

POLICE CIRCULAR ORDER No. 12

The attention of all Superintendents of Police is directed to Police Order No.2 of 1945, published in the *Police Gazette* of 15-3-1945, on the subject of escapes from police custody and the necessity of applying the relevant Police Manual Rules to all casual guards—including guards over sick prisoners in hospitals. It is obvious that there is still very great laxity, as no fewer than 8 escapes from police custody have been reported since the issue of the order, from the following districts :—

Escape of
prisoners from
Police
custody

Koraput	..	3
Ganjam	..	2
Cuttack	..	2
Sambalpur	..	1

Four of these escapes were from hospital and in two of them, both reported from Ganjam, a guard of only 2 Constables had been deputed to guard the prisoner while in hospital.

2. this disregard of normal precautions and of standing orders is disgraceful and reflects most adversely on the whole Police administration. The sternest disciplinary measures are desirable and it is necessary that they should be prompt as well as stern in order to produce the maximum effect. The officer or man through whose immediate negligence any escape has occurred must be suspended forthwith. If there is material for a case under section 223 I.P.C. steps should be taken to institute one. If however there has been any flaw in the deputation of the guard or escort, such as failure to depute an adequate guard or to record times of duty and relief as laid down in Police Manual Rule, 524 (4) (b), it is advisable not to institute a criminal case but to deal with the defaulter departmentally. In a recent case two Constables convicted under section 223, I.P.C. were acquitted on appeal to the Patna high Court as there was no evidence to show which Constable was on duty at the time of the escape. In the course of the High Court's judgement it was observed that "for an offence under section 223, I.P.C., the prosecution must make out a clear case as to which particular Constable was on duty at the time and the particular negligence which led to the escape of the prisoners". If Police Manual Rule, 524 (4) (b) had been observed there would have been no grounds for acquittal in this case.

3. If, in addition to immediate negligence on the part of any member of a guard or escort, there has been any failure to observe the rules with regard to deputation or allotment of duties, the officer or man responsible should be suspended and proceeded against.

4. When departmental proceedings are drawn up they must be promptly disposed of. It should rarely be necessary to wait for the recapture of the escaped prisoner before taking departmental action, since there is nearly always sufficient proof of negligence, quite apart from any evidence which may be forthcoming after recapture. When negligence is proved, either in allotting duties or guarding the prisoner, the punishment awarded should ordinarily be dismissal.

The relevant portions of this circular should be communicated to all gazetted officers, inspectors and officers in charge of police posts, with instruction that they are to be imparted to their subordinates, so that they may be in no doubt as to their responsibilities in the matter and the punishment to which they will be liable, if they neglect them.

(Previous Police Circular Order No. 2 of 1945)