

POLICE CIRCULAR ORDER No. 154

Padding
evidence.

Tendency of some Police Officers resorting to padding of evidence has been meeting with severe criticism in press, public as well as in law courts from time to time. These instances bring bad name to the entire police organisation.

2. Mr. Justice Mulla of Allahabad High Court has passed very severe comments on misconduct of the Police in India. In an earlier judgement delivered by Mr. Justice Oak and Mr. Justice Dhavan of the same High Court it was observed that F. I. R. in that particular case manufactured with the connivance of the Investigating Officer. They further observed as follows :—

" The Police, in their anxiety that murder should not go unpunished, may think it legitimate to manufacture evidence whenever they feel morally convinced of the guilt of the accused, but such methods tend to sap the moral character of the people in the long run. An undetected murder may result in injustice in individual cases but does not affect the moral of the standards of the people, murder remains murder in their eyes. But if the police manufacture evidence to secure convictions and compel people to perjure themselves in aid of the prosecution perjury becomes respectable. If citizens are made to give false evidence to help the State, they will see nothing wrong in doing the same thing to help each other in private litigation. Moreover, Police officials wanting to secure convictions at any cost will not stop at citizens, but put pressure on State Doctors to give false reports and even Magistrates to record false confessions and fictitious dying declarations. The whole system of Criminal Justice is gradually corrupted. Today convictions in criminal trials and victories in civil cases are sought through perjured evidence without a blush and perjury is fashionable in the Law Courts with the Police Setting the fashion."

3. It is emphasised in Police Manual Rule 3, that an officer will be judged by his display of method and intelligence in detection. Methodical and intelligent approach to the investigation are the key notes of a good and efficient officer. An officer who neglects this approach but resorts to fabrication of evidence will not only be exposing himself to departmental action and criminal prosecution, but also be bringing bad name to the entire organisation of which he is integrated member.

4. In the Police Conference held in January 1955 padding of evidence was discussed at length and it was the unanimous opinion that padding of evidences should be completely eliminated irrespective of the consequence which might ensue.

5. It is possible that police cases may not success unless the public give their co-operation. If the Police functioned efficiently and honestly public co-operation would come after an initial hesitation.

6. In the investigation of a case, too much emphasis is laid on getting confession from the accused and thereby leading to discovery of materials. The aim of investigation should be to collect physical evidence and thereby confronting the accused with the evidence available against him.

7. Great responsibility rest on the supervising officers also. While supervising a case they must ensure that the investigation has been methodically done and that no attempt has been made to fabricate evidence. Scrutiny of case diaries should be tightened.

8. The Principal, P.T.C. and the Principal, P.T.S. should impress on the trainees the ingredients of good investigation and the desirability of conducting the investigation in a scientific manner instead of resorting to short-cut methods.

(Previous Police Circular No. 5 of 1962)