

POLICE ORDER NO. 263 / 97

The honourable Supreme Court of India has issued detailed instructions regarding the action to be taken whenever a person is arrested / detained and interrogated by the police. The instructions have already been communicated to all IGs / DIGs/ SPs through this office letter no. 1732 / Legal cell dt. 13.4.97. It is reiterated through this police order that compliance of the instructions of the Honourable Supreme Court is the personal responsibility of every police officer concerned with executing, or responsible for supervising, the subject arrest / detention / interrogation.

2. Govt. has been moved to sanction extra funds under "Office Expenses" to meet the expected increase in expenditures on paper, telegraphs, etc. For effective compliance of instruction no. 11 in districts where there is no control room, the SP shall select a room for the control room and submit a proposal for furniture, telephone, etc. to PHQ at once. For effective compliance of instruction no. 8, Home Commissioner has been requested to request Health department to ensure that panels of approved doctors are prepared annually in January for each district, subdivision and block and circulated to all SsP for the information and record of all Officers in charge.

3. Any officer who has any doubts in respect of any of the instructions must get the same clarified forthwith from his immediate superior officer(s). Any laxity in ensuring full and meaningful compliance of the instructions shall attract serious departmental and legal consequences as envisaged in the judgement.

4. The specific instructions and the actions required to be taken in respect of each instruction, are detailed below :

Sl.	Directions of Supreme Court	Action to be taken for compliance
1.	The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.	Police officers while arresting or interrogating any accused / suspect shall always be in uniform. The name plates on their shirt shall also indicate their rank, e.g., "S.I. Ram Singh", or C/999 Abdul Rahim". The name and designation of the person(s) who arrest and / or interrogate any accused / suspect shall, without fail, be entered in the station diary.
2.	That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.	Whenever a accused / suspect is arrested by the police, a "Memorandum of Arrest" shall be prepared in the proforma enclosed as Enclosure "1". One copy of the memorandum shall be pasted on the Notice Board of the Police Station in whose jurisdiction the arrest has been made. A copy of the memorandum shall also be sent to the C.J.M. / S.D.J.M. at once.
3.	A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or relative of the arrestee.	The fact that this information has been given shall be recorded in the "Memorandum of Arrest" as well as the station diary for ready reference. The diary entry shall also mention the name and designation of the police officer in whose custody the person arrested is.
4.	The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.	If the person arrested is not a resident of the PS where he is arrested, the time and place of his arrest and the venue of his detention shall be notified telegraphically to the head of the Legal Aid Organisation in the district and the officer in charge of the PS where the person normally resides. The fact of such notification shall be recorded in the station diary. For this purpose, all SsP shall inform all their Police Stations the name and address of the head of the Legal Aid Organisation in their district.