

POLICE CIRCULAR ORDER NO. 307/2001

Instances have come to notice where the prisoners escaped from police custody by using fire arms and explosives. Instances have also come to notice, of the accused persons having used fire arms in the Court premises. In the recent past at Banpur Court premises, the U.T.Ps, brought from the Jail to the court premises got easy access to explosives and knife. They hurled bombs, injuring the escort constable and escaped. The prisoners managed to escape due to carelessness and negligence of the escorting party and due to lack of supervision by the court officer and other senior officers.

The mode of supply of guards and escorts have been elaborately written in Chapter-XVIII of Police Manual Rules, Volume-I, especially P.M. Rules 238, 239-A, 239-B, 240, 241, 242, 243, 295, 296, 297 and P.M. Rules 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 557, 557-A, 558, 559, 561, 562, 563, 564, 565 are quite relevant. In this regard Police Circular Orders No. 12 and 263/86 are also relevant. You may refer to Police Order No. 161. You may also refer to Memo No. 23276/SR-P dtd. 26.8.1995 circulated by S.P., CID, C.B. regarding requirements of National Human Rights Commission for escorting the prisoners. It has also cited the guidelines given in the Suril Batra's case (1979 (1) SCR 392) and Prem Sankar Shukla Case (1980 (3) SCR 855) which are also relevant in the present context.

I am deeply worried about the recent happenings in the Court premises and escape of prisoners from jail as well as from police escort. The following instructions are to be strictly followed.

1. The R.I. and other officers of the Reserve Office should properly brief all the APR constables on the Do's and Dont's of proper escorting and guarding of the U.T.Ps. The concerned Os.I.C/Is.I.C. should be asked to do the same for the O.R. Constables.
2. The escort party should take personal search of all U.T.Ps before taking charge and no objectionable items should be allowed to be carried. Unauthorised persons should not be allowed to mix or deliver anything to UTPs either in transit or in Court lock-up. The CSI/CASI and the escort staff should be held squarely responsible for any laxity in this regard.

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3. ~~Some of the court lock-ups have windows or ventilat~~ through which there is possibility of sneaking in objectionable items like weapons, explosives to the UTPs. In consultation with the concerned courts these openings should either be closed or covered with a sturdy steel mesh with very small selves (that do not allow any object of appreciable size).
4. It is not unoften that one finds the UTPs lodged in court lock-ups or chained to the tables in the court premises left unguarded by the escort constables, who loiter around and the CSI/CASI being busy with other work, providing opportunity for all sorts of people to meet with the UTPs and pass anything including firearms bombs etc. This should not be allowed to happen and it is necessary to sensitize the CSI and his staff and the escort party on the dangers lurking in such situations. They need to be alert all the time. It should be made very clear to them that they will be held personally responsible for any untoward incident and strict action has to be taken against anyone found negligent.
5. All dangerous and violent UTPs may be handcuffed/shackled during escort with due permission of the Courts.
6. There should be continuous evaluation of the security requirements inside the court premises. The district Ss.P. and the local SDPO/CI/IIC/OIC should have continuing interaction with the Judges/the Magistrates and the local Bar Associations to enlist their cooperation for improving the security in the court premises and guidelines for observance by all concerned need to be formulated.
7. There should be continual and sustained raids against illegal arms and explosives

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8. The staff of the police court office, the escort parties and the local police should be alerted to remain watchful and collect advance criminal intelligence to prevent occurrence of any violent or untoward incidents in court premises. The local OIC/IIC in whose jurisdiction the court is situated should be made accountable for any lapses in security and for any incidents of violence in court premises.

9. You may take such other measures as would be required locally to prevent occurrence of any violent or untoward incidents in court premises.

Sd/-
(S.K.Chatterjee)
D.G. & I.S. of Police, Orissa.

Dt. 20.2.2001

Memo No. 1145 /Con.,

Copy forwarded to All Heads of Police Estt., Orissa for information and necessary action.

ii) Copy forwarded to the Commissioner-in-Chief, Govt. of Orissa, Home Deptt., Bhubaneswar for information.

Sd/-
(A.K. Patnaik)
Spl. I.S. of Police (Operations),
Orissa, Cuttack.

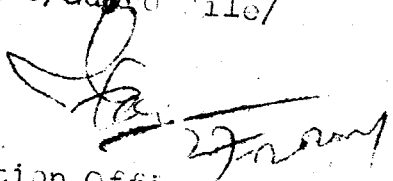
ORISSA POLICE
CENTRAL RANGE, CUTTACK.

Dt. 28.2.2001

MEMO NO. 1625 /CR.,

5 spare copies.

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Section Officer,
O/O the DIG of Police, CR, Cuttack