. Date of receipt of expenditure.
		2. From whom.
Receipts	{ Description of Cartridges	{ 3. Ball 4. Blank 5. Buck shot
		6. to whom issued.
Expenditure	{ Description of Cartridges	{ 3. Ball 4. Blank 5. Buck shot 10. Remarks and receipts.

Note – Balance should be struck after every transaction where receipts on issues.

FORM No. 37
ROLL OF OFFICERS AND MEN WHO WILL ATTAIN OR HAVE PASSED THE AGE OF FIFTY EIGHT YEARS

Assam Schedule XL (A) (Part I), Form No. 87
Referred to in Rule 143

1. Name.
2. Rank and grade.
3. Date of attaining the age of 57 years.
4. Date of order of last extension with period.
5. Date of expiry of last extension.
6. Period of extension now recommended.
7. Reasons for recommending or for refusing extension and remarks as to the capacity of officers and men.
8. Orders of the I.G.P.

Dated.

The _____ 19.

Superintendent of Police.

FORM No. 38
REGISTER OF VISITING GUARDS
Assam Schedule XL (A) (Part I), Form No. 88
Referred to in Rule 145

Register of Visiting Guards during the month of _____ 19.

1. Date.
2. Name of officers.
3. Initial of S. P.
4. Initials of officers, ordered for duty.
5. Hour or Hours of visiting guards.
6. Initials of S. P.
7. Remarks and report of the officer deputed.

Column I contains the dates of the month as side headings.

FORM No. 39
REPORT OF VISITING GUARDS
Assam Schedule XL (A) (Part I), Form No. 89
Referred to in Rule 145

I _____ of the _____ police force, do hereby certify that yesterday I visited the _____ guards between the hours of _____ and _____ by day, and _____ and _____ by night. I tried the locks of the jail, hajat, treasure-box of treasury and found all secure (or otherwise) and _____ constabls, or sentry respectively, who were alert (or otherwise). The whole of the guards were present (or otherwise).

Dated.

The _____ 19.

FORM No. 40
COMMITTEE REPORT

Officer on duty.

I.A.F.A. 2. (Referred to in Rule 159)

Gratis.

N. B. – The Form being applicable to any board of officers or committee, or court of inquiry, this blank to be filled in accordingly.

Proceedings of a _____
assembled at _____
On the _____
by order of _____
for the purpose of _____

The signature of each officer composing the board, etc. should be attached at the end of the proceedings.

President:

Members

The _____ having assembled pursuant to order, proceed to _____

I.A.F.A 498

Gratis.

FORM No. 41

LOSS STATEMENT _____ ALL SERVICES

(See A.R.I. Vol. III)

Description of property (in Date of Date of the case of stores, their issue or discovery quantity or number), and the circumstances under which deficient, damaged, or destroyed	Date of issue or receipt of stores, if known	Date of discovery of loss	Value of articles lost or cost of repairs	Remarks
N. B. – In the case of wastage on rum the period of storage must be stated				
			Rs. a. p.	

Reverse

Certificate when individuals' subject to the A. A. or I. A. are permitted to make good the loss or damage in whole or in part.

I

----- agree to pay Rs. _____ on account of the above articles to avoid trial by court martial

The men concerned

Station _____ Date _____

(Signature of individual or of O. C., if several men are concerned.)

Report of investigating officer and his orders thereon if amount is within his financial powers.

(Vide paras 6 and 10, A.R.I. Vol. III)

Station _____ Date _____ Signature _____

Remarks

----- of the O.C. of the station

Orders

Station _____ Date _____ Signature _____

Remarks

----- of the O.C. of the station

Orders

Station _____ Date _____ Signature _____

Remarks

----- of the O.C. of the station

Orders

INSTRUCTIONS

I. This report will not go beyond the officer competent to deal with the amount of issue, the intermediate authorities entering their recommendations. Even when an individual is permitted to make good a part of the cost of repairs or loss, the report must be disposed of by the officer competent to sanction the total amount of loss or damage.

II. The value to be inserted in column 4 is the original value or stock book or other fixed role of the articles loss or condemned. For damaged but repairable articles two-thirds the stock book role will be entered, on the

cost of repairs, whichever is greater, and for lost unserviceable articles, unless of silver, one-tenth the stock book rate. The amount to be recovered under the orders of the competent financial authority from an individual will be this sum less any authorised deductions – See A.R.I. Vol. III.

The value of ordnance stores to be inserted in column 4 will be as follows:-

- i) Serviceable articles loss or prematurely condemned-The value as given in the Indian Addendum or if the article is not shown therein, the value given in the war office vocabulary converted into Indian currency at the rate of Is. 4d. to the rupee plus 10 percent.
- ii) Damaged but repairable articles – Two-third of the serviceable value arrived at as in (I), on the cost of repairs, if greater.
- iii) Repairable store lost – Two-thirds of the serviceable value calculated as in (I) above.
- iv) Unserviceable Stores lost – One-tenth of the serviceable value calculated as in (I) above.

III. When completed by the final Sanctioning authority. this form should be returned to the officer with whom it originated to enable him to support the transaction to which it pertains in his accounts.

IV. The order of the competent financial authority must always be under his own signature.

FORM No. 42

I.A.F.O. – 1453

----- (Referred to in Rule 147)

Gratis

Statement of casualties in _____ ball ammunition.

Corps	Nature of casualties						Date and place of manufacture of ammunition and amount of same on charge	Total number of Rounds fired on date failures occurred	Remarks
	No. of casualties	Misfires	Separations	Bursts	Splits	Other defects			
	1	2	3	4	5	6	7	8	9

The cartridges are detailed in D and R.
 Vouchers No _____
 Dated ____19____ and
 were despatched on ____19____
 by Railway

 carrier

To

THE SUPERINTENDENT
 AMMUNITION FACTORY,
 Dum Dum

 Kirkee

Station
 Dated _____ Contd

FORM No. 43

Corps _____ I.A.F.Z.2098 _____ (Referred to in Rule 156)
 Department. _____ Gratis Stores
 Register No. _____ Details of _____ Discrepancies

(See A.R.I., Vol. 11. paras 170 and 307 : A.R.I., 111 ; A.R.I. Vol. IV, para 17 ; and instructions in reverse).

Ledger and folio	Names of stores (In the case of arms, the year and place of issue, regimental and manufacturing numbers, should be given	Period in use ---- Years	NUMBER OF QUANTITY			Causes to which discrepancies* present state of repairable and unserviceable stores may be attributed	Orders as to disposal of the stores *or adjustment of the discrepancies	
			Invoice from * _____ Or born on ledger	As received at * _____, Found on examination				
1	2	3	4	5	6	7		
			S	R	U	S	R	U

Station _____ Date _____ *Expunge alternative headings not required. Signature _____
 Designation.

INSTRUCTIONS

- When this form is attached (in duplicate) to a requisition for stores to replace others worn out for which disposal orders are required. It should only contain those stores which are entered on that requisition. When stores have lasted for the prescribed period. "T.E." (time expired) will be entered no explanation will be required in column 6, except when stores have not so lasted, or for which no period of duration is laid down. The supplying officer will return the form with column 7 filled in.
- When the form is used to report on discrepancies found at the quarterly comparison of ledgers, column 3 is not required, and columns 4 and 5 should be used respectively to show the officer and division ledger balances. The form must be submitted to the executive officer for approval if he himself has not passed the orders in column 7. *(See A.R.I. Vol. IV, para, 37).*
- When used to report on discrepancies in consignment of stores received from England, the name of the ship and date of sailing must be stated, and the list of discrepancies must be submitted at once, to the examiner of Accounts concerned.
- When used for the adjustment of ledgers (*See A. I. R. Vol. III*) it will be attached as a voucher to the stock journal to support the transaction.

FORM No. 44

I.A.F.Z. 2091.

(Referred to in Rules 159 and 166)

Gratis

Required in ----- Triplicate	duplicate	*Ordinary	} Requisition on the	*Ordnance
		(a)----- Payment		Department
		----- Emergent		----- Clothing
				Department
				----- Sand T. Corp.
				----- Medical Department

(See paras. 177-183, A.I.R., Vol. II)

I certify that the undermentioned stores are necessary for the _____ under my command, and are demanded under the authority of (b)(d) _____.

(c) Data on which the demand is based.

ARTICLES (to be arranged sectionally and alphabetically in accordance with the Army Tables						PAYMENT REQUISITIONS ONLY TO BE FILLED BY EXAMINER									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Authorised proportion	Number on charge	Years the articles to be replaced have lasted	Now requisitioned for	REMARKS	Rate	Rs.	a.	p.	Issue sanctioned	Issued on	Issued on	Issued on	Issued on	Issued on	For audit enhancements in Examiner's office

Station _____

Signature _____

Date _____ 19.

Designation _____

- (a) Alternative headings not required should be expunged. Ordinary requisitions are required in duplicate, payment requisitions in triplicate. Articles required on payment must be demaD.dcd on a separate form
- (b) Where the authority is a regulation, or order distributed to units and departments generally, this should be quoted; otherwise the original authority or a certified copy must be attached.
- (c) The requisitioning officer will be held responsible for the correctness of this entry and column 1 to 6.
- (d) Requisitions for ordnance stores to replace unserviceable stores for which disposal orders are required must have I.A.F.Z. 2098 attached in duplicate. In the case of unserviceable arms, also of unserviceable important components of arms (whether supplied periodically or not) the voucher number and date on which returned to the ordnance department should be quoted on this form. Requisitions for the issue of stores to replace those lost or damaged may have I.A.F.A. 498 attached.
- (e) These forms must be prepared by the carbon process provided the entries are made by indelible or special copying pencils.
- (f) In order to avoid unnecessary correspondence, no requisition should be made for stores the issue of which is sanctioned by announcement in Indian Army Orders or communicated by letter until it is notified in Divisional or other Orders that the supplying department is prepared to meet the demand.

FORM No. 45

Delivery

I.A.F.Z. 2096

(Referred to in Rule 161)

(a) Receipt Voucher No.

Gratis

Expense

Issued to

The articles enumerated below have been received by (b) _____

manufactured from

part
in (a) ----- compliance with (c) _____
full

(a) Expended under the authority of (C)

1		2		3		4			5		6		7		8	
LEDGER ETC				No. of packages (e)		NUMBER OR QUANTITY			RATE		TOTAL VALUE					
Section	Page	Articles (d)				Total (d)	S	R	U	Per	Rs.	a.	p.	Rs.	a.	p.

brought on charge

Certificate that the above articles have been credited in my (g) _____

charged off

Station _____
Date _____

Signature _____
Designation _____

(a) Alternative entries note required should be expunged. (b) Corps. department arsenal, depot, factory, etc. (c) When the authority is a illegible or an issue or other order already in the possession of the officer to whom the stores are being sent, or a requisition from such officer, the paragraph and volume or number and date need alone be quoted otherwise the original authority or a certified copy must be attached. (d) Only columns 2 and 4 will be filled in when articles are returned into store by corps and departments. Columns 6 and 7 will only be used for payment issue. (e) When used by the Medical Store Department this column will give the description of the article, i.e. "L" for articles purchased locally, and "M" for articles manufactured in Medical Store Depots. (f) In the case of ordnance stores, those of different store sections should, as far as possible, be shown on separate shoots. (g) Not required 'to be completed in the case of ordnance stores which are accounted for in returns rendered to the Military Accounts Department.

INSTRUCTIONS

1. When used otherwise than as an expense voucher, this form will ordinarily be prepared (by the carbon process provided the entries are made by an indelible or special copying pencil) in quadruplicate, one copy being retained as the office copy, and three copies (one receipt and two delivery vouchers) sent to the consignee. The latter

will date; sign, and return the receipt voucher to the consignor, retaining the two delivery vouchers to support the entry of the transaction in the store ledger sent to the audit department and in the office copy of the ledger. When a unit is serving outside the audit area in which its store accounts are audited and it receives from or returns stores to a departmental establishment the accounts of which are audited in another area, the consignor of the stores must prepare five copies and send four (two receipts and two delivery vouchers) to the consignee. The extra receipt voucher will in all cases be sent by the departmental officer concerned to the officer who will audit the store accounts of the unit. But in the case of payment issues of stores which are not required to be accounted for in store ledgers or returns of consignees, only one receipt and one delivery voucher are required.

2. When S. and T. stores issued on payment are shown in this form (see A.R.I., Vol. III), the month's account in which credit will be afforded must be noted on the receipt voucher, and the delivery voucher forwarded in support of the credit so afforded. Until the amount charged has been credited to Government, no protest as to its correctness may be made.

FORM No. 46

I.A.F.Z. 2097
Gratis.

PACKING NOTE.

(Referred to in Rule 195.)

No.

Requisition or issue order No _____ Date _____

Name of Packer _____

Package addressed to _____

CONTENTS OF PACKAGE

Articles	Number or quantity	Remarks
Station.....		Signature of person who (supervised the packing)
Date.....19..		

FORM No. 47

PROCEEDINGS OF COMMITTEE TO INSPECT AND CONDEMN STORES

Assam Schedule XL (A) (Part I), Form No. 91
Referred to in Rule 159

Proceedings of a committee held at - to inspect and condemn the following stores:-

COLUMNS

1. Numbers.
2. Name of stores.
3. Whence the articles were received.
4. How long they have been in use or possession.
5. A description of the injuries which makes the articles unserviceable.
6. The reason for condemning the store, i.e. whether they are worn out through fair wear and tear, or on other reason.
7. Recommendation of committee.

NOTE: - In case of either accoutrements and tents which are condemned as unserviceable before they have lasted the prescribed Dumber of years they are required to last, the reasons which have rendered them unserviceable should be stated in full in the Committee Report.

.....District

The.....19

President.

Members.

FORM No. 48

PROCEEDINGS OF COMMITTEE TO INSPECT AND PASS STORES

Assam Schedule XL (A) (Part I), Form No. 92)

Referred to in Rule 114

1. Number.
2. Name of stores.
3. Date of receipt.
4. Whence received any by whom approved.
5. Whether received in good order, if not what defects.
6. Recommendation of committee.

FORM No. 49

REGISTER SHOWING DISTRIBUTION OF ARMS

Assam Schedule XL (A) (Part I), Form No. 93

Referred to in Rule 181

PART-II

Distribution of arms for the month of.....19

1. Date of issue.
2. To whom issued.
3. Number with guards.
4. Number with escorts.
5. Number of Police at Stations.
6. Number on miscellaneous duties including number sent to other districts.
7. Number in Armoury.

(This column is to be filled on the last day of each month.)

8. District numbers of the arms issued.
9. Date of return.
10. Remarks - (Showing if returned in proper order or any part lost or damaged etc.)

FORM No. 50
STOCK BOOK OF FURNITURE, ETC.
Assam Schedule II, Form 52
Referred to in Rule 198 [G.A.C.-10-4]

STOCK BOOK OF THE _____ OF _____ DISTRICT

This book shows the live-stock, European and other stores and moveable property, including iron-safes, European Locks, European scales and weights, tents, ordnance stores, machines of European manufacture, scientific and mathematical instruments, boats, vehicles, horses, elephants, implements used in jail manufactory, etc.

Date of receipt	Name of article with description	No. of pieces	Cost	Initials	Date of disposal	Value realised	Initials
-----------------	----------------------------------	---------------	------	----------	------------------	----------------	----------

Date of receipt	Name of article with description	No. of pieces	Cost	Initials	Date of disposal	Value realised	Initials
-----------------	----------------------------------	---------------	------	----------	------------------	----------------	----------

FORM No. 51

ROSTER

Assam Schedule XL (A) (Part I), Form No. 105

Referred to in Rule 218

1. Date.
2. Name of sentry or sentries.
3. From } Hours of Relief.
4. To }
5. Relief, Inspections of guards, etc. Vide Rule 218, Part III of Assam Police Manual

**ON THE REVERSE OF THE FORM
ESCORT ORDER**

NO

To Officer in charge, Police Reserve,

Depute a guard fully armed and equipped, of the following strength.

Sub-Inspector.

Head constable.

Constable.

to be atpunctually.....O'Clock on.....

.....of.....19..... for the duty noted on

*Details of amount sent.

the reverse. Rupees.....are sent herewith on the following account. *Give the amount to the officer in charge and return the pay cheque duly received by him. Issue the necessary instructions and a command certificate to him and return this requisition duly filled in after the return of the escort.

Dated.....

The.....of.....19

Superintendent of Police.

To

The Superintendent of Police.

The orders have been carried out. The escort left here on.....

At.....A.M. The amount noted in the margin is P.M.

therefore refunded by
due to

the escort and sent herewith
may be paid

Details of refund
Amount due

Reserve Officer
The.....of.....19

FORM No. 52
ESCORT REQUISITION
Assam Schedule XL (A) (Part I), Form No. 106
Referred to in Rule 226

No.....dated.....of.....19.

Escort to _____
For _____

to be at _____ at _____ 08 O'clock on _____
of _____ 19 _____ Police to have Rs. _____ advanced to
them as travelling expenses.

Officer in-charge of _____
No.....

Please furnish a party of Police to escort*

..... to.....at.....O'clock on.....of
19.....
The escort will proceed by.....at.....on.....and will probably be absent
.....days.

Officer in charge.

Dated.....

The..... of19

To

The Superintendent of Police.....District.....

*(Here state number of boxes and value of treasure or number of male and female prisoners).

N. B. - Should nothing be said to the contrary, it will be informed that there is no dangerous prisoners nor anyone for whom special arrangement need be made in the party.

FORM No. 53
COMMAND CERTIFICATE TO BE CARRIED BY
POLICE OFFICERS DEPUTED ON DUTY

Assam Schedule XL (A) (Part I) Form No. 90

Referred to in Rules 230 and 343

No..... date and hour of.....

1. District and station.
2. Detail of force with name.
3. Where proceeding to.
4. Description of duty and number of escort requisition, if any.
5. Departure.
6. Arrival.
7. Receiving permission to return with signature of officer living permission.
8. Remarks (Date and hour of return to be noted. etc.)

N. B. - If any delay occurs it will at once be detected from the entries in the last four column, the delinquent brought to task and his explanation taken by the enquiring officer and recorded on the back of the certificate which should then be sent for orders to the Superintendent.

FORM No. 54
RECEIPT TO BE GIVEN BY TREASURY OFFICER, TO AN
OFFICER IN CHARGE OF AN ESCORT PARTY ON
RECEIVING TREASURE

Assam Schedule XXXIX (Part I), Form No. 149

Referred to in Rule 254

Received.....boxes of marks and weights detailed in the invoice said to contain
coin to the value of Rupees.....

Dated

The.....19

Treasury Officer.

FORM No. 55
FORM OF RECEIPT TO BE GIVEN BY AN OFFICER
IN CHARGE OF A RELIEVING ESCORT PARTY

Assam Schedule XXXIX (Part I), Form No. 150

Referred to in Rule 254

Received charge from.....Police Officer of.....district of Railway Wagon
 No.....said to contain.....boxes aggregating Rupees.....
 (and so on).

The wagons were duly locked and one key from each receipt receipts given by other relieving escort are also
 acknowledged.

Dated..... the.....19

Officer in charge of escort party

FORM 56
RAILWAY WARRANT
 Assam Schedule XL (A) (Part I), Form No. 199
 Referred to in Rules 286, 287, 288, 289 and 290

FORM OF PASSAGE WARRANT
For Office Record

Form No.....

Order No.....

Police Office

District

Assam Rifles

Province

Battalion

PASSAGE WARRANT
The Station Muter

To

..... Station.

Rank and name of men for whom conveyance is required in case of prisoners, state class of prisoners i.e. under Trial, Convict etc. under column "Rank"	Class for which accommodation is required	Authorised and not to be exceeded
--	---	-----------------------------------

Rank

Name

1

2

3

BAGGAGE
(See Note 2)

Nature	Amount	Weight
--------	--------	--------

PURPOSE OF JOURNEY

Duty or Leave
Station _____
Date _____ 19

Signature and designation of issuing officer.

From Station _____
to Station _____

- Note - 1. Column 1,2 and 3 must be filled up by the officer issuing the warrant.
- Note - 2. Charges for excess personal luggage are not authorised baggage charges and must not be included in the form, but paid for by the owners.
- Note - 3. The kind of duty must be specified.

FORM No. 57
Assam Schedule XL(A) (Part-I), Form No. 199
FORM OF PASSAGE WARRANT
For Company

Form No. _____
Police Officer

Assam Rifles

Order No. _____

District
----- Province
Battalion

No _____

Dated _____

PASSAGE WARRANT
The Station Master,

To _____ Station.

Sir,

 Railway
 Conveyance by ----- is required for the undermentioned proceeding on duty from _____ to _____
 Steamer

_____ Mail Train
 Via _____ by ----- on presentation of this warrant.
 Ordinary Steamer

Rank and name of men for whom conveyance is required (In case of prisoners, state class of prisoners i.e. under Trial, Convict, etc. under 4 th column "Rank")		Class for which accommodation is required	Authorised and not to be exceeded	Actually provided with conveyance	Rate	Amount	Individual number of tickets issued
Rank	Name	2	3	4	5	6	7
1							

BAGGAGE
(See Note 2)

Nature	Amount	Weight

PURPOSE OF JOURNEY

Duty or Leave

Signature and designation of
issuing officer.

Note - 1. Columns 1,2 and 3 must be filled up by the officer issuing the warrant, column No.4 must be filled up by the officer in charge -, of the party, columns 5, 6 and 7 must be filled up by the Company's staff and the requisition after being completed should be forwarded to the Company's Audit Office as directed by local instruction.

Note - 2. The kind of duty must be specified.

CREDIT NOTE
The Comptroller, Assam

To

Certified that the accommodation shown in column 4 has been provided. Pay to the _____ Company or order the SUM of Rupees as particularised above.

Rupees _____ Station

Date _____ 19 .

Signature of Station Master or Clerk

Signature of officer travelling or
in-charge of Police

Note 1. For instructions see reverse.

Note 2. Charges for excess personal luggage are not authorised baggage charges, and must not be included in this form, but paid for by the owners.

FORM No. 58

Assam Schedule XL (A) (Part I), Form No. 199

**FORM OF PASSAGE WARRANT
FOR SUPERINTENDENT OF POLICE
Commandant, Assam Rifles Battalion**

Form No _____

Order No _____

Police Officer

District

----- Province

Assam Rifles

Battalion

No _____

Dated _____ 19

PASSAGE WARRANT

**The Station Master,
_____ Station**

Rank and name of men for whom conveyance is required (In case of prisoners, state class of prisoners i.e. under Trial, Convict, etc. under column "Rank")		Class for which accommodation is required	Authorised and not to be exceeded	Actually provided with conveyance	Amount
Rank	Name	2	3	4	6
1					

BAGGAGE
(See Note 2)

Nature

Amount

Weight

PUPOSE OF JOURNEY

Duty or Leave

Station _____

Date _____ 19

From Station _____

To Station _____

Note - 1. Columns 1, 2 and 3 must be filled up by the officer issuing the warrant, Column 4 must be filled up by the officer in charge of the party and Column 5 by the Station Master who will return the form after completion to the officer in charge of the party who will forward it to the Superintendent of Police, or the Commandant of the Battalion concerned.

Note - 2. Charges for excess personal luggage are not authorised baggage charges, and must not be included in this form, but paid for by the owners.

Note - 3. The kind of duty must be specified.

REVERSE OF FOIL HEADED "FOR COMPANY" OF THE
FORM OF PASSAGE WARRANT

1. All warrants must, bear the- name of the district or battalion and province, and the designation of the, issuing officer must invariably be gives. Warrants will be issued by the Reserve Inspector or Sub-Inspector at
Inspectors and officer in charge of Police Station
headquarters and by such ----- as are supplied with books for the purpose.
Indian officer in charge of detachments

2. No one above the rank of ----- is entitled to travel under these' warrants, and if presented
by any Police Officer above that rank must be refused.
Sub-Inspector
Subedar

3. As members of the Railway Police are given free passes they are not allowed to travel on these warrants. But Railway Police may use these warrants for the conveyance of all prisoners whether connected with Railway cases or not.

4. All entries must be in ink. All alterations must be attested and no erasures, may be made. If any warrant is rendered illegible owing to correction or otherwise, it must be cancelled and a fresh one issued.

5. Great care must be taken to see that the numbers in Column 4 are correct. In the event of the actual number travelling being less than the number entered in Column 3, the Person in charge shall alter the entries in the latter to agree with those in Column 4 and shall initial the alteration, or, if unable to write, he shall take it to the nearest officer empowered to issue warrants who shall correct and initial it for him.

6. In exchange for these warrants ordinary tickets of the class required will be issued.

7. Warrants shall be treated as cash and forwarded by the Company to Comptroller, Assam as vouchers for adjustments of the amounts in the accounts, and the Comptroller will pay the amount due to the company at once either in cash or by book adjustment credit in the Company a accounts, subject to corrections as regards overcharges; if any, brought to notice within six months of the date of presentation of tile Credit Note by the Company. He will then forward the warrants to the .Controlling Officer for scrutiny and countersignature and will bring the amount finally to book after it has been passed by that officer taking to the appropriate service head any charges, e.g. freight on prisoner's effects or exhibits in a criminal case, which are not debitable, to the Police or Assam Rifles Budget. Any deductions found to be necessary by the Superintendent of Police or the Commandant of Assam Rifles Battalion owing to the improper use of warrants will be recovered by him from the officer responsible and not by the Comptroller from the Company.

FORM No. 59

INDENT FOR UNIFORM FOR INSPECTORS AND SUB-INSPECTORS OF POLICE

Assam Schedule XL(A) (Part I) O, Form No. 96

Referred to in Rule 319

- | | |
|-----------------|---------------------------------------|
| Coat | 1. Name of officer |
| | { 2. Khaki drill |
| | { 3. Khaki serge |
| | { 4. Khaki drill with red cloth badge |
| | { 5. Khaki serge with red cloth badge |
| Overall | { 6. Khaki drill |
| | { 7. Khaki serge |
| Knickers | { 8. Khaki drill |
| | { 9. Khaki serge |
| Breeches | { 10. Khaki drill |
| | { 11. Khaki serge |
| Putties | { 12. Khaki drill |
| | { 13. Khaki serge |
| Cap | { 14. With peak |
| | { 15. Without peak |
| Kullas | { 16. Red |
| | { 17. White |
| | 18. Dark blue |
| | 19. Helmet |
| | 20. Pagree |
| | 21. Badge for head dress |
| | 22. Great coat |
| | 23. Swords belts |
| | 24. Sword |
| Badges of rank. | { 25. Inspector |
| | { 26. Sub-Inspectors |
| | 27. A. P. letters |
| | 28. Buttons |
| | 29. Khaki Canpore Topee |

On Reverse

Measurement of Coat and Overall for Inspectors and Sub-Inspectors

Name of Officer	Number required	Height of figure	A to B	B to C	D to E	E to F	F to G	H to I	K t L	M to N	Measurement for coat	Name of Officer	Number required	A to B	C to D	E to F	G to H	Measurement Overall			
		ft	I	I	I	I	I	I	I	I											
		n	n	n	n	n	n	n	n	n											
		s	s	s	s	s	s	s	s	s											
											A to B – From nape of neck to waist belt B to C – From waist-belt to full length required D to E – From middle of back to armhole E to F – From armhole to elbow F to G – From elbow to length of sleeve desired H to I – Round back and chest tight under armpit K to L – Round waist M to N – Round neck easy loose measurement										A to B – From height required to full length C to D – Round the waist E to F – Round the hips G to H – Tight under the crutch to full length of leg

The _____ 19

Superintendent of Police

District

FORM No. 60

INDENT FOR UNIFORM REQUIRED FOR HEAD CONSTABLES AND CONSTABLES

Assam Schedule XL (A) (Part I) Form No. 97

Referred to in Rule 319

From the Superintendent of Police

District

Commandant

Battalion, Assam Rifles

To Messers _____

Indent No _____ dated _____

Please comply at your earliest convenience with the indent for articles of uniform detailed on reverse.

The articles should be despatched by -----
Passenger train

Goods train .

Steamer.

Via _____ to the address given below.

Address for despatch

Superintendent of Police

Commandant Battalion Assam Rifles.

(Reverse)

1. No.
2. Articles: required
3. Quantity
4. Rate
5. Cost.

FORM No. 61

LOOSE LEWGER

Assam Schedule XL (A) (Part I), Form No. 225

Referred to in Rules 325 and 327

Enter Receipts in RED and Issue in
BLACK

ARTICLES

Total issue and receipts
monthly

Date	Received from or issued to	Committee or indent reference	Quantity received	Quantity issued	Balance	Initial
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FORM No. 62

COMMITTEE REPORT

Assam Schedule – XL (A) (Part I), Form No. 99

Referred to in Rule 325

1. Serial number
2. Date of receipts
3. Date of original issue (in case of returned uniform)
4. Prom whom received
5. Nature of articles
6. Number of articles
7. Condition of package or box

8. Condition of articles showing in detail nature of defects, if condemned
9. Remarks and orders – “Take into stock and issue as required” “Bill passed and sent to Acct.” etc.
10. Number of page of entry in stock and clothing ledger
11. Signature of reserve officer
12. Signature of President
13. Signature of Members

FORM No. 63
THE INDIVIDUAL CLOTHING LEDGER
 Assam Schedule XL (A) (Part I), Form No. 100
 Referred to in Rules 325 and 328

Three months	<ol style="list-style-type: none"> 1.Name 2.Number 3.Date of issue 4.Socks
Nine months	<ol style="list-style-type: none"> 5.White coats or, Paajabi 6.Cap (Muslim) 7.Khaki shirts
One Year	<ol style="list-style-type: none"> 8.Boots
18 months	<ol style="list-style-type: none"> 9.Khaki blouse 10. Shorts 11. Knickers 12. Putties 13. Dhuties (Khaki) 14. Dhuties (martin) 15. Khaki Coats.

Two years

- 16. Overalls
- 17. Pugree
- 18. Haversacks
- 19. Cardigan Jackets
- 20. Caps
- 21. Sash
- 22. Chevron (cloth)
- 23. Fringes

4 years

- 24. Kullas

6 years

- 25. Holdalls
- 26. Great Coat
- 27. Buttons
- 28. Badges
- 29. Letters
- 30. Chevron (brass)
- 31. Number of plates
- 32. Belts
- 33. Waist plates
- 34. Batons
- 35. Baton Thongs
- 36. Blank

Indefinite period

- 37. Deductions { Divided into
money
columns.

- 38. Remarks, noting manner of disposal and particular of (deductions.)

FORM No. 64
CLOTHING HAND BOOK FOR CONSTABLES
 Assam Schedule XL (A) (Part I), Form No. 101
 Referred to in Rules 325 and 329

This is in book size form containing separate pages for pagri, kulla, fringes, blouse, shorts, trousers, putties, boots, jersey, socks, great coat, water proof, buttons, etc., haversack, kit box and badges, etc. with sanctioned numbers and life. Five Pages are allotted for additional articles.

Each page is divided into five columns, viz

1. Date of issue
2. Condition
3. Initials
4. How and when disposed of
5. Initials.

The covering page contains the following – clothing hand book for constables.

District _____
 Name _____
 Rank _____
 Number _____
 Branch _____

INDEX

			Pages
	Instructions .....	.....
I.	Working dress:-		
	Pagri .....	.....
	Kulla .....	.....
	Fringes .....	.....
	Blouses .....	.....
	Khaki shorts Trousers .....	.....
	Putties .....	.....
	Boots .....	.....
II.	Under clothing:-		
	Jersey .....	.....
	Socks .....	.....
III.	Special Clothing:-		
	Great Coat .....	.....
	Water Proof .....	.....
IV.	Necessaries and accoutrements:-		
	Buttons, district number, etc. ....	.....
	Haversack .....	.....
	Kit box .....	.....
	Badges, etc. ....	.....
	Additional articles .....	.....

FIRST PAGE

Instructions

1. Every entry should be initialled by the officer responsible for making it and each article should be separately entered
2. Column 2 should show the value of the serviceable clothing issued, i.e., whether $\frac{3}{4}$, $\frac{1}{2}$, or $\frac{1}{4}$ serviceable.
3. All articles except those mentioned below should last on ordinary use least 18 months and if any article is issued except to complete the prescribed kit within that period, the reason for the issue should be shortly noted and whether the cost has been charged to the constable concerned.

Boots	.....	1	year
Socks	.....	$\frac{1}{2}$	„
Putties	.....	1 $\frac{1}{2}$	years
Pagri	.....	3	„
Haversacks	.....	1 $\frac{1}{2}$	„
Blouse	.....	1 $\frac{1}{2}$	„
Jersey	.....	2	„
Shorts	.....	1	year
Trousers	.....	$\frac{1}{2}$	„
Fringes	.....	2	years
Kulla	.....	2	„
Great coats	.....	6	„
Water proof	.....	5	„
Buttons, etc.	.....	10	„
Kit box	.....	10	„
Badges	.....	10	„

FORM No. 65

CLOTHING HAND BOOK FOR ASSISTANT SUB-INSPECTORS AND HEAD CONSTABLES

Assam Schedule XL (A) (Part I), Form No. 102

Referred to in Rules 325 and 329

This is in book size form containing separate pages for cap and straps, pegris, fringes, kulla, coats, shorts, trousers, putties, boots, sash, jersey, socks, great coat, water proof, badge, haversack, buttons etc., and kit-box, with sanctioned numbers and fife. Three pages are allotted for additional articles.

Each page is divided into five columns, viz.

1. Date of issue
2. Condition
3. Initials
4. How and when disposed of
5. Initial

THE COVERING PAGE CONTAINS THE FOLLOWING

Clothing hand book for Assistant Sub-Inspectors and Head Constables.

District _____

Rank _____

Branch _____

INDEX

				Page
	Instructions	.....	.....	1
I.	Working dress:-			
	Cap and strap	.....	.....	2
	Pagris	.....	.....	3
	Fringes	.....	.....	4
	Kulla	.....	.....	5
	Coats	.....	.....	6
	Shorts	.....	.....	7
	Trousers	.....	.....	8
	Putties	.....	.....	9
	Boots	.....	.....	10
	Sash	.....	.....	11
II.	Under clothing:-			
	Jersey	.....	.....	12
	Socks	.....	.....	13
III	Special clothing:-			
	Great coat	.....	.....	14
	Water Proof	.....	.....	15
IV	Necessaries and accountments:-			
	Badge	.....	.....	16
	Haversack	.....	.....	17
	Buttons, etc.	.....	.....	18
	Kit Box	.....	.....	19
	Additional articles	.....	.....	20-22

Page 1

1. Every entry should be initialled by the officer responsible for making it and each article should be separately entered.
2. Column 2 should show the value of the serviceable clothing issued i.e. whether $\frac{3}{4}$, $\frac{1}{2}$ or $\frac{1}{4}$ price.
3. All articles except those mentioned below should last on ordinary use at least 18 months and if any article is issued except to complete the prescribed kit within that period, the reason for the issue should be shortly noted and whether the cost has been charged to the Assistant Sub-Inspector or Head Constable concerned.

Assistant Sub-Inspector only:-

Cap and strap	} 1 year
Shorts	

Head Constable only:-

Pagris	.....	3 years
Fringes	.....	} 2 years
Kulla	.....
Shorts	.....	} 1 ½ years
Trousers	.....
Waterproof	.....	5 years

Head Constables and Assistant Sub-Inspectors:-

Jersey	.....	2 years
Haversacks	.....	} 1 ½ years
Coats	.....
Putties	.....
Buttons, etc	.....
Kit box	.....	} 10 years
Badge	.....
Great coat	.....	6 years
Boots	.....	1 year
Socks	.....	1 ½ years

FORM NO. 66

ISSUE FORM

Assam Schedule XL (A) (Part I) Form No. 103

Referred to in Rule 333

	1. Date of issue
	2. Number
	3. Name
Assistant Sub-Inspectors	4. Cap and strap
Head Constables	5. Sash
Constables	6. Blouses
Assistant Sub-Inspectors	7. Coats
and Head Constables	
	8. Badge
	9. Pugrees
Head constables	10. Fringes
And constables	11. Kulla
	12. Trouser
Head Constables	13. Waterproof
	14. Shorts
	15. Jersey
	16. Haversack
Head	17. Buttons
	18. Kit Box
	19. Putties
	20. Socks
	21. Boots
	22. Great coat
Assistant Sub-Inspectors and Constables	23. A. P. letters
	24. A. P. Letters with Railway
	25. A. P. letters with River
	26. Signature of recipient

FORM NO. 67
STRIKE OFF FORM
 Assam Schedule XL (A), (Part I), Form No. 104
 Referred to in Rule 333

Assistant Sud-Inspector and Head Constables
 Constables

Assistant Sub-Inspector and Head Constables

Constables

First – Date of striking off Second – District number of Consts. Third – District number of Consts. Caps Pugrees Cap – Badges Pugree – Badges Badges – Railway Coats Buttons Overalls Sashes Belts Cherrons Waist Plates Badges – River Police Pugrees Fringes Cap Badges Pugrees, Badges Badges, Railway Police Badges, River Police Blouse Number Plate Shorts Belts	
---	--

Constables - conclud.

Head Constables and Constable

Chevrons Batons Waist Plates Baton thongs Kullas A.P. letters A.P. letters for Armed Police A.P. letters with Railway A.P. letters with River Knicker Putties Great coats Haversacks Undervest or cardigan jackets Holdalls Kit boxes Cloth caps and Kilmarnock pattern Socks Muslim caps White shorts White coats	Remarks
--	---------

