



THE
BURMA POLICE MANUAL

CONTAINING

**ORDERS AND RULES MADE FOR
THE BURMA POLICE WITH THE
SANCTION OF GOVERNMENT**

VOLUME II

FIFTH EDITION

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THE BURMA POLICE MANUAL

VOLUME II.

PART I—ORGANIZATION AND ADMINISTRATION.

CHAPTER XLIV.

Powers, Duties, and Responsibilities of Police Officers Generally.

SECTION I.—THE USE OF BATONS AND WHISTLES.

1033. The Lathi is for use in—

- (i) overawing or overmastering persons who forcibly resist arrest, or attempt to escape after being arrested ;
- (ii) dispersing by force unlawful assemblies ;
- (iii) resisting attempts at rescue or illegal violence of any kind.

1034. If a person whom he is required by law to arrest resists arrest, a Constable is bound to overpower him (section 46, Criminal Procedure Code), but he must not injure him unnecessarily. If the Constable is likely to be overpowered, he may draw his baton and use it, taking care to avoid striking any one on the head ; the arms and legs should be aimed at as being parts of the frame least likely to suffer serious injury. A violent prisoner should, as soon as possible, be handcuffed.

1035. In towns which are regularly patrolled the police are provided with whistles, by sounding which they can summon the assistance of their fellows.

1036. When not required for use as a weapon of offence or defence under the circumstances above described, the

baton shall be carried in the frog and not in the hand. Police officers on duty in towns shall not employ their batons as staves of office wherewith to direct the traffic and enforce obedience to their commands.

SECTION II.—THE DISPERSAL OF UNLAWFUL ASSEMBLIES AND THE SUPPRESSION OF RIOTS.

1037. If an unlawful assembly, upon being commanded to disperse by a Magistrate or by an officer-in-charge of a police-station, does not disperse, or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer-in-charge of a police-station may proceed to disperse such assembly by force (section 128, Criminal Procedure Code). If the dispersal cannot be effected by simply marching a force of police (in formation appropriate to the circumstances) up and down the street or across the place to be cleared, a detachment of men will be drawn up in double line and orders given to "draw batons" and advance. On arriving within 50 yards of the crowd, the first rank will be ordered to "charge" and "use batons," the second rank continuing to advance in support and, if necessary, charging as well. It must be remembered, that the closer a crowd is pressed, the less are the members of it capable of offering resistance by the use of clubs, stones, etc., and that the baton is pre-eminently a weapon for use in close grapple with an adversary, so that in large open spaces, flank attacks, with the object of closing up the mob and preventing their deriving advantage from superiority in numbers, will sometimes be found expedient. Military Police will be employed only when the situation is serious and will be kept in reserve under their own officers and not allowed to mix with the mob.

These precautions are necessary to prevent their arms being snatched away by rioters.

SECTION III.—FATIGUE DUTY.

1038. Constables and recruits will be employed, as occasion arises, on fatigue duty and made to keep their lines and quarters tidy by rooting out weeds, levelling and consolidating paths, cleaning drains, etc. When engaged on such work the man will wear khaki shorts and shirts.

SECTION IV.—POWERS AND DUTIES UNDER ACT V OF 1861.

1039. Police officers may exercise only such powers as have been specifically conferred on them by the Code of Criminal Procedure, the Police Act, and certain other special laws (Act V of 1861, section 20).

1040. Every police-officer is, for the purpose of the Police Act, considered to be always on duty, and may at any time be employed as a police-officer in any part of Burma (Act V of 1861, section 22).

1041. Among the duties of every police-officer are included the following:—

- (i) to obey and execute promptly all orders and warrants lawfully issued to him by any competent authority ;
- (ii) to collect and communicate intelligence affecting the public peace, welfare, and security ;
- (iii) to prevent the commission of offences and public nuisances ;
- (iv) to detect and bring offenders to justice ;
- (v) to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists.

1042. In order to carry out any of the purposes mentioned in the preceding paragraph, any police-officer may, without a warrant, enter and inspect—

- (i) any drinking shop ;
- (ii) any gaming house ;
- (iii) any other place of resort of loose and disorderly characters (Act V of 1861, section 23).

1043. Any police-officer may also lay an information regarding any offence before a Magistrate, and may apply for a summons, warrant, or such other legal process as may by law issue against any person committing an offence (Act V of 1861, section 24).

1044. It is the duty of every police-officer to take charge of all unclaimed movable property and to furnish an inventory thereof to the Magistrate of the district (Act V of 1861, section 25).

✓ 1045. It is the duty of the police to keep order on the public roads and in the public streets, thoroughfares, and landing places, and at all other places of public resort, and to prevent obstruction on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, street, thoroughfare, or landing place may be thronged or may be liable to be obstructed (Act V of 1861, section 30).

1046. European Sergeants or Sub-Inspectors of Police ^{and} _{or} Burman or Indian Head Constables and Constables may be supplied as required, at the expense of private persons or bodies for the purpose of keeping order or regulating traffic at private functions, theatres, and other places of entertainment. The orders prescribing the particular occasions for which police may be so supplied and the scale of fees leviable on such occasions, etc., are embodied in Appendix A-XI.

SECTION V.—POWERS AND DUTIES UNDER THE CRIMINAL PROCEDURE CODE.

✓ 1047. By section 149, Criminal Procedure Code, every police-officer is bound to do his best to prevent the commission of any cognizable offence. With this end he must report to his superiors any information which he may receive as to a design to commit such an offence, and he may arrest any person whom he knows to have such a design if it appears to him that the commission of the offence cannot be otherwise prevented (sections 150 and 151, Criminal Procedure Code).

Rules to secure the protection of Secret Police Report.

1048. (1) It is a universally recognized and fundamental principle of police procedure that the identity of sources of confidential or secret information, and of agents who supply such information, should be known only to the officers responsible for obtaining such information, and that every precaution should be taken to protect them from exposure.

(2) The following rules are prescribed in relation to the disclosure of sources of information other than information of the kind referred to in section 15 of the Government of Burma Act:—

Except as hereinafter provided a police-officer shall not disclose or be required to disclose the source or agent from which or the channel through which any confidential or secret information has been or may be obtained nor shall he communicate or be required to communicate any matter whether contained in records or otherwise which discloses or in his opinion might in conjunction with other circumstances or matters result in the disclosure of or permit to be inferred the source or agent from which or the channel through which any such confidential or secret information has been or may be obtained.

Within the Police force, a police-officer serving in the District Police shall not make or be required to make any such disclosure or communication to any person except the Inspector-General of Police, the Deputy Inspector-General of Police or the District Superintendent of Police of his own district. A police-officer serving in the Criminal Investigation Department shall not make or be required to make any such disclosure or communication to any person except the Inspector-General of Police, the Deputy Inspector-General of Police for Railways and Criminal Investigation or his Assistants or the District Superintendent of Police of the district in which the information has been obtained. A police-officer serving in the Railway Police shall not make or be required to make any such disclosure or communication to any person except the Inspector-General of Police, the Deputy Inspector-General of Police for Railways and Criminal Investigation, or the Superintendent of Railway Police.

The greatest care should be taken to avoid any risk of exposure when such information has to be transmitted. If transmitted by post, the original report or a copy thereof must never be transmitted; the substance only should be communicated. If transmitted by telegram the same applies, and in addition the telegram must be in cypher.

The Inspector-General of Police may, however, by general or special order authorise communication of information to other persons if he considers it expedient.

(3) In respect of information of the kind referred to in section 15 of the Government of Burma Act, 1935, the above rules are superseded by the rules issued by the:

Governor under section 15 of the Act. These rules together with the directions issued by the²Inspector-General of Police and by the Governor under rules 2, 3 and 4 of the rules are given in Appendix B-X of this Manual.

1049. By section 152 of the Criminal Procedure Code, a police-officer may interpose to protect public property (e.g., a public road, building, lamp-post, land-mark, milestone, or a tree in a public avenue or Government forest) from any injury attempted on it before his eyes. If he is obstructed in his interposition, he may arrest the person who obstructs him (see next paragraph). He should bring to the notice of the District Magistrate the existence of any unlawful obstruction or nuisance in any public way or public place, or of danger to the public from the condition of any building, tank, well, or excavation (section 133, Criminal Procedure Code).

1050. Under section 54 of the same Code, any police-officer may, without an order from a Magistrate and without a warrant arrest :—

first—any person who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists, of him having been so concerned ;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking ;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of Government ;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property, and who may reasonably be suspected of having committed an offence with reference to such thing ;

fifthly—any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody ;

² Such obstruction is an offence punishable under section 186, Penal Code ; or, if the police-officer is constituted or appointed as a member of the criminal force, under section 233 of the same Code.

- sixthly*—any person reasonably suspected of being a deserter from His Majesty's Army or Navy or of belonging to His Majesty's Indian Marine Service, and being illegally absent from that service ;
- seventhly*—any person who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been concerned in any act committed at any place out of British Burma, which, if committed in British Burma, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British Burma ; and
- eighthly*—any released convict committing a breach of any rule made under section 565, sub-section (3), Code of Criminal Procedure.

NOTE.—It is not the duty of a police-officer to arrest without distinction every person whom he may suspect of having committed or having been concerned in the commission of a cognizable offence. Some discretion may be exercised. If failure to arrest would probably result in the escape of the accused from justice or in inconsequential delay he must arrest. There may, however, be cases in which no such consequences are to be feared, and in such cases the police-officer should report the circumstances to a Magistrate and take his orders.

1051. When any person in the presence of a police-officer commits, or is accused of committing, a non-cognizable offence, the police-officer may call on him to give his name and address. If he refuses or gives particulars which the officer has reason to believe are false, he may be arrested and detained (for a period not exceeding 24 hours) while enquiries are made as to his name and address (section 57, Criminal Procedure Code).

1052. Warrants issued by Criminal Courts are ordinarily executed and served by the police-officers (sections 68 and 77, Criminal Procedure Code). The execution of warrants is governed by the provisions of paragraph 1046 and the service of summonses by paragraph 1063 of the Burma Courts Manual.

1053. When a person for whose arrest a warrant has been issued cannot be found, after reasonable search, the officer to whom the warrant is directed or to whom it has

been endorsed under section 79 of the Criminal Procedure Code, shall not return it to the Magistrate, but shall send a report stating the facts and asking for orders whether to return the warrant or not.

If the warrant contains a direction to take bail, the report shall be submitted so as to reach the Magistrate not later than the morning of the day fixed in the warrant for the appearance of the accused.

1054. Any police-officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police-officer, if subordinate to the officer-in-charge of a police-station, shall forthwith report the seizure to that officer (section 550, Criminal Procedure Code).

1055. No new duties of any kind may be undertaken by the police without the previous sanction of the Inspector-General.

SECTION VI.—CONDUCT OF THE POLICE ON DUTY.

1056. It is the duty of all police-officers to maintain friendly relations with the public without whose cordial co-operation the work of the police is rendered difficult if not impossible. To this end police-officers are strictly enjoined to preserve good temper and good humour in all their relations with the public of whom they are the servants and not the masters. An overbearing and discourteous attitude results in dislike of the police and a corresponding disinclination on the part of members of the public to assist them.

Whilst police-officers have, on occasion, to issue orders to the public for purposes of control of crowds and traffic, etc., they will at all times refrain from unnecessary interference with people who are behaving peaceably and in an orderly manner and any orders they may give shall be given as courteously as possible.

Officers on beat duty will move smartly about their beats and will not lounge about or gossip.

Arrest, if necessary, shall be made with the least amount of force possible and the use of threatening language and intimidating gestures eschewed.

SECTION VII.—PRESERVATION OF THE PEACE.*

1057. When it appears that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, it is the duty of the police to lay information before the Magistrate having jurisdiction (section 107, Criminal Procedure Code).

In laying such information, the police will set out carefully the evidence on which they rely or the circumstances leading to the information.

1058. Section 17 of the Police Act (Act V of 1861) lays down that, when it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or may be reasonably apprehended, and that the police-force ordinarily employed for preserving the peace is not sufficient for its preservation, etc., an officer not below the rank of Inspector may apply to the nearest Magistrate to enrol the required number of the residents of the neighbourhood as special police-officers to assist the police in the preservation of the peace. It is a truism that willing helpers can and will always render more efficient aid than unwilling ones and it would therefore ordinarily be advisable before resorting to compulsory enrolment to call for volunteers for enrolment as special police-officers. There are always many citizens whose sympathies are with the authorities in their endeavours to preserve the peace and who would gladly render every help in their power were the opportunity afforded them for so doing. Should volunteers for enrolment as special police-officers not be forth-coming it will be necessary to resort to compulsion and in this event the selection of persons for enrolment will need care.

No hard and fast rules can be laid down in this connection, but as a rule influential persons will be selected who are likely to be able to exercise control over the unruly elements of the population. In many cases the most suitable persons for enrolment will be the leaders of the contentious factions, though care will be taken to avoid giving the impression that they are being enrolled merely so as to humiliate them.

Special police-officers will never be employed on menial duties or on duties of a needlessly irksome kind such as fatigues or drill.

Persons of rank or superior social standing will normally be employed on staff and supervisory duties and given relatively higher rank than others of lower status.

Discipline will be as light as possible and anything likely to be considered humiliating and irksome such as for instance the saluting of subordinate officers will not be insisted on.

Patrolling and picket-duty in the affected areas, either alone or in company with the regular police and acting as intermediaries between the contending factions will ordinarily be the duties on which they will be employed.

An armet or other distinguishing badge and batons or other arms as circumstances require will be served out to them.

1059. Preachers of any creed are entitled to the same protection from the police as others while following their peaceful avocations. So long as no obstruction to traffic is caused the police will not interfere with them or their hearers. When a disturbance may be apprehended it is the duty of the police to be present to prevent such disturbance, to desire those likely to become riotous to move on, and to mark and, if necessary, apprehend the promoters of any breach of the peace. Officers of police are sometimes applied to by private individuals or by bodies of villagers, to interfere or to be present in order to prevent a breach of the peace when they are ploughing their land, reaping their crops, leading water to their fields, and so on. As a general rule police officers will refuse to interfere in such cases and will report the matter to the nearest Magistrate or Revenue Officer. If a disturbance is actually taking place or is so imminent that there is no time to make this report they must of course act for the preservation of the peace and in extreme emergencies must use their own discretion.

SECTION VIII.—PENALTIES FOR NEGLIGENCE OF DUTY.

1060. By section 29, Act V of 1861, it is provided that every police-officer who shall—

- (a) be guilty of any violation of duty or wilful breach or neglect of any rule, or regulation, or lawful order made by a competent authority; or
- (b) withdraw from the duties of his office without permission or without having given previous notice for the period of two months; or

- (c) engage without authority in any employment other than his police duty ; or
- (d) be guilty of cowardice ; or
- (e) offer any unwarrantable personal violence to any person in his custody ; or
- (f) if absent on leave, fail without reasonable cause to report himself for duty on the expiration of his leave,

shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment with or without hard labour for a period not exceeding three months, or to both.

SECTION IX.—EXEMPTION FROM LIABILITY FOR ACT DONE UNDER WARRANT OR UNDER CHAPTER IX, CRIMINAL PROCEDURE CODE.

1061. When any civil action or criminal prosecution is brought against any police-officer for any act done by him in his capacity of police-officer, he shall be held free of all liability if he pleads that he acted under a Magistrate's warrant and produces the warrant signed by the Magistrate (section 43, Act V of 1861).

1062. No person bound to execute the lawful warrants or orders of any Magistrate, or other person acting judicially shall be liable to be sued in any Civil Court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the person issuing the same (Act XVIII of 1850, section 1 ; see also first clause of section 23, Act V 1861).

1063. No prosecution against a police-officer for an act purporting to be done under Chapter IX, Criminal Procedure Code (the dispersal of unlawful assemblies), can be instituted without the sanction of Government, and, if he acted in good faith, the said officer shall not be deemed to have committed an offence thereby.

1064. Before searching a house for stolen property otherwise than in the course of an investigation into an offence which he is authorized to investigate (when section

165 covers his action), an officer-in-charge of a police-station should be careful to obtain a Magistrate's warrant under section 98, Criminal Procedure Code.

1065. When a police-officer above the rank of Inspector is accused as a public servant of any offence no Court shall take cognizance of such criminal offence except with the previous sanction of Government (section 197, Code of Criminal Procedure).

SECTION X.—DUTIES IN REGARD TO CORPSES.

1066. It will be the duty of the police to see that persons found dead by the roadside are properly buried or burnt by the village authorities. The cost will be met by the District Superintendent of Police on presentation of a bill by the village headman.

CHAPTER XLV.

Duties of the Various Ranks.

SECTION I.—DUTIES OF THE SUBDIVISIONAL POLICE OFFICER AND THE CIRCLE INSPECTOR OF POLICE.

1067. Under section 551, Code of Criminal Procedure, police-officers superior in rank to an officer-in-charge of a police-station may exercise the same powers, throughout the local area to which they are appointed as may be exercised by such officer within the limits of his station.

1068. Certain subdivisions are under the charge of a Subdivisional Police Officer of the rank of Assistant or Deputy Superintendent of Police.

1069. The Police Subdivision consists of one or more circles. As a rule there is no Inspector in charge of the circle whose headquarters coincide with that of the subdivision, the Subdivisional Police Officer being expected to perform all the duties of a Circle Inspector in this area.

The duties of a Subdivisional Police Officer and a Circle Inspector of Police are the same as regards the areas under their control.

The following is a brief account of their more important responsibilities :—

(1) They will inspect every police-station and outpost in their subdivision or circle formally and thoroughly at least once a year and make informal inspections as frequently as possible in both cases recording notes in the form of inspection notes. Copies of notes of formal inspections will be forwarded to the District Superintendent of Police for information.

(2) They will maintain a high standard of discipline, cautioning or if they have the power, punishing officers guilty of derelictions of duty. In cases requiring a punishment which they are not empowered to inflict they will hold the necessary enquiry and forward a report together with their recommendations to the District Superintendent of Police for disposal. (Reports of Circle Inspectors of Police will be sent through the Subdivisional Police Officer, if any).

(3) It will be their duty to see that the men under their command are properly equipped and their uniform and accoutrements maintained in good order; that they are proficient in their duties, including drill; that police buildings are kept in good repair, that police-station compounds are tidy and sanitary and that any buildings or other works are executed economically, honestly and efficiently.

(4) They will be held directly responsible for the proper upkeep in accordance with the regulations of police records and registers and that all entries in registers enjoined by the law are properly made, and that all orders (including those in inspection notes) received are promptly carried out.

(5) They will check the disbursement of imprest money, pay, and travelling allowance in the police-stations, and see that the money has been correctly and promptly paid and that the necessary receipts have been taken and returns furnished without delay. They will check the accuracy and truth of all bills submitted and the necessity for the journeys.

(6) They will see that all returns are accurately submitted to headquarters on the specified dates. For this purpose a list of reports and returns due from police-station officers and from the Subdivisional Police Officer shall be exhibited in a conspicuous place in the office of the Subdivisional Police Officer.

(7) They will see that the police are acquainted with the residence and movements of all bad characters and that efficient and intelligent supervision is exercised over them as well as over conditionally released prisoners and time expired convicts.

(8) They will see that the surveillance staff are carrying out their duties efficiently, not only by frequent perusal of the records in police stations and by questioning the surveillance officers themselves but by personal enquiry in the villages.

(9) They will keep in touch with the people by constant touring (normally they will spend at least 20 days a month on tour), and will lose no opportunity of gaining local knowledge on all subjects having a bearing on police work and the general administration of the district.

For this purpose a stay of several hours should be made in important towns and villages and the common practice of making hurried trips by car, railway or steamer avoided.

(10) They will guide the investigation not only in all important crimes but also in the graver forms of "professional" crime such as house-breaking and cattle theft, but they will visit the scenes of such crime only if the visit is likely to be of value.

They should bear in mind that as inspecting and supervising officers it is their primary duty to see that their subordinates are working properly and that their efficiency will be gravely impaired if they undertake a considerable amount of the actual work of investigation themselves.

They will take cases out of the hands of their subordinates only for exceptional reasons. If, however, they are present at an investigation they will endorse the case diary at the time of attendance and record all instructions they may have occasion to issue.

(11) They will keep the District Superintendent of Police informed of all occurrences of which he and the District Magistrate should be apprised in the interests of the administration. It is especially their duty to report any feeling of disaffection with measures of Government, any political movements, and the spreading of any practice, scare or rumour which may cause trouble if not checked.

(12) They will keep the District Superintendent of Police informed of the work they have been engaged in, by means of a fortnightly diary.

NOTE.—The following particulars will be entered at the end of each fortnightly diary :—

<i>Particulars.</i>	<i>Contractions.</i>
1. Number of days on-tour in the fortnight ...	T.
2. Number of nights slept away from headquarters	S/O.
3. Number of important crimes reported during the fortnight ...	I C Rs.
4. Number of scenes of important crime visited during the fortnight ...	V.
5. Number of parades attended ...	P.
6. Number of kit inspections ...	K.I.
7. Number of guards turned out after midnight ...	G.
8. Number of villages visited ...	V.V.
9. Number of gun licences checked ...	G.L.
10. Number of history sheet criminals seen ...	H.S.
11. Number of preventive prosecutions personally sanctioned ...	P.P.
12. Number of inspections-formal and informal ...	I.F. I.I.

(Inspectors will leave item 11 blank.)

Entries will be made in the contracted form given below :—

Example.

1. T.	...	...	...	17
2. S.O.	...	...	...	9
3. I.C.Rs.	...	...	...	2
4. V.	...	...	...	1
5. P.	...	...	...	2
6. K.I.	...	...	...	2
7. G.	...	...	...	3
8. V.V.	...	...	...	15
9. G.L.	...	...	...	3
10. H.S.	...	...	...	6
11. P.P.	...	...	...	Nil
12. I.	...	...	...	I.I. F.I.

(Informal 1 and Formal 1.)

(13) They will exercise close supervision over investigation and surveillance work and in particular see that there is the fullest co-operation between the various police-stations in their charge and also between those police-stations and the police-stations of adjacent circles whether these circles are in the same district or not.

(14) They will see that the work of the police-stations is fairly and properly distributed and that jealousy between officers is put down firmly.

(15) It will be their duty to visit all Civil Police Guards at their headquarters not less than three times a week by

day or by night when they are in headquarters and at least once by night when they visit a police station outside their headquarters.

1070. The Subdivisional Police Officer shares with the Subdivisional Magistrate the responsibility for the prevention and detection of crime in his subdivision and is primarily the co-ordinate measure for dealing with it. He is also responsible for the stores issued for his charge except at the headquarters of a district.

1071. The Subdivisional Police Officer will, if instructed by the District Magistrate, inspect the Register of Receipts and Sales of Arms and Ammunition of every licensed vendor of arms, if any, in his subdivision once a month. He will also, if directed by the District Superintendent of Police, inspect the Register of Receipts and Sales of Minerals (i.e., lead, sulphur and salt-petre) once a quarter. The result of each inspection of the stock and registers of every shop will be reported in writing, monthly or quarterly as the case may be to the District Magistrate through the District Superintendent of Police.

1072. The following registers are maintained by a Subdivisional Police Officer:—

- (1) Cash Account Book (Form T.F. No. 6).
- (2) Telegram Book.
- (3) Register of Letters received and Register of Letters issued. (Forms Misc., Gen. 10 and 11).
- (4) Local and Postal Despatch Books (Forms Misc. Gen. 12 and 13).
- (5) File of Circular Orders.
- (6) File of Miscellaneous Orders issued by him.
- (7) Register of Police Cases (Form ^{Case 23} ~~Police~~ 23).
- (8) Register of Books and Publications received (Form Ad. 103).

Each Subdivisional Police Officer will keep a book in which should be recorded any important information received.

1073. The library of a Subdivisional Police Officer contains the following publications:—

- Arms Manual,
- Burma Gambling Act,
- Burma Police Gazette,
- Burma Police Manual, Volumes 1 and 2.

Burma Police Manual, Volume III (for Subdivisional
 " " Police Officers of Railway Police only),
 Burma Towns Act,
 Cattle Trespass Act Manual,
 Criminal Investigation Department Manual, Part I,
 Criminal Procedure Code,
 Drill and Training Manual,
 Evidence Act,
 Excise Manual,
 Explosives Manual,
 Forest Manual,
 Government Servant's Conduct Rules,
 Half-Yearly Gradation List,
 Inland Steam Vessels Act Manual (for Subdivisional
 Police Officers of riverine districts only),
 Instructions for Motor Vehicles Staffs,
 Manual of Preventive Law,
 Motor Vehicles Act and Rules thereunder,
 Oil-fields Manual (for Subdivisional Police Officers
 of Oil-fields Districts only),
 Opium Manual,
 Penal Code,
 Police Act,
Police Crime Gazette and Supplement,
 Village Manual,

and such other Acts as the District Superintendent of Police considers necessary.

The abovementioned publications will, on receipt, be entered in the Register of Books and Publications Received (Form Ad. 103). Separate columns are provided in the register to show when the publications and the correction slips to the various manuals, etc., have been received. In the remarks column it is essential to make entries when books and publications become obsolete and should be destroyed. Not more than three books or publications will be entered on one page in order to allow room for correction pamphlets to be entered.

At the beginning of January each year the Annual Return of the books on hand will be forwarded on a loose sheet of Form Ad. 103 to the office of the District Superintendent of Police for check with the register maintained in the office.

1074. The Circle Inspector will forward reports, etc., other than ones of a purely routine nature through the Subdivisional Police Officer, if any. Otherwise he will deal direct with the District Superintendent of Police.

1075. If so directed by the District Superintendent of Police the Circle Inspector of Police will inspect once a month the Register of Receipts and Sales of Military Stores (i.e., lead, sulphur and salt-petre) of every licensed vendor in his Circle. The result of each inspection of the stock and registers of every shop will be reported in writing quarterly to the District Superintendent who will transmit the report to the District Magistrate. In towns, this duty will be carried out by the Town Inspector, if directed by the District Superintendent of Police.

1075A. The Circle Inspector of Police or, where there is no Circle Inspector of Police, the Subdivisional Police Officer will, if instructed by the District Magistrate, inspect the explosives, registers of receipts and issues and places of storage of explosives' licensees once a quarter and report the result of inspection to the District Magistrate through the District Superintendent of Police.

SECTION I. — DUTIES OF SUB-INSPECTORS.

1076. Every police station, with its outposts, if any, is in the charge of a Sub-Inspector, who is styled the Police Station Officer. If the number of cases exceeds a prescribed minimum additional Sub-Inspectors of Police or Head Constables are employed to assist in the investigation of crime. There are also a number of Constables who act as assistants to investigating officers. The proportion of investigating officers employed to the average number of cases, classes I to V, investigated is as follows:—

No. of cases	Rural Areas.		
	S.I.P.	H.C.	Const.
75	1	—	2
115	1	1	2
150	2	—	4
190	2	1	4
225	3	1	4
265	3	2	4
300	4	1	6
340	4	2	6
375	5	1	8
415	5	2	8
450	5	3	8
490	6	2	10
525	6	3	10
560	7	2	12
600	7	3	12

Urban Areas.

No. of cases.	Staff admissible.		
	S.I.P.	H.C.	Const.
100	1	1	2
160	1	1	2
200	2	1	4
260	2	1	4
300	3	1	4
360	3	2	4
400	4	1	6
460	4	2	6
500	5	1	8
560	5	2	8
600	6	2	8
660	6	3	8
700	7	2	10
760	7	3	10
800	8	2	12

During the absence of the Police Station Officer the senior officer in the police-station becomes the officer-in-charge of the police-station under section 4 (p), Code of Criminal Procedure.

SECTION III.—PROSECUTING INSPECTORS AND SUB-INSPECTORS.

1077. The prosecution of cases is conducted by police-officers—

- (a) appointed to be Public Prosecutors under section 492, Criminal Procedure Code ;
- (b) permitted by Magistrates to conduct the prosecution under section 495, Criminal Procedure Code.

NOTE.—Government Prosecutors have also been appointed to certain districts and groups of districts.

1078. By Judicial Department Notification No. 5, dated the 8th January 1907, the Local Government under the provisions of section 492 (1), Criminal Procedure Code, has appointed all District Superintendents of Police, Assistant Superintendents of Police and Deputy Superintendents of Police in Burma, and all Inspectors and Sub-Inspectors of Police appointed by the Inspector-General of Police as Court Prosecuting Inspectors and Sub-Inspectors, to be *ex-officio* Public Prosecutors for cases generally in the districts in which they are stationed.

By Judicial Department Notification No. 162, dated the 16th June 1930, the Local Government under the provisions of section 492 (2), Criminal Procedure Code, has prescribed the rank of Inspector of Police to be the lowest rank of

which an officer may be appointed by the District Magistrate or the Subdivisional Magistrate to be Public Prosecutor for the purpose of any case in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed.

NOTE—There is nothing in section 492, Criminal Procedure Code, to prevent any District Superintendent of Police, Assistant Superintendent of Police, or Deputy Superintendent of Police acting as Public Prosecutor or any police officer appointed Public Prosecutor by the District Magistrate or Subdivisional Magistrate under section 492 (2), Criminal Procedure Code, from conducting a prosecution even though he may have taken part in the investigation of the case. The restriction in section 493 (1), Criminal Procedure Code, does not apply to Public Prosecutors, who are entitled to conduct prosecutions without the permission of the enquiring or trying Magistrate.

1079. Under the provisions of section 495, Criminal Procedure Code and with the previous sanction of the Governor-General in Council the Local Government in Judicial Department Notification No. 64, dated the 28th March 1907, has prescribed the rank of Sub-Inspector of Police to be the lowest rank of which an officer may be permitted under section 495 (1) by a Magistrate enquiring into or trying any case to conduct the prosecution of such case. But under section X of the Schedule to the Burma (Frontier District) Criminal Justice Regulation, 1925 (Regulation No. 1 of 1925), any Magistrate in the districts of Bhamo, Myitkyina, Putao, Upper Chindwin and the Chin Hills, and in any other districts in Upper Burma (excluding the Shan States) or the Hill Districts of Arakan in Lower Burma to which Government may by notification extend the Regulation, may allow any police-officer of any rank to conduct a prosecution.

1080. Under the provisions of section 495 of the Code of Criminal Procedure, 1898, and in partial supersession of Judicial Department Notification No. 64, dated the 28th March 1907, the Local Government in Police Department Notification No. 112, dated the 19th July 1933, has prescribed the rank of Head Constable to be the lowest rank of which an officer of the District Civil Police in Burma may be permitted by a bench of Honorary Magistrates in districts other than Rangoon to conduct a prosecution before it. District Superintendents of Police should not employ, as Court Prosecuting Officer any Head Constable who is not above the average in education and knowledge of law.

1081. At the headquarters of districts the Prosecuting Inspector and Sub-Inspector (if any) shall be under the immediate orders of the District Superintendent of Police.

and the Prosecuting Sub-Inspector attached to Sub-divisional and Township Courts, under the immediate orders of the Subdivisional Police Officer (if any) or the Circle Inspector in whose jurisdiction such Court is situated. All Prosecuting Officers at the headquarters of districts will attend weekly parades held by the District Superintendent of Police.

Each Prosecuting Inspector and Sub-Inspector shall keep up a register in Form ^{Crime 43} Police 61. At the headquarters of the district before the cases are taken into Court the Prosecuting Inspector and Sub-Inspector (if any) will place this register, together with the papers of all new cases which are being sent up for trial that day, before the District Superintendent of Police or his Headquarters Assistant. Similarly, at Subdivisional and Township Headquarters, the register will be placed before the Subdivisional Police Officer (if any) or the Circle Inspector whenever these officers are present.

The duties of Prosecuting Inspectors and Sub-Inspectors, in addition to their duties as Public Prosecutors described in sections 493 and 494 of the Criminal Procedure Code, and those laid down in the paragraph above are—

- (i) to receive and read carefully through all cases brought in for trial and see that all the witnesses are present ;
- (ii) to see that all due precautions are taken to prevent the escape of prisoners from the Court or any disorderly behaviour on their part (care should be taken that no weapons or missiles are ever within reach of a prisoner) ;
- (iii) to see that all accused persons whether on bail or not are brought before him punctually at 10-30 a.m. and searched for weapons, etc., prior to their being placed before the Magistrate ;
- (iv) to maintain silence and order in Court ;
- (v) to search persons entering the Court room or building, except those who are specially exempted by the Court when the presiding officer considers that conditions are such that there is reason to apprehend serious disturbances and issues a general order forbidding any person to bring into the Court room or building any

firearms, or other dangerous weapon during the enquiry into or trial of any particular case ;

- (vi) to see that all such prisoners as may be in police custody, and whose attendance is necessary, are present ;
- (vii) to see that all exhibits for the prosecution which have not already been produced and made over to the Bailiff or Deputy Bailiff are forthcoming when wanted ;
- (viii) to be in possession of all the case diaries in a safe, so that they may be produced at once if they are called for by the Magistrate ;
- (ix) to receive from the Magistrate all warrants of arrest and such other processes as are not served through the Bailiff under the rules in force at the time and to endorse them over to the officer of the station concerned ;
- (x) to apply for remands to police custody when necessary ;
- (xi) to send intimation of the results of trial to the stations concerned (paragraph 1450) ;
- (xii) to send intimation of the results of cases under sections 182 and 211 of the Penal Code to the office of the District Superintendent of Police in Form ^{Crim 10} _{Police 125A} ;
- (xiii) at once to bring to the notice of the District Superintendent of Police or of the Magistrate any case in which a previously convicted prisoner (who is liable to an enhanced sentence on that account) has not been identified by the officer sending up the case ;
- (xiv) to move the trying Magistrate (if empowered on that behalf) to pass orders under section 565, Criminal Procedure Code, when an offender previously convicted under Chapter XII or XVII of the Penal Code is again convicted of any offence punishable under either of those Chapters, with imprisonment for a term of three years or upwards, or, if the Magistrate is not specially empowered to pass orders under section 565, Criminal Procedure Code, to report the case to the District Superintendent for action ;

- (xv) to prepare and attach to the warrants of imprisonment descriptive-rolls of persons convicted in cognizable cases and sentenced to imprisonment for a term of over one month in cases instituted on complaint as well as in cases sent up by the police without descriptive-rolls of accused;
- (xvi) to apply to trying Magistrates for the issue of a special written order to the Jailor to admit prisoners into jail in all cases in which prisoners intended to be sent to jail are detained in Court to such a late hour as to make it unlikely that the prisoners will arrive at the jail before lock-up time.

NOTE.—At Courts where there is no Prosecuting Inspector or Sub-Inspector this duty will be carried out by the Head Clerk of the Court.

SECTION IV.—DUTIES OF STATION WRITERS AND HEAD CONSTABLES.

1082. Every police-station has at least one officer of the rank of station writer to perform all administrative and routine duties under the general supervision of the police-station officer.

1083. Head Constables are employed as assistants to police-station officers for the investigation of cases, surveillance duties, patrols and escorts. They also act as officers-in-charge of outposts and as instructors in District Training depôts. In exceptional cases a Head Constable may be placed temporarily in charge of a police station.

1084. A Head Constable's position is similar to that of a Non-Commissioned Officer. It is his duty to assist his immediate superiors, Police Station Officers, Sub-Inspectors of Police, and Station Writers in every possible way and obey their orders, and to see that Constables do their duty, reporting any breaches of good conduct or discipline on their part which may come to his notice.

SECTION V.—DUTIES OF CONSTABLES.

1085. Police-Constables are employed as assistants to investigating officers, on surveillance, guard, patrol, and escort duty and on a variety of other miscellaneous duties of a simple nature which do not require the attention of an officer of higher rank.

1086. Implicit obedience and a continuous and vigilant performance of duty are required of every Constable. The Constable is invested by law with responsible powers for the protection of the public, the preservation of the peace and the prevention and detection of crime and it is important that these powers be not abused. He is the paid servant of the public who have the right to expect that he be civil to them and that he protect their interests in every way that lies in his power. In performing any duty the Constable will invariably bear this in mind.

1087. A Constable will preserve an attitude of alertness and without appearing a busybody, will carefully observe all that goes on round him. He will make himself acquainted with the appearance and habits of bad characters and keep a vigilant eye on them. He will keep his ears open and report any information as to crime and criminals he may obtain to his superior officers.

He will make a note in his note-book of any information he may obtain, or occurrences he may witness which are of interest to the police.

1088. Whenever a Constable may find that it is necessary to act on his own judgment, he will be prompt in so doing, taking care, however, that he is temperate in his action. If such action necessitates immediate arrest he will immediately report the matter to his superior officer and at once take the person or persons arrested to the police-station.

1089. When a Constable or other police-officer below the rank of officer-in-charge of a police-station receives information of the commission of a cognizable offence, he will, whether or not he has arrested the accused person, request the person giving the information to accompany him, or proceed by himself, to the police-station to lay a complaint.

The power of recording an information or causing it to be recorded is restricted to the officer-in-charge of a police-station (section 154, Criminal Procedure Code).

NOTE.—Under the provision of clause (f) of section 4, Code of Criminal Procedure, Government has directed that for the purposes of that Code the expression "Officer in-charge of a police-station" shall include, when the officer-in-charge of police-station is absent from the station house or unable from illness to perform his duties, the police-officer present at the station-house and in rank and seniority to such officer.

1090. A Constable or any other police-officer not being an officer-in-charge of a police-station or an officer making an investigation shall, without delay, take or send any person he has arrested to the nearest police-station or before a Magistrate (section 60, Criminal Procedure Code).

He may not, of his own authority, release the person arrested. The power of granting bail is restricted to Magistrates, officers-in-charge of police-stations and officers making investigations (sections 169, 170, 496, 497, Criminal Procedure Code).

1091. A police-officer executing a warrant of arrest shall notify the substance thereof to the person to be arrested and if so required shall show him the warrant (section 80, Criminal Procedure Code).

If the warrant was endorsed for execution by an officer other than the one named in it the person arrested shall be taken without delay before the officer who endorsed it.

1092. A police-officer is responsible for the safe custody of a prisoner committed to his charge. If he permits any prisoner to escape either wilfully or negligently, he is liable to be prosecuted (sections 222 and 223, Penal Code and section 29, Act V of 1861).

SECTION VI.—DUTIES OF SERGEANTS

1093. Sergeants are European or Anglo-Indian Officers stationed, as a rule, in areas where there are British troops or large numbers of Europeans, and their duties include the preservation of the peace among disorderly Europeans and the arrest of European Offenders, vagrants, or deserters.

They are also employed on duties connected with the control of motor-vehicles and motor-traffic.

The service of criminal processes upon and the execution of warrants against Europeans will ordinarily be entrusted to them in places where they are available.

CHAPTER XLVI.

The Police Station.

SECTION I.—THE STATION STAFF.

1094. All police-stations in Burma, as regards the area of the jurisdiction of those stations and their outposts, are "police-stations" for the purposes of the Criminal Procedure Code [clause (s), section 4 of the Code.]

1095. The area of a police-station, which has outposts subsidiary to it, is subdivided between that station and its outposts.

1096. Every police-station and outpost will be kept up to its sanctioned strength. The places of men at the depot, and on leave for periods exceeding one month, will be filled by men from the district reserve. Men on leave for less than one month need not be replaced.

1097. Outposts are established only if it is impossible to control an area adequately from the main police-station. An outpost is always subordinate to a police-station and the officer-in-charge is under the orders of the officer-in-charge of the police-station to which the outpost is subordinate. All correspondence and returns from the outpost will pass through the latter officer who will be held responsible for its proper working.

1098. On an offence being reported at an outpost the First Information Report will be taken down in the register maintained at the outpost in duplicate and in the manner prescribed by section 154, Code of Criminal Procedure. The duplicate copy of the report will remain on record in the outpost. The original will be sent to the police-station to which the outpost is subordinate and after a copy has been made in the police-station register it will be filed with the Case Diaries. A carbon copy of the First Information Report made at the police-station will be at once submitted to the Township Magistrate, *vide* paragraphs 1418 and 1419, the counterfoil being kept for record.

1098A. The Government of Burma has been pleased to declare certain outposts to be police stations for the purpose of the Criminal Procedure Code, [(Clause (a) of subsection (1) of section 4]. These converted outposts are classed as 2nd Class Police Stations.

A 2nd Class Police Station is a small police station subordinate to a larger one. The officer-in-charge has the powers of a Police Station Officer to investigate petty cases, to release accused persons on bail or on bond, etc., but as a general rule, all cases of importance will be referred to the officer-in-charge of the controlling police station for investigation.

All registers mentioned in paragraph 1330, with the exception of Registers Nos. 36, 36A, 36B and 37, will be maintained at 2nd Class Police Stations.

1099. Offences reported at an outpost will be investigated by the officer-in-charge.

In cases of minor importance the officer-in-charge of the outpost will be permitted in the absence of special reasons to carry on the investigation to completion.

In important crimes and crimes of a complicated nature, however, the officer-in-charge of the police-station to which the outpost is subordinate, will as a general rule take over the investigation himself or depute another Sub-Inspector of Police to do so.

Any person arrested by the police of an outpost will be taken immediately to the outpost or police-station which ever is nearer. If taken to the outpost the officer-in-charge will send the person arrested to the police-station with as little delay as possible.

1100. *The Officer-in-charge.*—By clause (p), section 4, Criminal Procedure Code, and Judicial Department Notification No. 516, dated the 23rd December 1892, the term "officer-in-charge of the police-station" includes, when the officer-in-charge is absent from the station-house, or unable from illness to perform his duties, the police-officer present at the station-house who is next in rank and seniority to such officer.

1101. *The Station Writer.*—At every police-station there are one or more station writers whose duty it is to maintain the records, attend to correspondence, and, in the absence of any officer senior to them in rank, to perform administrative duties.

They will act under the orders of the officer-in-charge who will be held responsible for the proper performance of their duties.

SECTION II.—THE BUILDING AND ITS EQUIPMENTS.

1102. The police-station will be maintained in an orderly and cleanly condition both inside and out.

The police-station compound will be kept clear of undergrowth and rubbish, fatigues being detailed for this purpose from time to time.

Petty repairs to buildings maintained from Petty Construction and Repairs funds and the construction of drains and raised paths between buildings will be carried out by the men themselves as long as the work involves them in no expense.

Inside the police-station building, registers and stationery will be tidily kept, muskets not in use locked in the arms rack, and accoutrements, waterproofs, etc., hung up on pegs.

Where there is a Constables' barrack, bedding will be rolled up when not in use and the barrack generally maintained in a clean and tidy condition.

No cooking will be permitted inside buildings, the cook-houses provided being utilized for this purpose.

Candle illuminations or any other practice conducive to fire will not be permitted and should fires occur from this cause the senior officer present will be held responsible and severely punished.

1103. At headquarters (lines and depot) 10 rounds of service ball per musket and 100 rounds service buckshot will be kept in a locked box in the guard room for cases of emergency. In addition, each guard mounted in the lines or depot will be provided with 10 rounds service ball and 5 rounds service buckshot per musket.

At armed posts (including armed posts at the headquarters of a district) 40 rounds service ball and 5 rounds service buckshot per musket will be kept in a locked box in the post. From this ammunition the guard will be supplied with 10 rounds service ball and 5 rounds service buckshot per musket.

At headquarters and posts liable to be attacked, such as frontier posts, 10 rounds of service ball per musket may be left in the possession of the men on a written order signed by the District Superintendent.

At frontier posts, if considered necessary, a larger supply of ammunition may be kept in the guard room on a written order signed by the District Superintendent.

1104. In order to minimize the danger of fire, wherever possible, no thatched building will be permitted within 150 feet of any of the buildings of a permanent police-station.

1105. Government equipment and stores such as arms, accoutrements, handcuffs, *dahs*, etc., will be kept clean and in good order, in a secure place, and preserved from damp.

1106. The following lists and certificate (mounted on card-board) will be hung up in every police-station:—

- (i) A list of Magistrates empowered to hold inquests.
- (ii) A list of licensed retail shops for liquor and drugs.

- (iii) A list of public ferries in the jurisdiction.
- (iv) A list of returns to be submitted.
- (v) A copy of the annual certificate by the District Superintendent of Police of the defensibility of the post (in the case of armed posts only).
- (vi) The scale of fees for payment to witnesses and a copy of paragraph 1686.
- (vii) The scale of fees payable to village escorts and a copy of paragraph 1687.

The first three lists will be hung up in outposts also.

1107. The following law books and manuals in Burmese will be maintained in every police-station or outpost :—

The Abridged Law Manual for Sub-Inspectors of Police.

The Arms Manual.

The Burma Police Manual, Volume II.

The Burma Police Manual, Volume III (at Railway police-stations only).

The Criminal Procedure Code.

The Criminal Investigation Department Manual, Part I.

The Drill and Training Manual.

The Excise Manual.

Instructions for Police Motor Vehicles Staffs.

The Manual of Preventive Law.

The Motor Vehicles Act, 1914, and Rules thereunder.

The Opium Manual.

The Penal Code.

The *Police Crime Gazette* (at certain important police-stations only).

The Training Depot Law Manual.

1108. The following equipment will be maintained at every police-station :—

- (i) Handcuffs, leg-irons, and leading chains.
- (ii) A strong exhibit box.
- (iii) Almirahs for the custody of registers, forms, and records.
- (iv) Good locks for the lock-up, exhibit box, and almirahs.
- (v) A charpoy or litter, two sheets and some powdered charcoal for the conveyance of corpses.
- (vi) Tables and stools for the office staff and two chairs for inspecting officers.
- (vii) Urinal buckets and disinfectant.

(viii) A supply of earth oil for application to record almirahs.

(ix) Hurricane lamps.

(x) A clock.

(xi) A box of sand for use in case of fire* (to be placed below every oil lamp hung up in the building).

(xii) A set of scales and weights (up to 4 lbs.) for weighing gold, silver, jewellery, opium, etc.

The quantities of the above items will be determined from time to time with strict regard for economy by the District Superintendent of Police and such items as are indispensable will also be maintained at outposts.

There are district maxima for handcuffs, leg-irons and leading chains which may not be exceeded and any increase in the number of lamps requires the sanction of the Inspector-General of Police, *vide* paragraph 753, Burma Police Manual, Volume I.

NOTE.—Handcuffs shall not be used as locks.

At every police-station and outpost a map in Burmese will be maintained showing the names and positions of all villages in the jurisdiction.

SECTION III.—THE POLICE STATION OFFICER.

1109. The police-station officer is responsible for the efficient performance of all branches of police work both administrative and executive in his jurisdiction.

It is his duty to oversee and control his subordinates and to ensure that they are working honestly, zealously, and efficiently. To this end he will keep in personal touch with all that is going on and test frequently their knowledge of their duties.

He is responsible more particularly for the conduct, appearance, instruction and discipline of his men and (with the assistance of the station writer) for the punctual and correct maintenance of the General Diary and other Registers and records of his police-station. Whenever present at the police-station, he will inspect daily the police-station buildings and lines and see that they are kept in good order, and that the cage, arms and ammunition are secure.

1110. All reports, informations, or charges made at the police-station will, if he is present, be made to him, and all proceedings taken thereon will be by his direction.

The actual writing of all station diaries, registers, and records is done by the station writer, who is primarily responsible for the correctness of all entries and for seeing that no omissions are made.

1111. On the 1st and 16th of each month he will inspect thoroughly all arms, ammunition, kits, and miscellaneous stores in the police-station. Police of all ranks will attend in uniform at his inspections.

1112. The police-station officer is required to possess a thorough knowledge of platoon drill and to be capable of conducting parades.

1113. It is his duty to see that all his subordinates are thoroughly acquainted with the notifications and orders issued from time to time to regulate the conduct of police work. He will make himself acquainted with any items of the *Police Crime Gazette* which concern his police-station and take care that such items are read out to all his subordinates until they know them thoroughly. Circular Orders of the Inspector-General of Police and the District Superintendent of Police will be explained in the same way.

1114. * * * *

1115. An officer-in-charge of a police-station exercises as such, varied powers under the Criminal Procedure Code. The chief of these are summarized below :—

(a) *Under section 55.*—Power to arrest vagabonds and habitual robbers.*

(b) *Under section 94.*—Power to issue a written order for the production of anything required for the purposes of an investigation.

(c) *Under section 165.*—Power to search a house or other place within his jurisdiction for anything necessary for the conduct of an investigation.

(d) *Under section 156.*—Power to investigate cognizable cases within his jurisdiction.

(e) *Under section 153.*—Power to enter any place within his jurisdiction and search for false weights and measures. †

(f) *Under section 174.*—Power to investigate cases of sudden or suspicious death.

(g) *Under sections 127 and 128.*—Power to disperse unlawful assemblies.

(h) *Under sections 60, 169, 170, 496 and 497.*—Power to release on bond or bail.

* In police-stations to which the provisions of section 1V of the Schedule to the *Frontier Districts Criminal Justice Regulation, 1925*, have been extended power may be exercised by any police-officer.

(i) *Under section 84.*—Power to endorse a warrant for execution outside the jurisdiction of the issuing court.

1116. The two most salient duties of an officer-in-charge of a police-station are—

- (i) the prevention of crime; and
- (ii) the investigation of specific offences, the detection and arrest of the offenders, the collection of the evidence against them and sending them up for trial.

1117. Crime is checked by (i) obtaining correct information regarding the criminals, criminal classes, vagrants and wandering gangs, resident in or passing through the police-station area, and (ii) either watching them, or taking such active measures against them as may be necessary and legal. The foremost means to this end are—

- (a) Regular and early reporting of facts as to crime and criminals by village headmen and police.
- (b) Careful maintenance and study of the Crime Index (Register No. 36) and the File of Annual Notes (Register No. 37).
- (c) Surveillance over criminals.
- (d) Prosecutions for bad livelihood.
- (e) Examination (under a Magistrate's warrant) of the premises of known receivers of stolen property, coiners, or forgers.
- (f) Effective co-operation between police-stations and districts.

1118. The officer-in-charge of a police-station will be careful to neglect none of these means. He will see that the surveillance over released convicts is real and that the entries in the Station Register No. 34 and surveillance staffs' note-books are kept up to date. He will bring to the notice of the Subdivisional Police Officer or Circle Inspector of Police the cases of all persons against whom prosecutions for bad livelihood seem desirable or whose premises require to be searched under section 98, Criminal Procedure Code and obtain his orders as to the action to be taken.

1119. He will devote special attention to maintaining good relations with the headmen of all villages in his jurisdiction. Headmen and *gaungs* are invested under the

Burma Village Act with the duties and liabilities of police-officers. This does not mean that the officer-in-charge of a police-station is entitled to treat them as his subordinates or to order them to attend the police-station without necessary cause. They will be treated with the respect due to their position and their authority over the *ten-house-garungs* who are their subordinates upheld. Every effort will be made to enlist the co-operation of rural police-officers in the prevention and detection of crime, the surveillance of criminals and the prosecution of suspicious characters as without their assistance the task of the police in reducing crime is made more onerous. It must be remembered that the best police officer is not he who is most successful in detecting offences committed within his charge, but he who is most successful in preventing offences from being committed.

1120. Incessant energy and activity in investigation, the application of local knowledge and the co-operation of rural police-officers are all necessary for the successful prosecution of persons committing crime.

Police-officers are especially warned against any tendency to throw on complainants the burden of detecting the cases which they have reported.

1121. In conducting any search under section 98. or section 165, an officer-in-charge of a police-station will be careful to observe the provisions of section 103, Criminal Procedure Code. He will also bear in mind the observations contained in section I, Chapter LIII, relative to the improper seizure of goods discovered in a place searched.

1122. The following are the more important routine duties of the officer-in-charge of a police-station:—

(i) He will assign to each of his subordinates the duty to be performed by him during the next 24 hours and will see that the work is fairly and impartially allotted and properly carried out.

(ii) He will explain to any officer whom he places on duty the nature of the duty to be performed and on relieving him will receive his report.

(iii) He will frequently inspect any cattle-pounds in the charge of the police and see that they are in proper repair and that there is an adequate supply of fodder and water for the impounded cattle.

(iv) He will frequently test the knowledge of drill and procedure possessed by his subordinates.

(v) He will hold inspections of arms, ammunition, accoutrements and kit and see that they are all maintained in good condition.

(vi) He will report all cases of neglect, disobedience of orders, infraction of discipline or misconduct on the part of his subordinates, bearing in mind that by omitting to do so he becomes personally responsible for the offence committed. (He has not the power or discretion of condoning any act of omission or commission on the part of his subordinates but is bound to report it for orders.)

(vii) He will see that the entries made in all police-station registers are faithful and true. When he has been absent from the police-station for a time he will, on his return, satisfy himself that the registers have been correctly written up in his absence.

(viii) On return from duties other than the investigation of crime (in which case diaries are submitted) he will enter in the General Diary a brief account of the duties he has carried out and the places visited during his absence from the police-station.

NOTE.—Any member of the police-force who intentionally makes or intentionally causes to be made in any General or Case Diary, or in any report, an entry which he knows, or has reason to believe to be false, shall be dismissed whether he has been directed to make such entry, or cause it to be made, by superior authority or not.

(ix) When leaving the police-station on duty he will make over charge to the next senior officer present and cause a note of the fact to be entered in the General Diary.

(x) When going out on duty he will take with him writing materials and such forms as are likely to be required in recording and reporting information of offences or enquiring into cases of sudden death in addition to those required for any special investigation which may be in hand.

(xi) He will report (and note the fact in the General Diary) the cases of all persons arrested without warrant within the limits of his station, whether such persons have been admitted to bail or not (section 62, Criminal Procedure Code).

(xii) He will see to the punctual service, execution and return of all summonses and warrants sent to him for action.

1123. The officer-in-charge of a police-station or any other police-officer is strictly prohibited from giving any

presents in the shape of money, food supplies, etc., to the servants and followers of officers on inspection or other duty within the area of their stations. He is also prohibited from employing Constables on his private business.

1124. He is responsible for the honest and efficient expenditure of all Government money entrusted to him for the purchase of building materials, fodder for cattle, diet for the prisoners, oil, stationery, etc., and for showing the details of expenditure fully and truly in the accounts rendered and in the police-station registers.

1125. If an officer-in-charge of a station is unable through illness to attend at the station, he is not permitted to do his work at home, but will make over charge to the officer next in rank, reporting the facts in the General Diary.

SECTION IV.—CUSTODY OF CASH AND VALUABLES

1126. Valuables received at a police-station in connection with a criminal case will be at once brought to account in Register No. 32 (Form ^{Crime 27}/_{Police 39}) and an abstract list of them entered in the General Diary. Valuables received at an outpost will, as soon as possible, be forwarded to its police-station. A report will be made immediately to a Magistrate and his orders taken as to their disposal. If the Magistrate orders the retention of the valuables or money in the hands of the police, and if the officer-in-charge of the police-station considers that the retention of the valuables or money by the police is unnecessary or may facilitate the commission of fraud, he will obey the orders of the Magistrate, but at the same time immediately submit a report of the matter to the Circle Inspector who will without delay take the orders of the Subdivisional Police Officer or District Superintendent of Police. It will rarely, if ever, be necessary to retain as an exhibit coin which has been stolen, unless any of it is so marked as to be capable of identification.

1127. The officer-in-charge of a police-station will be responsible for the safe custody of any cash received on account of pay and will disburse it without delay. He will see that any amount undisbursed is kept safely.

1128. When a police-station at the headquarters of a subdivision or township has no safe of its own in which Government money can be securely kept, the Subdivisional Officer or Township Officer will be requested to accept temporarily money belonging to the Police Department for safe custody in his cash safe.

The rules laid down in Articles 4 and 5 of Volume I of the Burma Treasury Manual apply to money received under the above orders.

1129. Officers-in-charge of police-stations are strictly forbidden to take charge of any money (not being pay received for distribution) or valuable property for other departments, unless it is securely enclosed in a box with a good lock and sealed in such a manner as to prevent the contents being tampered with. If these conditions are fulfilled police-stations may, with the previous sanction of the District Superintendent of Police, be used temporarily as places of safe deposit of cash chests of Government departments. Arrangements for the safe custody of public money may not be made in any police buildings other than police-stations. The time of receipt and of re-delivery of any box thus deposited will be noted in the General Diary. A receipt will be given to the depositor.

1130. The following are the rules for the permanent safe custody by the Police of Post Office cash-chests or safes :—

(1) Post Office cash-chests or safes will merely be placed in the charge of the police for better security, and the police will have no concern with their contents.

(2) Cash-chests or safes may be permanently deposited at any armed police-station, except at the headquarters of a district.

(3) Cash-chests or safes so deposited will be strongly made and locked, and securely fastened to the wall or floor by chains or padlocks, in such a position as to be under the observation of the sentry. The District Superintendent will select the place where the chest or safe will be most secure. The expense of securing the chest or safe will be borne by the Postal Department.

(4) The key or keys will be kept by the postmaster or other official in charge. The police are forbidden to take charge of the keys under any circumstances.

(5) The police will allow the postmaster, or other official in charge to have access to the chest or safe at any

time between the hours of 6 a.m. and 6 p.m., except when the mail is late, when the postmaster, or other official in charge, will be allowed access to the chest or safe till 9 p.m.

(6) The police will always give the Post Office early notice of any escort leaving for headquarters or subdivisional headquarters to enable the postmaster, or other official in charge to reduce his balance to the limit authorized. Treasure for safe escort will not be accepted unless packed and sealed in the manner described in paragraph 1129.

(7) Cash-chests may not ordinarily be received for permanent deposit at unarmed posts, but with the previous sanction of the District Superintendent of Police, unarmed posts may be used temporarily as places of deposit of chests or boxes secured by good locks and sealed in such a manner as to prevent the contents being tampered with. A receipt will be given for boxes or chests temporarily deposited.

(8) The police are forbidden to take charge of Post Office treasure whether as a temporary or permanent arrangement, except under the orders laid down in this paragraph.

1131. At armed police-stations, cash-chests or safes of the local Urban or Rural Co-operative Credit Society may be permanently placed for safe custody provided that—

- (1) the cash-chests or safes deposited are strongly made and locked and securely fastened to the wall or floor by chains or padlocks in such a position as to be under the observation of the sentry. The Subdivisional Police Officer (if any) or Circle Inspector will select the place where the chest or safe will be most secure subject to the approval of the District Superintendent. The expense of securing the chest or safe will be borne by the depositor ;
- (2) the key or keys will be kept by the official in charge of the chest or safe. The police are forbidden to take charge of the keys under any circumstances and they will have no concern whatever with the contents of the receptacles ;
- (3) the police will allow the official in charge to have access to the chest or safe at any time between the hours of 6 a.m. and 6 p.m.

1132. For any permanent arrangement whereby Government money is to be regularly lodged in a police-station, the sanction of the Inspector-General is necessary.

This does not apply to the custody of Subdivisional and Township cash-chests, or of Bailiff's or Deputy Bailiff's exhibit-boxes which may be deposited with the police subject to the following rules :—

(1) At the headquarters of a district the Bailiff's exhibit-box or boxes will be kept in or near the treasury guard-room under the eye of the sentry.

(2) At subdivisional or township headquarters the subdivisional or township cash-chest will be kept in the treasure vault, if there is such a building. The Deputy Bailiff's exhibit-box or boxes, and, if there is no treasure vault at the place, the subdivisional or township cash-chest, will be kept in the Military Police quarter-guard, if there are Military Police stationed at the place. If there are no Military Police at the place, the cash-chest and exhibit-box or boxes will be kept in the Civil Police post.

(3) Exhibit boxes shall be strong and well secured ; any defect in such boxes will be at once brought to the notice of the Subdivisional or Township Magistrate as the case may be and an entry made in the General Diary. A report in writing will also be made to the District Superintendent of Police through the Circle Inspector of Police and Subdivisional Police Officer (if any). No person other than the Bailiff or Deputy Bailiff shall be allowed access to the exhibit-boxes which will always be locked and unlocked in the presence of the guard-commander. It is not the duty of the police to assist in the moving of a safe or box.

NOTE.—No private money or jewellery belonging to the station staff or private persons may be kept in the station exhibit box or almirah.

1133. Government opium may, if the Deputy Commissioner so directs, be deposited in a police-station or outpost for safe custody, provided that it is contained in a strong box or boxes with double locks.

If it is deposited in an unarmed police-station or an outpost no special guard will be mounted on this account, but the police will take all other reasonable precautions against theft.

The rules in paragraph 1132 apply *mutatis mutandis* as regards access to the opium boxes by responsible officers.

1134. Subject to the orders and responsibility of the officer-in-charge of the police-station, the station writer

will be considered to be in charge of all public property (including money and property taken possession of in connection with cases) in his police-station.

1135. Every officer in charge of a station will examine the property in his station on the 1st and 16th of each month and note in the General Diary that he has done so, and whether everything is complete, and in proper order or not. If the property is not complete, he will report what is missing or damaged and who is to blame to the District Superintendent of Police through the Circle Inspector of Police and Subdivisional Police Officer, if any.

CHAPTER XLVII.

Police Arms and Ammunition.

1136. Officers to whom *dahs* are issued will be held responsible for keeping them sharp and clean.

Inspecting Officers will withdraw worn out and unservicable weapons with a view to their replacement.

1137. Men parading with muskets will not wear *dahs*.

1138. The number of rounds of service revolver ammunition which may be kept by Inspectors, Sub-Inspectors and Sergeants in their possession, is ordinarily limited to 12 rounds at any one time, but if necessary extra rounds may be issued when officers are deputed on special service, such as the pursuit of dacoits, etc.

All ammunition at a police-station not in use will be stored in a locked box, the key of which will be kept by the station-writer. All issues to or receipts from guards, patrols, etc., will be shown in the General Diary.

The key of the ammunition box will be made over to the 2nd Station Writer or Assistant Station Writer when the Station Writer is absent from the police Station for any length of time and the making over and taking over of the key will invariably be noted in the General Diary.

1139. The officer-in-charge of a police-station is responsible for the proper care of the arms and ammunition issued to his station, and, in the case of an armed outpost subordinate

to him, for the proper care of the arms and ammunition of such outpost. He will inspect both arms and ammunition of his police-station on the 1st and 16th of every month and will note the result of his inspection in the General Diary. His *locum tenens* may do this in his absence.

The arms and ammunition at an armed outpost will be inspected as opportunity occurs but if possible not less frequently than twice a month.

In addition to the detailed inspection of arms and ammunition laid down above, the officer-in-charge of any police-station, outpost, lock-up, or training depôt where there are arms will count them to see that none are missing and inspect their condition at the same time as he does his daily examination of the lines, cage and treasure vault.

1140. The stock of arms and ammunition at every police-station and outpost shall be examined at least once in every three months by an officer not below the rank of Inspector. The inspecting officer will record a certificate in the following form:—

"I certify that I have this day personally examined the stock of arms and ammunition at the _____ police-station (or outpost) and that the stock is correct according to the account of arms and ammunition. I have satisfied myself that the expenditure of ammunition as shown in the account of arms and ammunition is correct."

1141. If the inspecting officer is unable to furnish this certificate, he will record his reasons and enquire into any irregularities which he may discover. A copy of the inspecting officer's certificate or remarks will be attached to the Quarterly Return of Arms, Ammunition, Accoutrements and Miscellaneous Stores (Form Police 9S) next sent in after the date of the inspection to the district headquarters.

CHAPTER XLVIII.

Clothing, Accoutrements, Medals, and Kit Inspections.

SECTION I —KIT AND ACCOUTREMENTS.

1142. Officers and men shall wear the prescribed uniform on all occasions when on duty unless for special reasons, e.g., during the investigation of a case, it is undesirable to advertise the presence of the police.

The wearing of a mixture of uniform and mufti and the use of umbrellas in uniform is strictly prohibited. Uniform shall invariably be maintained in a clean and tidy condition.

Great-coats, woollen capes and water-proof capes are not issued to individuals but a certain number of them are provided for use on patrols, escort and guard duty. On completion of the duty for which they were issued they will be handed back and kept hung up in the police-station.

1143. Each police-station and training depôt will be supplied with accoutrements sufficient for its sanctioned strength (which in the case of training depôts includes men belonging to the reserve and headquarters lines) of Station Writers, Head Constables and Constables.

These will be regarded as police-station or training depôt property and need not be entered in clothing books. The Station Writer or Training Depôt Instructor will, however, take receipts in a blank book kept for the purpose from the men to whom they have been issued.

Full sets of accoutrements including pistols and swords (in the case of officers who are armed with swords) will be issued to Inspectors, Sub-Inspectors and European Sergeants and will be retained by them throughout their service in the district to which they are posted.

1144. Men who go on leave will deposit their clothing, accoutrements and clothing books at the police-station or (in the case of men belonging to the reserve or headquarters lines with the Training Depôt Instructor) and will receive a receipt in lieu from the Station Writer or Training Depôt Instructor.

Any deficiency or damage will be reported at once to the office of the District Superintendent of Police to enable recoveries to be made from the depositor.

The clothing of men on casual leave will be retained at the police-station (or in the case of men belonging to the reserve or headquarters lines deposited with a list in the District Store Room).

The kit of men on other leave will be sent with a list to the District Store Room, escorts proceeding to headquarters being utilized for this purpose whenever possible. On their return from leave men will take back the kit they have deposited and surrender their receipts.

Similarly on the death, desertion, or discharge of a man his kit will be inspected and sent with a list to the District Store Room, and the Station Writer or Training Depot Instructor will not disburse his pay unless he is satisfied that the kit has been received complete. Any damage or deficiency will be recovered from his pay or other assets.

A brief note of the receipt and disposal of deposited kits will be entered in the General Diary.

1145. Men transferred from one district or police-station to another may take their clothing with them but not their accoutrements which will be returned to the police-station of issue. Inspectors, Sub-Inspectors and European Sergeants when proceeding on leave other than casual leave will make over their arms, ammunition and accoutrements to the Headquarters Assistant for temporary deposit in Stores until their return from leave. Officers proceeding on transfer to another district, except Inspectors who are allowed to take their Sam Browne Belts with them, will return their arms, etc., to the Headquarters Assistant.

SECTION II.—KIT INSPECTION.

1146. An inspection of kit and accoutrements of Station Writers, Head Constables and Constables will be held regularly once a fortnight on the 1st and 16th of the month throughout each district.

1147. At district headquarters the Headquarters Assistant or Deputy Superintendent will hold the inspection under the instructions of (and, if possible, in the presence of) the District Superintendent. The inspection will be thorough, each article of kit being examined. Any deficiencies due to carelessness or misbehaviour will be made good at the expense of the person in fault. The officer-in-charge of each police-station or outpost will hold a similar inspection in respect of the men under his charge. The result will invariably be noted in the General Diary.

1148. The illustration showing the method of laying out kits at inspections is given at Appendix B-I.

1149. When parading for kit inspections men will fall in without muskets and with their *dahs* in frogs.

1150. Cartridge pouches will be worn only when muskets are carried.

1151. When the inspecting officer has completed his inspection of kit and its check with the entries in the Clothing Books the parade will be dismissed so as to enable the men to remove their kits to their quarters.

After a short interval the men will fall in again and arms and accoutrements will be inspected.

SECTION III—MEDALS.

1152. The medals of Station Writers, Head Constables and Constables will be shown at all kit inspections. The wearing of medals and decorations except in Review Order is prohibited. Ribands only will be worn with Working Dress, but will not be worn on shirts.

1153. Ribands will never be attached direct to coats but will be mounted on riband bars which can be made very cheaply by any artisan.

— The use of riband bars is not only conducive to smartness but enables the ribands to be removed at once when it is necessary to wash the coat.

1154. No police-officer or police-man shall sell, pawn, destroy, deface, or make away with any medal or decoration granted him for service in the field or for good conduct.

SECTION IV.—CLOTHING BOOKS. (FORM POLICE 4-S.)

1155. Every officer of and below the rank of Station Writer will be provided with a Clothing Book in which will be entered in Burmese the clothing issued to, or withdrawn from him, together with the dates of issue and withdrawal. Specimen entries are given in the inside of the cover. After each entry, which will be initialled by an officer not below the rank of Station Writer, a balance will be struck so that inspecting officers may be able to see at a glance what articles a man has in his possession. When an officer is transferred his clothing will be carefully checked with his Clothing Book both on departure and arrival by the respective Station Writers who will countersign the Clothing Book as correct or otherwise.

1156. Officers holding fortnightly kit inspections on the 1st and 16th of each month and officers holding formal inspections of police-stations will withdraw any kit no

longer serviceable and cause it to be sent (with delivery and receipt vouchers in Form Police 38-S) to the Headquarters Assistant for condemnation and replacement. Should the Headquarters Assistant (except where the order has been issued by an officer senior to himself) consider that condemnation is unjustified he will return the kit to the police-station for further use. If in his opinion any article is unserviceable he will send a new article in replacement together with delivery and receipt vouchers in Form Police 38-S.

So as to prevent confusion, whenever articles of kit are sent as above a separate bundle will be made and separate delivery and receipt vouchers sent of the kit of each officer whose kit is despatched.

CHAPTER XLIX.

Medical Attendance and Examinations.

1157. A Police Officer whether at his own or another station and whether on duty or on leave when taken on medical grounds is entitled to free medical and surgical attendance and treatment by the Appointed Medical Attendant either at the medical officer's consulting room or house or at the police officer's home or in a hospital belonging to the Government of Burma or to a Local Fund receiving contributions from the Government of Burma, as the medical officer, after seeing the police officer, may decide.

NOTE 1.—The Appointed Medical Attendant may at his discretion see a police officer at his consulting room or house but shall not in either case charge a fee.

NOTE 2.—In no case shall a fee be charged for signing or countersigning medical certificates required by police officers for official purposes, or for granting certificates of fitness to those candidates for service in the police department who present themselves for examination with a letter from the Head of the Office or Department which they are applying to join.

NOTE 3.—The Appointed Medical Attendant means the medical officer to whose services a police officer is entitled under paragraph 1158.

1158. A gazetted police officer is entitled to the services of a Civil Surgeon. A non-gazetted police officer is entitled to the services of the appropriate medical officer according to his substantive pay as shown in the table below :—

Pay of police officer	...	Medical Officer.
Under Rs. 75	...	Sub-Assistant Surgeon.
From Rs. 75 to 299	...	Assistant Surgeon.
Rs. 300 and over	...	Civil Surgeon.

NOTE.—A police officer entitled to attendance by a Civil Surgeon or an Assistant Surgeon shall, in the absence of medical officers of these grades, be attended to by the next senior officer available.

1159. (i) A police officer is entitled to the free services of a consultant in Government service and also free advice and treatment by specialist medical officers under Government's administrative control when such advice and treatment are available in Burma and are considered necessary by the Appointed Medical Attendant.

Provided that.—(a) No specialist or consultant shall be required to leave his station in order to attend a police officer except under the orders of the Inspector-General of Civil Hospitals to whom application may be made in this behalf by the Appointed Medical Attendant.

(b) The duration of the treatment to be given by such specialist or consultant shall be determined by the Inspector-General of Civil Hospitals.

(ii) A police officer is entitled to free bacteriological, X-ray and other examinations in any Government or Local Fund institution where the necessary facilities exist if such examination is recommended by the Appointed Medical Attendant.

(iii) A police officer is entitled to the free supply of authorized medicines and appliances prescribed by the medical officer in so far as they are available for issue from the hospital stock, and of such vaccines or sera as can be prepared in a Government Laboratory in Burma in the course of its ordinary daily work.

NOTE.—“Hospital stock” means the stock of medicines and appliances ordinarily obtained from the Government Medical Stores Depot.

1160. (i) A police officer who is an in-patient in a Government or Local Fund Hospital, is entitled to free nursing on the scale ordinarily provided by the hospital but is not entitled to the services of special nurses in Hospital except when this is considered necessary by the Medical Officer in the charge of the case. He is not entitled to free nursing of any kind except in hospital.

(ii) A police officer is not entitled to free accommodation in paying wards nor to free diet.

(iii) When a police officer has received treatment at a private hospital, which has been approved by Government for the purpose of this rule, in a

place where there is no Government hospital and no Local Fund hospital, he may claim from Government any charges payable to such hospital other than charges for diet and accommodation.

- (iv) The charges recoverable under sub-paragraph (iii) are classified as "Allowances, Honoraria, etc.—Fluctuating" and will be met from the Budget of the District or Department in which the police officer concerned is serving. Claims for such charges should be countersigned by the Inspector-General of Police, and must be supported by vouchers.

1161. Police-officers of and below the rank of Sub-Inspector will normally be treated at a hospital or dispensary either as in-patients or out-patients as circumstances dictate.

There are no hospitals specially maintained for the Civil Police and Civil Police patients will attend the local civil hospital or dispensary or, if more convenient, a Military Police hospital.

District Superintendents will make it a practice to visit Civil Police hospital patients from time to time and will bring to the notice of the Civil Surgeon any matters which may require his attention.

1162. When a police-officer is discharged from hospital or is treated as an out-patient the Sub-Assistant Surgeon will return him his hospital ticket with all details duly entered on it. The police-officer will return to the police-station and make the hospital ticket over to the Station Writer who will draw attention to the discharge from hospital of each man by a red cross opposite the entry in the General Diary as laid down in paragraph 1345 (xviii) of this Manual.

1163. Hospital tickets of police-officers discharged from hospital will be sent by the Station Writers to the office of the District Superintendent of Police on the 20th of each month. Tickets of men discharged after the 20th of the month will be submitted on the 20th of the succeeding month.

1164. In cases where police-officers are recommended for long leave by the Medical Officer in charge of the hospital, the Police-Station Officer or Training Depot Instructor will grant the man leave within the lines, and send the hospital ticket forthwith to the District Superintendent's office red flagged for early issue of leave orders.

1165. A police-officer of and below the rank of Head Constable if too sick to proceed on foot or in the case of a Mounted Constable, on horse-back, may be conveyed to hospital at the expense of Government provided that in each case a certificate is furnished by the medical officer-in-charge of the hospital to the effect that the provision of a special conveyance was necessary.

1166. Every patient in hospital will (if able to do so, and unless the Civil Surgeon otherwise directs) be permitted to go to his house for food twice daily, namely from 8 to 10 a.m. and from 5 to 7 p.m. With this exception no patient in hospital may leave it without the permission of the medical officer-in-charge.

When a member of the Civil Police under treatment in hospital is dieted by the hospital authorities, no recovery on account of hospital stoppages will be made from his pay.

1167. If the Civil Surgeon thinks it desirable, that a man discharged from hospital should remain on convalescent leave for a few days, he will note this on the hospital ticket and in the hospital register of admissions and discharges. A man on convalescent leave is regarded as still sick in hospital and must not leave the lines.

1168. All police-officers of and below the rank of Station Writer will be medically examined at least once a year. Such examinations will, at headquarters, be held by the Civil Surgeon himself and at outstations by the Civil Surgeon during the course of his tours, or by the medical officer in charge of the local hospital or dispensary.

A copy of the report on each officer will be sent to the District Superintendent of Police.

These orders are designed to ensure that police-officers whose efficiency is impaired by disease or infirmity and who, to escape being invalided, have not applied for permission to undergo medical treatment, shall be periodically subjected to medical examination.

In many instances of temporary or functional disorders such as enlarged spleen, heart trouble, medical treatment will effect a cure. In other cases of a more permanent and intractable nature officers will have to be invalided.

The dates on which officers have been medically examined shall be entered on the pages allotted to hospital entries in their Character and Service Rolls.

1169. Medical officer in charge of local hospitals and dispensaries will inspect weekly the sanitary condition of the Civil and Military Police barracks and lines situated at their headquarters. The Civil Surgeon will also perform similar inspections twice a year during the course of his tours. Any defects will be brought to the notice of the District Superintendent of Police.

1170. Medical officers in charge of Police Lockups will hold weekly inspection parades of the whole of the prisoners confined in lockups with a view to the detection of incipient cases of beri-beri and other diseases, their treatment and prevention.

CHAPTER L.

The Training Depot.

1171. For the instruction of policemen in Burma, a training depot has been established at the headquarters of all districts except Kyaukpyu, Sandoway, Salween, Mergui, Kyaukse, Meiktila, Myingyan, Sagaing, the Lower Chindwin, Bhamo, Myitkya, Chin Hills and the Arakan Hill Tracts. The Railway Police also have no training depot.

Where there is no training depot, training is usually carried out in a neighbouring district.

The objects of the depot are—

- (1) to provide a course of six months' training for all recruits;
- (2) to provide a refresher course of one month's duration once in three years for all trained Constables.

Recruits will be sent into the depot half-yearly on the 1st January and 1st July, or as near as may be to those dates, for six months' training and instruction. No additions will be made to the numbers attending any course and

any recruits enlisted between the dates of commencement of the course will be sent to the police-stations nearest their homes for preliminary training until the next course begins. Until sent into the depot they will ordinarily be kept at a police-station in the neighbourhood of their homes. Recruits who fail to benefit by instruction and who do not appear to be likely to make good police-men shall be discharged.

The posting of recurrent training men to the depot will be so regulated as to avoid a superfluity of such men at the depot at one time and a deficiency at another time. All such men, if found to be backward or ignorant after training, may, on an order of the District Superintendent, be detained at the depot for a longer period than one month. The officer-in-charge of the depot and his assistants will be carefully selected and the former will invariably be a Sub-Inspector who has passed out from the Burma Police Training School. The numbers in the classes will ordinarily depend on the number of recruits and recurrent training men, but the classes will not be too large and, if necessary, an extra Sub-Inspector will be called in to assist the officer-in-charge of the depot. As a general rule, the Sub-Inspector will instruct the recruits and his assistant will instruct the recurrent training men.

The following time-table and rules are to be observed in all depots :—

Day of week	(1) 6 a.m. to 7 a.m. (Summer) 7 a.m. to 8 a.m. (Winter)	(2) 9.30 a.m. to 10 a.m.	(3) 10 a.m. to 10.30 a.m.	(4) 10.30 a.m. to 11 a.m.	(5) 12 noon to 1 p.m.	(6) 1 p.m. to 1.45 p.m.	(7) 4-15 p.m. to 5-15 p.m. (Winter) 5 p.m. to 6 p.m. (Summer)
Monday	Parade and Kit Inspections of which 20 minutes to be devoted to Physical Exercise.	Burma Police Manual.	Penal Code.	Criminal Procedure Code.	Local and General Laws.	Practical Work or any other subject relating to police work which the District Superintendent of Police may consider most expedient for the recruits to be instructed in.	Parade

Day of week.	6 a.m. to 7 a.m. 8 a.m. to 9 a.m. 7 a.m. to 8 a.m. (Winter) (1)	9-10 a.m. to 10 a.m. (5)	10 a.m. to 10-30 a.m. (4)	10-30 a.m. to 11 a.m. (5)	11 a.m. to 12 noon (6)	12 noon to 1 p.m. (7)	1 p.m. to 3-15 p.m. (7)	4-15 p.m. to 5-15 p.m. (Winter) 5 p.m. to 6 p.m. (Summer). (8)
Tuesday	Parade including 20 minutes Physical Exercise.	Lectures and "write-ups" on previous day's work.						Parade.
Wednesday.	Parade including 20 minutes Physical Exercise.	Burma Police Manual.	Penal Code.	Local and General Laws.	Practical Work as on Monday.	Half holiday.		
Thursday	Clean Lines.	Lectures and "write-ups" on previous day's work.						Parade.
Friday ...	Observation march.	Burma Police Manual.	Local and General Laws.	Criminal Procedure Code.	Penal Code.	Practical Work as on Monday.	Parade.	
Saturday	Parade including 20 minutes Physical Exercise.	Lectures and "write-ups" on previous day's work.						Half holiday.

NOTE.—(1) The observation march may be altered from Friday to any other day of the week except Monday in substitution of either a morning or an evening parade.

(2) The District Superintendent of Police may vary the time-table in any way, provided that the recruits have five hours of instruction in law and police procedure daily, except on half holidays.

While it is necessary that the recruits should have a thorough grounding in law, the old fashioned method of teaching them law by heart should be discarded and more modern methods adopted. They should not merely be taught the definitions of, say, "theft" and "robbery" but

they should be able to explain wherein the difference between "theft" and "robbery" lies, and this applies to all offences. The same principle applies to all their training, which should be made practical and instructive and at the same time interesting. On the days set apart in the time-table for lectures and "*virtu-voce*," an effort should be made to get outside police-officers to give the recruits lectures once or twice a month. The Court Prosecuting Inspector can for instance, give lectures on simple points of law generally and on the duties required of Constables at Courts, the Detective Inspector can lecture on the duties he has to perform, Circle Inspectors of Police on district work, etc. The Headquarters Assistant might also lecture on the moral qualities required of a police-officer, *e.g.*, honesty, soberness, smartness, etc.

A certain percentage of the recruits will be found to possess a much higher standard of intelligence than others. These men should be selected for training as writers and a certain amount of extra training in the depot should accordingly be given to them. For example they might be given certain hours of instruction in the upkeep of Station Registers and Accounts, etc., etc., and a selected Station Writer might give them occasional lectures on the duties of a writer. These selected recruits should be posted as Assistant Writers on leaving the depot.

A quarter of an hour before the time fixed for morning and afternoon parades every day, whether parades be held or not, the roll is called and every man at the depot not on guard duty, or not specially exempted, must be present and answer to his name.

After morning parade the guard for the day (one senior and three junior Constables) is told off. These men mount guard at the depot only and should *mutatis mutandis* carry out the instructions laid down at paragraph 1232.

At 8-30 p.m. daily there is a roll call at which every man not on guard, or specially exempted by the Instructor, must be present. Any man absent will be reported to the District Superintendent next day.

No Constable may leave the depot lines between 8-30 p.m. and 6 a.m., except with the previous permission.

1172. The duties of the guard mentioned in the preceding paragraph are—

- (i) to be responsible for the safe custody of all property in the depot;

- (ii) to give warning in case of fire or other alarms ;
- (iii) to take the name of any Constable found breaking out of, or absenting himself from, barracks between evening and morning roll call and to report him to the Training Depot Instructor.

1173. A list of all property in the depot will be hung up in the guard room in English and Burmese, and when the guard is relieved, the officer in command of the relieving guard will take over all such articles from the officer in command of the relieved guard, and sign as having received all correct in the General Diary.

1174. The teaching staff at a depot consists ordinarily of—

- one Instructor (a Sub-Inspector) ;
- one Assistant Instructor (a Head Constable) ;
- one Writer (a Constable) ;
- two Drill Instructors of the Civil Police who have been trained at an instructional class held at the headquarters of one of the Garrison Battalions of the Military Police.

1175. The duties of these officers are apportioned as follows but District Superintendents are at liberty to make any change which they may consider to be required by special or local considerations.

The Instructor is in charge of the depot and is responsible for the training and efficiency of the Constables for the maintenance of discipline, and generally for the well-being of the depot. He will live in the lines, be present at every parade, visit the guard at the depot three times a week, at night between the hours of 11 p.m. and 4 a.m., see that the depot General Diary is faithfully kept up and preside at the lectures on law and police procedure, apportioning the work between himself and his assistant to the best advantage. He will maintain the Registers of Examinations. The Assistant Instructor and the Writer live in the lines and assist the Instructor as ordered. The Writer will keep up a General Diary for the depot in which will be noted the particular portion of law or police procedure studied.

The Drill Instructors conduct all parades under the general orders of the Instructor.

1176. The following Registers will be maintained at each Training Depot :—

- (1) General Diary (Form ^{Ad. 2} Police 30).
- (2) Register of old Constables under training (Form ^{Ad. 41} Police 97).
- (3) Register of Recruits under training (Form ^{Ad. 61} Police 96).
- (4) Register of half-yearly examinations of recruits (Blank Book).
- (5) Register of examinations for Station Writers (Blank Book).
- (6) Register of examinations for Head Constables (Blank Book).
- (7) Returns of Arms, Ammunition, Accoutrements and Miscellaneous Stores issued by Police Supply and Clothing Department (Form Police 9S).
- (8) Returns of Government Miscellaneous Stores not issued by the Police Supply and Clothing Department (Form Police 6S).
- (9) File of Inspection Notes.
- (10) File of carbon copies of letters issued.
- (11) Local Despatch Book (Form Misc. Gen. 12).
- (12) File of Circular Orders.
- (13) File of General Orders.
- (14) Register of Books and Publications received (Form Ad. 103).

CHAPTER LI.

Examinations.

SECTION I.—EXAMINATIONS OF CONSTABLES.

1177. Examinations held at the District Training Depot will be of three kinds :—

(1) *The recruits monthly progress examination.*—This examination is *viva voce*, and is held by the Instructor monthly. It applies equally to recruits of all races. Full marks—200.

(2) *The qualifying examination for certificates.*—This is a written examination in the case of Constables literate in the Burmese language and a *viva voce* examination in the

case of Indian Constables and is held half-yearly by the District Superintendent of Police himself.

The subjects of the examination and the marks allotted are stated in paragraph 1181.

(3) *The monthly examination of recurrent training men*—This examination is held by the Headquarters Assistant on the same lines as the examination mentioned in subparagraph (2) above.

Any recurrent training man who fails to obtain 50 per cent of the total marks at this examination will be regarded as inefficient and made to undergo a further month's training. In case of persistent failure to qualify steps will be taken to remove the officer in question from the force, on the grounds of inefficiency.

No certificates will be awarded to men passing this examination but a note will be made in the Register of Constables under training, and in the Character and Service Rolls of officers appearing for the examination of the marks obtained and as to whether or not they qualified as efficient Constables.

1178. The following certificates are awarded to candidates in the recruits examinations held at the District Police Training Depot :—

First Class.—50 per cent in each subject, and 75 per cent of the total.

Second Class.—40 per cent in each subject, and 60 per cent of the total.

Third Class.—30 per cent in each subject, and 50 per cent of the total.

1179. The examinations for certificates are compulsory for all recruits who have undergone 6 months' training, and any recruit who fails to obtain a third class certificate will ordinarily be discharged. The District Superintendent may, however, permit a recruit to undergo a course of training at the Training Depot for a further 6 months in special cases.

The class of certificate obtained by a Constable will be entered in his Character and Service Roll.

1180. Any Constable of 5 years' service or under who obtained only a second or third class certificate at the qualifying examination at the end of his recruits' course, may apply through the usual channels to the District Superintendent of Police for permission to attend the examination again with the object of obtaining a higher grade certificate.

Such Constables will be examined at the half-yearly qualifying examinations of recruits, by the District Superintendent of Police.

1181. At the examination for certificates for Constables, the subjects for examination and the marks allotted will be as follows :—

	Marks.
Penal Code	30
Criminal Procedure Code	30
Evidence Act	30
Departmental Procedure (Police Manual)	40
Local and Special Laws and Rules framed there- under.	20
Drill and Turn out	50
Total	200

The only text-book for Law to be used is the " District Police Training Depot Law Manual " in Burmese or English. Constables will be required to study only such chapters and paragraphs of the Burma Police Manual as are contained in the District Police Training Depot Law Manual.

SECTION II.—PROMOTION EXAMINATIONS.

1182. A written examination will be held at the District Training Depot on a date in August selected by the Inspector-General of Police, each year, by the District Superintendent of Police for promotion to the rank of Lance Head Constable or Head Constable. No Constable shall be allowed to sit for this examination without the previous permission of the District Superintendent of Police and unless he is in possession of a first class certificate, has a good record, is of good character, is below the age of 35 years, and is considered likely to prove an efficient Head Constable. The examination papers are set centrally for the whole Province but the answer papers will be marked by the District Superintendent of Police himself. On no account shall the duty of marking the papers be delegated to the Headquarters Assistant or any other officer. The subjects for the examination, and the marks allotted will be as under :—

	Marks
Penal Code	30
Criminal Procedure Code	30
Evidence Act	30
Local and Special Laws and Rules framed there- under.	30
Departmental Procedure (Police Manual)	40
General knowledge (to be confined strictly to Burma)	40
Interview	50
Total	250

The pass marks will be 65 per cent of the total, and 50 per cent in each subject. Not more than 6 questions will be set in the "General Knowledge" paper and 4 questions in each of the other papers, the time allowed being 1½ hours for "General Knowledge" and one hour for each of the other papers. Men appearing for the examination for promotion to the rank of Lance Head Constable or Head Constable will be required to pass an examination in Squad Drill and Simple Fire Control with a view to ensuring higher proficiency in both Drill and Musketry. The marks to be allowed will be 25 in each subject and the candidate will be required to obtain not less than 60 per cent in each subject for a pass. Failure to pass the test in these subjects does not debar a candidate for promotion provided he obtains pass marks in the other subjects. He will however be required to pass in these subjects at the next examination and will not be confirmed in his appointment until he has passed. The only books to be used at this examination are the Abridged Law Manual for Sub-Inspectors of Police and the Burma Police Manual, Volume II.

Certificates in form (Ad. 106) will be granted to successful candidates for this examination.

1183. There will be another examination held on a date in August selected by the Inspector-General of Police each year at the District Training Depot, for promotion to the rank of Station Writer. Candidates will be examined in reading and writing in Burmese, special attention being paid to neatness in the latter, and the examination in Departmental Procedure will include difficult questions on Station writers' work. The examination papers will be set centrally for the whole Province but the answer papers will be marked by the District Superintendent of Police himself. The subjects for the examination and the marks allotted will be as under :—

			Marks
Penal Code	...	...	20
Criminal Procedure Code	...	...	20
Evidence Act	..	—	20
Local and Special Laws and Rules framed there- under.			20
Departmental Procedure	...	...	60
Reading in Burmese	...	...	30
Writing in Burmese	...	...	30 ¹
	Total	...	200

The pass marks will be 60 per cent of the total and 50 per cent in each subject. No one shall be permitted to sit for this examination without the permission of the District Superintendent of Police and unless he has already passed the examination for promotion to the rank of Head Constable, and since then has continued to have a good record and to be of good character, and is below the age of 40 years. The only books to be used at this examination are the Abridged Law Manual for Sub-Inspectors of Police and the Burma Police Manual, Volume II.

Only four questions will be set in each of the above subjects, the time allowed being one hour for each paper.

Certificates in form (Ad. 107) will be granted to successful candidates for this examination.

1184. Separate lists will be kept up of Constables and Lance Head Constables who have passed the examinations for promotion to Head Constable and Station Writer respectively. Promotion to the rank of Lance Head Constable or Head Constable will be made by selection from the lists but otherwise the discretion of the District Superintendent of Police as to whom he selects for promotion is unfettered.

A separate list will also be kept up of Head Constables who have passed the examination for promotion to the rank of Station Writer and promotion to that rank will be made from this list; it being a necessary qualification for the post of Station Writer that the officer appointed shall have served as a Head Constable for at least one year.

The fact that a Constable, Lance Head Constable or Head Constable has passed either of the promotion examinations will be entered in his Character and Service Roll together with the date of passing.

SECTION III.—RECURRENT TRAINING.

1185. Men at outstations are very liable to forget what has been taught them unless constantly kept up to the mark. Police Station Officers and Station Writers will be held responsible that their men are capable of drilling smartly and have a thorough knowledge of law and procedure. All trained Constables will undergo a refresher course of one month's training at the District Training Depot at least once in every three years.

1186. District Superintendents, when inspecting Police Stations and Outposts, will make a practice of testing the knowledge of drill, law and procedure possessed by officers and men.

Any Police Officer below the rank of Sub-Inspector of Police found wanting in these respects will be called into the District Training Depot for extra training, and is moreover liable to punishment by reduction or forfeiture of increment. The District Superintendent of Police in his discretion may order any such officer to proceed for training at his own expense.

1187. Any Sub-Inspector who is reported to the Inspector-General of Police for ignorance of his duties may be ordered to undergo a month's training at the Burma Police Training School at his own expense. Should he fail to satisfy the Principal that he is showing an improvement in his work, he will be liable to reduction.

PART II.—MISCELLANEOUS EXECUTIVE DUTIES.

CHAPTER LII.

The Defence of Posts and Rules for Guards and Escorts.

SECTION I.—THE DEFENCE OF POSTS.

Measures to be taken to guard against Outward Attack.

1188. Police-stations and Lock-ups constructed by the Public Works Department are built in accordance with standard type plans and are either defensible or non-defensible according to local requirements.

The majority of police stations in isolated localities or which have only a small sanctioned strength are of a defensible type with the exception of these which are unarmed or built from Petty Construction and Repairs funds.

The type of defensible police station with a lower storey of masonry and an upper storey of wood, one of the approaches to the upper storey being by means of an outside staircase and drawbridge is now obsolete. There are also defensible police stations which are two storeyed and built of masonry throughout. Turrets (one of which contains the only staircase) are placed at two diagonal corners and afford a field of fire along the four faces of the building.

In all defensible police stations with rare exceptions, the cage is situated on the upper floor so as to prevent the prisoners from communicating with persons outside.

1189. In case of attack on defensible police stations of the old pattern as long as the lower portion of the building is held and the drawbridge is up, there is no possibility of assistance being afforded to the prisoners from outside. In this type of police station therefore the drawbridge will invariably be kept up except when in actual use. In the modern type of defensible police station the keys of the turret door will be in the custody of the guard commander who will keep the door locked except when required to be opened for ingress or egress.

No one, at any police-station whether defensible or non-defensible, other than a gazetted officer, or member of the police force will be admitted except by the express order of a police officer not below the rank of Head Constable, or of the officer for the time being in charge of the police-station, or of the senior Military Police Officer present.

1190. The office room of a police-station or lock-up, if situated on the ground floor, may be kept open whilst work is being carried on, but will be closed and locked when the office is not being used. The door will always be locked before sunset and the key will be kept in the custody of the officer-in-command of the guard if a guard be mounted, otherwise in the custody of the officer-in-charge at the time.

Measures to be taken to guard against lizard Attack.

1191. Trap doors will not be fitted at the head of stair-cases leading from one floor to another as they have proved dangerous.

Guards will sleep in close proximity to the prisoners' cages whether situated on the ground floor or on the upper storey, with their muskels near them in an Oxenden pattern rack which will be kept unlocked.

On no account may muskels be kept loose in the same room as a prisoner's cage.

Arms strong room or arms racks other than those containing the muskels of the guard will invariably be kept locked and the keys will be in the custody of the Station Writer. When he is absent from the police-station for any length of time, the keys will be made over to the 2nd Station Writer or Assistant Station Writer and the handing over and taking over of the keys will invariably be noted in the General Diary.

Care will be taken that weapons such as *dahs*, swords, etc., are not accessible to prisoners, as may happen if they are hung against the outer bars of an arms cage.

SECTION II.—CUSTODY OF PRISONERS.

1192. Each cage will be provided with double doors an outer cage and an outer door. Each cage will also be provided with a double floor, the planking of the second floor running in the opposite way to the first.

When it is necessary to open the cage, the officer-in-charge of the police-station will previously call three, or more Constables, according to the number of prisoners confined in the cage. These men will stand round the outer door, armed with *dahs* and will remain in position until the purpose for which the cage is to be opened, has been accomplished, and both inner and outer doors have been again securely fastened. When the guard has been placed in position, the outer door will be opened, the person who is to open the inner door will enter, and the door will be closed and locked upon him. When this has been done he may open the inner door. When the purpose for which he entered the cage has been accomplished, he will securely fasten the inner door. When this has been done the outer door may be opened. Under no circumstances may the inner door be opened until the outer door has been closed or the outer door opened until the inner door has been closed. At police-stations provided with the pattern of cage with sliding doors, one lock closes both doors from the outside, and the inner door cannot be opened unless the outer door is closed and *vice versa*. At such stations therefore the orders requiring the outer door to be closed and locked upon the person who is to open the inner door do not apply.

Whenever it is necessary for a door admitting a sweeper to be opened for the removal of a latrine bucket or pan, the Guard Commander will detail a sentry and the Guard Commander and the sentry will stand together on the alert at the latrine door till the bucket or pan is replaced and the door relocked.

1193. No prisoner will be confined in stocks or fastened to any part of any building. When prisoners are confined within cages or cells their handcuffs will be removed unless the prisoners have exhibited signs of violence, or unless the officer-in-charge of the police station has reason to believe handcuffs to be necessary to prevent the prisoners doing violence to themselves, or to others confined with them.

1194. When it is necessary to handcuff a prisoner the operation will be carried out in the recess between the inside and outside doors.

1195. Prisoners known to be dangerous characters may be handcuffed before the inner door of the cage is opened; this is easily done through the bars.

SECTION III.—GUARDS ON PRISONERS.

1196. It is the duty of an officer-in-charge of a police-station—

- ✓ (a) [to inspect the lock-up daily and see that the walls, flooring, and roof are in sound condition, the cage strong and secure in every respect, the locks and keys in perfect working order] and handcuffs and keys complete and in order. Any defects in any of the matters alluded to above will be reported *at once by letter* to the Subdivisional Police Officer, if any, or the Circle Inspector ;
 - (b) to see that the food supplied to prisoners is of good quality and sufficient in quantity.
- (M.B.—No Police Officer may have any pecuniary interest in the feeding of prisoners).
- (c) to see that every prisoner confined for more than 24 hours is given his daily bath ;
 - (d) the guard over prisoners charged with offences punishable with death or transportation for life, when they are bathing, will, if possible, be armed with muskets or rifles ;
 - ✓ (e) to see that there is always a supply of clean drinking water for the use of the prisoners ;
 - ✓ (f) to see that the conservancy utensil is removed during the day-time and that there is always a supply of carbolic powder or some other disinfectant for use in the cage ;
 - (g) to search every prisoner before he is put into the cage, any articles taken from him being entered in Register No. 32 (Form ^{Crime 27}/_{Police 39}) and deposited in the exhibit box. This applies not only to prisoners newly arrested but also to prisoners temporarily absent from the police-station at court or elsewhere ;
 - ✓ (h) to see that the cage is adequately lighted by a number of lamps sufficient to illuminate every part of it, and that they are clean and in good working order ;
 - (i) to inspect the handcuffs of every prisoner leaving his station and see that they cannot be slipped ;
 - (j) to see that a copy of the rules mentioned below is hung up and that the guard thoroughly understand them ;

- (k) to instruct all the men of his police-station in cage-drill and test their knowledge from time to time ;
- (l) to see that no Investigating Officer has access to a prisoner in a police-lockup for the purpose of holding communication with such prisoner except in his presence ;
- (m) to see that an entry showing the date and hour of the removal of any prisoner from the cage for the purpose of being examined by an Investigating Officer, and the date and hour of the prisoner's return to the cage, is made in the General Diary of the police-station, and that the entry is signed by the Investigating Officer, and that a reference to the entry is made in the remarks column of the lock-up register (Form ^{Crime 42}/_{Police 63}.)

Duties of the Officer in command of the Guard in connection with the Custody of Prisoners.

1197. It is the duty of an officer in command of a guard :—

- (a) To inspect his guard before relieving the old guard and see that their uniform, accoutrements, arms and ammunition are correct and in good order.

To examine thoroughly the floor, side-bars and ceiling of the cage in company with the commander of the old guard, before taking over charge. In a large cage where prisoners are numerous they will be moved first to one-half of the cage and then to the other half of the cage so as to prevent them from concealing any weakness in the floor.

[The lock will be carefully examined to see that it is in good order and not in a position to be tampered with by prisoners. Any weakness in the cage will be reported at once to the officer in charge of the police-station and extra precautions taken until the necessary repairs are made.]

- (b) Personally to relieve each sentry.
- ✓(c) To keep the key of the lock-up and allow no prisoner to be removed from the lock-up except in his presence.

- (d) To see that his guard thoroughly understand their orders.
- (e) Personally to examine the food provided for the prisoners and satisfy himself, that no knife, file, tool or anything likely to facilitate escape is hidden in it.

(N.B.—Prisoners will never be given their food until the officer-in-command of the guard has examined it.)

- (f) To examine the lock-up cage at the relief of each sentry in conjunction with the relieving sentry who will satisfy himself that the lock is in good order and that all is correct.

If a prisoner escapes from a police lock-up owing to defective fastenings, insecure doors, windows, apertures for ventilation or otherwise, or by means of articles concealed on his person, the officer-in-command of the guard is held equally responsible with the sentry on duty at the time of escape, unless he has taken all the precautions within his power, and, in cases where the escape is effected by means of articles concealed about the prisoner's person, the officer-in-command of the guard is relieved of responsibility only when such article was supplied to the prisoner subsequently to his having been thoroughly searched.

Duties of a Sentry in Connection with the custody of Prisoners.

1198. It is the duty of a sentry over prisoners—

- (a) To leave his post only when regularly relieved. (If the officer-in-command of the guard whose duty, it is to relieve a sentry is asleep, the sentry will awaken him).
- (b) To satisfy himself when taking over charge that the number of prisoners in the cage agrees with the number said to have been made over to him.
- (c) To allow nobody, except a Magistrate or a police officer, to hold any communication with a prisoner, unless by the express order of the officer-in-command of the guard, which may be given under the circumstances detailed below. Should the Advocate or the friends of an under-trial prisoner desire to see him between the hours of sunrise and sunset, the accused will be removed from the cage and allowed to hold conversation with them, a sentry, drawn from

the guard, being specially detailed to guard him and prevent any attempt at escape. An accused charged with a heinous offence, or known to be a dangerous character, will not be taken out of the cage, but will hold communication with his Advocate or friends through the bars. No prisoner under this rule will ever be taken out of the cage without the order of the officer for the time being in charge of the police-station, and this order will be given to the officer-in-command of the guard, so that the latter may make such arrangements as he may deem necessary to prevent escape.

- (d) To report at once to the officer-in-command of the guard any defect or insecurity, no matter how trivial, in the lock-up.
- (e) To see that no liquor, tobacco, or drug is smuggled into the cage.
- (f) To challenge at once any person passing within the limits of his post between sunset and sunrise. A sentry will challenge once in English and twice in vernacular. If no satisfactory reply is received, the sentry will pass the word for the officer-commanding the guard, and, if necessary, raise the alarm. A sentry will not fire at any person other than an escaped prisoner, unless there is reason to apprehend that such person is about to attack, or is joining in an attack upon him or the guard with a dangerous weapon or weapons. Detailed rules defining the circumstances in which firing upon prisoners is allowable are laid down at paragraph 1208.
- (g) To raise the alarm at once if he sees any attempt to escape on the part of a prisoner or prisoners.

A sentry seeing a prisoner trying to escape, will call on him to stand, and will immediately alarm the guard. Except as noted in (f) above, he will on no account fire at an ordinary prisoner.

The notes to this sub-paragraph and to sub-paragraph (f) above apply equally to prisoners in charge of escorts travelling by road, sea, river, or rail.

- (h) To enforce his orders firmly and without distinction of persons.

SECTION IV.—THE ESCORTING OF PRISONERS.

1199. The following scale of escorts will usually suffice —

iii	Havildars or Head Constables 12)	Nails or Lance Head Constables. 13)	Sepoys or Constables. 14)
From 1 to 3 prisoners	...	...	2
From 4 to 6 prisoners	...	...	3
From 7 to 10 prisoners	1	...	4
From 11 to 16 prisoners	1	...	6
From 17 to 24 prisoners	1	...	8
From 25 to 30 prisoners and so on in proportion	1	1	12

Note.—Notwithstanding the above first two items, when Military Police are employed on escort duty the minimum strength of the escort will be one Non-Commissioned Officer and three Sepoys.

An escort over more than 50 prisoners will be commanded by an Indian Officer. Prisoners charged with, or convicted of, offences punishable with death or transportation for life will, if possible, be sent by themselves and not with parties of less important prisoners. Escorts usually proceed direct to their destination and are not relieved *en route*. District Superintendents will, as far as may be possible without undue detention, utilize the services of escorts returning to their stations to escort prisoners or treasure to places *en route*. Escorts in the case of prisoners dealt with under paragraph 327 of the Burma Police Manual, Volume I, consist of Civil Police, and are of such strength as the District Superintendent of Police may think necessary in each case. When it is necessary to despatch female prisoners under escort, not less than two Constables will be sent in any case, and the duty will be carried out by Civil Police.

1200. When an escort is sent with a female prisoner care will be taken to select only reliable and steady men for the duty, and, if possible, arrangements will be made for the journey to be performed by day only. The escort will be accompanied by a woman, preferably the wife or female relative of a police officer. The woman so detailed may be paid at a rate not exceeding Re. 1 per day or part of the day on which she is employed.

1201. Whenever the despatching officer considers it necessary that an escort with prisoners be met on arrival at their destination, telegraphic notice of at least 24 hours and

advice by post will be sent to the senior police officer of the station to which the escort and prisoners are proceeding.

1202. The rules regarding the use of handcuffs and of leg-irons, in the case of persons under trial or pending trial are contained in paragraph 1382. Convicted prisoners with the exception of those who by age, sex or infirmity can be securely kept in custody without handcuffs, when moving under escort will be handcuffed and chained together through the handcuffs, and leg-irons will also be used when considered necessary.

At Headquarters, the District Superintendent of Police, or in his absence the Headquarters Assistant Police and elsewhere the senior police officer of gazetted rank, may, by order in writing exempt a convicted prisoner of A or B class from being handcuffed and chained.

1203. Escorts travelling by railway or steamer, or when halted during a journey by road, will invariably post sentries both by day and by night.

1204. Escorts returning to their stations will take back with them the handcuffs, leg-irons, prisoners' clothing, etc., sent with the prisoners. If on any occasion it becomes necessary to relieve an escort in charge of prisoners *en route*, the handcuffs will (if the relieving party has handcuffs) be changed and taken back by the relieved escorts. In the same way the relieving escort will hand over to the relieved escort the same number of leg-irons as they receive with the prisoners from the relieved escort.

1205. Commanders of escorts will obtain receipts for prisoners handed over at their destination (or *en route*) and for any property made over with the prisoners.

1206. The officer in charge of an escort will be provided with a Command Certificate (Form $\frac{Ad}{Police} \frac{52}{26}$). On arrival at their destination, the officer-in-charge of an escort will report himself to the District Superintendent of Police, or senior police-officer, who will date and sign the Command Certificate. On return to his station, the officer-in-charge of an escort will hand in the Command Certificate to the senior police-officer present, who will note on it under his signature the date of the return of the escort and retain it for record.

1207. Escorts over prisoners will not be required to take charge of treasure, and escorts over treasure will not

be required to take charge of prisoners. The whole time and attention of an escort will be concentrated on the particular duty for which it is detailed. This rule applies equally to escorts over arms and ammunition.

Rules for firing on Prisoners by Escorts and Sentries.

1208. (1) Subject to the general rule that unnecessary injury shall not be caused, escorts and all sentries may fire upon a prisoner in their charge whether he is convicted or not—

(a) if there is risk of death or grievous hurt being caused by such prisoner, or by those acting in combination with him, to any escort or sentry or other person, and if such risk cannot be averted by lesser means; or

(b) if a prisoner who is under sentence for, or is in custody upon, a charge of any offence punishable with death or with transportation for life, escapes from custody and cannot be re-arrested without resort to firing.

It must be distinctly understood that in the case of an ordinary escape, unattended by a violent assault, it is not lawful to fire on the escaped prisoner unless he is known to be accused or convicted of an offence punishable with death or transportation for life, and his re-arrest cannot otherwise be accomplished.

(2) A sentry shall at once challenge any person passing the limits of his post between sunset and sunrise. He will challenge once in English and twice in the vernacular. If no satisfactory reply is received, the sentry will pass the word for the officer commanding the escort and, if necessary, raise the alarm. A sentry shall not fire on any person other than an escaped prisoner, *vide* clause (1) of this paragraph, unless there is reason to apprehend that such person is about to attack or is joining in an attack upon him or the escort with a dangerous weapon or weapons.

(3) Prisoners convicted or accused of an offence punishable with death or transportation for life shall wear a short sleeveless red jacket, and shall be specially pointed out by the senior Civil Police Officer present to the officer in command of the escort, and the officer in command of the escort shall invariably at the time of taking charge of the prisoners point them out carefully to each member of the escort. In the event of an escort being relieved *en route*, the officer in command of the relieved escort is held

responsible that the relieving escort is specially made acquainted with the identification of each prisoner accused or convicted of a charge of any offence punishable with death or with transportation for life.

(4) A copy of these rules together with translations in Burmese as well as in Urdu, Nagri, and Gurmukhi, will be affixed to a board and hung up in a conspicuous place in every police-station and quarter-guard, and all Military and Civil Police Officers will be made acquainted with them. Inspecting officers will test the men in their knowledge of the rules when inspecting police posts.

SECTION V.—THE ESCORTING OF PRISONERS BY RAIL OR STEAMER.

1209. Military prisoners in all cases and other prisoners if insane, violent or dangerous, shall not be allowed to mix with other passengers but shall, upon reserved accommodation being engaged, be placed with their escort or attendants in a separate compartment.

In other cases when the party of prisoners and escorts does not exceed five in number they may be carried by mail, express or passenger trains in compartments along with ordinary passengers.

Parties of over five inclusive of escorts may travel in any train except in Nos. 1, 2, 3, 4, 7, and 8 along with ordinary passengers.

1210. When a separate compartment is required under paragraph 1209, endeavour will be made to obtain one of the special compartments which are available fitted with iron bars and having seating accommodation for 18 prisoners. As there are only 13 such compartments on the Burma Railways, and as, ordinarily, not more than one coach containing such a compartment may be attached to a passenger train, the officer-in-charge of the police-station concerned will apply to the Station Master of the nearest station 48 hours before such accommodation is required. If a special compartment is provided on application, the full number, of third class fares, viz., 18 will have to be paid for it, whether the whole of the accommodation is utilised or not.

1211. In the event of a special compartment not being available, it will be necessary to reserve an ordinary compartment or compartments when separate accommodation is

required under paragraph 1209. It is more economical, when the party to travel numbers 10 or under, to reserve one or two second class compartments as may be necessary instead of a third class compartment, for the minimum number of fares payable for reservation of a second class compartment is 4 second class fares only, whereas the minimum number of fares payable for reservation of a third class compartment varies from 42 to 90 third class fares.

1212. The provision of special compartments or the reservation of separate compartments does not obviate the necessity for the prisoners and their escort to be supplied with tickets on payment, and officers-in-charge of police-stations will see that sufficient passage money is given to the officer in command of the escort before starting.

1213. (a) A European prisoner will, when practicable, be escorted by a European police officer.

(b) European prisoners travelling by railway will be carried second class.

(c) On all occasions on which a European soldier may have to be conveyed in custody, before or after conviction, application will invariably be made to the local Military authorities for a military escort, and only after receipt of intimation that such escort will not be available will European Police be told off for this duty.

(d) When soldiers, either British or native, are sent under military escort from one station to another to stand a trial on a criminal charge, they will travel like any other party of soldiers on duty, under a warrant furnished by the Military authorities. Where a soldier is conducted by a police escort, the charge will be Civil. An individual soldier summoned by the Civil authorities to appear in a criminal case, either as a witness or as an accused, but, not under custody, will be given a warrant to enable him to perform the journey.

In transit by rail, there will be left a vacant space in the carriage between the escort and the prisoners, and when the escort numbers six Constables, two will be always standing as sentries. When the escort is less than six Constables, there will be one standing sentry, the remainder of the escort sitting down. The sentry will stand out of reach of the prisoners.

Prisoners of Classes A and B will, under paragraph 523 of the Burma Jail Manual, travel second class by rail and

steamer. An ordinary escort only is required which will travel in the same compartment as the prisoner or prisoners, *i.e.*, second class.

1214. Escorts over prisoners are authorised to stop a Goods Train out of course except the through fast goods Nos. 345 Up and 346 Down, and travel in the Brake-Van, provided accommodation is available, if—

- (a) there is danger that an attempt to release the prisoner will be made ;
- (b) the prisoner is in need of medical attendance which cannot be obtained on the spot ;
- (c) the prisoner cannot be confined in a lock-up before dark, if a passenger train is awaited.

The Senior Police Officer or Escort Commander will specify to the Station Master concerned which of these contingencies has arisen and will be responsible that this right is not exerted involously and without good cause.

1215. Convicts and dangerous prisoners sent by a railway in addition to being handcuffed and chained together as required by paragraph 1202 shall also have leg-irons. All handcuffs and irons will be carefully examined before the train starts and their efficiency put beyond doubt by the officer in command of the escort. If it is necessary to allow the prisoners to leave the train for any purpose, one man from the guard will be told off to accompany each prisoner. Not more than two prisoners will be allowed out of the train at one time, and only one when the escort does not exceed three men.

1216. The above rules apply *mutatis mutandis* to the escort of prisoners by steamer, but the following additional precautions shall be taken :—

(1) On board a steamer such prisoners as require handcuffing under the rules contained in paragraph 1382 will be secured by a chain run through their fetters, if fettered, otherwise, through the handcuffs and fastened by a padlock at each end to either the side or centre stanchions of the steamer as may be most advisable. Not more than two men will be taken off the chain at one time except in cases of urgent necessity. When prisoners are taken off one end of the chain, that end will be securely padlocked, and when the men are ready to be put on the chain again, they will be put on at the opposite end to that from which they were

released, and only when that end is securely padlocked may another two be taken off.

(ii) When any batch of prisoners is sent by steamer the District Superintendent of Police will be responsible for seeing that the escorts, whether Civil Police or Military Police, are fully equipped and that a Civil Police Officer invariably accompanies the escort on board. The rank of the Civil Police Officer accompanying the escort is determined as follows :—

Three prisoners and under by a Head Constable, over three and under ten prisoners by a Sub-Inspector and over ten prisoners by an Inspector.

If at any time an officer of the rank laid down above is not available the duty of seeing the prisoners on board will be carried out by an officer of the next junior rank. On board the steamer the accompanying officer will make over the prisoners to the officer-in-charge of the escort after having first satisfied himself that the handcuffs, chains, padlocks and fetters are in good condition and fit the prisoners. The officer-in-charge of the escort will then be responsible for the safe custody of the prisoners committed to his charge.

(iii) The means of securing a prisoner shall not be removed except in an exceptional emergency such as the steamer sinking or going on fire.

SECTION VI.—THE ESCORTING OF PRISONERS BY ROAD.

1217. European prisoners will be escorted when practicable by a European police-officer. The rules regarding escorts over European soldiers are contained in paragraph 1215.

1218. When prisoners who have been handcuffed under the rules (paragraph 1202) regarding the imposition of handcuffs are on the march, they will be further secured by a hand chain, one end of which will be fastened to the chain, connecting the two cuffs of the handcuff and the other held by a constable. The Constable's belt will be passed through the hand link at the end of the chain. If there are more than four prisoners, a light chain will be passed through the handcuffs of every prisoner and fastened at each end by the rings to handcuffs of the prisoner on each flank. When necessary a chain with two rings may be used with a padlock to connect all the handcuffs or leg-irons.

1219. Handcuffs will never be removed except when the prisoner is in a secure and recognised place of confinement. The policemen forming the escort will be warned that on no account will they lose sight of their prisoners for a single instant. If there are several prisoners and one has to answer a call of nature, the other prisoners will be halted and made to sit down whilst one of the escort takes the prisoner to a convenient distance from, but within sight of, the escort. The cuff on the left hand of the prisoner may be removed to allow one hand to be at liberty, but the officer in charge of the prisoner will continue to hold the chain which will be attached to the cuff on the prisoner's other hand.

1220. The officer in command of an escort over prisoners by road shall, before taking them over from either a police lock-up or jail—

- (a) see that the handcuffs, chains, irons, etc., of the prisoners are well secured and fit properly;
- (b) keep his prisoners together in one compact body;
- (c) inspect his escort before starting and see that every man is properly equipped and has the proper quantity of ammunition;
- (d) examine, before starting, the bundles and persons of the men of the guard as well as of the prisoners;
- (e) so time his departure as to ensure arrival at a police station before sunset, so that no part of the journey be performed at dusk or at night;
- (f) if the escort is large enough place men on the flanks of the prisoners at a distance of at least 5 paces, he himself bringing up the rear with any other men up to a total of half the escort.
- (g) report the arrival of his party at each police station *en route* to the senior police officer there present, and
- (h) when putting up at police stations for the night, be jointly responsible with the officer-in-charge of the station for the safe custody of the prisoners during the night.

1221. When a halt for the night *en route* is necessary at places at which there is no police-station or outpost, the escort will consist of not less than three sepoy or constables irrespective of the number of prisoners.

SECTION VII.—TREASURE AND AMMUNITION ESCORTS
BY RAILWAY.

1222. In despatching treasure by rail, the following general rules should be carefully observed :—

(a) Small remittances need not be forwarded by wagon, but may be sent in the same compartment in which the escort travels.

(b) An escort travelling in charge of currency notes will have the box in the same carriage and will sit in the end compartment of the carriage with the box under the seat against the outer planking; if the box be too large to go under the seat, accommodation will be reserved on the terms usually charged.

(c) Reasonable notice of at least 48 hours shall be given by the officer-in-charge of the Treasury to the District Superintendent of Police whenever an escort is required.

(d) The following will be the strength of escorts sent by rail :—

(i) Up to Rs. 10,000 :

As for escorts over treasure by road (paragraph 420, Burma Police Manual, Volume I.)

(ii) Over Rs. 10,000 and up to 2 lakhs :

One Havildar and three Sepoys, or

One Head Constable and three Constables,

provided that the treasure is loaded in

one vehicle only: Three additional Sepoys

or three Constables will be detailed for each

extra vehicle loaded with treasure.

(iii) Over 2 lakhs and not exceeding 4 lakhs :—

One Indian Officer, one Non-Commissioned Officer and five Sepoys, or

One Sub-Inspector of Police, one Head Constable,

and five Constables provided that there shall

be a minimum of three Sepoys or three

Constables per vehicle.

(iv) Over 4 lakhs :—

One Indian Officer, one Non-Commissioned Officer and seven Sepoys, or

One Sub-Inspector of Police, one Head Constable

and seven Constables, provided that there

shall be a minimum of three Sepoys or three

Constables per vehicle.

(v) Under abnormal conditions when sums of over 2 lakhs are despatched the escort may be increased to a maximum of one Indian Officer, three Non-Commissioned Officers and 12 Senoyas or one Sub-Inspector of Police, three Head Constables and 12 Constables.

(c) Escorts by rail will be armed as laid down for escorts over treasure by road.

1223. When Government treasure is loaded in a wagon for despatch by rail, the doors on one side of the wagon will, if possible, be secured from inside, and all doors that can be opened from outside be secured by good padlocks.

It is the duty of the remitting Treasury Officer to supply the padlocks and there should be a sufficient stock at the treasuries whence frequent remittances are sent by rail. Treasury Officers will take the receipt of the escort officer for the padlocks. If the escort is returning the receiving officer will return the padlocks through the officer in charge of the escorts; otherwise a receipt will be given to the police and the locks returned as soon as possible by parcel post or by rail or through the potdar.

1224. The Treasury Officer will superintend personally or by substitute the loading of the vans, jointly with the police officer who is to travel in charge and will hand to him a paper of instructions (T.F. No. 180) and as many blank receipts as there will be reliefs; for these documents he will take a receipt.

1225. The following rules are prescribed by Government for the escort of treasure by rail—

1. The police officer taking charge of a treasure guard travelling by rail will not see the treasure packed at the treasury; but he will see the boxes weighed and satisfy himself that each box is properly secured before it is transferred to the van, and that it is properly placed therein. The escort officer 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 will be required to write the numbers of the bags or boxes which he has received in the vernacular on the copy of the invoice to be retained by the Treasury.

2. The escort accompanying the treasure to the station and protecting the loading, will be of the strength laid down in paragraph 420, or paragraph 423 of the Burma Police Manual, Volume I, whichever is applicable, for the escort of such a sum by road, and an escort of corresponding strength will take over the treasure at the station of delivery. When the escort by rail is of less strength than the escort by road the District Superintendent of Police, or the Battalion Commandant at the station of loading will arrange for sufficient men to make up the strength required for the escort by road and he will also telegraph to the District Superintendent of Police, or Battalion Commandant of the unloading station of delivery to make similar arrangements.

3. The guard will be accommodated in a brake-van attached to the treasure-van, or in the end compartment of the carriage next adjoining the treasure-van. The doors of the compartment occupied by the escort will not be locked.

4. The officer-in-charge of the escort will wire to the receiving officer the number of the train (passenger or goods), conveying the remittance and its hour of departure and will also wire again *en route* if any change in the train has been made or anything has occurred to delay its arrival.

5. An officer relieving an escort will see that the numbers of the wagon agree with those given in the receipt tendered for his signature; that the outside locks on the doors are secure; that the seals are unbroken and bear no sign of having been tampered with; and that the doors which have no external locks are securely bolted from inside and cannot be opened.

6. The officer-in-charge of the escort will be provided with a lantern which will burn all night and will cause a sentry to alight at every alternate stopping place and ascertain that the doors and locks have not been tampered with. During any long stoppage a sentry will remain on duty by the door of the treasure wagon; if there be several such wagons it will suffice to tell off two men who will stand one at each end of the wagons.

7. Should a breakdown separate a convoy the officer-in-charge will divide his party, attaching himself to the disabled portion.

8. On delivering the boxes of the treasury to which they are addressed, he will obtain a receipt 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 or notes to the value of Rs....."

If any box be short in weight or show signs of having been tampered with, it will be opened in the presence of the escort officer; otherwise he will be allowed to return at once.

The form of the receipt to be used by a relieving guard should run thus:—

"Received charge from.....Police-officer of..... District of Railway wagon No.....said to contain..... boxes aggregating Rs.....(and so on): The wagons were duly locked and sealed and one key for each made over;receipts to be given by other relieving escort are also acknowledged."

The number and contents of each wagon will be detailed in case of a breakdown. The receipts will be in English if the Police Officer is acquainted with that language, otherwise in the officer's vernacular.

9. The escort officer will present the Command Certificate for examination to the remitting treasury or bank officer before the remittance is handed over to him. He will also present it for examination to the treasury or bank officer 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, noting any difference that he may find. When all is correct he will merely sign the Command Certificate.

10. Whenever any breach of these rules occurs, the officers-in-charge of the escort will insist on the treasure-van being detached from the train, and will immediately telegraph the facts to the remitting officer, to his own departmental superior, and to the Traffic Manager of the Railway.

11. When a poldar accompanies a remittance he is responsible during the whole course of the journey for the contents of the boxes. The poldar will not interfere in any way in the performance by the escort of its legitimate duties but he shall 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 the poldar to take over any coin that may fall out and to verify the contents and

re-pack the box if re-packing become necessary. The officer-in-charge of the escort shall permit no interference with the poldar in the execution of his duties.

12. If any chest, tumbrel, or wagon be secured by double locks, one key will be held by the poldar and the other by the officer-in-charge of the escort. If there be only one lock, the key will be held by the poldar but the officer-in-charge of the escort will be responsible that the chest or wagon is not opened before arrival at the destination, save in the case of a breakdown, when the treasure will be moved to another chest or wagon in his presence. In the case of remittances sent without poldars, single locks will be used and the keys will be entrusted to the escort officer in a sealed cover which he will not open except when absolutely necessary in the case of a breakdown on the road. If the seals on a wagon are broken or bear signs of being tampered with, or if a wagon has not been sealed, it is the duty of the relieving escort officer to insist on the wagon being opened, and the number of boxes counted before he gives a receipt to the relieved officer. In such cases the fact of the wagon having been opened and the number of boxes counted will be endorsed on the receipt.

1226. Escorts over arms and ammunition will be armed with rifles and bayonets, or muskets, and 40 rounds of ball ammunition per man. An escort over arms or ammunition shall not consist of less than a lance-naik and three sepoy or a head constable and three constables.

1227. Escorts over arms and ammunition despatched by rail or by steamer when the steamer company is responsible are not necessary, but the police officer despatching the arms or ammunition will send intimation of despatch by telegram to the receiving officer.

1228. Escorts over arms and ammunition usually proceed direct to their destination and are not relieved *en route*.

SECTION VIII.—THE GUARDING OF TREASURE VAULTS.

1229. It is the duty of officers in charge of police posts where there is a Treasure Vault to—

- (a) examine the vault personally daily (a note of the fact of the examination being entered in the General Diary) and to see that any defects in any of the matters mentioned below are immediately reported to the officer-in-charge of the vault, a copy of the report being sent at the same time to the District Superintendent of Police ;
- (b) see that a lamp is kept burning at night either inside or outside the barred gate of the Treasure Vault (The lamp and oil are supplied by the officer in-charge of the Treasure Vault. If the lamp is placed outside a reflector throwing the rays of the lamp on to the vault door or gate will be used) ;
- (c) see that the chain fastened round the iron bars of the gate is of such length as to encircle only the first bars of the gates ;
- (d) see that the gates are so hung that one of the pintles turns the reverse way to the other pintle of the same gate ; and that the top and bottom bars of the frame lie close against the points of the pintles ; and
- (e) see that the staple, over which the hasp for securing such gates closes down, is of such thickness that it completely fills the bow of the padlock so that no lever can be inserted between staple and bow.

1230. It is the duty of the officer in command of the guard—

- (a) to examine the Treasure Vault at the relief of each sentry in conjunction with the relieving sentry, and to satisfy himself that all is correct ;
- (b) immediately to bring to the notice of the officer-in-charge of the post any defect in connection with the vault or the lamp burning at the door or gate.

1231. A copy of these rules in English and Burmese will be hung up in a conspicuous place in the guard room and the guard made thoroughly acquainted with them.

NOTE.—As all vaults are not built on the same plan the above Instructions may be varied by written order of the Deputy Commissioner to suit local conditions. If a vault is situated in the Military Police lines and guarded by Military Police, a copy of any report regarding defects will also be sent to the Battalion Commandant concerned.

SECTION IX.—GENERAL RULES FOR GUARDS AND ESCORTS.

1232. (i) A Guard will consist of one senior Constable or Head Constable or officer of higher rank in command, and three Constables. Should the guard provide more than one sentry, three additional Constables will be added for each sentry.

(ii) Every guard will be relieved every 24 hours, and every sentry after two hours on duty.

(iii) Every sentry will be posted and relieved by the officer commanding the guard.

(iv) Sentries will move briskly on their posts with their arms at the slope. Sentries may order arms and stand at ease for fifteen minutes in every two hours.

(v) Sentries will not enter into conversation with any one.

(vi) Sentries, and all the guard, except as excused under the following rule, will remain in uniform and be accounted day and night.

(vii) From 8 a.m. to 5 p.m. Constables of the guard, not being on sentry or the next relief, may be permitted to undress, bathe, cook, etc. Such permission may be given by the officer commanding the guard to one-third of the guard at a time, and for a period not exceeding two hours. On no account may a Constable be granted permission to leave the immediate vicinity of the guard.

(viii) Every sentry of an armed guard will have in his possession ten rounds of ball and five rounds of buckshot ammunition.

(ix) On a guard falling in for sentry duty, the officer commanding the guard will, before relieving the old guard, satisfy himself that each Constable has the required amount of ammunition in his possession.

NOTE.—The above rules *mutatis mutandis* apply also to guards armed with ~~clubs~~.

(x) The officer who performs the above duty will immediately make a note in the General Diary of the condition and correctness of the arms and ammunition.

(xi) A translation in Burmese of the first 10 paragraphs of these orders will be hung up, mounted on card board, in a conspicuous place in the vicinity of the guard in each police-station and lockup. The first 9 paragraphs will be read over to the new guard every day by the guard commander.

1233. Military Police employed on escort duty will be armed with rifles, with fixed bayonets. Civil Police escorts of six or more men will carry muskets. Smaller Civil Police escorts will carry *dahs* only. All escorts, armed with fire-arms will carry not less than ten rounds of service ball ammunition and five rounds of buckshot per rifle or musket. This scale of ammunition may be increased in any case whenever considered necessary. The term "prisoner" or "prisoners" as used in this Chapter means any person or persons in police custody and includes persons under trial in a jail.

SECTION X.—COMPLIMENTS.

1234. Guards will pay compliments between the hour of sunrise and sunset as set out in the following tables :—

Rank of Officer.	Nature of compliments to be given.	How often.
1. The Governor	The guard will turn out and present arms, the bugle, if any, sounding a salute.	As often as they pass the guard between sunrise and sunset.
2. Ministers of Government		
3. General Officers (if in uniform)		
1. Inspector-General of Police	The Guard will turn out and present arms the bugle, if any, sounding a salute.	Once a day.
2. Commissioners of Divisions		
3. Inspector-General, Frontier Force	The Guard will be called to attention and the sentry will present arms.	At all other times between sunrise and sunset.
4. Deputy Inspectors General of Civil Police.		
5. The Commissioner of Police, Rangoon, within the limits of their jurisdictions, whether in uniform or not.		

Rank of Officer.	Nature of compliment to be given.	How often.
<ol style="list-style-type: none"> 1. Deputy Commissioners 2. Superintendents Northern Shan States 3. Battalion Commandants 4. District Superintendents of Police, Assistant Superintendents of Police, and Deputy Superintendents of Police, in independent charge. 5. Assistant Commandants in command of areas or outposts. 6. Subdivisional Police Officers within their subdivisions and Superintendents of Divisions, Kangoon other than River Division. 7. Subdivisional Officers within their subdivisions. 8. Assistant Superintendents of Subdivisions (Frontier Service) within the limits of their jurisdictions whether in uniform or not. 	<p>The Guard will turn out and present arms. The Guard will be called to attention and the sentry will present arms.</p>	<p>Once a day.</p> <p>At all other times between sunrise and sunset.</p>
<ol style="list-style-type: none"> 1. Other Assistant Commandants 2. Headquarters Assistant Superintendents of Police and Deputy Superintendents of Police. 3. Headquarters Assistant Superintendents, Frontier Service 4. Headquarters Assistants to Deputy Commissioners. 5. Inspectors and Sub-Inspectors 6. Indian Officers of the Burma Military Police and Myocks within the limits of their jurisdictions, whether in uniform or not. 	<p>The Guard will be called to attention and the sentry will salute.</p>	<p>As often as they pass the guard between sunrise and sunset.</p>

Guards will turn out with sloped arms between the hours of sunrise and sunset to armed parties passing their post.

No compliments will be paid between sunset and sunrise except to Visiting Rounds but sentries will stand steady at the slope on the approach of an officer entitled to a compliment.

Guards will not turn out to officers entitled to compliments when such officers pass in motor-cars; the guard commander will, however, call the guard to attention and the sentry only will give the salute appropriate to the rank of the officer passing.

At Ceremonial police parades (*e.g.*, those held on the Anniversary of His Majesty the King Emperor's Birthday or on the Proclamation Day) the salute will be taken only by the highest executive officer present on the occasion, that is the Governor, the Commissioner, or the Deputy Commissioner and District Magistrate. Non-executive officers or other persons, even if of high rank, will not take the salute.

SECTION XI.—MISCELLANEOUS INSTRUCTIONS REGARDING ESCORTS.

1235. A female lunatic proceeding under police escort should be accompanied by a female attendant or relative.

1236. Escorts detailed to transfer prisoners from one jail to another, before proceeding to the jail, will proceed to the District Superintendent or other officer to whom the District Superintendent has delegated these duties, whose duty it is before the escort starts for its destination—

- (a) to see that the escort is of the required strength ;
- (b) to supply the escort with handcuffs, chains, leg-irons, and padlock ; and
- (c) to supply the escort with money for the journey and return journey when necessary.

These duties may be delegated by the District Superintendent to the next senior Police Officer at headquarters or where there is a Town Inspector to that officer.

CHAPTER LIII.

Miscellaneous Duties.

SECTION I.—SEIZURE AND DISPOSAL OF UNCLAIMED OR SUSPECTED PROPERTY.

1237. Under section 25 of the Police Act it is the duty of every Police Officer to take charge of all unclaimed property and to furnish an inventory thereof to the District Magistrate. Property cannot be said to be unclaimed if any person or several persons claim in what seems reasonably to be good faith to retain or obtain possession of it. These provisions do not therefore enable the police to take charge of property under lock and key nor, where there are rival

claimants to property (whether claiming as owner or by right of possession merely), if one has actual possession, do they permit the police to disturb his actual possession by taking charge of the property. If there are rival claims to obtain possession, the police have no authority to step in and prevent any claimant from getting the advantage of actual possession*; all they may do is to prevent a breach of the peace or a mere scramble for possession (in other words "theft") on the part of persons having no reasonable claim (*vide* Chapters V and XIII, Criminal Procedure Code). Section 25 of the Act appears to have been drawn widely on purpose to leave it to the good sense of the police to decide when action under this section is required to prevent property from being disposed of by persons with no legal claim to it; but the police will not take possession of property if there is any reasonable *bona fide* claim, or if there are reasonable *bona fide* claims, to its possession. When there are several claimants to the property of a deceased person, the police will suggest that one or other of the parties apply to the District Judge for orders under the Succession Act, 1925, or the Administrator-General's Act, 1913. When the police have taken charge of property under section 25 as being unclaimed, and some person thereafter comes forward with a reasonable claim thereto, the police will leave his claim to be settled by the District Magistrate to whom an inventory of the property has been supplied. This procedure is still more necessary if rival claimants appear.

NOTE.—The Police shall on no account comply with requests to force the locks at houses which have been left locked by departed tenants.

1238. Property is also taken possession of by the Police under the following circumstances :—

(a) When it is suspected to be stolen property or is found under circumstances which create suspicion of the commission of an offence (sections 98 and 550, Criminal Procedure Code).

(b) When it is seized as liable to confiscation or forfeiture under any special or local law.

(c) When it is found upon searching an arrested person under section 51, Criminal Procedure Code.

(d) When it is an exhibit and has to be forwarded to the Magistrate under section 170, Criminal Procedure Code.

(e) When it is taken in the course of searches made in Police investigations under sections 165 and 166, Criminal Procedure Code.

(f) When it consists of weights, measures or instruments for weighing that are false, seized under section 153, Criminal Procedure Code.

1239. In no circumstances shall a Police Officer take charge of any property except in accordance with the provisions of paragraphs 1237 and 1238.

1240. With regard to the seizure of property suspected to be stolen (e.g. under section 98, Criminal Procedure Code), it is to be observed that no such seizure shall ever be made, except when there are strong and definite grounds for believing that the property has been dishonestly come by, e.g., when jewels of large value are found with a person of mean condition and having no ostensible means of livelihood. It is not justifiable to seize valuables which are not identified as stolen property, merely because the Police Officer who comes upon them in the course of a search has an unfavourable opinion of the character of the possessor.

1241. It is a common practice when a theft or burglary has been committed, and for some reason or other the Police suspect a particular person, to search this person's house in the hopes of finding the stolen property, and to carry off to the Police Post anything found in the house, though it is not the property of which the Police were in search and is of an everyday description, e.g., pots and pans, knives, jewellery of trifling value, clothes, and so forth. The articles seized are exhibited at the station, and claimants are invited to come forward; the result naturally is that many of the things are claimed and the person whose house was searched is charged, on most unsatisfactory evidence, with theft or being in possession of stolen property. This procedure is wholly incorrect. Before a Police Officer can seize any property, he must have reason to believe it to have been stolen, or that some offence has been committed with reference to it. No house should be searched unless there is some reason to believe that the search will result in the finding of the things sought for.

NOTE.—If a search warrant directs the search of only a portion of a house, the direction must be strictly complied with.

1242. Again, it appears to be thought that a Policeman can stop a traveller or any other person and search him, and seize any property the person may be in possession of which the Police Officer does not think he ought to possess, or regarding which he cannot give an explanation which satisfies the Police Officer. In this way a traveller may be deprived of his property and may not be able to delay his journey in order to complain and to recover it. This procedure is clearly wrong. When they have taken possession of any property Police Officers will carry out the following procedure :—

(1) Enter in the General Diary an abstract list of the property with a record of the circumstances under which it was seized.

(2) Record in Police-station Register No. 32 (Form ^{Crime 2,} Police 39) a detailed list of the property together with the number and date of the entry in the General Diary and the name and residence of the person (if any) from whose possession it was taken.

(3) Obtain forthwith the orders of a Magistrate as to the disposal of the property.

1243. When the Police take possession of bulky articles such as paddy, etc., they will not make them over to any person on security pending the receipt of the orders of a Magistrate but, as laid down in section 523, Criminal Procedure Code, they will report the seizure to a Magistrate forthwith and obtain his orders as to their disposal.

SECTION II — DETENTION OF CATTLE BY THE POLICE.

1244. Apart from cases dealt with under the Cattle Trespass Act, 1871, as amended by Act I of 1891, the only cases in which cattle come into the hands of the Police are :—

(i) Cases in which cattle are exhibits in a case.

(ii) Cases in which cattle are seized under section 98 or 550, Code of Criminal Procedure, as alleged or suspected to be stolen or found under circumstances which create suspicion of the commission of an offence.

The rules as to the disposal of cattle in either of the above cases are clear. If the cattle are seized during the investigation or because they are suspected or alleged to have been stolen the orders of a Magistrate shall be obtained at once under section 523 of the Code of Criminal

Procedure, or the cattle shall be at once produced before a Magistrate under section 170 of the Code of Criminal Procedure. Unclaimed cattle will be dealt with under the Cattle Trespass Act, if they have been impounded under Sections 11 of the Act, otherwise under Sections 25 and 26 of the Police Act, 1861.

1245. In no case are the Police authorized to detain cattle, without the orders of a Magistrate, except in cases where a Police Officer is also a cattle-pound keeper and is acting under the Cattle Trespass Act. Cattle shall not be returned to the owners on their executing a bond without first obtaining the orders of a Magistrate to do so. When cattle seized by the Police are detained in a pound which is not in charge of a local authority the pound-keeper cannot levy a fine and he is not necessarily entitled to feeding and watering charges at the usual rates charged under section 12 of the Cattle Trespass Act. When it is necessary to detain cattle in such a pound for any length of time, the sum payable to a pound-keeper will be fixed by the District Magistrate. Ordinarily the pay of a man or boy to tend the cattle while grazing will be sufficient in such cases. When cattle are detained in a pound which is in charge of a local authority charges will be paid to the pound-keeper at rates which will be fixed by the District Magistrate, from time to time, in consultation with the local authority in charge of the pound.

SECTION III.—AID TO THE SICK AND DESTITUTE.

1246. Destitute persons found dying of disease or starvation in the streets and public roads of towns will be at once taken to the nearest dispensary. If admittance be refused there, they will be taken to the nearest Magistrate's office, and the case fully stated to enable him to issue instructions. Destitute sick Europeans having no friends at hand to take charge of them will always be taken to some Government hospital.

1247. The corpses of destitute travellers or strangers who die in *zayats*, or by the wayside will be buried or burnt by the Police. Charges for such burial or burning will be included in the Police contingent bill. Destitute travellers or strangers dying in hospital will be buried or burnt by the hospital authorities and the cost charged to hospital contingencies.

SECTION IV.—AID TO TRAVELLERS.

1248. It is the duty of the Police at police-stations on the high roads to afford every possible protection to all goods and baggage in transport. It is also the duty of the Police of all grades to show civility to and afford every possible assistance to travellers. The Police will advise cartmen and travellers to halt for the night at Police posts in preference to proceeding on their journey to a village where there are no Police; and will give what care they can to the property of those who adopt their advice.

SECTION V.—EPIDEMICS.

1249. All officers-in-charge of police-stations will record in their general diaries the outbreak of any epidemic, such as cholera or small-pox, within their respective jurisdictions. They must note the date and place of first appearance of any such disease, the number of persons attacked, and the number of cases that have proved fatal, as far as they can ascertain them, as well as any peculiar circumstances which they are led to believe may have caused, or contributed to cause, the outbreak in any particular locality at a particular time. In the case of the outbreak of any epidemic amongst the police-station staff and their families or the prisoners in custody at a police-station, special reports will be immediately submitted to the District Superintendent and Subdivisional Police Officer, if any. District Superintendents will transmit information of epidemics which they receive under the orders above quoted to the Deputy Commissioner, the Civil Surgeon, and the Superintendent of the nearest jail.

SECTION VI.—OUTBREAK OF INFECTIOUS DISEASE IN POLICE LOCK-UPS.

1250. (1) The following diseases fall under the category of infectious diseases :—

(a) Intestinal diseases, such as cholera, dysentery and typhoid.

(b) Other infectious fevers, such as plague, small-pox, measles and mumps, influenza and cerebro-spinal meningitis.

(c) Beri-beri.

(2) Whenever a case of the above nature appears in a Police lock-up, the patient will, if possible, be kept apart from the other prisoners. Cases of cholera, plague, enteric and small-pox, will, if feasible, be sent to an infectious diseases hospital. "Contacts" will, as far as possible, be separated from other prisoners.

(3) The following internal and external procedure with regard to the lock-up will be adopted:—

(a) *Internal.*

(1) On the first appearance of such diseases immediate attention will be paid to the drinking water. All drinking water will be boiled and conveyed to the prisoners in covered receptacles.

(2) The latrine system will be examined and, if necessary, extra assistance obtained to ensure frequent removal and cleaning of buckets which will also be frequently disinfected with lime or other suitable disinfectant. Steps will be taken to protect food from flies, and the stools of patients and contacts will be similarly protected. All stools will be burnt in an incinerator.

(3) Each prisoner will be provided with a plate and bowl for his own personal use and as far as possible prisoners will be fed separately.

(4) Steps will at once be taken to carry out preventive inoculation in cases of cholera, typhoid and plague and vaccination for small-pox.

(5) In the event of an outbreak of beri-beri special attention will be paid to the food given to the prisoners and the ventilation of the lock-up.

(b) *External.*

(1) An infected prisoner will receive immediate medical attention and the advice of the nearest medical officer will be obtained as to the place of his future confinement. A report of the outbreak of the infectious disease will be made by telegram to the nearest medical officer of or above the rank of Sub-Assistant Surgeon and to the District Superintendent of Police.

(2) As far as possible under-trial prisoners confined in the lock-up at the time of the outbreak of an infectious disease, will be released on bail.

Note.—This applies primarily only to cases of cholera, plague and small-pox. It may be extended to dysentery, enteric fever and influenza if there is evidence of infection either widespread or of a dangerous type.

(3) As long as the lock-up is infected no fresh prisoners will be admitted into it. In the event of a person being arrested during the infected period, he will be sent for custody to the nearest non-infected lock-up, if it is not possible to release him on bail.

This is not ordinarily necessary in the case of beri-beri.

(4) No prisoner is to be transferred from an infected lock-up to a non-infected lock-up. If a transfer from an infected lock-up is unavoidable, the transfer will be made only to a jail whether a district or a central or a subsidiary jail. Timely warning explaining the necessity of the transfer will be given to the jail authorities in order to enable them to make necessary arrangements for the reception of the prisoner or prisoners. The clothing and other belongings of all prisoners so transferred will as far as possible be boiled before they are handed over to the jail authorities. This is not ordinarily necessary in the case of beri-beri.

SECTION VII.—CATTLE DISEASE AND CATTLE POISONING.

1251. On the outbreak of any epidemic among cattle the officer-in-charge of the police-station will examine some of the dead cattle and report the outbreak to the District Superintendent of Police through the Circle Inspector of Police and Subdivisional Police Officer (if any). His report will contain a clear description of any peculiar appearance of or distinctive marks on the animals which may indicate the actual cause of death.

The District Superintendent of Police, if he considers it necessary, will then direct a gazetted Police Officer or Inspector to make further enquiries.

1252. On receipt of a report of a death among cattle, due, in the opinion of the Police, to poisoning, the officer-in-charge of the case will proceed to the spot and have the carcase opened. The following organs will then be extracted :—

(1) One-third or one-fourth of the stomach according to size, the most congested portion being selected and placed in one bottle.

(2) About half a pound of the contents of the stomach in a separate bottle.

(3) A few ounces of liver.

Any suspicious looking leaves, seeds or plants found in the stomach will be placed in a separate bottle.

The whole will be sealed up and sent direct by the Police Investigating Officer to the Chemical Examiner for examination as laid down in Local Government's Judicial Department "G" Circular No. 15 of 1930 (Appendix B-IV).

1253. The carcase of an animal suspected of having been poisoned will be first carefully examined, more especially about the genitals, below the ears and soft skin of the thighs. If any puncture is found it is possible that *sui* poisoning has occurred. The spike or *sui* will then be sought for, and, if one be found, it will be wrapped in paper, sealed, and labelled. A chemical examination of the viscera is useless in cases of *sui* poisoning, as in such cases poison cannot be detected in the viscera.

The mouth, rectum and vagina will be examined, and anything unusual found in them will be preserved and labelled.

An officer of Police not lower in rank than an Inspector may requisition the services of a medical officer to undertake the *post-mortem* examination of cattle suspected to have died of poison.

The following are the poisons usually employed in poisoning cattle in this province:—

White arsenic (ဝဲ), yellow arsenic (ဝဲဝဲ), *Abrus precatorius* (အုတ်ဆီ), (Hind. *gunchi* or *kunchi*) seed used for making the "suis," *Calotropis gigantea* (ခဲ) (Hind. *mudar* or *akund.*), *Jatropha Purgans* (အုတ်ဆီ) (Hind. *ujir jahar*), *Datura alba* (ဝဲ), *Datura fastuosa* (အုတ်ဆီ) (Hind. *dhatu*).

1254. All cases of losses of cattle reported will in the first place be treated as "thefts." If afterwards there appears reason to believe that no offence has been committed, the Magistrate having jurisdiction may be moved in the ordinary course to direct the case to be shown as "false" or "mistaken," as the case may be. On receipt of a report from the military authorities that any Government animal is missing, a description of the missing animal and of any marks on it will be sent to all cattle pound-keepers in the district.

SECTION VIII.—MISSING PERSONS.

1255. Whenever a person, either an adult, or a child, is reported missing the fact will be entered in the General Diary and enquiry made by an officer not lower in rank than a Head Constable. The circumstances connected with the disappearance will be clearly elicited, and, if a reasonable suspicion exists that a cognizable offence has been committed, a first information report will be opened. If foul play is suspected notices accompanied by photographs, if available, will be sent for publication in Part II (d) of the *Police Crime Gazette*. The officer-in-charge of the police-station within whose jurisdiction the village lies will cause the enquiry to be continued until he can account in a satisfactory manner for the disappearance of the person or child. Whenever a child who has been reported missing is found a report of its recovery will be made. Such disappearance will be at once reported to the Subdivisional Police Officer, if any, or Circle Inspector.

SECTION IX.—FIRES.

1256. (1) On the occurrence of a fire at the headquarters of a district or in any town or village in which a police-station is located, all Police Officers, Civil and Military, will at once put on their uniform and fall in at the units to which they belong, *i.e.*, Headquarters Lines, Training Depôt, Police-Station, etc., and there await orders. Police are strictly forbidden to proceed to the scene of a fire in plain clothes or independently. This order will not be taken to mean that no Police are to be despatched to the scene of the fire until all available men are collected;—as men fall in dressed, they will be despatched in parties under the command of a Sub-Inspector or Head Constable, or senior Constable, if no Sub-Inspector or Head Constable is available. The officers in command of such parties will be held responsible that the men act together and under orders. Further, as the donning of full uniform may mean loss of valuable time, parties of Police may be despatched to the

scene of the fire in semi-uniform of which the necessary items are the regulation head gear and khaki coat. All Police on beat or patrol duty in the vicinity of the fire will immediately proceed to the spot.

(2) The duties of the Police at fires are—

- (i) to keep the surroundings clear so as to prevent the operations of the firemen being impeded ;
- (ii) to stop wheeled traffic in the neighbourhood of all lines of hose ;
- (iii) to protect property carried out of the premises on fire or neighbouring houses ;
- (iv) to warn off or, if necessary, arrest known criminals collecting in the vicinity of such property.

(3) Police do not attend fires for purposes of salvage. It is not primarily their duty to save property. It is evident, however, that occasions may arise when their assistance in saving property, or life may be required and in such cases it will be freely given. The senior Police Officer on the spot will select a place where all property rescued from the flames will be deposited, and make proper arrangements for the protection of property so rescued, and prevent any person but the owner of such property from removing it.

(4) The Police will examine all persons who may have knowledge of the cause of the fire as soon as possible. The enquiry will not be left over until the next day. Every effort will be made to examine the residents of the premises burnt and the neighbours within a short time of the occurrence of a fire.

Note—In a municipal city, the powers of the Police are defined by section 192 of the Municipal Act, and, as the case may be, Schedule II, Chapter VI of the Rangoon Municipal Act. But elsewhere the police have no general powers to enter and destroy houses in order to save other houses from fire.

1256A. The procedure for dealing with accidents in connection with explosives or inflammable substances is contained in Government of Burma, General Department "G" Circular No. 16 of 1937 which is reproduced as Appendix B-XI.

CHAPTER LIV.

Watch and Ward in Towns.

SECTION I.—PATROLS.

1257. The number of police-station and outpost jurisdictions in towns varies according to the population and area of the particular town.

For the purpose of beat patrolling each police-station or outpost jurisdiction is a unit which is subdivided into an appropriate number of beats.

1258. Beats will be numbered serially, in each jurisdiction.

Five men will be permanently posted to each beat so that they may become acquainted with the local conditions and criminals.

1259. During the day each beat will ordinarily be patrolled by one Constable and at night by two Constables.

Day time will be taken as being from 6 a.m. to 10 p.m. and night time from 10 p.m. to 6 a.m.

The following table illustrates the hours of duty to be performed by each man of a beat. The five men are designated by the letters A, B, C, D and E :—

Days, (1)	Day.				Night.	
	Hours.				Hours.	
	6—10 (2)	10—2 (3)	2—6 (4)	6—10 (5)	10—2 (6)	2—6 (7)
First day ...	A	B	C	D	E A	B C
Second day ...	D	E	A	B	C D	E A
Third day ...	B	C	D	E	A B	C D
Fourth day ...	E	A	B	C	D E	A B
Fifth day ...	C	D	E	A	B C	D E

It is within the discretion of the Station Officer or Inspector of Police to increase or decrease the number of men employed in patrolling any particular area if he considers this to be necessary.

1260. A map of the jurisdiction showing the extent of each beat and a schedule of the beats with the names and numbers of the men working them will be kept up in each police-station or outpost.

1261. All men off duty at night will be present at the police-station or outpost to which they belong and at least one-half of the strength during the day.

1262. The preceding paragraphs give a formal method of working beat patrols but it is not intended to be anything but a general guide. To be effective, patrolling should be as elastic as possible, as a rigid system, which quickly becomes known to criminals, generally proves ineffective.

The secret of successful patrolling is unexpectedness. For instance on certain nights one or two beats may be left unworked and the men employed to strengthen the patrols in other beats; the times of sending out and recalling patrols may be varied so that the period between patrols, during which beats are left unmanned, may not be invariably the same.

Instead of regular patrolling beat patrols may be posted to watch the exits and entrances to the houses of known criminals so that they may be arrested and searched on their way home at an untimely hour. Or at times patrols may conceal themselves behind cover, or in ditches at cross roads, and strategic points so as to intercept night prowlers.

1263. Beat patrol is a monotonous and exhausting duty which requires the constant attention of superior officers if it is to be performed efficiently.

Gazetted officers occasionally, and Inspectors and Sub-Inspectors frequently, will be expected to check patrols, particularly by night. No hard and fast rules as to how checking is to be carried out, can be laid down, but a method commonly found effective is to place patrol books at various points in beats in which the patrols may sign and enter the times of their visits. This system has, however, the dis-

advantage of making patrolling rather stereotyped unless orders are issued that the patrol books are not all to be signed an equal number of times during the period of the patrol.

The system by which checking officers get into contact with patrols by calling them up by whistle is to be deprecated as tending to disturb the public, create alarm, and to disclose to the movements of the Police to criminals.

1264. Beat patrols mounted on bicycles have proved effective as by their increased mobility they are enabled to patrol efficiently a large area, or a smaller area with greater intensity. Moreover owing to their being able to move silently and quickly, it is often possible for them to arrest or question suspects who would not be encountered by foot patrols.

1265. The chief duties of a beat Constable are—

- (a) to watch and maintain order in streets, thoroughfares and byways ;
- (b) to prevent crime and arrest or pursue criminals ;
- (c) to keep an eye on liquor and drug shops and on the houses of suspected receivers of stolen property and to note the persons who enter them ;
- (d) to prevent nuisances and obstruction of the public streets and roads (sections 23 and 31, Act V of 1861) ;
- (e) to observe all crowds and disperse them if they cause disorder or obstruction to traffic (section 31, Act V of 1861) ;
- (f) to protect public property ; and
- (g) to report at once to the nearest police-station or outpost any threatened breach of the peace with which he cannot cope unaided.

Note.—A beat Constable will sound his whistle should occasion arise to summon the assistance of other Police Officers

1266. In towns in which section 34 of the Police Act is in force, the beat Constable may arrest any person who, in his view, commits any of the offences therein enumerated, but he will do so only if he cannot otherwise abate the nuisance. Ordinarily a word of warning to the person offending is sufficient to prevent a continuance or repetition of the offence.

Note.—All Police Officers are required to lend active help in enforcing sanitary rules and preventing nuisances.

For a list of towns in Burma to which this section has been extended, see Appendix A in the Burma Rules Manual, Volume 1.

1267. In all towns any Police Officer may arrest without warrant a person who—

- (i) causes danger, obstruction, or injury in any street or other public way (section 283, Penal Code);
- (ii) negligently omits to take order with any animal in his possession so as to guard against any probable danger to human life or any probable danger of grievous hurt from such animal (section 289, Penal Code);
- (iii) drives or rides on a public way so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person (section 279, Penal Code);
- (iv) deals with fire, fireworks, fire balloons, or other combustibles or explosives so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person (sections 285 and 286, Penal Code).

NOTE.—If an obstruction is caused in a public way by a cart or other vehicle breaking down, the Police will endeavour to obtain its removal; or, in default of its removal, will require the owner or person in charge to watch it and place a light on it at night.

1268. Beat Constables will always carry lathis. On moonless nights they will use dark lanterns or electric torches.

Lanterns or torches will be used in such a way as to ensure that the light does not warn criminals of their approach.

1269. When patrolling at night, beat Constables will see that doors and windows of houses are fastened, and watch empty houses and yards. They will preserve silence and keep in shadow as much as possible so as to observe thieves without being heard or seen by them. They will not move in one regular round, but will vary the course taken and frequently return quickly over the ground just traversed, so as to surprise offenders who may fancy themselves secure after the beat Constable has passed. They will be specially alert towards dawn, when thieves may be returning with their booty.

1270. Officers checking night patrols will make a note in the General Diary of the time of their departure from and return to each police-station.

Where there is a Town Inspector he will submit weekly to the Subdivisional Police Officer (if any), otherwise direct to the office of the District Superintendent of Police, a return of night inspections, giving the number of beats inspected at night and the date and time of inspection.

SECTION II.—LOCK-UPS.

1271. In large towns where there is a lock-up prisoners will not be confined at police-stations except temporarily at night or under exceptional circumstances.

On no account will any prisoner be confined at an out-post.

1272. The following registers only are maintained at lock-ups :—

- (i) General Diary (Form $\frac{\text{Ad. 7}}{\text{Police 30}}$).
- (ii) Register of all property seized or taken possession of by the Police, and of all unclaimed property (Form $\frac{\text{Crime 27}}{\text{Police 59}}$).
- (iii) Lock-up Register (Form $\frac{\text{Crime 42}}{\text{Police 63}}$).
- (iv) Hospital Register (Form $\frac{\text{Ad. 11}}{\text{Police 70}}$).
- (v) Return of Arms, Ammunition, Accoutrements and Miscellaneous stores issued by the Police Supply and Clothing Department (Form Police 9-S).
- (vi) Return of Government Miscellaneous stores not issued by the Police Supply and Clothing Department (Form Police 6-S).

SECTION III.—GENERAL ARRANGEMENTS AND DUTIES.

1273. On occasions of large religious or other assemblies, e.g., the *Id*, *Muharram*, *Tasaungmon*, *Tabaung*, the Town Police will be kept together for the preservation of the peace and order in the streets under such orders as may be applicable, and which the District Superintendent (under the general control and direction of the District Magistrate) may issue. Should it be necessary to have any additional police or any Military Police in attendance, they will be kept in the principal police-station or in some convenient place where they are quite separate from the mob.

1274. Any officer of or above the rank of an officer-in-charge of a police-station may command an unlawful assembly to disperse, and may disperse it by force if necessary (sections 127 and 128, Criminal Procedure Code).

1275. The police in municipal towns are required to work in harmony with the Municipal Committee, its officers and servants. They will report any cases of nuisances requiring remedy or failure to carry out the Committee's orders to the District Superintendent of Police who will bring the matter to the notice of the Municipal Secretary, if necessary.

CHAPTER IV.

Duties of the Railway Police and of the District Police in connection with the Railway Police.

SECTION I.—THE CO-OPERATION OF THE RAILWAY AND DISTRICT POLICE IN CONNECTION WITH CRIME AND ITS INVESTIGATION.

1276. If it is necessary in any Railway Police case to make enquiries or take other action within the jurisdiction of the District Police, the Inspector of Railway Police and his subordinates will proceed as requisite, at the same time informing the District Police. The latter will co-operate to the utmost of their power, reporting their proceedings to their District Superintendent. *Mutatis mutandis* the same system will be followed when the District Police have occasion to take action within the jurisdiction of the Railway Police.

1277. If the offence reported is one of those classed as "Important Crime" the officer-in-charge of the Railway Police-station will submit a copy of the First Information Report of important crime to—

- (i) the District Magistrate (through the District Superintendent of Police);
- (ii) the Subdivisional Officer [through the Subdivisional Police Officer (if any) and Circle Inspector];
- (iii) the Superintendent of Railway Police.

He will then proceed to the scene of crime and begin a local investigation.

1278. When the officer-in-charge of a Railway Police-station considers that the assistance of the District Police is necessary he will send a copy of the information to the officer-in-charge of the District Police-station concerned with a request for such assistance, on receipt of which the officer-in-charge of the District Police-station will at once proceed to give the required assistance. The receipt of the information and a note of the steps taken to assist the Railway Police will be entered in the General Diary of the District Police-station.

1279. (i) All cognizable offences committed within Railway limits but outside the limits of a station yard (the limits of station yards extend from distant signal to distant signal) other than offences committed in running trains and offences under the Railways Act, 1890, will be registered and investigated by the District Police.

(ii) Report of such cases will be made in the first instance at the Railway or District Police-station whichever is nearer to the scene of occurrence.

(iii) In cases in which the report is first made at the Railway Police-station, the information will be at once recorded and the officer-in-charge of the station, having sent a copy of the information to the District Police-station concerned, will at once take up the investigation, and proceed with it until the District Police Officer within whose jurisdiction the offence was committed arrives on the spot. He will then make over the case to the District Police Officer, and on return to his station will at once transfer the case to the District Police-station concerned. On receipt of the report from the Railway Police-station the officer-in-charge of the District Police-station will register the offence and at once proceed to the spot to take up the enquiry.

(iv) In cases in which the report is first made to the District Police-station, should the District Police Officer require the assistance of the Railway Police, he will send a copy of the report and ask for such assistance, and the officer-in-charge of the Railway Police-station will at once proceed to give such assistance. A note of the steps taken to assist the District Police will be entered in the General Diary of the Railway Police-station.

1280. Whenever the jurisdiction is in dispute, the Railway Police and District Police will co-operate and carry out the investigation jointly until definite orders are received.

It is essential when a first information report is laid at either a District or Railway Police-station, that the investigation be taken up and carried on by the staff of the police-station at which the crime is reported, until the question of jurisdiction is finally decided. When there is any dispute as to whether a case should be investigated by the District or by the Railway Police, a reference will be made to the Deputy Inspector-General of Police for Railways and Criminal Investigation through the District Superintendent of Police of the District and the Deputy Inspector-General of Police of the Range concerned.

1281. All ranks of the District and Railway Police will render mutual assistance to each other in the execution of their duty when called upon to do so.

1282. When the attendance and co-operation of the District Police is considered necessary in the investigation of an offence which under these rules the Railway Police are required to register and investigate, the officer-in-charge of the station from which such assistance is required will proceed in person or, if otherwise engaged, depute an officer to render such assistance. The same rule will be observed when the attendance and co-operation of the Railway Police are required by the officer-in-charge of a District Police-station.

1283. All thefts from running goods or passenger trains will be reported to and investigated by the Police of the Railway Police-station within the jurisdiction of which the theft was discovered, and a copy of the first information together with a descriptive roll of the property stolen will be immediately sent to the nearest District Police-station in the district in which the theft has been localized, or failing such localization to every District Police-station through the limits of which the train has passed between the time when the plundered vehicle or lost property was last ascertained to be intact and the time when the theft was discovered. On receipt of the information the officer or officers-in-charge of the District police-station or Police-stations as the case

may be, will briefly record the matter in the General Diary, and will at once endeavour to discover what bad characters were absent from their villages on the night of the theft, if the theft was committed at night. They will search the houses of suspected Railway thieves for the stolen property, and will also give the Railway Police such assistance as they may require.

1284. The District Police will give immediate information to the Railway Police of property or offenders seized or arrested by them in cases which the Railway Police are under these rules ordered to register and investigate, and will hand over such property or offenders to the Railway Police. Similarly the Railway Police will give immediate information of arrests in district cases and hand over the property and offenders to the District Police.

1285. If it is necessary to arrest a servant of the Railway whose immediate removal from his duty might occasion inconvenience and probably danger, the Police will exercise their judgment as to the action to be taken. A Police Officer who has to arrest a Railway employe, whether for a cognizable offence or on a warrant, will before making the arrest, report his intention to do so to the nearest station-master, who is responsible for informing the officer immediately superior to the employe to be arrested in order that the said employe may be relieved.

1286. The station-master will obtain the necessary orders for relief by telegram and on receipt of them will inform the Police Officer concerned. In the meantime the Police will make all necessary arrangements to prevent the escape of the person to be arrested. If, however, by reason of the gravity of the offence, e.g., in cases of murder, attempt at murder, culpable homicide, dacoity, robbery or house-breaking, immediate action is necessary, the Police will arrest the man and accompany him till he can be relieved, without withdrawing him from his work. The arrest of a Railway employe will, however, be reported without delay to his immediate superior so that arrangements may be made for carrying on his work.

1287. When the officer-in-charge of the police-station receives notice of an accident on the railway he will go to the spot and see what is being done. If there are any superior officers of the Railway Police present, he will leave

the investigation to them, but if they have not arrived, he will see that no persons abscond and will give assistance to sufferers, if necessary. If directed to do so by a Railway officer, he will arrest any person liable to arrest under section 131 or 132 of the Railways Act.

SECTION II.—THE CO-OPERATION OF THE DISTRICT AND THE RAILWAY POLICE IN CASES OF IMPORTANT CRIME.

1288. (1) On the occurrence of a dacoity or robbery in the vicinity of the railway, the headman of the village concerned will send a message in the prescribed form to a railway-station or police-station whichever is nearer.

(2) If the message is received at a police-station the officer-in-charge of the police-station will telegraph information of the occurrence of the offence with the least possible delay to the nearest Railway Police-Stations or outposts both up and down the line, and also to the nearest District Police-Station or outpost if there is a District Police-station or outpost situated on the railway nearer than the Railway Police-Station or outpost. He will do this by despatching telegrams from the nearest telegraph office whether situated at his police-station or elsewhere.

(3) Any message received at a railway-station will be delivered to the Station-Master unless there is a Railway Police-Station or outpost situated at the same place in which case it will be delivered to the police officer-in-charge.

(4) It will be the duty of the Police Officer or Station-Master receiving the message to telegraph information of the occurrence to the nearest Railway Police-Station or outpost on either side of his railway-station and also to the nearest District Police-Station or outpost, if there is a District Police-Station or outpost situated on the railway nearer than the Railway Police-Station or outpost.

(5) In order to enable Station-Masters to carry out their duties under these rules, the Station-Master at every railway-station where there is no Railway Police-Station or outpost has been furnished with a list showing the police-stations or outposts to which he should telegraph information, and the necessary instructions have been issued to him by the Chief Railway Commissioner.

(6) On receipt of the telegram at the Railway Police-Station or outpost, the officer-in-charge will warn platform Constables to keep a look-out for suspicious characters travelling by trains coming from the locality where the

offence was committed, and if possible, will depute a Head Constable or other officer to keep a watch on such trains on arrival at his station. He will also see that travelling Police Officers are warned to keep a look-out for suspicious characters arriving and departing at intermediate railway-stations.

(7) The Police Officer who first receives the information about the crime, besides sending word to the nearest police-stations or outposts as already described will also send word to Station-Masters at intermediate railway-stations to inform Police Constables on platform duty (if any) to keep a look out for suspicious characters travelling by train.

(8) Should the Police Constable on duty at an intermediate railway-station observe any suspicious characters entering the train, he will telegraph information to the nearest police-station or outpost, railway or district, on the railway line in the direction in which the train is proceeding, thus: "Observed five suspicious men enter train for (such and such destination)."

(9) On receipt of such information the officer-in-charge of the police-station or outpost will arrange to attend the arrival of the train by which the suspects are travelling, and will ascertain by examining them whether there is any probability of their having been concerned in the commission of the case in question. If reasonable grounds of suspicion are forthcoming he will arrest and detain them for further enquiry, and search their belongings for stolen property.

(10) Any Police Officer or Station-Master through whose agency in the observance of these rules the detection of an important crime is effected will receive a reward of Rs. 100.

SECTION III.—THE CO-OPERATION OF THE DISTRICT AND THE RAILWAY POLICE IN THE PROSECUTION OF RAILWAY POLICE CASES.

1288A. The usual procedure, except in Rangoon, is for the District Court Prosecuting Staff to take up the prosecution of Railway police cases and in this connection the District Police and Railway Police will act in close co-operation. The Superintendent of Railway Police or the Section Inspector will issue his own orders and instructions through the District Superintendent of Police concerned to the District Court Prosecuting Staff and it will not ordinarily be necessary for the District Superintendent of Police to intervene. In case of urgency, however, the District Superintendent of Police may in anticipation of the approval

of the Superintendent of Railway Police issue instructions regarding the prosecution and withdrawal of railway police case and will send a copy of such instructions to the Superintendent of Railway Police for information.

CHAPTER LVI.

The District Police and the Criminal Investigation Department.

1289. Crimes falling under the following categories will be investigated by the Criminal Investigation Department—

(a) Murders or any other serious crimes in which drugs or poisons have been used.

(b) The forgery of Government currency or promissory notes.

(c) Important coining cases, especially those in which dies have been used, including the manufacture or possession of instruments of coining; also enquiries into the prevalence of counterfeit coins in the currency.

(d) Theft of Government arms and ammunition, and all illicit trade in arms.

(e) Trade in women for immoral purposes.

(f) Any important case in respect of which the assistance of the Criminal Investigation Department is sought by the district authorities, or by the Deputy Inspector-General of Police of the Range, or in which intervention is ordered by the Inspector-General of Police.

(g) All cases of importance in which registered or insured letters or parcels are lost during transit in the post.

(h) Cases of incendiarism, or other forms of fraud committed with a view to cheat Insurance Companies in which the District Superintendent of Police considers that assistance from the Criminal Investigation Department is necessary.

(i) All cases of bogus companies formed with a view to defraud the public.

(j) Fraudulent civil suits.

(k) Cases of a political nature.

1290. Besides the cases mentioned in the preceding paragraph, the Criminal Investigation Department will take up important cases in which politics figure, the integrity of the District Police is impugned or a special technical knowledge is required. It will also assist in cases where special

linguistic qualifications are essential. When the District Police require assistance in such cases they will apply by telegram stating briefly the nature of the case and the probable nationality of the witnesses. It is important that no time be lost in calling in the Criminal Investigation Department.

1291. The Criminal Investigation Department, Burma, will investigate cases in which fraudulent and dishonest civil suits are instituted against defendants, who reside at such a distance from the Courts, where the suits are filed, that it is practically impossible for them to contest such suits.

1292. Cases involving the loss or theft of registered or ensured letters or parcels while in transit (by rail or by ocean-going or river steamer) will be investigated by the Criminal Investigation Department, as the place of occurrence is indefinite and inquiries may be necessary in several districts and provinces.

Post office cases which are obviously of a local nature will be investigated by the local police. Cases which happen in distant and inaccessible places will be similarly dealt with if it is clear that the investigation can be efficiently carried out by local officers.

Cases will be recorded at the police-station in whose jurisdiction they occurred or at the nearest Railway Police-station whichever is more convenient. The officer-in-charge of the police-station will at once commence investigation and at the same time send to the District Superintendent of Police an application for the services of the Criminal Investigation Department.

1293. If an Assistant Superintendent, Deputy Superintendent, or Inspector thinks that any information received by him should be sent to the Criminal Investigation Department without delay, he is authorized to send it direct and will forward a copy of his report to his District Superintendent of Police.

1294. It is the duty of the Intelligence Branch of the Criminal Investigation Department to assist the District Police in the investigation of all cases of a political nature, and to undertake themselves all such cases, when of sufficient importance.

1295. It must be borne in mind that the existence of the Crime Branch of the Criminal Investigation Department does not in any way remove the responsibility from the district police for all matters connected with the prosecution, investigation and detection of ordinary district crime.

1296. Case diaries, reports, etc., of officers of the Crime Branch sent out on investigation duty will be submitted as under—

(i) In cases where a first information has already been recorded at a Police-Station, and the services of a Criminal Investigation Department officer have been requisitioned the Criminal Investigation Department officer will write diaries as mentioned below:—

(a) In cases in which the District Superintendent of Police is responsible for the investigation—four copies—

1. One copy to be retained by the Investigating Officer and ultimately filed in the Police-Station.

2. One copy to be sent direct to the Crime Assistant.

3. One copy to be sent to the District Superintendent of Police for filing in his office.

4. One copy to be sent through the District Superintendent of Police to the Deputy Inspector-General of Police of the range for filing in his office.

(b) In cases in which the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma, is responsible for the investigation—three copies—

One copy to be retained by the Investigating Officer and ultimately filed in the Police-Station.

2. One copy to be sent to the Crime Assistant.

3. One copy to be sent through the District Superintendent of Police and the Deputy Inspector-General of Police of the range to the Crime Assistant.

(ii) Certain classes of Post Office cases are automatically taken up by the Criminal Investigation Department and are usually registered in the police-station, in whose jurisdiction the loss occurs. In such cases, one copy of the case diary will be sent daily *direct* to the Crime Assistant, and the other copies will be sent to the police-station concerned, after the investigation is completed. Criminal Investigation Department officers investigating postal cases are reminded that, unless the investigation is taken out of their hands under competent authority, the responsibility for bringing the case to a final conclusion is theirs, and they will provide the police-station concerned with a report on the case to enable either a charge sheet to be made out, or a final report to be submitted by the Police Station Officer.

1297. All requisitions for the services of a Finger Print Expert will be made through the District Superintendent of Police to the Crime Assistant, Criminal Investigation Department.

CHAPTER LVII.

Arms Licenses and the Disposal and Custody of Arms and Ammunition, etc., not belonging to the Police.

SECTION I.—FILE OF ARMS LICENSES—REGISTER NO. 1.

1298. A copy of every license granted by the District Magistrate in the jurisdiction of the police-station will be maintained in this file. The District Magistrate will issue Forms XIV, XV, XVI, XVIII, XIX and XX (^{Miscellaneous}_{Arms 31, 33, 34, 35 and 36.}) in triplicate, and one copy of each license issued by him will be sent to the District Superintendent of Police who will forward it for record to the police-station in the jurisdiction of which the licensee named therein resides.

Instructions for the verification of licensed firearms are given below. These instructions are based on the Government of Burma's Judicial Department, letter No. 406V27, dated the 4th July 1928, which was reproduced in the *Burma Police Gazette* as memorandum No. 119, dated the 13th of October 1928.

A blank sheet will be attached to each license in the file and on this will be entered notes of verifications of the firearms and of any other action taken in respect of them.

SECTION II.—VERIFICATION OF FIREARMS.

1299. Under the orders of Government all licensed firearms are subject to periodical verification by the licensing and renewing authorities. Such verification may be done through the agency of the Police and ordinarily, licensees will be required to produce the arms covered by their licenses for the inspection of an officer, not lower in rank than Inspector of Police, at their own residences. In localities where it is impossible for Inspectors to inspect all the firearms within their jurisdictions Sub-Inspectors and Sergeants may be utilized for the purpose.

1300. The Police Officers referred to in the preceding paragraph will be furnished with orders in writing signed by the licensing and renewing authority. The order will

mention the officer by name and will be in the following form—

Order under the Arms Rules, 1924.

To

You are hereby required under the provisions of rule 45 of the Arms Rules to produce the arms held by you under license No. _____, dated the _____ ^{granted}/_{renewed} by me for inspection of _____ at † _____ (place) at † _____ (time) on the † _____ (date) _____ 19 _____ ^{Licensing}/_{Renewing} Authority _____

District _____
Subdivision _____

[To be torn off before serving the order.]

NOTE.—* To be filled in by the ^{Licensing}/_{Renewing} Authority.

† To be filled in by the officer mentioned in the order.

The place will ordinarily be the residence of the licensee and the time between sunrise and sunset.

SECTION III.—REGISTER OF ARMS, AMMUNITION AND MILITARY STORES. REGISTER No. 2.

1301. The register is kept up in Form ^{Ad 24}/_{Police 48} and the following directions for its upkeep are taken from Directions 5d to 6+ at pages 180 to 183 of the Burma Arms Manual, 1926. Under the Arms Act, 1878, arms, ammunition and military stores may be taken by disarming (section 13), deposition (section 16), forfeiture (section 16), confiscation (section 24), or seizure, and detention (sections 25 and 26). Arms, etc., may also be obtained under Criminal Procedure Code, sections 51 and 53, various sections in Chapter VII, and sections 165 and 166, and under the Police Act, section (25) Arms discovered in the course of a search for dacoited property, or found buried in the jungle, are examples of the

above methods. The Criminal Procedure Code, sections 517 and 523, and the Police Act, section (27) give directions for the disposal of arms, etc., obtained under those Acts. If a disarming (section 13, Arms Act) or a seizure and detention (section 25 or section 26) is followed by a prosecution or conviction, then section 517, Criminal Procedure Code, or section 24 of the Arms Act as the case may be, will apply, and the arms, etc., may be confiscated. If no prosecution follows, then section 523, Criminal Procedure Code, may apply, or the arms, etc., may be returned, or the license may be cancelled, and the arms, etc., dealt with under section 16 as deposited. Arms and ammunition coming under any of the clauses of paragraph 1596 shall also be entered in Register No. 32.

1302. All arms taken under section 13 of the Arms Act 1878, by any Police Officer, village headman, or rural policeman, shall be handed over to the officer-in-charge of the nearest police-station, who shall give a receipt therefor.

At all police-stations where arms, ammunition or military stores are deposited under the provisions of the Arms Act, 1878, section 16, or are handed over under the provisions noted above, a mark for the purpose of identification shall be put upon every arm and every package of ammunition or of military stores so deposited, and a receipt signed by the officer-in-charge of the police-station containing a description of such arms, ammunition or military stores, together with a note of the mark for identification put thereon and the date of deposit or handing over, shall be given to the person depositing the same; and at all such police-stations a register shall be kept in Form ^{Ad 24} _{Police 48}.

The officer-in-charge of the police-station shall send to the Police Officer to whom he is subordinate any arms, ammunition, or military stores received by him and not dealt with as "exhibits," with a report detailing the circumstances under which they were received, and the Police Officer shall send them with a like report to the District Superintendent to be dealt under Directions 60 and 62 at pages 181 and 182 of the Burma Arms Manual, 1926.

1303. Arms, ammunition and military stores taken under section 13 of the Act and handed over to the officer-in-charge of the police-station will sometimes be required as exhibits in prosecutions.

In such cases the exhibit number marked on them will be entered in red ink in column 3 of the register of property seized or taken possession of by the Police and of unclaimed property (Police-station Register No. 32). A note of their final disposal will also be made in the Register of Arms, Ammunition and Military Stores received.

SECTION IV.—THEFTS OF GOVERNMENT OR PRIVATE ARMS.

1304. As soon as a loss of arms by theft from British or Native troops occurs a report of the loss will be made by the military authorities, with the least possible delay, to the nearest District Magistrate or District Superintendent of Police. Any person deputed by such Magistrate or officer will be permitted to investigate the case on the spot, in the barracks, camp, or lines in which the theft has occurred and the senior officer or non-commissioned officer present will give the Investigating Officer every possible facility and assistance in the investigation. Similarly, on the occurrence of a theft of arms from the Military Police, immediate intimation of the theft will be sent to the District Magistrate or District Superintendent of Police so that the matter may be at once investigated. The loss of arms from the Civil Police will be forthwith reported to the District Superintendent of Police (and by him to the District Magistrate) and the senior Police Officer present at the time of the theft will at once hold a full investigation and forward his report to the District Superintendent. In all investigations into the theft of arms, whether from the Military Police or from private persons, care will be taken that all distinguishing marks and numbers on the arms stolen are duly recorded.

CHAPTER LVIII.

Inspections.

FILES OF INSPECTION NOTES—REGISTER NO. 3.

1305. Inspection notes will be written half-margin in English, a copy in Burmese, also in half-margin, being prepared at the same time.

A duplicate of the notes in English of Subdivisional Police Officers and Circle Inspectors of Police will be taken by means of carbon paper and forwarded to the District Superintendent of Police for information and orders.

Similarly a duplicate copy of the notes of the District Superintendent of Police in English will be made out to enable his office to take any action necessary.

Inspection notes of gazetted officers including Deputy Commissioners or officers in the Commission of higher rank will be filed together. A separate file will be maintained for the notes of Circle Inspectors of Police.

Notes of action taken by the Police-Station Officer to comply with orders issued in inspection notes will be made by him, or under his direction by the Station Writer, in the blank inner margin. Such action will not be unduly delayed and will normally be complete within a month of the receipt of the inspection notes.

Officers inspecting police-stations will first of all examine the latest inspection notes of superior officers and themselves and satisfy themselves that all action enjoined in them has been properly taken.

1306. Inspections may be exhaustive and formal or partial and informal. In both cases inspection notes will be written.

A brief visit to a police-station will not be considered as an inspection and the only record necessary in such cases is an entry in the General Diary signed and dated by the officer making it.

CHAPTER LIX.

Prosecutions and Conduct of Cases in Court.

1307. In simple and unimportant cases no prosecutor is necessary. The charge sheet gives all the information that is required by the Magistrate as to the nature of the case and the sequence of the evidence and no prosecutor is required to state or conduct the case. It is of the utmost importance that all Magistrates should realise that in every case, whether a prosecutor is present or not, it is their duty to do all in their power to ascertain the truth.

1308. In serious cases, when the District Magistrate is of opinion that the assistance of special Counsel is necessary to conduct the prosecution either before a Magistrate or in the Sessions Court, the previous orders of Government will be taken.

No Police Officer may retain the services of Counsel at the expense of Government without the sanction of Government, which will be obtained through the District Magistrate.

1309. In important cases, an officer of the police-station sending up the case, who is acquainted with the facts of the investigation as set forth in the case diaries, may be deputed to attend the Court. He may give such information as may be required or draw attention to any fact which may have been overlooked, but he may not examine or cross-examine witnesses nor address the Court without first obtaining permission to do so.

1310. Prosecuting Inspectors of Police and Sub-Inspectors of Police will not be employed on ministerial duties in connection with the Court. They will not accompany Magistrates on tour, nor be regarded in any way as the personal orderly officers of Magistrates.

1311. If it appears desirable or necessary to the successful prosecution of offenders in a case exclusively triable by the Court of Sessions that one or more persons accused of the offence be admitted as an approver to give evidence for the prosecution, the District Superintendent of Police, or an Assistant or Deputy Superintendent, will make application to the District Magistrate or other officer under section 337, Criminal Procedure Code, for the grant of a pardon under the terms mentioned in that section.

1312. A Police Officer wearing a helmet or hat in a Court will, while the Judge or Magistrate is present, remove it except when he is on duty under arms with a party or escort inside the Court.

1313. When in the course of business a gazetted officer requires a copy of the whole or part of the record of a criminal case, application will be made to the District Magistrate for the files, and on receipt of them the copies will be made in the police-office.

A Police Officer attending Court on duty will interpret, if asked to do so, without fee ; but a Police Officer specially called as an interpreter is permitted, with the sanction of the Inspector-General, to draw the fee allowed by the Court.

1314. A Sub-Inspector or Inspector, who is also a Public Prosecutor under section 492, Criminal Procedure Code, is not, for the purposes of applying for revision or retrial, permitted to obtain the record of any Magistrate on his own initiative, nor will he apply for copies of the proceedings as if he were a private person. If he considers that the finding in any case is open to criticism he will represent the matter to his gazetted superior, who may take action as he thinks fit.

There is no objection to the District Superintendent forwarding to the District Magistrate, in original, the application of his subordinate, but such application will invariably be accompanied by an expression of the District Superintendent's own opinion.

A District Superintendent may ask for appeals against acquittals or may move for further enquiries in cases decided by the District Magistrate or any other Magistrate, and such applications will be made through the Deputy Commissioner and Commissioner to Government.

All ranks of Police Officers, who have been appointed Public Prosecutors, may, under section 493, Criminal Procedure Code, without written orders, appear and plead in any Court in which any case of which they have charge is under enquiry, trial or appeal.

1315. When the accused are brought to Court, they will, at once be placed in the dock, if there is one. If there is no dock, one or more Constables of the escort will remain standing by the prisoners. The Prosecuting Inspector or Sub-Inspector will assume charge of the prisoners, and those of the police party who are not required as dock sentries will be allowed to withdraw.

1316. When a prisoner is before a Court either on trial or as a witness, handcuffs will be removed unless the prosecuting police officer or where there is no prosecuting police officer the senior police officer in charge of the case is of opinion, after consulting the police officer in charge of the prisoner, that there is a reasonable expectation that the prisoner will use violence, or that an attempt will be made to rescue him.

When a prisoner is brought to Court in leg-irons the leg-irons will not be removed.

1317. When a Police Officer who has been engaged in the investigation into the offence with respect to which the accused is being prosecuted attends the Court, his functions will be confined to his examination as a witness and to the suggestion of questions to be put by the prosecuting officer.

1318. When one of the officers who brought the accused from the place of investigation or the police-station to the Court is a witness in the case, he will not be present in the Court while the enquiry or trial is proceeding, but will wait outside till he is called. Otherwise, the Magistrate may object to recording his evidence on the ground that he has heard all that the other witnesses have said, and will naturally adapt the details of his narrative to theirs.

1319. Exhibits in criminal cases will pass through as few hands as possible, and care will be taken that there is a complete chain of evidence to connect the article before the Court with the article found at the investigation.

1320. The Police Officers who are entrusted with the charge of a dead body sent to a Medical Officer for examination will be present at the Court when the Medical Officer's testimony as to the result of that examination is given, in order that the identity of the body examined with the body to which the criminal case relates may be established if necessary. Villagers who know the deceased and made over the body to the Police will be called, if necessary, to complete the chain of evidence.

1321. Maps of scenes of crime prepared by Police Officers for the use of Courts will contain those details only which the Police Officer has observed himself, and will exclude all details of which he has become aware through the statements of witnesses as the latter are inadmissible in evidence under section 162, Criminal Procedure Code.

In exceptional cases where a map accurately drawn to scale or a map in which details derived from the statements of witnesses is required, the services of a qualified surveyor will be engaged to prepare it. Where such qualified surveyor is unobtainable, the Deputy Commissioner may, by special order in each case, depute a Revenue Surveyor to prepare the map.

There is no objection to a Police Officer entering details derived from the statements of witnesses in any map which he prepares solely for the use of the Court Prosecutor but he will clearly understand that such maps are inadmissible in evidence.

In all maps the relevant positions of buildings, etc., will be marked and the approximate distances given either on the map or by means of a scale.

The orders regarding the preparation of maps or plans by outside plan drawers and the scale laid down for their payment are as follows :—

(i) The District Superintendent of Police shall be the original sanctioning authority. It is left to his discretion to decide in what cases maps or plans are required. If, however, the District Magistrate wants a map or plan, the District Superintendent of Police will have it prepared.

(ii) Maps or plans shall be prepared only by qualified plan drawers, e.g., retired Revenue Surveyors or Inspectors of Land Records.

(iii) Plan drawers will, in addition to their actual travelling expenses, be paid fees not exceeding Rs. 5 per working day if they possess qualifications equivalent to those of a Revenue Surveyor, and not exceeding Rs. 10 per working day, if they possess qualifications equivalent to those of an Inspector of Land Records.

(iv) The expenditure is debitable to the head "Contingencies—Photographing and Plan drawing."

1322. Measurements will be in *tanungs* or cubits, or feet and yards as may be most convenient.

CHAPTER LX.

The Station Writer and his Registers.

SECTION I.—THE STATION WRITER

1323. The Station Writer acts as clerk, accountant and record-keeper at a police-station.

1324. As clerk of the police-station, the Station Writer will perform the following duties :—

(i) He will receive and open the mail, and if there are outposts subordinate to the police-station, he will forward to

them any orders which concern them. All other papers will be handed to the officer-in-charge of the police-station.

He will prepare all returns called for from the office of the District Superintendent of Police, and, subject to any general or specific instructions issued to him by the officer-in-charge of the police-station, be responsible for attending to all correspondence and for the prompt disposal of pending papers.

(ii) Every morning he will submit all pending papers awaiting execution and reply to the officer-in-charge of the police-station, and at or after morning parade will note the orders of the latter as to the distribution of duties for the day.

(iii) He will write up the General Diary and other station registers for which he is responsible.

(iv) He will act as cattle-pound clerk when the police have charge of cattle-pounds.

1325. As accountant he will be responsible for the correctness of the register of travelling allowance, of the cash balance in hand, and of all accounts for receipts or expenditure rendered to his superiors. He will without fail bring every item of receipt or expenditure promptly and fully to account. If any appropriation of public money to purposes for which it was not intended occurs, or if money shown as expended is not expended or is expended in a different way from that shown, he shall report the matter at once to the officer-in-charge of the police-station. He will not be allowed to shield himself by pleading the orders of a superior officer, but will be held responsible for malversations which would not have been possible if his accounts had accurately represented the facts. He will see that the pay and acquittance rolls are duly signed and returned without delay to the office of the District Superintendent of Police.

1326. As record-keeper he will be responsible that all registers and other records are safely kept in the receptacles provided for the purpose, and that they do not suffer injury from damp, vermin, or other cause. He will periodically sort and prepare for orders the records of the police-station in the manner described in paragraph 1333.

1327. He will teach drill and procedure to the subordinate ranks of the police-station, and read out to them all circular orders.

1328. The Station Writer will invariably be present when prisoners are taken out of the cage.

1329. The Police-station Officer will hold the Station Writer responsible for all the above duties, and will at once bring to the notice of the Circle Inspector any serious dereliction of duty.

SECTION II.—THE STATION REGISTERS.

1330. The following table shows the list of registers and records kept in every police-station, the length of time they are to be preserved in the station, and their ultimate disposal. Those marked with an asterisk (*) are maintained also at outposts. The period mentioned in column 4 of the table begins from the date on which a register is filled up and not from the date on which it is opened :—

No.	Name.	Reference (paras)	Length of time to be preserved in police-station after register has been completely filled up.	Ultimate disposal.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1*	File of Arms Licenses.	1298	...	To be destroyed	To be renewed when a fresh file is required by excerpting the useful information from the old one, which will then be destroyed according to rule.
2*	Register of Arms, Ammunition, and Military Stores received at police-station.	1301	Three years.	Do.	
3*	File of Inspection Notes.	1305	Five years	Do.	
4*	General Diary ...	1338 to 1341	Two years	Do.	General Diaries in Police offices will be destroyed after two complete years.

* Maintained also at outposts.

No.	Name.	Reference (paras.)	Length of time to be retained in police- station after register has been completely filled up.	Ultimate disposal.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
4A	Duty Roster ...	1346	One year	To be des- troyed.	
5	Register of Arrests without Warrant.	1352	Two years	Do.	
6*	Look-up Register ...	1372 to 1374	Do.	Do.	
7	Register of Travel- ling Allowance.	1351	One year	Do.	
8	Check Register of Bills.	1386	Do.	Do.	
9	Daily Cash Book ...	1387	Do.	Do.	
10	General Remittance Receipt File.	1388	Do.	Do.	
11	Return of Arms, Ammunition, and Accoutrements, and Miscella- neous Stores issued by the Police Supply and Clothing Department.	1389 and 1390	Do.	Do.	
12*	Return of Govern- ment Miscella- neous Stores not issued by the Police Supply and Clothing Department.	1392 and 1393	Do.	Do.	
13*	File of Circular Orders (A) and (B).	1395 and 1396	Permanent.		
14	File of Miscella- neous Orders.	1397	One year after receipt of the order.	Do.	

* Maintained also at outposts.

No.	Name.	Reference (paras)	Length of time to be preserved in police- station after register has been completely filled up.	Ultimate disposal.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
15*	File of Letters Issued.†	1400	Three years.	To be destroyed.	
16*	Despatch Book ...	1401	Do.	Do.	
17	Local Despatch Book.	1402	Do.	Do.	
18*	Duplicate copy of the file of buildings in charge of Police.	1403	Permanent record.	...	
19*	Register of Books and Publications Received.	1404	Do.	...	
19A	Special Secret Intelligence File.	1404a	Permanent record	...	
19B	Secret File of Intelligence Reports.	1404b	Do.	...	
20*	First Information Report Book.	1411 to 1422	Two years	To be destroyed.	
21*	Case Diary ...	1423 to 1437	Do.	Do.	Except in cases where an accused person is a gazetted absconder, when the case files will not be destroyed until the absconder has been arrested or for a period of ten years whichever is earlier.
22	List of cases investigated by each Investigating Officer.	1437	One year after completion of entries.†	Do.	
23	Final Report Book	1438 to 1445	Two years	Do.	
24	Charge Sheet ...	1446 to 1450	Do.	Do.	

* Maintained also at outposts

† At outposts a file of "Letters Received" and another of "Letters Issued" will be kept.

No.	Name.	Reference, (paras.)	Length of time to be preserved in Police- station after register has been completely filled up.	Ultimate disposal.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
25	Register of Non-cognizable cases.	1454	One year	To be destroyed.	
26	Register of Stolen Property.	1464 to 1466	Three years.	Do.	
26A	File of Notices of stolen property received from other police-stations in the same district.	1465	Do.	Do.	
26B	File of Notices of stolen property received from police-stations in other districts.	1465	Do.	Do.	
27	Register of Lost Cattle.	1464 to 1466	Do.	Do.	
27A	File of Notices of lost cattle received from other police-stations in the same district.	1465	Do.	Do.	
27B	File of Notices of lost cattle received from police-stations in other districts.	1465	Do.	Do.	
28	File of Accidental Deaths and Suicides.	1504	Three years from date of filling in the form.	Do.	
29	Hue and Cry Indices and Files	1505 to 1509	Permanent	...	The Circle Inspector of Police on receipt of the Police Crime Gazette will compare it with entries in the Hue and Cry Indices and Files.

No.	Name.	Refer- ence (para.)	Length of Time to be preserved in police- station after register has been completely filled up.	Ultimate disposal.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
30*	File of conditional release orders of Convicts whose sentences have been conditionally remitted under section 401, Code of Criminal Procedure.	1521 to 1526	Until one year after the order expires.	To be destroyed.	
31	Register of Finger Prints for Search.	1553 to 1572	Three years	Do.	
32	Register of Property seized or taken possession of by the Police and of unclaimed property.	1596	Two years	Do.	
33*	Surveillance Staff's Note Books.	1609 and 1610	Permanent record.	..	Bound in leather.
34*	Register of Villages in police-station jurisdiction and dates of visits by members of the Surveillance Staff.	1611	Do.	..	
35	File of Surveillance Head Constable's Weekly Diaries.	1624	Two years	To be destroyed.	
36	Crime Index	1628 to 1644	Permanent	...	Confidential.
36A	Village Crime Ledger.	1631	Do	...	Do.
36B	Files of History Sheets.	1645 to 1647 and 1653	Do	To be destroyed only on death of the criminal.	

* Maintained also at outposts.

No.	Name.	Reference, (para.)	Length of time to be preserved in police- station after register has been completely filled up.	Ultimate disposal.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
37	The Crime Register	1654 to 1656	...	...	To be renewed when a fresh volume is required by excerpt- ing the useful information from the old one, which will be preserved in the police-station.
	Map of Villages in Station jurisdic- tion.	1400	Permanent record.	...	
	Enlistment Tickets	1405	To be re- turned to Superin- tendent's office on death, dis- charge, or dejection of a Constable.	To be des- troyed.	
	Clothing Books ...	1155	Do.	Do.	

* Maintained also at outposts.

Note.—Whenever registers are renewed by excerpting useful information from the old registers, the entries in the new register will be verified and initialled at the police-station by the Circle Inspector prior to the destruction of the old register.

1331. The above registers will be referred to by their numbers and labelled :—

1 " Police-Station Register No. "

1332. In stations in large towns, and in certain other places, the following variations will be made in the upkeep of the registers mentioned below for the reasons stated against each :—

Register No. 6.—Not required to be kept up at police-stations in towns where there is a town lock-up.

Register No. 11.—Not required to be kept up at police-stations where the orders for their upkeep do not apply.

Map of Villages.—At town stations a map of the jurisdictions showing the " beats " only will be kept.

Register No. 34.—A plain note book will suffice in town police-stations which have no villages in their jurisdiction.

1333. Station records other than the registers and files mentioned in the table in paragraph 1330 will be disposed of as follows:—

On the 1st of July each year the Station Writer will examine all the records of his police-station and prepare them for orders by sorting out the records due for destruction. He will then tie them up into bundles and label them with the name of the police-station, the period covered by them, and the subject matter of the bundle.

The Station Writer will then report to the office of the District Superintendent of Police that the records of his station are ready for scrutiny and destruction. The District Superintendent of Police or the Subdivisional Police Officer (if any) will, on their next visit to that police-station, personally see that all records of no further use are burnt. All papers to be destroyed will first be torn into fragments, special care being taken that all seals and signatures are effectually destroyed. The fragments will be burnt in the presence of an officer not below the rank of an Inspector.

When visiting police-stations, the District Superintendent of Police or the Subdivisional Police Officer (if any) will, from time to time, destroy all registers and files mentioned in paragraph 1330, that have been retained their allotted length of time in the police-station (including all papers appertaining to them that have already been copied into such registers and files). The Station Writer will be held responsible that such registers and files are correctly placed before the abovementioned officers. When records are destroyed at a police-station, an entry regarding their destruction will be made in the General Diary by the Station-Writer, and will be countersigned by the officer who sanctions their destruction.

1334. A copy of the table of registers and files, a list of villages and hamlets extracted from Register No. 34 together with a copy of the map of the jurisdiction, all in Burmese, will be mounted on card board and hung up in every police-station and outpost.

1335. Record almirahs and other receptacles for the storage of stationery, forms, and registers will be wiped over with earth oil or kerosine oil from time to time so as to keep away insects. Inspecting officers will see that a supply of oil is always available for the purpose and that a new coating is applied as soon as the last has lost its pungency.

1336. The rules as to destruction and preservation of station records, *mutatis mutandis*, apply to outposts.

1337. The registers and files mentioned above will be maintained as laid down elsewhere. Any variation or deviation from these methods is absolutely prohibited.

CHAPTER LXI.

The General Diary and the Duty Roster.

SECTION I.—THE GENERAL DIARY—REGISTER NO. 4.

1338. The General Diary (Form $\frac{\text{Ad. 7}}{\text{Police 36}}$) is the register laid down by section 44, Act V of 1861, and has also been prescribed by Government as the book in which for the purposes of section 155 of the Code of Criminal Procedure, 1898, the substance of information in non-cognizable cases shall be entered.

1339. The General Diary is a record in regular sequence in point of time of all work done at the station or outpost, and of all information received, and as such, it is the most important register in the station or outpost. It will readily be understood therefore that great care and accuracy is essential in its upkeep.

The General Diary will be closed and re-opened at 6 a.m. daily.

1340. The General Diary book contains 100 pages numbered in duplicate each alternate page being perforated on the inner side. Entries will be made in pencil, duplicate copies of such entries being obtained by the use of carbon paper. Each entry will be signed by the officer who wrote it but if an entry is made under the direction of another officer, the officer directing the entry will also sign it. As a rule, however, all entries, as far as possible, will be made by the officer-in-charge himself. On the diary for the day being closed, the officer-in-charge of the police-station or outpost will sign a brief certificate to the effect that he has perused all entries. The carbon copy will be torn out of the book, enclosed in an envelope and addressed to the

District Superintendent of Police through the Subdivisional Police Officer, if any. The diary will be posted daily whether a mail is despatched daily or not.

1341. For ready reference all entries relating to important events such as the reporting of cases, the checking of property, the holding of kit inspection on the 1st and 16th of the month, the daily examination of the cage and treasure vault, etc., will be marked with a cross in the margin. When cognizable cases are reported the first information report number and section, and when non-cognizable cases are reported, the section only will be noted in the margin. This enables superior officers to ascertain at a glance what has happened at a particular police-station or outpost without having to wade through a mass of routine entries.

Every occurrence which should find a place in the General Diary will be entered immediately information concerning it reaches the officer-in-charge of the station or outpost. If it be proved that the officer-in-charge has done any official act which he has not inserted and truly stated in this diary, or that any occurrences have been wilfully omitted, he will be punished by dismissal from office or such other penalty as the circumstances of the case may require. Should nothing of importance occur at or be communicated to a police station or outpost, an entry to that effect will be made when closing the diary for the day.

1342. The collection and communication of intelligence on all matters affecting the public peace is one of the principal duties of the police, and the zeal with which this duty is performed by an officer-in-charge of a police-station or outpost will generally appear from his General Diaries.

Entries in the General Diary do not obviate the necessity of making separate reports of all occurrences of special importance to the officers to whom such occurrences are ordinarily reported.

1343. The first entry every day will show the total number of each rank sanctioned, the number present and the number absent.

Details of the duties on which they are engaged will be shown in Register 4A.

1344. Where a guard is mounted the following tabular statement will be entered in the General Diary :—

Guard Commander—A.

Sentry.	Hour.	Signature of Guard Commander.	Hour.	Signature of Guard Commander.	Hour.	Signature of Guard Commander.	Hour.	Signature of Guard Commander.
B	8—10		2—4		8—10		2—4	
C	10—12		4—6		10—12		4—6	
D	12—2		6—8		12—2		6—8	

The Guard Commander will sign the statement when each sentry is posted. If for any reason a sentry is unable to take his turn of duty an entry explaining the reason will be made in the General Diary.

1345. The following is a list, by no means exhaustive of some of the principal items of information which require entry in the General Diary. They will be recorded in as concise a manner as is compatible with clearness:—

(i) The hours of morning and evening parade if held, and the number of men present.

(ii) An abstract of the reports of the surveillance staff. These reports will be entered immediately on the return of a member of the surveillance staff to the police-station.

(iii) *Non-cognizable Offences.*—The substance of all non-cognizable informations, with the names of informants and their addresses.

(iv) *Cognizable Offences.*—References to the numbers of first information reports regarding the informations laid, and the arrests or releases of persons, the seizure of weapons, or property, and the examination of witnesses at the police-station or outpost. It is not necessary to enter in the General Diary, details which are already given in the First Information Register or Case Diaries.

(v) Particulars concerning the occurrence of large fires, inundations, storms, railway, or other serious accidents.

(vi) The passage through or gathering together within the limits of the station or outpost jurisdiction of large bodies of people.

(vii) The attendance of, and information given by, village police.

- (viii) The arrival and despatch of prisoners.
- (ix) The receipt and disbursement or transmission of cash.
- (x) Particulars of taking and making over charge of stations or outposts. The entry will be signed by both the relieving and relieved officers.
- (xi) The departure or arrival of Police Officers whether on duty or on leave.
- (xii) The transfers and new arrival of officers and men.
- (xiii) Misconduct or instances of meritorious behaviour on the part of subordinates.
- (xiv) The daily examination of the cage.
- (xv) The daily examination of the treasure vault.
- (xvi) In towns and at police posts where necessary the name of the Police-Officer detailed for night duty.
- (xvii) The inspection of arms, ammunition, kits and all property in the police-station on the 1st and 16th of each month.
- (xviii) Entries into and discharges from hospital.
- (xix) The payment of witnesses' fees under paragraph 1686 and of fees to village escorts over prisoners.

The District Magistrate is authorized by law to call for and inspect the General Diary (Act V of 1861, section 44).

The Station Writer will be careful to report to the District Superintendent of Police, at least a month before the General Diary book is likely to be filled up in order that a fresh book may be furnished without delay.

SECTION II.—DUTY ROSTER—REGISTER NO. 4A.

1346. In all police-stations and outposts a nominal roll in order of seniority in Form Ad. 81 will be kept up. The names of Sub-Inspectors of Police, Station Writers and Head Constables will be entered on a separate page from that on which the names of Lance Head Constables and Constables are entered.

This subsidiary register will be considered as part of the General Diary and each column will be signed at the foot by the officer making the entries.

Register 4A will be maintained as follows :—

(1) Each man will be given two lines. On the top line will be shown the day time duty, *i.e.*, between 6 a.m. and 6 p.m. and on the bottom line the night time duty, *i.e.*, between 6 p.m. and 6 a.m.

(2) The Station Writer will use the roster to call the morning and evening roll and to assign duties.

(3) Unless a man is to be assigned special duties for which (*vide* clause 9) special letters are used, his presence at the roll call will be shown by a (✓).

(4) Absence from roll call, if without leave, will be shown by inserting the letter "A" or "a".

(5) Absence from roll call, if the man is sick in hospital, will be shown by inserting the letter "H" or "h".

(6) Absence from roll call, if the man is sick in the lines, will be shown by inserting the letter "S" or "s".

(7) Absence from roll call on short leave will be shown by inserting the letter "L" or "l".

For men on long leave no daily entries will be made, the words "on leave" being written opposite their names.

(8) Absence from roll call owing to the man being away on duty will be shown as follows :—

(a) The serial number of the General Diary entry of his departure will be entered in the space for the first roll call after his departure.

(b) A dash will be entered in the spaces for all roll calls from which he is absent.

(c) The serial number of the General Diary entry of his return to the police-station will be entered in the space for the first roll call at which he is present.

(9) The following letters will be used to show various kinds of duty to which officers are assigned at roll calls and will be used instead of a (✓) :—

R or r Road sentry duty. This includes duty at steamer ghats, railway-stations, Court escorts, Court Guards, point duty at *pwas* and festivals and duties of a similar nature.

G or g Guard duty as guard commander or sentry. Escorts moving prisoners or treasure, and guards at hospitals which have to mount sentries at night will be treated and marked as on guard duty for the nights on which sentries have to be mounted.

N or n Night patrols on foot or by boat.

(10) At the end of each month the monthly totals of the duties described above in clause 9 will be entered in columns 4, 5 and 6 of the form and the total number of

nights a man has slept outside his police-station headquarters will be entered in column 7. The letter "T" or "၈" at the head of column 7 denotes Tour.

(11) At the end of each day the number of men sent out on night patrols will be totalled at the bottom of the page.

(12) This register enables inspecting officers to see at a glance how every man in the police-station has been employed during the month and gives them the opportunity of checking whether or not duties have been fairly and impartially allotted.

As, however, Indian Constables are rarely employed on touring duties, the serving of summons, etc., it is obvious that there will appear some disparity between them and Burman officers in the amount of routine duty performed.

CHAPTER LXII.

Remand, Arrest, and Confinement of Prisoners.

SECTION I.—REMANDS.

1347. Under section 167, Code of Criminal Procedure, if an accused person is arrested and the investigation cannot be completed within 24 hours, the officer-in-charge of the police-station shall send the accused to the nearest Magistrate, and, if necessary, ask for a remand. The application will be made on Form ^{Crime 14} Police 32 and will be accompanied by Case Diaries in the case up to the date on which the remand is applied for. The application will be retained by the Magistrate who will give the police in lieu a magisterial form (Criminal Form No. 71) on which he will pass his orders. The Magistrate will also note on the back of the last Case Diary the fact of his having granted a remand and the date up to which the remand has been granted.

1348. The Magistrate's order (Criminal Form No. 71) will be kept and filed by the police as their authority for detaining the accused. The remand order will, on expiry of the term of remand, or when the prisoner is released, be returned by the police to the Magistrate who issued it, with an endorsement by the police showing how the order has

been carried out. In cases where the accused is sent for trial the remand order will be attached to the police records sent with the accused to the Magistrate having jurisdiction.

1349. When asking for a remand, it is not necessary to send up the complainant, or any witnesses, nor is it necessary, before granting a remand, for the Magistrate to take any evidence. It is only necessary for the officer-in-charge of the police-station to submit "all the Case Diaries in the case up to the date on which the remand is applied for, which would show the ground for the application". The Magistrate, if satisfied with these grounds, may order the remand. No remand, however, may be made under section 167 until the accused has been brought before a Magistrate and has had the opportunity of showing cause against the accusation.

1350. The diary referred to in the preceding paragraph is the Case Diary, which is a confidential paper. In order that the contents of the diary may not be disclosed to the detriment of the investigation, the copy of it sent with the application for remand will be handed to the Magistrate by the Police Officer who produces the accused before him. The copy will be handed to the Magistrate in person and not to a clerk; and after passing orders the Magistrate will return the papers to the officer who brought them.

1351. Remands are granted under section 167, Code of Criminal Procedure, to enable the police to complete the investigation. The police will not apply for remands on the ground that the witnesses are not present. As soon as the investigation is completed, the police will produce the accused before the Magistrate, who will grant an adjournment of the trial under section 344, Code of Criminal Procedure, if he is unable to take up the case owing to the absence of witnesses or any other reasonable cause. The remand will ordinarily be to the lock-up where the Court is situated, unless there is a jail at such place, when the remand will be to the jail. Regarding remands of accused persons who have made confessions or who have offered to make confessions and subsequently refused to do so—see paragraph 1699. Detention in an outlying police-station or outpost or any other place will not be authorized except in cases of real necessity, as for instance, where there is reason to believe that the accused can point out stolen property or

materially assist in elucidating a case or bringing other offenders to justice. In every case the place in which the accused is to be confined will be specified in the Magistrate's order and warrant. It is the duty of the police, on the expiry of the term of remand, to produce the accused, together with the remand warrant before a Magistrate who has jurisdiction.

SECTION II.—REGISTER OF ARRESTS WITHOUT WARRANT
—REGISTER NO. 5.

1352. Every arrest made without warrant shall be reported at once in Form $\frac{\text{Crime } 9}{\text{Police } 33}$ to the District Magistrate or, if he so directs, to the Subdivisional Magistrate. The object of section 62, Code of Criminal Procedure, is to place upon the District Magistrate or, if he so directs, the Subdivisional Magistrate the responsibility for seeing that arrests are not made improperly and that accused persons are not confined without authority. The report will be filed by the District Magistrate or Subdivisional Magistrate, as the case may be.

In the space for remarks, the only entry required to be made is in cases where an accused is released on bail at once. Attention is drawn to section 59 of the Criminal Procedure Code. In the event of an arrest being made by a persons other than a Police Officer, the date and hour of the first arrest and the name of the person who made the arrest, as well as the date, hour of the re-arrest and the name and rank of officer making the re-arrest will be entered in columns 2, 3 and 4 of the lower half of the form.

SECTION III.—THE DETENTION OF PERSONS ARRESTED.

1353. A person arrested without warrant may not be detained for more than 24 hours without being taken before a Magistrate (section 61, Criminal Procedure Code) except by the officer-in-charge of a police-station to which the provisions of section V of the Schedule to the Burma (Frontier Districts) Criminal Justice Regulations, 1925, have been applied. A person arrested under a warrant must be taken before a Magistrate "without unnecessary delay" (section 81, Criminal Procedure Code).

1354. If the offence for which the arrest has been made is bailable, the person arrested may at once claim to be

released on bail. If the offence is non-bailable but not punishable with death or transportation for life, the officer-in-charge of the police-station may, if he thinks fit, release the prisoners on bail. If the Police Officer who made the arrest has not authority to accept bail, he will at once take the prisoner to the nearest police-station (sections 60 and 496, Criminal Procedure Code).

1355. In the case of a person arrested on warrant, the Police Officer to whom the warrant is directed or endorsed may take the bail (if any) prescribed by the warrant (sections 496, 76 and 79, Criminal Procedure Code).

1356. Any Police Officer making an arrest, not being an investigating officer, will at once take the person arrested to the officer-in-charge of the police-station who will take action as laid down in the preceding paragraphs.

1357. Except to obtain a remand or in cases where prisoners are transferred by order of the Inspector-General of Prisons or Government, no accused or convicted person will be taken in custody from one district to another or from one province to another, except under the written order or warrant of the Magistrate or other lawful authority directing such transfer.

1358. Such order of transfer will contain—

- (i) the name of the person sent in custody ;
- (ii) the places from and to which such person is to be taken ;
- (iii) to whom such person is to be made over at his destination ;
- (iv) the rate of diet per diem ;
- (v) a statement of the mode of transit to be adopted ;
- (vi) particulars as to any property sent with such persons ;
- (vii) the law under which the order is made ; and
- (viii) the signature of the officer making the order or carrying out the order of higher authority.

1359. The practice of arresting a person suspected of having committed a non-bailable offence in another district, and of forwarding him under escort to that district, without first ascertaining whether he is really "wanted", is fraught with much hardship to the person so arrested and forwarded if, on arrival at his destination, it is eventually found (as is

very often the case) that there is nothing whatever against him. He is released in a practically penniless condition at a place far distant from his home, and it is possible that, in order to obtain the necessary means to pay his expenses back to his home, he may be forced to commit an offence against property. In order to avoid the risk of forwarding the wrong person and to mitigate as far as possible the hardships entailed on an accused person so forwarded, the following rules are laid down and will be strictly adhered to:—

(1) On the arrest of a person suspected of having committed an offence in another district, the officer-in-charge of the station, Subdivisional Police Officer, if any, or District Superintendent of Police, will (if within touch of a telegraph office) at once communicate by telegram with the District Superintendent of Police of the district in which the person arrested is suspected of having committed the offence, informing him of the arrest, and asking him to telegraph whether the accused is "wanted" by him or not; the fullest details possible will be given in the telegram.

(2) On receipt of such telegram, the District Superintendent of Police will at once cause the necessary enquiries to be made and will—

(a) if such enquiries can be completed within 48 hours reply by telegram to the officer who originally communicated with him asking that the accused be either forwarded or released as the case may be; or

(b) if such enquiries cannot, owing to distance or other causes, be completed within 48 hours, will telegraph back asking that the accused be released on bail pending further communication.

(3) On receipt of a reply such as is described in the immediately preceding sub-clause, the arresting authorities, if they have the power to do so, will release the accused on bail, the bail accepted being of course commensurate with the gravity of the offence with which the suspect is charged. Failure to furnish bail will necessitate detention in custody.

(4) On receipt of the further communication referred to in clause 2 (b), should the accused be "wanted" he will be re-arrested at once, if on bail, and forwarded together with all the papers in connection with his case. Should he not be "wanted", he will be allowed to go, and his bail bonds will be forwarded to a Magistrate for discharge (section 173, Criminal Procedure Code).

(5) If after transfer of the accused to the district in which he is "wanted" the case against him be classified as "mistaken" or "false", subsistence allowance at a rate not exceeding annas eight per diem and his travelling expenses for his return journey to his home will be paid to him.

1360. Accused persons sent for trial or transferred from one place to another in custody will, as far as possible, be despatched by train, steamer, or bus.

✓ 1361. Any corrupt or malicious detention of a person in custody is, contrary to law and is punishable with imprisonment or fine under sections 220 and 342, Penal Code.

1362. The Judges of the High Court are empowered to inspect all places in which prisoners are confined in police custody for the purpose of ascertaining that such persons are in legal custody.

SECTION IV.—SEARCHING THE PERSON.

1363. Directly a person is arrested on a charge of having committed a non-bailable offence, he will be thoroughly searched. Whenever possible, this search will be conducted in the presence of two witnesses not connected with the Police. Whenever such witnesses cannot be procured, the fact will be stated in the Case Diary.

1364. Female searchers will be employed in searching women, and the search will be made with strict regard to decency (section 52, Criminal Procedure Code).

1365. If the offence is bailable, but the prisoner cannot furnish bail, the procedure will be the same as if the offence were non-bailable.

1366. All property found on the person searched (not being necessary wearing apparel) will be taken from the prisoner, and after being carefully marked and labelled so that its identity is a matter of certainty, will be placed in the exhibit-box. An abstract list of the property will be entered in the General Diary and a detailed list in Register No. 32. The orders of the Magistrate under section 523, Criminal Procedure Code, will then be obtained (paragraph 1507).

SECTION V.—CONFINEMENT OF PRISONERS.

1367. On arrival at the police-station the prisoner, if not released on bail, will, after being searched, immediately be confined in the lock-up. On no account will he be allowed to remain at large in any part of the building. No prisoner will be permitted to leave the lock-up after night-fall, except under special and emergent circumstances. Wounded or sick prisoners will, whenever possible, be sent for treatment to the Jail hospital and not to the Civil hospital, a warrant for this purpose being obtained from a competent Magistrate.

1368. The following rules are prescribed for the treatment of female undertial prisoners in Police custody :—

(1) A woman arrested by the Police will be released on bail, with or without sureties, in all cases in which the law permits it, unless there is reason to suppose that she will abscond and she cannot find sureties.

(2) If a female prisoner is not released on bail she will be sent, whenever practicable, to the nearest jail where there are suitable arrangements for her accommodation.

(3) If not sent to a jail, a female prisoner will, if any married Constable is willing to receive her in his house, be detained there instead of being confined in a lock-up. The remuneration to be paid to the Constable undertaking the charge of a female prisoner in such cases will not exceed Re. 1 per day for every day or part of a day during which she is detained, without food.

(4) If no married Constable is willing to receive a female prisoner, she will be confined in the lock-up. In that case—

(a) she will always be confined in a separate cell apart from the male prisoners; and if there is no separate cell and the only cell is occupied by a male prisoner, she will be kept outside the cell;

(b) arrangements will be made by a screen or otherwise to ensure privacy;

(c) proper arrangements will be made in the way of latrine accommodation;

(d) if there are no other female prisoners in the lock-up, two respectable elderly women will be engaged at a fee not exceeding Re. 1

per day for every day or part of a day during which the prisoner is confined in the lock-up, to stay and sleep in the police-station.

1369. Expenses incurred under rules 3 and 4 (d) of the above rules will be debited to the head "23A. Jails (Lock-ups)—d. Charges for Police Custody (Diet, Conveyance and Custody of Undertrial Prisoners)—(2) Diet and Other Charges".

1370. Persons confined in the lock-up of a police-station or in course of transit (in custody) to a Magistrate's Court, will be properly fed and looked after, and allowed to perform their daily ablutions. They will not be subjected to more restraint than is necessary to prevent their escape (section 50, Criminal Procedure Code). Persons who are kept for several days in a lock-up under a remand order will be taken out for air and exercise daily. The most suitable time to exercise prisoners is at the hour of guard changing when both the relieved and relieving guard can be employed.

1371. The Station Writer is responsible that fresh water is placed in the cage every morning and any stale water removed; that the cage is clean; that conservancy buckets are kept and properly looked after; and that there is a liberal supply of disinfecting fluid or powder (paragraph 1196).

SECTION VI.—LOCK-UP REGISTER—REGISTER No. 6.

1372. The Lock-up Register (Form ^{Crime 42}/_{Police 63}) is a record of admissions to, and departures from, the lock-up, of accused persons in the custody of the police.

It is not designed to act as a record of all the movements of a prisoner whilst in the custody of the police, information of which can be obtained from the police records in the case.

An abstract list of prisoners in the cage each day will be prepared from this register and hung up on the door of the cage.

1373. Entries in columns 1 to 10 of the register will be made at the time the event noted actually occurred and not at the end of the day. Entries in column 10 will be as brief as possible; details are not required. When a prisoner leaves the lock-up the number of meals supplied to him will be entered in column 11. If a prisoner is not dieted a note to that effect will be made in the "Remarks" column.

1374. The entries for each month will begin on the 16th of the month, and end on the evening of the 15th of the month following. The name of an accused person who does not leave the lock-up will not be written afresh every day that he is in the lock-up. Only on the 16th of each month, will a fresh page be opened and the names of all accused present on that day be copied into the fresh page.

1375. Monthly dieting bills begin on the 16th of a month and end on the evening of the 15th of the month following.

As soon as possible after the entries in the register have been closed for the month (paragraph 568), the dieting account in column 11 will be calculated, the amount clearly entered in the space set apart for the purpose at the foot of the form, and the monthly dieting bill made out.

The officer-in-charge of the police-station, having checked the entries, will make out a voucher on Form ^{Ad. 60} Police 28 in duplicate showing the number of meals supplied, the rate per meal, and the total amount of the bill, and will forward them to the District Superintendent of Police for counter-signature.

The District Superintendent of Police or, in his absence, the Headquarters Assistant will check, countersign and return the vouchers not exceeding Rs. 25 to the station for payment, one voucher being stamped "cancelled". After payment the contractor will receipt the non-cancelled voucher which will be returned to the District Superintendent of Police along with bills for other contingent charges for recoupment.

The "cancelled" voucher will be kept in the police-station until it is next inspected when the amount entered in it will be compared with the amount entered on Form ^{Case 42} Police 63, the entries in this register being carefully checked. The voucher will then be destroyed, the inspecting officer certifying in the register that it was destroyed by him after check.

The payee's signature will also be taken in this register when the amount is paid.

In the case of bills exceeding Rs. 25 the following procedure will be observed :—

In these cases also the officer in charge of the police station will prepare a voucher on Form ^{Ad. 60} Police 28 in duplicate ; but before submitting it to the District Superintendent of Police he will obtain the signature of the payee in both

copies of the voucher (without a stamp) in the space above "Signature of Contractor" at the bottom of the voucher and attest the signature himself.

On receipt of the voucher the District Superintendent of Police or, in his absence, the Headquarters Assistant will countersign it after exercising the necessary check, and prepare a contingent bill attaching thereto the original copy of the voucher. The contingent bill will then be presented at the Headquarters Treasury for endorsement for payment at the Sub-Treasury concerned.

In the meantime the District Superintendent of Police will send an intimation to the Sub-Treasury Officer concerned (by name) stating the description and amount of the bill, and the name of the payee.

On receipt of the contingent bill from the Treasury the District Superintendent of Police will transmit it, together with the duplicate copy of the voucher stamped "cancelled" to the officer-in-charge of the police station who will, after obtaining the signature of the payee in the Lock-up Register, hand over the bill to the latter for presentation at the Sub-Treasury for payment.

The "cancelled" copy of the voucher will be kept in the police station till it is next inspected, as in the case of vouchers for amounts not exceeding Rs. 25.

1376. The Police will pay for the dieting of the accused from the permanent advance supplied them for this purpose.

SECTION VII.—MISCELLANEOUS INSTRUCTIONS.

1377. Whenever any escort over prisoners passes a police-station, the fact will be entered in the General Diary of the station. It will be mentioned whether the prisoners were fed, and, if so, what food was given them and in whose presence. In this way it is possible to check complaints of failing to give food to persons on their way to Court. When it is found necessary to send off prisoners in the morning before the usual breakfast hour, the food contractor will be warned the night previous to supply a meal early in the morning, which can be taken either before starting or partaken of *en route*. Similarly, when prisoners are brought to a police-station after the usual dinner hour, and it is found that they have not been supplied with food, food will invariably be supplied. In some cases short marches and proper rests are necessary, and sometimes prisoners in a weak state of health need to be provided with carriage.

If a newly sentenced prisoner, who is made over to the custody of the Police for escort to a jail, appears to be unfit to travel on account of illness, he will not be allowed to travel until a Medical Officer certifies that he is fit to do so.

- A report will be made to the sentencing Magistrate when a prisoner is detained in such circumstances.

1378. When Magistrates are in camp, prisoners on trial before them will not be moved about from one camping place to another. Each prisoner will be sent to either the nearest lock-up or the police-station where the case will again be brought forward. The officer-in-charge of prisoners in camp will see that proper arrangements are made under the Magistrate's orders for the diet of the prisoners, for their protection from inclement weather, and for their conveyance to the nearest lock-up.

1379. When an order is obtained for the detention of a prisoner in Police custody, the prisoner will, whenever possible, be confined in a police-station lock-up and not in a private house or in any building not designed for the custody of prisoners.

NOTE—In large towns prison vans will be provided for the conveyance of the prisoners from the jail or lock-up to Courts and vice versa. In the rainy districts water proof capes or kamarks will be provided to protect prisoners from inclement weather.

1380. Section 29 of the Police Act provides that any Police Officer who shall offer unwarrantable personal violence to any person in his custody shall be liable, on conviction before a Magistrate, to three months' imprisonment, or to fine, or to both; or alternatively to prosecution under the Penal Code. Apart from his criminal liability, the maltreatment of defenceless prisoners is a dishonourable act which cannot in any way be extenuated and will ordinarily be punished with dismissal, whatever the rank or antecedents of the culprit. Police Officers of all ranks will exert themselves to prevent the good name of the force being sullied by the faintest show of harshness or violence in the treatment of persons in custody.

1381. When any person dies while in the custody of the Police, the officer-in-charge of the guard, escort or police station, as the case may be, will make an immediate report of the fact to the nearest Magistrate empowered to hold inquests (section 176, Criminal Procedure Code).

SECTION VIII.—HANDCUFFING.

1382. The following rules are laid down regarding handcuffing and ironing of prisoners, and officers are particularly enjoined to see that handcuffs and irons are not used except when such use is specially permitted by these rules and is really necessary :—

I. No person arrested by a Police Officer on a charge of having committed a bailable offence will be handcuffed unless for some special reason it is believed that he is likely to escape, or to offer violence.

II. No person arrested on a charge of having committed a non-bailable offence will be handcuffed if, from his known antecedents, his respectable position in life and settled occupation, it is improbable that he will attempt to escape or offer violence.

III. No person will be handcuffed who, by reason of age, sex or infirmity, can be securely kept in custody without handcuffs.

IV. A person known to be refractory, violent or dangerous will be handcuffed and chained to his bed while under treatment in Civil Hospital unless the Medical Officer in charge has declared in writing that to the best of his belief it is unnecessary on medical grounds to do so.

V. No prisoner under trial will be handcuffed while he is being escorted to and from the Court by the Police, unless there is a reasonable expectation that he will use violence, or an attempt to escape, or that an attempt will be made to rescue him.

VI. Subject to the general provisions of rules II, III, IV and V handcuffs will be used in the following cases :—

(i) In the case of any person accused of—

(a) offences relating to coin (sections 231 to 254, Penal Code);

(b) murder or culpable homicide (sections 302 to 304, Penal Code);

(c) attempt to commit murder or culpable homicide (sections 307 and 308, Penal Code);

(d) robbery (section 392, Penal Code);

(e) dacoity (section 395, Penal Code);

(f) any other offence classed as "important crime";

(g) house-breaking.

(ii) In the case of any person who has been arrested under section 55, clause (c), Criminal Procedure Code, as being an habitual robber, house-breaker or thief or receiver of stolen property.

VII. When handcuffs may legitimately be used under these rules they will be put on as soon as possible after the arrest is made, and not removed until the person arrested has been placed in a secure lock-up. Before the prisoner is taken out of the lock-up, the handcuffs will be put on again and will not be taken off until he is once more in a safe place of confinement, or until a Magistrate orders their removal.

VIII. Leg-irons as well as handcuffs will be put on all offenders who are believed to be desperate, either from their previous history, or from the character of the offence for which they have been arrested, but no prisoners will appear in Court either on trial or as a witness in fetters except when they are dangerous characters and the permission of the Court has been obtained.

NOTE — In With regard to the further securing of prisoners on the march, see paragraph 1202 and Section VI of Chapter LII. With regard to the removal of handcuffs in Court, see paragraph 1316.

In Civil-prisoners will not be handcuffed, rule paragraph 418, Burma Police Manual, Volume I.

CHAPTER LXIII.

Police Station Accounts.

SECTION I.—THE REGISTER OF TRAVELLING ALLOWANCE— REGISTER NO. 7.

1383. The Register of Travelling Allowance (Form Police 20) will be maintained in two parts :—

Part I.—Travelling Allowance of the Station Writers, Head Constables and Constables paid out of the Police-Station Permanent Advance.

This includes the Travelling Allowance and fares of officers of and below the rank of Station Writer employed on escort duty over prisoners, treasure, etc., conveying exhibits or letters, the serving of summons, or duties of a like nature, in which it is possible to forecast the route and the duration of the journey, but does not ordinarily include the Travelling Allowance of officers engaged in investigating or surveillance duty.

Part II.—Travelling Allowance of Sub-Inspectors and men not paid out of the Police-Station Advance.

This includes the Travelling Allowance and fares of Sub-Inspectors, who are not entitled to advances of Travelling Allowance, and the Travelling Allowance and fares of Station Writers, Head Constables and Constables engaged on duties (e.g., investigation and surveillance) which do not permit of an accurate forecast of the route to be taken, or the duration of the journey.

Station Writers, Head Constables, and Constables, when travelling on duty, will be provided with a Command Certificate (Form ^{Ad. 37} Police 26). The actual cost of their steamer, railway or other fare and estimated Daily Allowance for the entire journey will be advanced to them from the Police-Station Permanent Advance. Such advances will be entered immediately in the Police-Station Cash Book Register No. 9 (Form ^{Ad. 38C} Police) and the payee's signature taken against the entry. No receipt stamp need be affixed even for sums exceeding Rs. 20 as the signatures are taken merely as a token of the receipt of the money by the officer concerned, pending final adjustment by a regular bill. As each payment is made it will be noted in the General Diary, and the General Diary item number will be noted against the payment in column 2 of the payments side of the Cash Book.

In the case of officers of and below the rank of Head Constable employed on investigating or surveillance duty, a Command Certificate will be given to them specifying the duty on which they are proceeding but without any note of the destination (which can rarely be known). Sub-Inspectors will check the accuracy of, and countersign, the Command Certificates of any subordinate Police Officers accompanying them.

When the journey has been completed, the officer concerned will account for the advance taken by him and to this end will surrender the Command Certificate, duly filled in, together with vouchers, if any, for incidental expenditure incurred during the journey or cash, if any, remaining unexpended. If any cash is returned it will at once be credited on the receipts side of the Cash Book, and the fact noted in the General Diary, the General Diary item number being shown in column 2 of the Register.

The Travelling Allowance Register, Part I, will then be written up by the Station Writer and any Daily Allowance found to be still due will then be paid from the Police-Station Permanent Advance to the Station Writer, Head Constable or Constable concerned and his signature taken in the last column of the Travelling Allowance Register as well as on the back of the Command Certificate. A receipt stamp for sums exceeding Rs. 20 will be affixed by the payee in the Travelling Allowance Register. The payment will be shown in the Police-Station Cash Book (Register No. 9) in the manner given above.

The Police-Station Officer will take particular care that the entries in column 14 of the Travelling Allowance Register are correctly made as mistakes in the adjustment of claims give rise to discontent among the force.

At the end of each week or fortnight or other period, as may be suitable having regard to the amount expended from the Permanent Advance, the Station Writer will close the Travelling Allowance Register and prepare a Travelling Allowance bill in T.F. No. 34. If the Station Writer is acquainted with English the form will invariably be prepared in that language. If in English the form will be in duplicate, the original copy being written in indelible pencil, and the duplicate being a carbon copy. If the Station Writer is not acquainted with English, only one copy of T.F. No. 34 in Burmese will be prepared. One or two copies of the bills, as the case may be, duly supported by Command Certificates and vouchers, if any, will be sent to the office of the District Superintendent of Police after the total amount of the bill and its serial number have been noted in Register 8 (Form $\frac{\text{Ad. 5RB}}{\text{Police}}$) (the Check Register of Bills). The District Superintendent of Police, after checking the entries with the Command Certificate, and satisfying himself that the rates claimed are correct, will pay the amount of the bill. On receipt of the money at the police station necessary entries will be made at once on the receipts side of the Daily Cash Book and in the General Diary.

Advances of Travelling Allowance are not admissible to Sub-Inspectors of Police. Sub-Inspectors of Police will themselves enter their Travelling Allowance bills in Part II of Register No. 7 and prepare T.F. No. 34 in duplicate in English (the original copy in indelible pencil and the duplicate in carbon), or, if unacquainted with English, make out a single copy of the form in Burmese and hand the form or forms to the Station Writer for despatch to the office of the District Superintendent of Police. They will be held responsible for the correctness of their own bills.

The Station Writer will write up in Part II of the Register the Travelling Allowance bills of Station Writers and lower ranks in respect of journeys for which they were not granted an advance, and will be held responsible for the correctness of the entries. At the close of the month in which the journeys were performed the Station Writer will prepare the Travelling Allowance bills of officers of and below the rank of Station Writer from the entries in Part II of the Travelling Allowance Register in T.F. No. 34 (a single copy in

Burmese, if he is unacquainted with English, or if in English, in duplicate—the original being written in indelible pencil and the duplicate a carbon copy).

These bills and the bills of Sub-Inspectors of Police will be submitted by him to the District Superintendent of Police within a week of the end of the month to which they relate. The total amount of each bill will be entered in Register No. 8, and each bill will be given a serial number in that Register. When money is received from the District Superintendent of Police in adjustment of any of these bills it will be entered in the receipts side of the Cash Book in the column headed "Miscellaneous", and disbursements will be shown in the same column in the payments side of the Cash Book and on the back of the General Remittance Receipt (Form Ad. 48A) after the amount has been paid and the payee's signature (on a stamp, if necessary) has been taken in the last column of Part II of Register No. 7.

Travelling Allowance for journeys performed by escorts over treasure will be billed for separately, a note *in red ink* being made at the top of the bill "Escort over Treasure", as this expenditure is chargeable to "39. Currency," and not to the Police Department.

The officer-in-charge of the police-station will certify at the foot of every bill that he has checked every entry with the General Diary and with Command Certificates, etc.

Circle Inspectors of Police, ^{and}/_{or} Subdivisional Police Officers will check these bills (Station copies) when they visit the police-station and will certify on the bills that they have checked them with the General Diary and Command Certificates (if available), and that the journeys were necessary in the interests of the public service. This certificate will be signed and dated by the checking officer. If in any case it is found that journeys were either unnecessary, or are proved not to have been performed, the checking officer will submit urgently a special report of the fact to the District Superintendent of Police, specifying the station bill number and date, and the particulars of the journeys.

1384. To enable a check to be made of the distances entered in Travelling Allowance bills, each police-station will keep up in English and Burmese a list of villages, hamlets, camping grounds, fisheries, and other important points, showing the distances and direction of each from the police-station. The list of villages and hamlets will coincide with that contained in Register No. 34.

Distances will be measured radially on a large scale map, and be correct to within one-quarter of a mile.

The distance between the main village in a village-tract, and hamlets and other important points, will also be measured, and the list will show both this distance and the distances of the hamlets and other points from the police-station.

The 15 miles radius (for journeys within which Sub-Inspectors of Police are not entitled to Travelling Allowance) in certain police-stations may include a number of village-tracts of an adjacent police-station jurisdiction. Where such is the case all villages and hamlets of the adjacent jurisdiction within that radius will also be listed.

Where there are bus or steamer routes, polymetric tables of distances along these routes will be made out, together with the regular or sanctioned charges per person for these distances.

Similarly, if there is a railway, a table will be prepared of train fares between the more commonly visited stations in the district.

The above lists and tables will be kept in the police-station in a file for reference by Sub-Inspectors, and the Station Writer, whenever Travelling Allowance bills are made out. A copy of them will also be sent to the office of the District Superintendent of Police to enable claims for Travelling Allowance to be checked.

Inspecting officers, *viz.*, the District Superintendent of Police, Subdivisional Police Officer and Circle Inspector of Police when inspecting police-stations, will use these lists and tables to check the accuracy of a certain proportion of the Travelling Allowance bills submitted since the last inspection.

They will also check the necessity for journeys made, and to facilitate this, all officers making out Travelling Allowance bills will be required to enter in column 6 of the Travelling Allowance Register the purpose of the journey in an abbreviated form of which examples are given below:—

Evidence
1-7 —indicating the giving of evidence in First Information Report No. 127.

Investigation
p-123 —indicating investigation as entered in Case Diary No. 6 of First Information Report No. 133.

Musketry
303-3-10-35 —indicating attendance at Musketry as ordered in Order No. 395, dated the 5th October 1935.

Conference—indicating attendance at a Conference.

Transfer
253-7-11-35—indicating a journey on transfer as ordered in Order No. 253, dated the 7th November 1935.

1385. Register No. 7 will not be maintained at outposts but the officer-in-charge of the outpost will, from time to time, prepare Travelling Allowance bills for himself and staff on loose sheets of Form $\frac{\text{Ad. 58}}{\text{Police 80}}$ and submit them to the Station Writer of the police-station to which he is subordinate. On receipt, the Station Writer will copy the entries into Police-station Register No. 7, and act as laid down in the preceding paragraphs. When the Station Writer sends any money for Travelling Allowance to the outpost he will return with it the loose sheet abovementioned.

The officer-in-charge of the outpost, after disbursing the money, will obtain the payees' receipts (stamped, if necessary) in the form, and return it to the police-station where it will be filed.

SECTION II.—THE CHECK REGISTER OF BILLS —

REGISTER NO. 8 (FORM $\frac{\text{Ad. 58B}}{\text{Police}}$).

1386. This Register will be kept up in Form $\frac{\text{Ad. 58B}}{\text{Police}}$. All bills submitted to the District Superintendent of Police for payment will be entered in this Register. The officer submitting the bills will fill in columns 1 to 4 only; the remaining columns will be filled in when payment is received from the District Superintendent of Police. The columns are self-explanatory.

SECTION III.—THE DAILY CASH BOOK—REGISTER NO. 9.

1387. This book will be maintained in Form $\frac{\text{Ad. 58C}}{\text{Police}}$. All payments, including charges for conveyance of prisoners, escort charges payable to villagers, and fares and charges for the conveyance of kit of Military Police escorts, which are made from the Police-Station Permanent Advance, will be recorded in the expenditure side of the Cash Book in the column headed "Station Permanent Advance". With the exception of travelling allowance, each payment made from the Permanent Advance will be supported by a sub-voucher in Form $\frac{\text{Ad. 48B}}{\text{Police}}$ (Simple Receipt Form), or in Form $\frac{\text{Ad. 48C}}{\text{Police}}$ for witness and escort charges or in Form Ad. 49 for house-rent charges. The sub-voucher numbers will run serially for each year. The payee's signature will

be taken in the Cash Book also, but no receipt stamp need be affixed by the payee for sums exceeding Rs. 20 as he will furnish a stamped receipt on the prescribed Form. Bills for contingent charges also will be entered in Register No. 8 and submitted to the District Superintendent of Police under a covering abstract in Form ^{Ad. 58A*} Police with sub-vouchers attached. A duplicate carbon copy of the abstract will be filed in the police-station, the original being made in indelible pencil.

The entries in the Daily Cash Book will begin with an entry of the "Opening Balance" (which figure will be the same as that of the closing balance of the previous day) on the receipt side of the Register. To this will be added all amounts received during the day, and the total will be struck below the last entry. Similarly the expenditure will be added up and the total struck below the last entry. The figure for the closing cash balance will then be obtained by subtracting the total expenditure from the total amount shown on the receipts side of the Cash Book.

The details of the closing cash balance and of the Station Permanent Advance will be shown in the Cash Book at the close of each day as below :—

Details of the Closing Cash Balance.

	Rs.
(1) Cash balance of the Station Permanent Advance
(2) Cash balance of the General Remittance Receipts (miscellaneous and other moneys)
Total

Details of the Station Permanent Advance.

	Rs.
(1) Paid vouchers—	
(a) Bill No. submitted to the District Office and remaining unpaid
(b) Vouchers not billed yet
(2) Cash in hand
Total

NOTE 1.—On no account will the Police-Station Permanent Advance be supplemented by moneys borrowed from officers of the police-station or from anyone else.

NOTE 2.—For any day in which there have been no transactions, the responsible officer concerned will merely set his dated initials (or signature) in the page of the Cash Book where entries were last recorded in token of his having checked the Cash Balance on that day.

SECTION IV.—THE GENERAL REMITTANCE RECEIPT
FILE—REGISTER NO. 10.

1388. General Remittance Receipts (Form Ad. 48A) showing details will be received at the police-station in duplicate and the amount will be entered on the receipt side of the Daily Cash Book (Register No. 9), the recoupment of the Station Permanent Advance being shown in column 5 and other recoupments in column 6 thereof. The original copy of the General Remittance Receipt will be signed and returned by the Police-Station Officer to the District Superintendent of Police within seven days of encashment together with the receipts required. The disbursements, other than the recoupment of the Station Permanent Advance which will be signed for by the Station Writer, will be noted on the reverse of the duplicate copy of the General Remittance Receipt and the payee's acknowledgment obtained thereon except in cases where the acknowledgment is taken in a definite register in the police-station. This is not a receipt and stamps are not necessary for sums of over Rs. 20, the actual receipt being taken in the Travelling Allowance Register or on a sub-voucher. The daily total of these disbursements will be shown also in column 5 of the disbursement side of the Daily Cash Book (Register No. 9). The undisbursed balance of each General Remittance Receipt will be shown daily in the General Diary, and the sum total of such balances in the Daily Cash Book separately from the Station Permanent Advance, *vide* paragraph 1287.

General Remittance Receipts in police-stations will be filed serially in file No. 10. The Subdivisional Police Officer and the Circle Inspector of Police will frequently check the General Remittance Receipt file with the Daily Cash Book and the General Diary, to see that disbursements are not delayed, and will each enter the result of such check in the General Diary.

The details of the Station Permanent Advance and the undisbursed balances of General Remittance Receipts will be shown in the General Diary as below:—

	Rs.
Cash Balance of Station Permanent Advance	...
General Remittance Receipt No. dated
General Remittance Receipt No. dated
Total	... _____

The Police-Station Officer and Station Writer, when they sign the General Diary, will certify (1) that they have gone through the General Remittance Receipt file and the Daily Cash Book, and have found the amounts therein to be correct, and (2) that the closing cash balances have been found to agree with the actual cash in hand.

CHAPTER LXIV.

Arms, Ammunition, Equipment and Stores.

SECTION I.—THE STATION RETURN OF ARMS, AMMUNITION, ACCOUTREMENTS AND MISCELLANEOUS STORES ISSUED BY THE POLICE SUPPLY DEPARTMENT—REGISTER NO. 11 (FORM $\frac{\text{Police}}{95}$).

1389. The form is self-explanatory. The blank headings should be utilised for those articles received from the Police Supplies for which no printed heading exist. The register will be balanced quarterly and the balance carried forward to the next page as the opening balance of the next quarter. A true copy of each quarter's entries will be posted to district headquarters the last day of each quarter on a loose copy of Form $\frac{\text{Police}}{95}$.

1390. All transactions will be entered at the time of occurrence, *e.g.*, when a Sub-Inspector arrives at or leaves a police-station on transfer, his equipment will be entered under "Receipts" or "Issues" on the day of his arrival or departure. The names of all officers possessing arms, accoutrements and ammunition will be shown against these articles in each quarterly return to enable headquarters to check them with the Stock Book and Magazine Register.

1391. The following rules in respect of the custody, repair, and fitting of handcuffs will be carefully observed:—

I. The handcuffs and their numbers will be entered in Police-Station Register No. 11 (Form $\frac{\text{Police}}{95}$). Station Writers will be held responsible for the handcuffs supplied to them.

NOTE.—In the Stock Book kept at headquarters the number of handcuffs issued to each police station will be recorded.

II. The keys of handcuffs will have a strong double thong of leather fixed to them, of sufficient length to pass a belt through, and Constables will be instructed to carry the keys, when travelling, fastened to their belts. This will prevent their being lost or stolen.

III. Handcuffs will be kept scrupulously clean and oiled, and officers and men will be instructed in their use. The keys will never be used in putting on handcuffs, but only to open them. The handcuffs will be closed on the wrist with a snap, care being taken to prevent any injury to the wrist. By this practice there is less likelihood of the keys wearing out rapidly. Handcuffs, when not in use, will never be kept closed ; they should be kept open and ready for use.

IV. Handcuffs will never be used as padlocks on doors, etc., and officers will be severely punished if they infringe this rule.

V. The loss of a key will be at once reported, and the handcuffs sent to the District Superintendent. On no account will a new key be locally made to replace the one lost.

VI. When handcuffs are found unserviceable they will be sent into headquarters at once and the District Superintendent of Police will arrange for any repairs necessary to be carried out. If kept on hand they are liable to be used ; and their use may result in the escape of prisoners.

VII. A large number of escapes have occurred through prisoners slipping their hands through handcuffs. This is the result of carelessness in not seeing that the handcuffs fit properly. Handcuffs of a size to fit the wrists of prisoners will be selected for use in each case.

SECTION II.—THE STOCK BOOK OF FURNITURE AND MISCELLANEOUS STORES NOT ISSUED BY THE POLICE SUPPLY DEPARTMENT—REGISTER No. 12 (FORM Police 65)

1392. The Stock Book will contain a list of furniture, locks, boats, lamps, etc., of which a record is required for check with Register No. 47 of the office of the District Superintendent of Police.

The blank headings should be utilised for articles for which there is no printed heading.

1393. The first entry on each page will be the balance of stock as it stood at the beginning of the year.

Thereafter transactions will be entered as they occur, the voucher number of receipt or issue being quoted in each instance. Articles destroyed will be so described and entered as issues.

At the end of the year the closing balance will be made out by the Station Writer and this will be verified as early in the New Year as possible by the Circle Inspector of Police, or, if there is no Circle Inspector of Police, by the Sub-divisional Police Officer, who will make out and sign below the entry of the closing balance a certificate in the following form :—

"Certified that I have this day checked the stock of furniture and miscellaneous stores as shown herein and find by actual count that it agrees with the balances shown."

The Circle Inspector of Police or Subdivisional Police Officer will then make out a statement showing the actual balances at the end of the year in a loose copy of Form 6S, certify it, and send it to the office of the District Superintendent of Police for comparison with Office Register No. 47.

1394. In order that receipts and issues shown in the Stock Books of the District Superintendent of Police and the police-stations may be properly accounted for, Delivery and Receipt vouchers in Form $\frac{\text{Police}}{268}$ will be used whenever Police Stores are sent from the District store room to police-stations or *vice versa*. The form, which is bilingual, is made out in triplicate. Instructions for the use of the form are printed on the back of the counterfoil.

CHAPTER LXV.

Miscellaneous Police Station Records.

SECTION I.—FILES OF CIRCULAR ORDERS (A) AND (B)— REGISTER NO. 13.

1395. Circular Orders issued by Government and the Inspector-General of Police will be kept in file 13 (A), Circular Order issued by the District Superintendent of Police will be kept in file 13 (B).

1396. A correction or amendment to a Circular Order will be issued as a new Circular Order and filed in its proper place according to its serial order. A cross reference to the correction or amendment giving the serial number of the Order containing it will, however, be made in the margin of the Order corrected or amended.

SECTION II.—FILE OF MISCELLANEOUS ORDERS (IN BURMESE)—REGISTER NO. 14.

1397. All Miscellaneous Orders from the office of the District Superintendent of Police will be filed together.

Miscellaneous Orders relate to matters of temporary interest only, and will be kept distinct from Circular Orders, which are permanent standing orders.

Miscellaneous Orders will be headed as such, and orders issued to each police-station will bear a separate series of numbers, the object being to enable inspecting officers to see that the series is complete and thus to ensure that all Miscellaneous Orders issued have been received.

1398. Miscellaneous Orders will be sent direct to the police-stations concerned, a copy for information being forwarded at the same time to the Subdivisional Police Officer (if any).

On receipt in the police-stations all Miscellaneous Orders will be filed together with the exception of Orders referring to cases which will be filed in the relevant case files. In the latter instance a note will be made on the back of the last Miscellaneous Order in the file as follows:—

“Miscellaneous Order No. in case file of First Information Report No.”

Miscellaneous Orders on Form Crime 61 (Intimation of the classification of cases) will be filed in the Miscellaneous File, but a transcript of the Orders will be entered in column 5 of the counterfoils of the First Information Report Register together with a reference to the number of the Miscellaneous Order.

1399. Separate files will be maintained for Miscellaneous Orders issued by officers other than the District Superintendent of Police.

SECTION III.—FILE OF LETTERS ISSUED—REGISTER No. 15.

1400. All correspondence issued from a police-station will be written in duplicate by means of carbon paper and the carbon copies kept in the Letter File.

Letters will be numbered serially, a new series being commenced at the beginning of each year.

SECTION IV.—DESPATCH BOOKS—REGISTERS NOS. 16 AND 17. (FORMS $\frac{\text{Ad. 35}}{\text{Police 81}}$ AND MISC. GEN. 12.)

1401. The Despatch Book (Form $\frac{\text{Ad. 35}}{\text{Police 81}}$) is a record of all letters despatched from a police-station or outpost and of the expenditure of service postal labels.

. At the head of each page in the 5th column will be entered the balance of postal labels in hand and at the foot of each page a balance will also be struck.

A requisition for recoupment of postal labels will be made to the office of the District Superintendent of Police at the end of each month, or, if the expenditure has been heavy, whenever the depletion of the balance in hand necessitates it.

The District Superintendent of Police will send to the police-station or outpost a quantity of labels equal to the amount expended.

The Despatch Book will never be sent out of the police-station or outpost, the officer to whom letters are handed for posting or delivery signing for them in the last column.

1402. In police-stations where a considerable number of letters is despatched to local destinations a Local Despatch Register (Form Misc. Gen. 12) will be maintained. This book will be taken with him by the officer delivering the letters and the receipts of the recipients obtained in the last column.

**SECTION V.—DUPLICATE COPY OF THE FILE OF BUILDINGS
CONSTRUCTED AND MAINTAINED BY THE POLICE—
REGISTER No. 18.**

1403. A duplicate copy of the file of buildings constructed and maintained by the Police mentioned in paragraph 910 of the Burma Police Manual, Volume I, will be kept in each police-station and outpost. At the beginning of each year the file will be submitted to the office of the District Superintendent of Police for entry of new items and comparison with the copy maintained in his office.

Whenever the Police-Station Officer submits an estimate for repairs to buildings, he will quote the serial numbers of the buildings as given in this file.

**SECTION VI.—REGISTER OF BOOKS AND PUBLICATIONS
RECEIVED—REGISTER No. 19 (FORM Ad. 103).**

1404. In this register, which will be maintained in the offices of Subdivisional Police Officers, and at police-stations, outposts, and Training Depôts, will be entered all Law Books, Manuals and other official publications received.

Separate columns are provided in the register to show when the publications and the corrections to them have been received. Sufficient space will be left in the Register in the case of each publication to permit entries regarding the receipt of correction slips to be made. In the remarks column a note will be made of the destruction of obsolete publications, the entries relating to them being scored through at the same time. Destruction will be carried out only on the orders of a gazetted officer.

At the beginning of January each year the annual return of books on hand will be forwarded on a loose sheet of Form Ad. 103 to the District Superintendent of Police for check with the Register maintained in his office.

A note will be made in the return of any obsolete publications destroyed together with a reference to the order of the officer by whose instructions they were destroyed.

SECTION VIA.—SPECIAL SECRET INTELLIGENCE FILE—
REGISTER NO. 19A.

1404A. All secret documents received from the office of the District Superintendent of Police will be filed in a Special Secret Intelligence File by the Police-Station Officer and kept under lock and key for safe custody.

The District Superintendent of Police will be responsible for checking and destroying the papers filed in this file.

SECTION VIB.—SECRET FILE OF INTELLIGENCE REPORTS—
REGISTER NO. 19B.

1404B. Copies of the Police-Station Officer's Secret Intelligence Reports to the District Superintendent of Police will be filed in a Secret File of Intelligence Reports and kept under lock and key for safe custody.

The District Superintendent of Police will be responsible for checking and destroying the papers filed in this file.

SECTION VII.—ENLISTMENT TICKETS.

1405. Enlistment tickets (Form $\frac{A3\ 12}{Police\ 15}$) are the certificates of appointment given to every Police Officer on his becoming a member of the Police Force (section 8, Act V of 1861).

The certificate which will be signed by the District Superintendent of Police himself and stamped with his official seal will be carefully preserved and shown at all kit inspections.

SECTION VIII.—MAP OF VILLAGES IN STATION JURISDICTION.

1406. A map in Burmese on the scale of two miles to an inch, showing all the villages and hamlets mentioned in Register No. 34 (Form $\frac{\text{A}1\ 8}{\text{Police}\ 40}$) and, if feasible, the boundaries of each village tract in the jurisdiction, will be maintained in every police-station and outpost. Necessary corrections will be made from time to time.

CHAPTER LXVI.

Production and Grant of Copies of Records.

1407. No document or record belonging to, or in the custody of the police, and no copy or extract from any such document or record shall be furnished to any private individual or other person not authorised by law to demand it, unless an order of a competent Court or authority requiring him to give it be presented to him.

1408. Neither the General Diary, which officers-in-charge of a police-station are required to keep under the provisions of section 44, of the Police Act, nor the Case Diary prescribed by section 172, Criminal Procedure Code, are privileged documents within the meaning of section 123, Evidence Act. These documents can therefore be called for by any Court and used in any manner provided for by law.

1409. The Magistrate of the district, as head of the Police, may at any time send for and inspect both the General and the Case Diaries of any police-station.

1410. Any Criminal Court may, under section 172, Criminal Procedure Code, send for the Case Diary; but neither the accused nor his agent may call for it or see it, unless the Police Officer who wrote it uses it in Court to refresh his memory (section 161, Evidence Act) or the Court uses it to contradict the Police Officer.

1410A. The procedure to be followed when a Government servant is summoned by a Court to produce official documents for the purpose of evidence will be found in Appendix B-XIV.

**PART III.—INVESTIGATION, SURVEILLANCE,
ABSCONDERS AND CRIME.**

CHAPTER LXVII.

**The upkeep of the First Information Report
Register, Case Diaries, Final Reports and
Charge Sheets.**

**SECTION I.—THE FIRST INFORMATION REPORT BOOK,
REGISTER NO. 20 (FORM CRIME 15
POLICE 34).**

1411. The First Information Book is the register laid down by section 154 of the Criminal Procedure Code, which runs as follows :—

" 154. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant ; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf."

1412. The following are the instructions for the upkeep of the First Information Report book, which is a register in foil and counterfoil, the pages in both being numbered in printed figures :—

The First Information will be taken down, word for word in the actual words of the informant in the foil of the First Information Book, a copy in the counterfoil being made at the same time by means of a carbon paper. If necessary, the information will be continued over to the back of the forms.

If the informant is acquainted with Burmese he will be asked to begin his information with the Burmese date of occurrence.

The report, as entered, will then be read over to the informant who will sign both copies, or if illiterate will impress his left thumb print on the foil and counterfoil, which will also be signed by the officer recording the information. If the officer recording the information is not the

officer in charge, the officer in charge will also sign the information. Should the information be in writing, it will be copied into the First Information Book, countersigned and dated by the officer copying it, and the original written information carefully attached to the counterfoil and kept in the police-station till the case is sent for trial, when it will accompany the charge sheet to the Magistrate's Court. If the case is not sent for trial, it will be attached to the Final Report when this report is submitted. Should the complainant volunteer a detailed list of stolen property and a description thereof, any such information of a definite character will be recorded in the First Information Report. He will not be pressed by the officer recording the information to give any more details than those for which he can personally vouch. The officer recording the information is at liberty to question the complainant as to whether the information he is giving is part of his own knowledge, or hearsay and in recording the information will make it clear which part of it is hearsay. At the beginning of each year a new series of numbers of First Information Reports will be begun.

Informations in non-cognizable cases (section 155, Criminal Procedure Code), need only be entered in the General Diary and it will be sufficient if only the substance of such information is so entered. The informant will be referred to a Magistrate and no investigation will be made into the case unless it is ordered by a Magistrate authorized to pass such an order, when the police will proceed as laid down in clause 3 of section 155. Criminal Procedure Code.

1413. If the informant professes to be able to recognize an offender a description of the person recognized will be recorded in the First Information Report. He will, however, on no account be pressed to do so, nor encouraged to give a vague, misleading or inaccurate description. If the informant's impression of the offender was formed in a poor light, or at a considerable distance, or in circumstances militating against the probability of an accurate description being given, this fact will be carefully recorded.

1414. It is important that information of the commission of a cognizable case be recorded without delay.

The information may be merely hearsay, given by some one personally unacquainted with the facts, it may be a

statement of a person with a slight knowledge of the facts, or a person with full knowledge thereof, but whatever the nature of the information is, it must be recorded at once under the provisions of section 154, Criminal Procedure Code.

The practice often followed, when the information received is hearsay, or otherwise appears to be unsatisfactory, of omitting to record the information till a visit to the scene of crime has been made and an eye-witness examined, is illegal.

A First Information Report is not substantive evidence of the facts relating to the commission of the crime mentioned therein. It is evidence of what was said in the first report to the police and of the date and time of report and is therefore frequently a document of the highest importance, but in regard to the facts of the case it is not evidence at all and it can only be used to corroborate or contradict the evidence on oath of the person who made it under the provisions of sections 145, 155 and 157 of the Evidence Act.

Any failure to record an information at once may give rise to the plausible argument that no First Information Report was recorded until the investigation has been made and a case against the accused concocted.

Furthermore, any statement made to the police during an investigation which includes a so-called information recorded after investigation has begun, is precluded from consideration as evidence under section 162, Criminal Procedure Code.

1415. When a Magistrate acting under section 155(2) or section 202, Criminal Procedure Code, directs an investigation into a non-cognizable or cognizable offence the police will investigate the offence, and submit their report on ordinary paper returning at the same time with their report the Magistrate's order to investigate, and the petition of information (if any). On no account will the petition or the order be entered in the First Information Report Book, or be given a number from that register, or be treated as a police case.

In cases investigated under these circumstances any police officer may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case [section 155(3), Criminal Procedure Code].

1416. Cognizable cases which have been reported to the Police and also to a Magistrate direct will, if the report of the Police and the complaint to the Magistrate relate to the same set of facts, be struck off as having been dealt with by direct complaint but if there is a material difference of fact between the report to the Police and the complaint to the Magistrate, the report will be investigated and dealt with as a separate case from the complaint made to the Magistrate.

1417. When a first information has been recorded as laid down in the foregoing instructions, and if the offence is one which the officer in charge of the police-station is competent to investigate, that is, if it is an offence triable in the district in which the police-station is situate (section 156, Criminal Procedure Code), the officer in charge of the police-station will forthwith report the matter in the manner prescribed in the paragraphs below to the Magistrate empowered to take cognizance of the offence upon a police report.

1418. The foil of the First Information Report will be filed with the case diaries forming the first paper in the file. The counterfoil will remain on record in the police-station and column 5 will be filled in after the completion of the case. The reference entries will be filled in as soon as practicable. Should the case not result in detection, the entry "undetected" will be made only after submission of the Final Report (Form ^{Crim 16}/_{Police 35}). In all cases sent for trial the foil will be attached to the Charge Sheet together with the original written information, if any. In the event of the case not being sent for trial, the foil together with the original written information, if any, will be attached to the Final Report.

1419. A duplicate copy of the First Information Report will at once be made out and submitted to the Township Magistrate who, if he is empowered under section 190, Code of Criminal Procedure, and can try the offence or commit the accused for trial, will pass on it such orders as he considers necessary and return it to the police-station of issue. If not empowered under section 190, Criminal Procedure Code, the Township Magistrate will merely sign and date the

ရန်ကင်းတို့မှ ယူ၍ အထက်တန်းတို့ကို အထူးအထူး အပ်နှံ၍ အသုံးပြုရမည်။

report and send it to the Subdivisional Magistrate who will pass any orders on it that may be necessary and return it direct to the police-station concerned.

The Police-station Officer on receiving the copy from either the Township Magistrate or the Subdivisional Magistrate, will have the orders copied on to the foil and counterfoil of the First Information Report and will then forward the copy to the District Superintendent of Police through the Subdivisional Police Officer, if any, for entry in the Register of Police Cases (Register No. 2—Form ^{Crime 25}/_{Foils 25}).

At the same time as the duplicate copy is sent to the Township Magistrate, a triplicate carbon copy will be sent to the District Superintendent of Police through the Subdivisional Police Officer, if any.

The following table shows the number of copies of the First Information Report which require to be made out and their disposal:—

Counterfoil	...	To be retained in the First Information Report Register.
Foil	...	To be filed with the Case Diaries.
Duplicate copy of foil	...	To be sent to the Township Magistrate and returned by him or the Subdivisional Magistrate to the Police-Station which will then send it to the District Superintendent of Police through the Subdivisional Police Officer, if any.
Triplicate copy of foil	...	To be sent immediately to the District Superintendent of Police through the Subdivisional Police Officer, if any.

1420. In addition to the number of the section, the description of the offence will be entered in column 3 of the form. Entries will be brief, e.g., hurt by dagger, section 324, Penal Code, or grievous hurt by fire, section 326, Penal Code. "Government" will not be entered as the informant in column 1 of the form. If the informant is an official, his name and rank will be inserted, but if there be no informant, as, for instance, when the crime is committed in the sight of the officer in charge of the station, then the entry will be "none." If the case is one in which a person has been arrested under section 54 of the Criminal Procedure Code on suspicion of having committed an offence, the substantive offence for which

such person was arrested on suspicion will be entered. If the case is one in which a person has been arrested under section 53, Criminal Procedure Code, section 109 or 110, Criminal Procedure Code, as the case may be, will be entered as the substantive charge for which the arrest was made.

1421. In cases transferred from one police-station to another in the same district, all the original papers in the case including the foil of the First Information Report will be sent to the police-station concerned direct, the receipt being filed in the Case File cover of the transferring station. The Final Report with the carbon copies of the Case Diaries will be sent to the District Superintendent of Police. On receipt to the District Superintendent's Office, the necessary alteration will be made in the Register of Police cases and in the Crime Register.

In cases transferred to a police-station in another district the same procedure will be followed, but the District Superintendent of Police on receipt of the Final Report and the carbon copies of the Case Diaries will send them to the District Superintendent of Police of the district to which the case has been transferred and file the latter's acknowledgment in his office.

No Case Diaries will be retained in the police-station transferring a case whether to a police-station within or outside the district, but in a case which has been transferred to a police-station in another district, a note of the District Superintendent of Police's office order number and date transferring the case will be made in column 5 of the counterfoil of the First Information Report.

1422. In all cases in which there is evidence to show that liquor has been consumed by accused, complainants or witnesses, "D" will be noted in red ink at the top of the First Information Report.

SECTION II.—CASE DIARY—REGISTER No. 21

(FORM $\frac{\text{CRIME 13}}{\text{POLICE 124}}$).

1423. As soon as a First Information Report has been made out and submitted, it becomes the duty of the police if they have reason to believe that a cognizable offence has been committed, to investigate the case (sections 156 and 157. Code of Criminal Procedure).

1424. Every police-officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any Criminal Court may send for the police-diaries of a case under enquiry or trial in such Court, and may use such diaries not as evidence in the case, but to aid it in such enquiry or trial.

Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police-officer who made them, to refresh his memory or if the Court use them for the purpose of contradicting such police-officer the provisions of the Evidence Act, section 161 or section 145, as the case may be, shall apply.

1425. Statements of witnesses recorded in case diaries or otherwise may be called for by the accused under section 162, Criminal Procedure Code, and such statements, whether recorded, in brief or in full, in note books, on yellow paper, or in case diaries, etc., must be preserved. Statements will not ordinarily be reduced to writing except in Sessions and Special Power cases when they will be recorded in full on yellow paper. Statements of witnesses will not ordinarily be recorded in case diaries, which are primarily for recording the circumstances ascertained, it being sufficient in ordinary cases to record in them the facts which can be proved and the names of witnesses who can prove them.

1426. If a witness professes to be able to recognize an offender although ignorant of his name, a description of the person recognized will be entered in the "Case Diary." Deliberate neglect or omission on the part of an investigating officer to enter full descriptions in cases of this kind will be treated as serious misconduct. If a person has been examined or questioned, but denies all knowledge of the case, this fact will be noted in the diary.

1427. If a superior officer arrives at the scene of a crime and decides to take over the investigation, the Case Diary will be handed over to him and he will carry on

the entries in it, first noting the fact and date of his arrival at the scene and of his assuming the management of the case. He will not record again the statements already taken down, but will take up the thread of the enquiry where it was dropped, verifying, if necessary, the recorded statements by briefly questioning the witnesses.

A superior officer arriving at the scene of an investigation will not, as a matter of course, take over the investigation. It is very desirable that an investigating officer should feel assured that a case will not be withdrawn from his hands unless he grossly mismanages it, and that the credit for a skilfully worked out clue will not be appropriated by another. The superior officer will, however, guide and direct the work of his subordinate.

1428. When the investigation is finished and such evidence as he considers necessary recorded, the investigating officer will write a brief precis of the facts of the case in the last case diary, and, if he considers that the case should not go up for trial, will give his reasons for arriving at this conclusion.

1429. The investigating officer will take with him to the scene of his enquiry a sufficient number of copies of Case Diary form (Form ^{Crime 13} Police 124) and a note-book (Form Ad. 89).

1430. When the investigation for the day is closed the investigating officer will compile his Case Diary from the rough notes he has made in his note-book.

Case Diaries will be typed or written in pencil and a duplicate made by means of carbon paper.

After noting at the end of the Case Diary the time of closing, the place from which and the means by which despatched, the investigating officer will send the carbon copy to the Circle Inspector of Police (if any, otherwise to the Subdivisional Police Officer). On return to the police-station he will file the original copy together with the First Information Report.

A separate file will be maintained to contain the First Information Report and Case Diaries, in each case.

Case Files at Police-station will be destroyed at the end of two years except in cases where an accused person is a

gazetted absconder, when the case files will not be destroyed until the absconder has been arrested or for a period of ten years, whichever is earlier.

In important crimes one extra copy of the Case Diary will be made and submitted direct to the District Superintendent of Police.

1431. When a case is sent for trial, the Case Diaries filed in the police-station and the statements of witnesses, if any, will not be attached to the Charge Sheet or the form showing the result of trial or the order of the Court, but will be forwarded to Prosecuting Officer or other officer-in-charge of the case.

1432. On the completion of the trial, the Court Prosecuting Officer will note on the back of the final case diary, the name of the Court, the case number and year, the result of the trial, and if the accused has been discharged or acquitted, the classification of the case as "true", "false" or "mistaken," and will then return the case diaries to the police-station.

On receipt, the Police-station Officer will cause the necessary entries to be made in the First Information Report Book (Register No. 20), the Crime Index (Register No. 36), the Village Crime Ledger (Register No. 36A) and if a history sheet has been opened, in the relevant history sheet (Register No. 36B).

1433. The Case Diary is a confidential and privileged document and may not be shown to the accused, or to his agent or pleader except under the circumstances stated in the second clause of section 172, Code of Criminal Procedure. For this reason it does not form part of the judicial record, and will be kept distinct from the statements of witnesses (if any), recorded under section 161, Criminal Procedure Code. Witness statements recorded under section 161, Criminal Procedure Code, will be filed in the police-station until the investigation into the case has been completed, and will then be attached to the Case Diaries and sent to the Prosecuting Officer or other officer-in-charge of the case if the case is sent for trial. If not sent for trial, they will be attached to the Final Report. No copies need be kept in the police-station.

1434 Statements of witnesses recorded under section 161, Criminal Procedure Code, will be written on sheets of yellow paper, with a quarter margin on the left-hand side. Each sheet will be numbered and the First Information Report number noted at the top of the page. They will be recorded in narrative form, and each day's proceedings will be signed by the officer making the investigation. No reports or diaries will be written on yellow paper. Statements of witnesses will not be signed by the persons making them, nor are they admissible as evidence; but when any witness is called for the prosecution whose statement has been taken down by the police, the trying Court shall, on the request of the accused, refer to such statement and direct that the accused be furnished with a copy thereof for the purpose of contradicting the witness (*vide* section 162, Criminal Procedure Code). This provision is, however, subject to the condition that, if the Court is of opinion that any part of any such statement is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the accused is not essential in the interest of justice and is inexpedient in the public interest, the Court shall record such opinion (but not the reasons therefor) and shall exclude such part from the copy of the statement furnished to the accused.

1435. The carbon copies of case diaries sent to the Circle Inspector will be perused by him, and he will note on them any instructions he has found it necessary to issue, and will then forward them to the Subdivisional Police Officer (if any), who will peruse, note on them the instructions issued and keep them with him till the last diary showing the case has been sent for trial or the Final Report in the case reaches him, when he will attach them and forward them to the District Superintendent of Police.

If there is no Circle Inspector of Police the diaries will be sent direct to the Subdivisional Police Officer.

If there is no Subdivisional Police Officer the Circle Inspector will deal with the case diaries as noted above, except that he will forward them to the District Superintendent of Police. He will maintain in a blank book or in a file, a precis of important cases, notes of orders issued, of progress made, making notes when he receives the case diaries. Important cases will include not only important crimes but big cases of cattle theft or burglary. His real supervision of case work, however, will be done in the police

station and, as far as possible, with the investigating officer when he can read all the diaries up to date and all the statements, tabulating the real evidence so far gathered to guide him in his instructions. All cases, however, whether important or not, will be regularly perused by him so that he may be able to instruct those investigating officers who handle the less important cases in efficient methods of investigation.

1436. When cognizable or non-cognizable cases are investigated by order of a Magistrate acting under section 155 (2) or section 202, Criminal Procedure Code, case diaries will be written in accordance with the instructions in the preceding paragraphs.

1437. A record of cases enquired into by each investigating officer will be kept up by the officer himself in form Crime 94. At the end of each month this form will be filed in a separate file in the police-station concerned. Each investigating officer will be furnished with supplies of this form and he will enter therein the dates of his case diaries, etc., in each case investigated by him. The maintenance of this record in the police-station will enable inspecting officers to check effectively the work done by each investigating officer, and will furnish a summary of each investigating officer's work during the month. The form is printed bilingually and is self-explanatory.

SECTION III.—THE FINAL REPORT BOOK. REGISTER

No. 23 (FORM CRIME 16 POLICE 35).

1438. The Final Report Book (Form Crime 16
Police 35) is a printed register in foil and counterfoil so designed that by folding the foil over, a carbon copy of entries can be made on the counterfoil.

When an investigation is complete and the case will not be sent up for trial owing to its being undeleted, false, mistaken, or non-cognizable, the officer-in-charge of the police-station (except in cases entered in Police-Station Register No. 25) will make out a Final Report on the foil and counterfoil of a page in the Final Report Book.

The foil, to which will be attached a covering sheet (Form Crime 16A), statements of witnesses and bail bonds

(if any) will, if there is a Circle Inspector of Police, be sent through him to the Township Magistrate who, after recording any remarks he may wish to make, will forward it through the Subdivisional Police Officer, if any, to the Subdivisional Magistrate.

The Subdivisional Magistrate will in turn, after recording his remarks, forward it to the District Superintendent of Police for record and entry in the district register of Police cases (Office Register No. 2).

Should the Township Magistrate (if he is empowered to take cognizance of the case), or the Subdivisional Magistrate, consider that the case should be tried, he will take cognizance of the case under section 190, Criminal Procedure Code, and forward the Final Report and connected papers to the District Superintendent of Police. Such cases will be struck off as "mistaken" in Office Register No. 2.

In the event of any disagreement between Magistrates and the Police as to the correct classification (undetected, false, mistaken, or non-cognizable) the orders of the District Magistrate will be obtained.

1439. The Magistrate having jurisdiction, subject to the control of the District Magistrate, will record on Form Crime 16A the section of law which he considers applicable to the case and its classification, *i.e.*, whether undetected, false, mistaken, or non-cognizable by the police.

Such classification is necessary in order that the case, on reaching the office of the District Superintendent of Police may be entered in the appropriate columns of the Crime Register (Office Register No. 1).

If an undetected case subsequently comes to light, and a charge sheet is prepared and submitted, the foil and counter-foil of the Final Report will be cancelled.

1440. Form Crime 95 is the form prescribed by Government under section 173 (1) (b) of the Criminal Procedure Code for communicating to the person who gave the first information of the offence the orders of the Magistrate having jurisdiction, subject to the control of the District Magistrate, regarding the classification of any cognizable case which has not been sent up for trial by the Police. The form which is bilingual will be filled in and despatched to the complainant as soon as possible after the

Station Writer has received final orders regarding the classification of a cognizable case reported at the police-station from the office of the District Superintendent of Police.

1441. No Final Report will be submitted in a case in which investigation has been refused under section 157 (b), Criminal Procedure Code.

If, however, investigation is subsequently ordered in a case of this nature and the accused is not sent up for trial, a Final Report will be submitted in the usual way.

1442. A final report will be submitted in any case not sent for trial owing to its having been dealt with by a Magistrate on a direct complaint.

The court, number and date of the direct case will be quoted, and orders requested to strike off the case as having been dealt with by direct complaint.

1443. When an accused person has been released on bail or on his own bond and will not be sent up for trial, the fact will be noted in the Final Report.

The Final Report with the bond attached will then be sent as laid down in paragraph 1438 to the Magistrate empowered to take cognizance of the case, who will, if he considers that the bond should be cancelled, do so and note the fact of cancellation in Form Crime 16A.

On receipt of the Final Report and the cancelled bond, the District Superintendent of Police will intimate to the police-station concerned the number and date of the cancellation order which will thereupon be entered in the counterfoil in the Final Report book.

1444. A person once arrested may be discharged only on the orders of a Magistrate empowered to take cognizance of the case.

Pending such orders, however, in cases which will not be sent up for trial, the police may release the accused on security or on his own bond.

Care will be taken that full particulars are entered in the Final Report to enable the Magistrate to pass orders for the discharge of the bond.

1445. The columns of the form need little explanation. The Final Report number is a serial number, a fresh serial number being given to the first Final Report of a new year.

The final classification of a case will be notified to the police-station concerned by the District Superintendent of Police in Form Crime 61. The Magistrate's final orders, date and classification, as well as the number and date of the orders of the District Superintendent of Police communicating them, will be entered in the counterfoil of the Final Report.

SECTION IV.—THE CHARGE SHEET. REGISTER

NO. 24 (FORM ^{CRIME 17} POLICE 125).

1446. The charge Sheet (Form ^{CRIME 17} POLICE 125) is a printed register in foil and counterfoil, and is the report prescribed by Government under section 173, Criminal Procedure Code, when an accused person is sent up before a Magistrate for trial:

1447. If the accused has been arrested and is in custody, or has been released on bail, and a *prima facie* case is established, the Charge Sheet, with the form for showing the result of trial and order of the Court (Form ^{CRIME 18} POLICE 125A) together with the original written information, if any, will be sent to the Magistrate having jurisdiction (*vide* column 8 of the Second Schedule to the Criminal Procedure Code), or power to commit for trial in Sessions cases (*vide* section 206, Criminal Procedure Code). On Form ^{CRIME 18} POLICE 125A will be noted "H.S." in red ink against the name of any person for whom a history sheet has been opened. Whenever possible, these papers will be submitted through the senior Police Officer of or above the rank of Inspector present at the Magistrate's Headquarters.

The hour and date of the arrest of each accused person will be entered in columns 2, 3 and 4 of the charge sheet.

The first three headings of Form ^{CRIME 18} POLICE 125A showing the name and address of accused, whether in custody or on bail, and whether with or without sureties, will be filled in by the officer-in-charge of the police-station, entries against the remaining headings of the form being made by the trying Magistrate, after the completion of the case.

When a case is sent to trial and one or more of the accused have absconded, the names of witnesses who can prove that they have absconded will be entered in red ink

in column 6 of the Charge Sheet, and these witnesses will be called upon to give evidence of the fact before any general evidence in the case is led.

• 1448. A special form (Crime 17A) is used instead of Form ^{Crime 17}/_{Police 125} when persons are sent up for trial under section 110, Criminal Procedure Code. A First Information Report and one copy of Form ^{Crime 18}/_{Police 125A} will accompany this form. Further instructions will be found in Local Government Police Department Circular No. 34 of 1919 which is reproduced in the Manual of Preventive Law.

1449. When an accused is arrested and sent up for trial as laid down at paragraph 1447, two copies of a descriptive-roll of the accused in Form Crime 21 will be attached to, and forwarded with the Charge Sheet to the Magistrate having jurisdiction. The description entered in the roll will be full and accurate; marks and scars will be described minutely, and peculiarities of speech, gait, or gesture, carefully noted. In column 8 of Form Crime 21, the distinguishing marks will invariably be recorded in accordance with the deformity and descriptive charts published in Appendices B.-V and B.-VI. Column 10 will be left blank in the roll of an accused who has never been previously convicted and who is a first offender. In filling in the form in respect of a previously convicted prisoner, it will invariably be stated in the remarks column of the form whether the accused on his previous conviction was classified as an "habitual" or not. A reference will be made to the index of Conditionally Released Convicts mentioned in paragraph 1521 and also to column 11 of the reverse of the Criminal Index Card. If the accused is a conditionally released prisoner, the fact will be stated in the remarks column of the form so as to enable the trying Magistrate to comply with the provisions of paragraph 676 (b) of the Burma Courts Manual. One copy of the descriptive-roll will be filed by the Magistrate with the Judicial Record; the other copy will be returned with the form showing the result of trial and order of the Court (Form ^{Crime 18}/_{Police 125}) by the Magistrate to the Police, and will be forwarded with the warrant of commitment, should the accused be convicted, to the jail. If he be not convicted, or if he be sentenced to fine, whipping or under section 562, Criminal Procedure Code, it will be filed.

In the event of the previous convictions not having arrived or the search slip not having been returned, it is the duty of the officer sending up the case to note the fact and date of reference in red ink in the remarks column of Form Crime 21 (Descriptive-Roll) to enable the Magistrate to defer judgment till such time as a reply is received.

When an accused person, who has been previously convicted, is sent up for trial for an offence under the Gambling or the Excise Act, a note showing that he has been previously convicted will be made in red ink against his name on the Report or Charge Sheet as the case may be, and a copy of Form $\frac{\text{Crime } 34}{\text{Police } 65A}$ will be attached to the Bail Bond by the officer sending up the case.

1450. At the conclusion of the trial, the Court Prosecutor or other officer in charge of the case will receive from the Magistrate Form $\frac{\text{Crime } 18}{\text{Police } 125A}$ showing the result of trial and order of the Court, which he will forward to the District Superintendent of Police through the Subdivisional Police Officer, if any. He will at the same time attach a manuscript report on the case to Form $\frac{\text{Crime } 18}{\text{Police } 125A}$ as regards its duration, adequacy or inadequacy of the sentence and correctness of decision. In cases where no comment is considered necessary, he will attach a statement to this effect. In sessions cases, the Judge will forward it direct to the District Superintendent of Police. In all cases sent up for trial the Magistrate trying the case, subject to the control of the District Magistrate (or the Sessions Judge) will record on the charge sheet and form showing the result of trial and order of the Court, whether the case is to be entered as "true", "false", "mistaken" or "non-cognizable." Such classification is necessary in order that the case, on reaching the office of the District Superintendent, may be entered under its appropriate column in the Crime Register.

The Court Prosecuting Officer will report the reasons for the acquittal or discharge of any accused sent up for trial, and any fault of investigation which may have come to light during the trial. The report will be submitted direct to the District Superintendent of Police who will then take such action as may be necessary to bring the mistakes of the investigating officers to their notice.

1451. The Court Prosecutor of the Court concerned is responsible for reporting to the District Superintendent of Police all previous convictions of accused persons for entry in the Finger Impression Slip sent to the Bureau (Form $\frac{\text{Crime } 48}{\text{Police } 105}$) and in column 8 of Register No. 2. In places where there is no Court Prosecutor, the above responsibility lies on the Station Writer.

1452. The District Magistrate through whom an appellate judgment passes, will communicate to the District Superintendent of Police any order of an Appellate Court modifying or altering the finding and the classification of a case. In cases when convictions are upset on appeal this fact will be conveyed to the Police Station concerned by letter from the office of the District Superintendent of Police.

1453. Trying Magistrates will record in the form showing the result of trial and order of the Court (Form $\frac{\text{Crime } 18}{\text{Police } 125}$), the name of the Court and the number and date of the case, the result of trial, the classification of the case and accused, and any other necessary entries under the headings of the form. The Magistrate, before returning it to the police, will sign and date the form.

CHAPTER LXVIII.

Non-Cognizable Offences.

REGISTER OF NON-COGNIZABLE CASES INSTITUTED BY THE POLICE (REGISTER NO. 25).

1454. The duties of the police are not limited to the disposal of cognizable cases and the investigation of such non-cognizable cases as may be referred to them by Magistrates.

They are required also, at their discretion and whenever the public interest (not the private interest of an individual or individuals) demands, to lay complaints under non-cognizable sections of the law to Magistrates having jurisdiction.

The following are among the more commonly used laws under which the police may be called upon in the course of their every-day duties to institute non-cognizable cases :—

Acts.	Sections.
(1) The Penal Code ...	All non-cognizable sections, e.g., 182, Penal Code; 211, Penal Code; Sections 264—267, Penal Code, etc.
(2) The Police Act, 1861 ...	All non-cognizable sections.
(3) The Burma Motor Vehicles Act (1914) and Rules.	"
(4) The Burma Highways Act and Rules (1907).	"
(5) The Burma Municipal Act, 1898	"
(6) The Hackney Carriage Act, 1879	"
(7) Prevention of Cruelty to Animals Act (1890).	"
(8) The Burma Suppression of Brothels Act (1921).	"
(9) The Burma Gambling Act (1899).	"
(10) The Railways Act, 1890 ...	"
(11) The Telegraph Act, 1885 ...	"
(12) The Cantonments Act, 1910 ...	"
(13) The Arms Act and Rules (1926).	"
(14) The Burma Excise Act (1917)	"
(15) The Inland Steam Vessels Act (1917) and Rules.	"
(16) The Burma Embankments Act, 1909 and Rules.	"
(17) The Burma Towns Act, 1907 ...	"
(18) The Burma Oil-fields Act, 1918	"
(19) The Burma Village Act, 1907 and Rules.	"
(20) The Fisheries Act and Rules (1905).	"
(21) The Burma Ferries Act (1898)	"
(22) The Burma Salt Act (1917) ...	"
(23) The Forest Act, 1927 ...	"
(24) The Wild Birds and Animals Protection Act, 1929.	"
(25) The Cattle Trespass Act, 1871	"
(26) The Burma Air Craft Act (1911)	"

NOTE.—Any case under any cognizable section of any of the above Acts will, in the usual way, be entered in the First Information Report Book. The present instructions refer only to cases under non-cognizable sections.

A copy of Register No. 25 (Form ^{Crime 40}/_{Police 89}) will be maintained in every Police Station. In certain Police Stations

where it is necessary to institute numerous cases of one particular type, e.g., under the Burma Motor Vehicles Act and Rules, it may be found convenient to maintain a separate volume for such cases. The use of forms other than Form ^{Crime 40}/_{Police 89} for the institution of any non-cognizable complaint is prohibited.

The register is interleaved with perforated detachable pages. Not more than one case will be entered on each page, and a carbon copy will be taken on to a perforated page in each case.

Particulars of each complaint will be entered in the Register by the Police Officer concerned and countersigned by the officer in charge of the Police Station.

The carbon copy together with Form ^{Crime 18}/_{Police 125a} and all connected papers, e.g., a loose copy of the relevant entries in Police Station Exhibit Register (Register No. 32), the warrant, if any, and Bail Bond, if any, will be forwarded to the Magistrate having jurisdiction, who after disposing of the case, will record his orders on Form ^{Crime 18}/_{Police 125a} and return it to the Court Prosecuting Officer for transmission to the Police Station concerned. On receipt in the Police Station the form will be filed after the necessary transcript of the Magistrate's orders has been made in column 7 of the register.

On the 1st of January each year the register will be forwarded to the office of the District Superintendent of Police in order that the cases may be abstracted with a view to their inclusion in the Annual Report.

NOTE—Simple representations to Magistrates containing no specific complaint against a specific accused but made only with the object of invoking Magisterial directions or a Magisterial enquiry, e.g., under the Lunny Act, 1858, the Legal Practitioners Act, 1846, the Censorship Act, 1918, or under section 514, Criminal Procedure Code (Forfeiture of bond for good behaviour) cannot be regarded as non-cognizable offences.

Such representations therefore will find no place in Police Station Register No. 25. They will be forwarded by means of an official letter only.

CHAPTER LXIX.

Cases under the Excise, Opium, Dangerous Drugs, and Salt Acts.

1455. The Excise Superintendent and his subordinates in each district are under the direct control of the Deputy Commissioner of the district.

The District Superintendent of Police is responsible that the Police work in cordial co-operation with Excise and Salt Officers, giving them all necessary assistance.

In cases taken up by the Excise or Salt Department direct, it is the duty of the Police to undertake the custody of accused persons and exhibits, and to prepare and send up the cases for trial. The Excise Superintendent will furnish the Court with particulars of previous convictions (Excise Direction No. 53).

The Court Prosecuting Staff, or if there is no such staff, the Police Officer deputed to attend Court will be responsible for the proper presentation and prosecution of Excise, Opium, Dangerous Drugs, and Salt Cases in Court.

1456. Under the provisions of section 4(f), Criminal Procedure Code, all offences are cognizable by the Police in which they have been empowered to arrest without warrant. Under sections 14 and 15, Opium Act, sections 54(a) and 56(b), Excise Act, sections 23(d) and 24(b), Dangerous Drugs Act, and sections 22(a) and 24(b), Salt Act, various officers of Government including Excise and Police Officers have been given powers of arrest of persons found in the act of committing an offence under the following sections :—

Excise Act. (1)	Opium Act, (2)	Dangerous Drugs Act, (3)	Salt Act. (4)
30, 31, 35, 34, 37, 38.	9	10, 11, 12, 13, 14, 14A, 15.	9, 10.

Offences under the above sections are not cognizable except when a person is found in the act of committing the offence.

Under the Excise and Dangerous Drugs Acts, Excise Officers, and under the Salt Act, Salt Officers have been given the powers of an officer in charge of a Police Station in respect to investigation and the release of arrested accused on bail. The Police have therefore no concern with cases under these Acts taken up by Excise and Salt Officers other than the custody of any accused or exhibits handed over to them, the receipts of which will be entered in the relevant registers (Exhibit and Lock-up Registers and the General Diary) and the prosecution of the cases in Court. Cognizable offences under the above sections and Acts

(including the Opium Act) instituted by Police Officers or Village Headmen will, however, be entered in the First Information Report Book (Register No. 20) and action taken in the usual way. In such cases a copy of the First Information Report will be forwarded to the Superintendent of Excise for information.

Under the Opium Act, however, Excise Officers have no powers of investigation and it is necessary for them to lay a formal complaint at the Police Station. When this has been done the Police will take custody of the accused and exhibits, open a First Information Report, investigate the case, and send it up for trial.

Non-cognizable offences under the above Acts instituted by Police Officers or Headmen will be recorded in Register No. 25 and the usual action taken.

1457. The above directions will not be understood as absolving the Excise Department from all or any responsibility, and Excise Officers will clearly understand that their duties in connection with such cases do not cease on their handing them over to the Police. The trial of important cases under the Excise and Opium Acts, whether taken up direct by the Police or the Excise Department, will, when this is considered necessary, be watched by an Excise Officer.

The essential point in the above orders is that the Police and Excise Departments should work together as one body, the former being given to understand that the proper working of the Excise, Opium, and Dangerous Drugs Acts forms an integral part of their duties, and the latter that though they hand over their cases to the Police for proper investigation and presentation, their responsibility in connection therewith does not cease with such handing over.

The injunctions contained in paragraphs 1455 to 1457 apply with equal force to the relations between the Police and the Salt Departments.

CHAPTER LXX

Counterfeit Coins and Forged Notes.

1458. Counterfeit coins and coining implements in cases sent up for trial will be handed over to the bailiff and the responsibility of the Police in respect to them then ceases.

In cases which are not sent up for trial the counterfeit coins (unless they are classed as genuine and returned to the owner by the order of a Magistrate) and the coining implements will be forwarded through the District Superintendent of Police to the District Magistrate together with a brief history of the case which will include—

- (a) the date and place of seizure,
- (b) the section of the Penal Code applicable,
- (c) the amount and denomination of the coins, the number and kind of implements, if any, with a full account of the facts of the case,
- (d) a description of the material of the coins, and,
- (e) the process of manufacture.

1459. The following implements connected with coining cases are required to be sent by the Court to the District Magistrate for transmission through the Treasury Officer and the Criminal Investigation Department to the Master of the Mint, Calcutta :—

Punches for preparing dies, dies for striking coins, and moulds for casting coins.

Any other implements are of no use to the Mint and orders for their destruction or otherwise will be obtained from the Magistrate concerned.

1460. The appearance of forged notes will be the subject of such enquiry as the Police deem necessary and desirable. The investigation of certain cases is hopeless *ab initio* and in such cases no first information report need be opened, and no investigation need be made.

1461. The Circle Inspector will pass orders as to whether a first information report should be opened, or not, and will exercise proper discrimination and judgment, in the task of selecting the right class of case for investigation.

1462. This system will enable the Police to be in a position to concentrate all their efforts on cases which there is some prospect of bringing to a successful issue. It is manifestly better to concentrate on sustained and sifting enquiries by expert officers in potentially productive cases, than to undertake investigation into all cases, however hopeless.

1463. District Superintendents and Subdivisional Police Officers will exercise a close and intelligent supervision over the work of their subordinates in the investigation of all cases of note forgery.

CHAPTER LXXI.

Stolen or Lost Property and Cattle.

REGISTERS OF STOLEN PROPERTY AND OF LOST CATTLE
REGISTERS NOS. 26 AND 27.

1464. Separate registers in the same form ^{Crime 26} _{Police 26 & 27} are maintained for stolen property and cattle respectively.

Cattle (including buffaloes), elephants, horses, donkeys, and mules only will be entered in Register No. 27 (Register of Lost Cattle).

All other animals, *e.g.*, pigs, sheep and goats will be entered in Register No. 26 (Register of Stolen Property).

Care will be taken to describe as minutely as possible each article or animal. In the case of the latter special note will be made of scars or deformities.

The essential point in the circulation of lists of stolen property or cattle is speed. If the officer-in-charge of the Police Station decides that certain of the stolen articles are easily identifiable he will make out the requisite number of copies of Form ^{Crime 26} _{Police 26 & 27} and send them direct with the least possible delay to the Police Stations to the jurisdictions of which he considers the property is likely to be taken. In all important cases free use will be made of the telegraph. It will not be possible in a telegram to give detailed descriptions of stolen property but the numbers of articles stolen and the names, such as anklets, bangles or ear-rings will be mentioned.

In the case of large towns which have several Police Stations, telegrams will be addressed to the District Superintendent of Police or in the case of Rangoon to the Deputy Commissioner of Police.

1465. The following files will be maintained in connection with these registers —

File No. 26A for notices of stolen property received from other Police Stations in the same district.

File No. 26B for notices of stolen property received from Police Stations in other districts.

File No. 27A for notices of lost cattle received from other Police Stations in the same district.

File No. 27B for notices of lost cattle received from Police Stations in other districts.

1466. When an information relates to theft of property, the informant will be asked to give and sign a detailed list of the articles stolen, and will be closely questioned as to any noticeable marks, or make, or other peculiarities of the articles, which may afford hope of recognition. For instance, an ornament may have been broken or repaired, a metal vessel may have been dented or scratched by a blow or by a fall, a *hazo* or *para* torn and mended. Some individuality of construction is often to be found in the work of certain craftsmen. The informant will be required, too, to state the value of each article; and the weight, and name of maker (if he can give them) of any gold or silver ornament stolen.

The list will be made out separately from the rest of the information, and will be entered in either the Register of Stolen Property or the Register of Lost Cattle as the case may be.

NOTE.—Any person refusing to sign a statement made by him as above is liable to punishment under section 180, Penal Code.

CHAPTER LXXII.

Inquests.

SECTION I.—INVESTIGATION : BY WHOM TO BE MADE.

1467. Sections 174 and 175, Criminal Procedure Code, are the law on the subject of information concerning sudden or unnatural deaths and on the duty of the Police in connection therewith. Section 174, Criminal Procedure Code, prescribes that on arrival at the place where the body of the deceased person is (if the Magistrate has not arrived and commenced holding an inquest in which case the officer-in-charge of the Police Station shall confine his action to reporting the death to the Magistrate), the officer-in-charge of the Police Station or outpost in the presence of two or more respectable inhabitants of the neighbourhood shall make an investigation and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body and stating in what manner or by what weapon or instrument (if any) such marks appear to have been inflicted.

1468. An investigation shall be made by the officer-in-charge of the Police Station, *i.e.*, by the officer appointed to the charge, or, if he is absent from the station-house or

unable from illness to perform his duties, by the Police Officer next in rank and seniority to him or by some other Police Officer specially empowered by Government [section 4 (b), Criminal Procedure Code]. Any Police Officer superior to an officer-in-charge of a Police Station or outpost may make an investigation (section 551, Criminal Procedure Code).

1469. On receiving information of an unnatural or sudden death, the officer-in-charge of a Police Station or outpost will immediately send direct to the nearest Magistrate, empowered to hold an inquest, intimation of such death in Form ^{Crime 37}/_{Police 24} and will proceed at once to the place where the body of such deceased person is. A copy of the intimation sent to the Magistrate will be kept in the Police Station. The Magistrate on receipt of the form will, unless he proceeds to hold an inquest, forward it with his remarks to the Subdivisional Magistrate who will forward it to the District Superintendent of Police through the Subdivisional Police Officer, if any, for information and record in his office. If the Magistrate holds an inquest he will retain the report for inclusion in his proceedings.

Note.—Only the District Magistrate or Subdivisional Magistrate is empowered *ex officio* to hold inquests. Other Magistrates have to be specially empowered (a list of Magistrates empowered to hold inquests is kept up in each Police Station).

1470. I.—In the following cases an officer-in-charge of a Police Station or outpost who has received information of the unnatural or sudden death of any person within the local jurisdiction of such Police Station will not make a personal investigation but will take action in the manner stated below :—

- (i) When the deceased has met his death in a military cantonment or by injuries unlawfully inflicted by a military person or camp-follower, the nearest Magistrate empowered to hold an inquest will, without delay, be specially invited to hold an inquest under the provisions of section 174, Code of Criminal Procedure. If the death occurred within a cantonment, the inquest will be held by the Cantonment Magistrate, unless he has not been empowered to hold inquests.
- (ii) If in the cases mentioned in clause (i) the Magistrate in question fails to hold such inquest the District Superintendent or in his absence the

Headquarters Assistant or Deputy Superintendent, will hold an investigation under the provisions of section 174, Code of Criminal Procedure.

- (iii) In the cases mentioned in clause (i) an inquest under the Criminal Procedure Code will be held whether a Military Court of Inquest is held or not. If in the case mentioned in sub-section (ii) neither the District Superintendent nor the Headquarters Assistant or Deputy Superintendent is available, the officer-in-charge of the Police Station or outpost concerned will hold the investigation.
- (iv) On the occasion of a death by violence in a military prison, when an inquest has been held by a Magistrate duly authorised to hold inquests, the police will not make the investigation into the cause of death.
- (v) In the case of the unnatural or sudden death of a European soldier, non-commissioned or commissioned officer, the police will confine their action to an immediate report to the nearest Magistrate duly authorized to hold an inquest and to an entry in the station diary. In such a case the inquest will be held under the provisions of section 174, Code of Criminal Procedure.
- (vi) In the case of the unnatural or sudden death of any person within the walls of a prison or in the custody of the Prison Department the officer-in-charge of the Police Station or outpost will take action as stated in Rule II, clause (ii) below.

II.—(i) On the occasion of the unnatural or sudden death of any person within the walls of a prison or in the custody of the Prison Department, it will be the duty of a jailor to report the facts forthwith to the officer-in-charge of the nearest Police Station or outpost.

(ii) On receipt of such report, such officer will proceed to the spot and, if the death has taken place within the walls of a prison, place a guard over the body, with orders not to allow the body or anything which may have moved to and caused the death of the deceased to be touched until the arrival of a Magistrate ; and such officer will at the same time send immediate intimation to the senior Magistrate

present at the station with a view to the holding of an inquest. If the death has taken place outside the walls of a prison, the above procedure will be followed with such modifications as circumstances may necessitate.

SECTION II.—INVESTIGATION : HOW TO BE MADE.

1471. In summoning the respectable inhabitants who are to take part in an investigation, the Police Officer concerned will, if possible, select fit persons with reference to the nature of the investigation.

Illustrations.—(a) The question is—What was the apparent cause of the death of A? A died of an injury caused by a carpenter's tool whilst working at the trade of a carpenter. One of the persons summoned will, if possible, be a person acquainted with the use of such tools.

(b) The question is—What was the apparent cause of the death of B? B was found dead close to a broken railway gate, which had apparently been broken open by the passage of a train. One of the persons summoned will, if possible, be a person acquainted with the working of the railway.

1472. When an important investigation is held, or when an investigation is held at a place near the residence of a Civil Surgeon or other medical officer appointed by Government for the examination of bodies immediate intimation will be given to such Surgeon or officer with an invitation to examine the body at the place where it is lying. If possible, such intimation will be sent by the officer-in-charge of the Police Station or outpost concerned through the District Superintendent, who will add a request in English.

The special procedure to be followed in cases of assault resulting in death by British soldiers or natives of India or Burma is set out at paragraph 1774.

1473. On arrival at the place where the body of the deceased is lying the Police Officer making the investigation will act as follows :—

General.

- (i) he will prevent the destruction of evidence as to the cause of death ;
- (ii) he will prevent crowding round the body and the obliteration of footsteps ;
- (iii) he will prevent unnecessary access to the body until the investigation is concluded ;

- (iv) he will cover up foot prints with suitable vessels, so long as may be necessary ;
- (v) he will draw a correct plan of the scene of death, including all features necessary to a right understanding of the case ;
- (vi) if a Surgeon or other Magisterial or Medical Officer or superior Police Officer is expected to arrive, he will leave the body for a reasonable time until such arrival, or if the body is lying in a thoroughfare and cannot be left, he will cause it to be moved to a suitable place, and the posture will, as far as possible, not be altered until such arrival or until the investigation is completed ;
- (vii) if no Surgeon or other Magisterial or Medical Officer or superior Police Officer arrives, he will, together with the other persons conducting the investigation, carefully examine the body and note all abnormal appearances ;
- (viii) he will remove, mark with a seal, and seal up all clothing not adhering to or required as a covering for the body ; all ornaments, and anything which may have contributed to or caused the death of the deceased, and will make an inventory thereof, describing the position in which each thing was found, any bloodstain, mark, rent, injury, or other noticeable fact in connection with such thing, and will enter in such inventory a counterpart of the mark and seal attached to such thing, or to the parcel in which it has been enclosed. Such inventory will form part of the report hereinafter prescribed.

1474. In cases of suspected poisoning—

- (i) he will ascertain whether the person was in ordinary health ;
- (ii) he will ascertain whether the symptoms he showed
 - (a) were sudden in onset, (b) were uniform in character, (c) rapidly increased in severity, and (d) proved speedily fatal ;
- (iii) he will ascertain what was the interval between the last eating or drinking and (a) the first appearance of symptoms and (b) death, if it occurred ;

- (iv) he will ascertain what were the first symptoms and whether vomiting or purging occurred;
- (v) he will ascertain whether the person became drowsy or fell asleep;
- (vi) he will ascertain whether cramps or twitching of the limbs were observed, or tingling of the skin or throat complained of;
- (vii) he will ascertain whether any other symptoms were observed;
- (viii) he will bring away under seal all food, drink, tobacco, etc., in the house or near the body;
- (ix) if vomiting has occurred, the Police Officer will bring the vomit away under seal. Any clothing soiled with vomited matter, and even the flooring into which some may have soaked, will be so brought away;
- (x) in the investigation of cases of suspected poisoning in which the corpse has been cremated, the ashes and bones will be collected and brought away under seal.

1475. In cases of hanging or strangulation—

- (i) he will note the height of the body from the ground, and before cutting it down, whether there is any rigidity of the lips or eye-lids, any protrusion of the eyes, the state and position of the tongue, any evidence of the escape of fluid from the mouth or nostrils, and the direction in which it has flowed;
- (ii) he will note the arrangement and number of knots on the ligature;
- (iii) he will note the state of the clothing, whether torn or dishevelled;
- (iv) he will note on cutting down the body the state of the neck, particularly the direction of the line of strangulation, and whether there is bruising along that line;
- (v) he will note whether the thumbs are crossed on the palm;
- (vi) if possible, he will bring away the materials by means of which the hanging or strangulation has been effected.

1476. *On finding a body in a pond, river, tank, or well—*

- (i) he will note the depth of the water ;
- (ii) he will note any evidence of a struggle having taken place by the margin of the water, such as marks of blood, etc. ;
- (iii) he will note if any ligature is found on the body, and how it is tied ;
- (iv) he will note any mark of violence on the body especially about the head and neck ;
- (v) he will note whether froth is present in mouth or nostrils ;
- (vi) he will note whether the skin is smooth or rough ;
- (vii) he will note whether the hands are clenched. If anything is grasped in the hand, he will carefully remove it and compare any mud found under the finger-nails with the mud at the bottom of the water.

1477. *In the case of a body found murdered in an open field or in the jungle—*

- (i) he will note the number, character, and appearance of any injuries ;
- (ii) should a weapon be found, he will cover with paper and seal any marks of blood on it, and especially note and preserve any adherent hairs ;
- (iii) in the case of an exposed infant, he will note the state of the umbilical cord, especially whether it is tied or not, and any marks of violence.

1478. *In a case of presumed murder and burial of the remains—*

- (i) he will search for and note any marks of violence especially about the skull ;
- (ii) he will note carefully any indications of sex, and in particular, will bring away a jaw and the bones of the pelvis ;
- (iii) if there is any suspicion of poisoning, he will bring away under seal the earth from above the stomach.

1479. *When a body is found under circumstances giving no clue to the cause of death, e.g., when it is found on a road or in a field without external marks of injury, the*

police officer will bear in mind the possibility of death having been caused by poisoning for purposes of theft.

In such cases therefore he will explain all the circumstances to the medical officer and ask him to make a *post-mortem* examination.

General Instructions as to dealing with Dead Bodies.

1480. If at the time of receiving information of an unnatural or sudden death, or if at any time before or after he arrives at the place where the body of the deceased person is said to be, the officer-in-charge of a Police Station or outpost or Police Officer concerned learns that such body has been buried, such officer will be guided by the following rules :—

I.—An officer in charge of a Police Station or outpost and any superior officer of police lawfully making an investigation into the unnatural or sudden death of any person, may cause the body of such person to be disinterred for the purposes of such investigation.

II.—No such disinterment will be caused or effected until the respectable inhabitants required to take part in the investigation under the provisions of section 174, Code of Criminal Procedure, are present, and unless and until the Police Officer lawfully making the investigation will have recorded in writing the information which has reached him and the grounds on which he considers it necessary to proceed to such investigation.

III.—When such investigations are made by a Police Officer and there is a Magistrate authorised to hold inquests in the immediate neighbourhood, either of the grave or of the Police Station in which the grave is situate, it will be the duty of the Police Officer to guard the grave and ascertain whether the Magistrate will attend at once at the disinterment. The disinterment of the body will be postponed pending the Magistrate's reply. If the Magistrate is unable to attend the disinterment at once the Police Officer will proceed, in the manner hereinbefore prescribed, to disinter the body. >

IV.—In all cases Police Officers will examine and will reduce to writing* the statements of witnesses to prove the

* Section 162, Criminal Procedure Code. Such statements will not be signed by the witnesses.

identity of disinterred bodies with the persons supposed to have died unnatural or sudden deaths before commencing their investigation on such bodies.

V.—In every case in which a body has lain in the grave for a period exceeding three weeks, no disinterment will be caused or effected by any Police Officer until the opinion of the Civil Surgeon has been obtained, and then only with the sanction of the District Magistrate; in all cases where it is possible without causing undue delay a Police Officer will obtain the orders of a Magistrate for a disinterment.

VI.—The attention of Police Officers is drawn to section 297, Penal Code. Police Officers acting without jurisdiction or without due care and attention in such investigations will be severely punished.

1481. When a Police Officer competent to hold investigations has disinterred a body under the last preceding paragraph, he will proceed to hold the investigation in the matter provided in paragraph 1473.

1482. When the investigation is concluded and it is unnecessary to send the body for medical examination or to keep it for identification, the Police Officer conducting the investigation will make over the body to the deceased's relatives, or, if there are no relatives or friends to receive the body, will have it decently buried or burned, as may be proper.

1483. When it is necessary to keep a body for the purposes of identification, it will be placed in the coolest room available, and the doors and windows will be closed and watched. Disinfectants will (if available) be freely used in such room.

1484. If no identification can be obtained within the period during which such body can be safely kept, the Police Officer concerned will, before it is buried or burned record a careful description of it, giving all marks, peculiarities, deformities, or distinctive features which might lead to recognition.

1485. When the case is one of importance, and photographs or casts can be taken of the face, a photograph or cast will be taken.

1486. When, for sanitary reasons, it is necessary to bury or burn the body at once, the course prescribed in paragraph 1484 will be adopted.

1487. In cases where there is any doubt regarding the cause of death, and in cases where the bodies of persons who have been apparently run over by railway engines or trains* are not identified, the body will be sent for medical examination direct to the headquarters of the district if it can arrive there within twenty-four hours of death. If a corpse cannot be sent to reach the district headquarters within twenty-four hours of death or if the hour of death is so uncertain that the police cannot be sure that the twenty-four hours limit will not be exceeded, the corpse will be sent to the nearest hospital or dispensary, whether at the district headquarters or elsewhere. Government has appointed all Sub-Assistant Surgeons and other medical officers in charge of hospitals and dispensaries to be officers to whom dead bodies may be forwarded for examination in cases in which it is not possible to send them to a Civil Surgeon. Should such a medical officer be unable to make the examination either on account of his having to proceed elsewhere on duty or to give evidence or for other adequate reason, the dead body will be sent to the next nearest hospital or dispensary where a medical officer is available to conduct the examination.

1488. So far as possible the following procedure will be adopted in sending bodies to the medical officer for examination :—

I.—A light and strong litter, with a covering to protect it from sun and rain, will be used.

II.—The clothing left on the body will be properly secured round it; any instrument likely to have caused death remaining in or on the body will be left there if it can be secured.

III.—When the body has far to go, a layer of charcoal, two inches deep, will be placed in the litter; the body will be covered with charcoal and freely sprinkled with carbolic acid or other disinfectant; if charcoal is not available, charred paddy husk is an excellent substitute and can be prepared in about three hours. If there is not time for this to be done, dry paddy husk, saw-dust, or dry sifted earth may be used.

IV.—Police Officers along the route will assist in obtaining men to carry the litter, so that the body may be sent in as rapidly as possible.

* *Explanation.*—Murderers have been known to place the bodies of their victims across the line of rails with a view to its being thought that death was caused by a railway accident.

V.—Two Police Officers who were present at the investigation will accompany the body, and, if necessary, suitable means of conveyance will be provided for them. They will remain with the body till after the completion of the medical examination.

VI.—On the arrival of the body at its destination it will be at once placed and watched in the mortuary, if there is one, and intimation will be sent to the medical officer as quickly as possible. All available information as to the cause of the death will be communicated to the medical officer at the same time.

VII.—These communications will be forwarded through the senior police officer at the place of examination, who will fill up and send to the medical officer a memorandum in Form ^{Crime 34} ~~Crime 31~~ _{Police 75}.

VIII.—After depositing a body in the mortuary, the police will have nothing more to do with its disposal, either as regards sending portions to the Chemical Examiner or ultimately as regards burying or burning it.

IX.—When possible, the Police Officer in charge of the case will be present at the medical officer's examination with the object of obtaining the earliest information as to the cause of death; if he cannot go himself, he will depute an intelligent subordinate.

1489. All corpses brought to a hospital by the police for examination, whether the examination is merely for the purpose of certification of the cause of death or for *post-mortem* examination in the medical sense of the word, will, if the corpse is not taken away by relatives or friends, be buried or burnt by the hospital authorities. If a *post-mortem* has been held, the burial or burning charges will be paid by the hospital authorities. The cost of carriage to hospital and other incidental charges such as charcoal and disinfectants, used to preserve the body from decomposition, etc., will be borne by the Police Department. The transport used will be that ordinarily used and the rates of hire payable will be those sanctioned by order or custom in the locality concerned. No payment will, however, be made on account of the cost of transport to a police-station or a hospital of corpses brought there by relatives or others without the order of the Police.

If no *post-mortem* has been held, the costs of burial or burning shall be paid by the Police Department to the hospital authorities who disposed of the body.

Corpses examined elsewhere than in a hospital or mortuary shall be buried or burnt by the hospital authorities and the cost will be paid by the Deputy Commissioner.

1490. When it is found necessary to despatch corpses by rail a requisition by letter for the necessary accommodation will be sent by the Police Officer concerned to the station master of the nearest railway station. The corpse will be despatched by the first train no matter whether it be a passenger, mixed or goods train, provided it is completely covered with cloth and protected in the manner laid down in paragraph 1488, and provided also that it has not become offensive or in any way likely to create or cause a nuisance.

Police Officers, accompanying corpses despatched by rail, will pay the ordinary fare of the class by which they are entitled to travel and they will before starting give the station master a certificate to the effect that the corpse has been properly secured according to orders. Prepayment of freight on corpses will not be made as the freight will be recovered by the Controller of Railway Accounts.

SECTION III.—GENERAL INSTRUCTIONS.

1491. Things for medical examination will, when a body is also sent in, be sent with the body under charge of the same escort, and when a body is not sent in with an escort by a special messenger who will take them direct to the medical officer without relief on the way.

1492. Blood-stained weapons, articles, or clothes will be marked with a seal and made up into sealed parcels.

1493. When bloodstains or what are supposed to be such are found on a hard surface, such as cement or flooring, the investigating officer will endeavour to take them up intact with the portion of the cement or flooring on which they are found in order to prevent the disintegration of any blood elements present for the purposes of chemical examination. The stained surface shall on no account be moistened or rubbed. Articles suspected to be blood-stained will be sent for examination to the Chemical Examiner, Burma, who will, if necessary, send them on to the Imperial Serologist, Calcutta. The rules laid down in Local Government's Judicial Department G. Circular No. 15 of 1930 (Appendix B-IV) for the despatch of articles to the Chemical Examiner will be followed and Police

Investigating Officers will take great care that all information that is likely to be of any use to the Chemical Examiner including a short history of the case as well as the section of the Penal Code is furnished in the forwarding letter (Form Crime 97) which will invariably be written by them in English. The original letter will be sent by post or poon as the case may be in a separate cover and a duplicate letter will be enclosed in the parcel.

1494. The report prescribed by section 174, Criminal Procedure Code, will be in Form ^{Crime 36} Police 76 and the plan of the scene of death [paragraph 1473(v)], the inventory of clothing, etc. [paragraph 1473(viii)], and when bodies or articles are sent for medical examination, a list of the things on and with the body will form part of the report. The articles mentioned in paragraphs 1473—1478 to be sent in will be included in the above list. The report with its enclosure will be forwarded by the officer-in-charge of the police-station or outpost to the Subdivisional Police Officer (if any) who will forthwith forward it to the Subdivisional Magistrate, who will send it to the Superintendent of Police, who will retain it for record in his office. If there is no Subdivisional Police Officer the report will be submitted through the Circle Inspector. A copy of the report on Form ^{Crime 37} Police 76 will be kept in the Police Station.

1495. If a Magistrate empowered to hold an inquest arrives on the scene during the police investigation and intimates his decision to hold an inquest the officer-in-charge of the Police Station or outpost will at once close his enquiry noting his reasons for so doing. In these circumstances the report need not be attested by the village elders and need not be submitted to higher authority. It will be filed in the Police Station.

1496. Reports forwarded to the Magistrate of the District or Subdivisional Magistrate will be forwarded without delay direct.

1497. When the Police Officer has concluded the investigation, he will make over to the proper persons all property which he may have taken into his charge in the course of the investigation and which is not required for the ends of justice. A receipt will be taken for the property so made over in column 41 of the register of property seized

or taken possession of by the police and of unclaimed property (Police-Station Register No. 32 Form ^{Crime 27} Police 59).

1498. Police Investigating Officers will correspond with the Chemical Examiner-direct in all matters concerning exhibits sent by them to him for examination.

1499. In cases of human or criminal poisoning or suspected poisoning exhibits, excepting viscera, stomach wash or vomit collected in hospital, will be sent by the Police Investigating Officer to the Chemical Examiner, Burma, direct. They will not be sent through or on the instructions of the Civil Surgeon or a Magistrate.

1500. The rules laid down in paragraphs 1473—1478, 1488, 1491, 1494 and 1495 for the investigation by the police of cases of sudden or unnatural death of a human being, apply also to the investigation of cases of suspected poisoning in which death has not actually taken place and to cases of attempts to murder or causing grievous hurt in any way. All articles mentioned in paragraph 1474 which are intended to be sent to the Chemical Examiner will be sent in packets or parcels packed and sealed by the Investigating Officer himself who will inscribe his signature on the outer cover of the packet or parcel. Should he delegate this duty to an assistant, which will be as seldom as possible, the latter will be called as a witness and examined with a view to proving that the article was duly submitted to the Chemical Examiner in accordance with the terms of section 510, Criminal Procedure Code. Articles sent to the Chemical Examiner locally will be sealed, packed and signed by the Investigating Officer and sent by messenger through the local despatch register while those sent from out-stations will be similarly packed, sealed and signed and sent by registered parcel post in accordance with the instructions laid down in paragraph 1493.

1501. The cost of packing, postage or conveyance of the exhibits sent to the Chemical Examiner will be paid by the police officer despatching the exhibits to the Chemical Examiner. These charges will be met from the Police Station imprest.

1502. Reports submitted by police-officers ignorant of English will be in Burmese, but in all cases of death caused by a railway accident an English translation will be made.

1503. A copy of all reports relating to deaths caused by railway accidents made by officers of the District Police, will be sent to the Superintendent of Railway Police.

SECTION IV.—FILE OF ACCIDENTAL DEATHS AND SUICIDES.

Register No. 28 (Forms $\frac{\text{Crime 37}}{\text{Police 74}}$, $\frac{\text{Crime 38}}{\text{Police 75}}$ and $\frac{\text{Crime 39}}{\text{Police 76}}$).

1504. Copies of Form $\frac{\text{Crime 37}}{\text{Police 74}}$ (First report of a dead body found or of unnatural or sudden death), Form $\frac{\text{Crime 38}}{\text{Police 75}}$ (Request for medical examination) and Form $\frac{\text{Crime 39}}{\text{Police 76}}$ (Final Death Report) will be kept in a file. A serial number will be given to each set of the above reports, a new series of numbers being commenced at the beginning of each year. The First and Final Reports in each case will bear the same serial number.

CHAPTER LXXIII.

Absconders.

SECTION L—HUE AND CRY INDICES AND FILES.

Register No. 29 (Forms Crime 28B and $\frac{\text{Crime 28}}{\text{Police 62}}$).

1505. Absconders in a Police Station fall under four categories:—

- (i) Gazetted absconders wanted by the Police Station, i.e., absconders whose names are published in the *Police Crime Gazette* under the orders contained in paragraphs 363 and 364 of the *Burma Police Manual, Volume I*.
- (ii) Gazetted absconders wanted by other Police Stations within the same district or of some other district.
- (iii) Other absconders (not gazetted) wanted by the Police Station.
- (iv) Other absconders (not gazetted) wanted by other Police Stations within the same district or of some other district.

For each of these categories a separate file will be maintained, indexed in the following form:—

FORM CRIME 28B.

Serial No.	Name and Father's Name of Absconder.	F.I.R. No., Date, Police Station.	Offence.	Whether action has been taken under Section 512, Criminal Procedure Code, or not.	Date struck off with reason.
(1)	(2)	(3)	(4)	(5)	(6)

1506. When an absconder's roll ^(Form Crime 28) _{Police 62} is prepared, the officer preparing the roll, who will normally be the Investigating Officer, will, at the time of doing so, go through his Case Diaries and other reports on the case and extract therefrom all relevant information and clues concerning the absconder. This information together with brief notes on the action taken and results, if any, will be clearly and concisely set forth on one or more sheets of paper which will be attached to the roll. (A copy of these notes, which can be prepared with carbon paper, will be attached to each roll circulated.)

After the Roll and necessary copies have been compiled, as above, they will be despatched forthwith. On receipt, either at the station of compilation or any other station, the Absconder Unit and writer must familiarize themselves with the contents thereof and place it before the Police Station Officer who will record such order as he deems necessary on an "Order Sheet" on half margin leaving the inner side blank for acknowledgments and brief notes. In the absence of the Police Station Officer, action, if obviously necessary, must be taken at once. The roll and all connected papers will then be filed in a separate file cover, hereafter referred to as the "Personal File" of the absconder. In this file, all reports, notes and correspondence concerning the absconder will be filed, so that the Personal File may present a complete picture of the efforts made to effect his arrest; if a photograph exists it will be filed therein.

The Hue and Cry Roll of a gazetted absconder—categories (i) and (ii)—will be retained as a "live" file in

the Index until either he is arrested or his name is cancelled from the *Gazette* or the District Superintendent of Police orders the closing of the file. (In the latter case, a period of 15 years can be taken as a rough guide.) The file will then be transferred to the record-racks of the police station and kept until either circumstantial evidence allows the presumption that the man is dead or definite information confirms that belief. It may then be destroyed.

The rolls of non-gazetted absconders—categories (iii) and (iv)—will normally be kept "live" for two years unless the District Superintendent of Police, for reasons to be recorded by him in writing in the Personal File, extends the time limit, any such extension being intimated to all police stations concerned. If at the end of the time limit (extended if necessary) there appears to be no purpose served in continuing the search, the File will be closed and removed to the record racks, to be treated similarly to those of categories (i) and (ii). The closing of a file within the period of two years may be ordered only by the District Superintendent of Police or the Subdivisional Police Officer.

1507. The essential point in the circulation of these notices is speed. If the officer in charge of the Police Station decides that it is necessary to circulate the description of an absconding offender, he will fill in as many copies of Form Crime 28
Police 112 as are necessary and send them direct with the least possible delay to the Police Stations to whose jurisdictions the absconder is likely to go and at the same time in the case of gazetted absconders only send a copy to the District Detective Staff.

Some discrimination is necessary in circulating absconder's rolls and any tendency to broadcast them to places to which there is little likelihood of the absconder going will be rigorously avoided.

As a general rule, absconder's rolls will be sent only to Police Stations in whose jurisdictions the absconder has relatives and friends, or to which there is definite information that he is likely to go, or in which he or his wife (if any) were formerly resident.

As regards the last category, the following procedure will be carried out. Careful enquiry will be made amongst the absconder's associates as to places where he or his wife (if any) formerly resided. The Police Stations in whose jurisdictions these places lie will be sent a copy of Form Crime 28
Police 112

together with a covering letter intimating the places in which the absconder (or his wife if any) was formerly a resident and requesting the police to make local enquiries to ascertain the names and addresses of persons at those places who are acquainted with or friendly with the absconder (or his wife). A note will be made in the last column of serial number 27 of the Police Station copy of the form of the despatch number and date of the letter sent. On receipt of a reply the particulars furnished will be entered in the first four columns of serial number 27 of the form.

In all important cases, free use will be made of the telegraph; for instance, if a serious crime has been committed and it is suspected that the offenders have gone to or ordinarily reside in a certain village or town, a telegram will be despatched immediately to the Police Station having jurisdiction. If the offenders are suspected to have gone to Rangoon or any large town in which there is more than one Police Station, the telegram will be addressed to the Deputy Commissioner of Police, Rangoon Town, or District Superintendent of Police, as the case may be.

The above procedure applies *mutatis mutandis* to Registers Nos. 26 and 27.

1508. The description of the accused will be really full and accurate and such as to render immediate recognition possible.

Care will be taken not to omit any readily noticeable characteristic or peculiarity of gait, manner, or speech. Any visible scars or deformities especially will be carefully described.

1509. On receipt of an absconder's roll the local police will immediately return the acknowledgment of receipt slip to the issuing police-station and then verify without delay the existence of the friends or relatives the absconder is said to be likely to visit, and make enquiries as to any acquaintances of his or his wife in places in which he or she are said to have been former residents.

If no such friends, relatives, or acquaintances are traceable the police will at once return the absconder's roll to the issuing police-station with a note that no connections of the absconder are traceable.

**SECTION II.—PROCLAMATION AND GAZETTING OF
ABSCONDED OFFENDERS.**

1510. When an accused person in an important case has absconded and cannot be found, witnesses will be forwarded to a competent Court for the recording of their evidence under the provisions of section 512, Criminal Procedure Code. Application will also be made to the Court to issue a warrant for the arrest of the absconder. If the warrant cannot be executed, application will be made to the Court to issue a proclamation under the provisions of section 87, Criminal Procedure Code, and to attach the property of the absconder under section 88, Criminal Procedure Code. The application will be supported with evidence to prove that the accused has absconded or cannot be found.

When the above procedure has been carried out, the descriptive-roll of the absconder will be sent through the District Superintendent for publication in the *Police Crime Gazette*, but only if he is accused of the following offences:—

- (1) Murder.
- (2) Dacoity.
- (3) Rape.
- (4) Kidnapping human beings for ransom.
- (5) Counterfeit coining.
- (6) Forging currency notes.
- (7) Robbery, house-breaking, theft, embezzlement, cheating, criminal misappropriation, but in the case of these particular offences, only when the Finger Prints of the absconder are on record in the Finger Print Bureau.

1511. The following are the particulars, which will always be entered in the descriptive-rolls of persons to be gazetted:—

- (a) The names of parents (father and mother) and wife, if any.
- (b) Description as in Appendix B-VI of this Manual.
- (c) Age.
- (d) Native place or birth place (i.e., Village, Police Station, and District).
- (e) Place of usual residence (i.e., Village, Police Station, and District).
- (f) Finger Print number and date, if any.

1512. In cases of an important nature and when the photograph of an absconder can be obtained its facsimile will be produced in the *Police Crime Gazette*.

1513. (i) The distribution of the *Police Crime Gazette* is given in paragraph 86 of the Criminal Investigation Department Manual, Part I. All officers of and above the rank of Circle Inspector will maintain a check register containing the names of absconders advertised in the different parts of the *Crime Gazette* who are likely to visit their jurisdictions. When they inspect Police Stations in whose jurisdictions absconders are likely to reside or visit, they will ascertain what steps are being taken by the Police Station Officers and surveillance staffs to trace them.

(ii) At Police Stations to which the *Crime Gazette* is supplied the Surveillance Staffs will be responsible for extracting the names of absconders who are likely to visit their jurisdictions, for entering them in their note-books and for bringing such information to the notice of their Police Station Officers. They will also report in their weekly diaries what measures they have taken to trace and effect the arrest of such absconders.

(iii) In the case of Police Stations to which the *Crime Gazette* is not supplied the Circle Inspectors will have copies made of any notices appearing in the *Crime Gazette* which concern Police Stations in their Circles and send them to the Surveillance Staffs with as little delay as possible in order that the action laid down in clause (ii) above may be taken.

1514. Headmen will be given a list of gazetted absconders likely to visit their villages for entry in Form Crime 78 (Part II of the Register of Police Officers' visits), *vide* paragraph 1624. As soon as a Police Station Officer receives intimation that an absconder is likely to visit a village in his jurisdiction, he will furnish the headman with a copy for entry in Form Crime 78.

1515. The *Police Crime Gazette*, Part I, is not intended in any way to supersede the practice of circulating Form ^{Crime 28} _{Part II 17} or other written notices about absconders direct from one Police Station to another, as laid down in paragraph 1507.

1516. The *Police Crime Gazette* will be carefully filed in parts, the index to Part I being filed every half year with its part. Inspecting Officers are particularly desired to see that this is done.

1517. At Police Stations the whole *gazette* will be retained unbound for five years and will then be destroyed.

SECTION III.—REWARDS FOR THE APPREHENSION OF CRIMINALS.

1518. Police Station Officers will apply to the District Superintendent of Police, through the Circle Inspector of Police and Subdivisional Police Officer, to sanction rewards for the apprehension of persons accused of grave offences against whom the evidence is sufficient but whose arrest cannot be effected.

Where rewards have been offered for the apprehension of absconding accused, Police Station Officers will report through the same channel the names of members of the public who have given information leading to their arrest to the District Superintendent of Police so that the reward offered may be paid to the person or persons entitled to it.

CHAPTER LXXIV.

Conditionally Released Convicts.

1519. District Magistrates generally advise the Revisory Board, after consultation with their District Superintendents of Police as to what conditions should be imposed in the case of a prisoner whose release is recommended and whether he should be kept under Police surveillance or not, and, if under surveillance, the period recommended. Prisoners released on the recommendation of the Revisory Board will be kept under surveillance, if it is deemed necessary, for periods not longer than the portion of the sentence which has been remitted, or three years, whichever is shorter; and conditions (3) and (4) printed on release bonds are applicable only for the period of the remitted sentence or three years whichever is shorter. The conditional release order will be sent in duplicate by Government to the District Magistrate concerned who will then forward the duplicate copy to the District Superintendent of Police. On receipt the District Superintendent of

Police will send the copy to the Police Station Officer concerned for necessary action as indicated in paragraph 1521. Surveillance over conditionally released convicts, if considered necessary, will be exercised with some strictness. In the case of a released convict who is required to live in a specified place and who desires to change his place of residence, the sanction both of the Deputy Commissioner of the district in which he is residing and of the Deputy Commissioner of the district to which he wishes to remove will be obtained first and where the convict has been released with sureties the consent of the sureties will also be obtained. When such move does take place, a Police Constable will always accompany the person under supervision and hand him over to the district authorities of the district in which he proposes to reside.

1520. The choice of the village in which the convict is to be permitted to reside will ordinarily be left to the convict himself. The headman of the village-tract within which he elects to reside will be given a paper showing the name of the convict and his descriptive-roll, the offence of which he has been convicted, the conditions of his release and the names of his sureties, if any. It is the duty of the headman to report to the nearest Police Station, the absence of such convict from the village for a period exceeding 24 hours, and also any act or misconduct of which the convict may be guilty in breach of the conditions of his release.

File of Conditional Release Orders of Convicts whose sentences have been conditionally remitted under section 401, Criminal Procedure Code—Register No. 30.

1521. All copies of conditional release orders will be kept in this file which will be indexed in the following form :—

CRIME 100.—*Index of Conditionally Released Prisoners.*

Serial No.	Name of Prisoner.	Section and Act under which convicted.	Date of release on remission.	Conditions on which released.	Date of expiry of conditions.
(1)	(2)	(3)	(4)	(5)	(6)

1522. The Township Officer will keep up for his township a similar register, which will contain all the cases included in the registers of the Police Stations of the township. When the Township or Subdivisional Officer goes on tour, he will take these registers with him and test the entries so as to ascertain whether or not the convicts are fulfilling the conditions of their release and their sureties are solvent. Police Officers, when on tour, will similarly test the entries in the station registers.

1523. A convict whose sentence has been conditionally remitted under section 401, Criminal Procedure Code, is bound to carry out to the letter the conditions under which he is released. If a member of the Police Station staff hears that any breach of these conditions has been committed he will at once report the matter to the Police Station Officer.

The following are the conditions by all or any of which the released convict may be required to abide :—

For the period of the remitted sentence or three years whichever is shorter, the said Nga will

- (1) reside in _____ Village,
Township, _____ District, or in such
other village as he may be permitted to reside
in by the written order of the Deputy Commis-
sioner of the _____ District or of the
district to which he may have received permis-
sion to remove ;
- (2) report himself, periodically at a Police Station
in accordance with the directions, if any, given
him from time to time by the Deputy Commis-
sioner of the district in which he may be
residing ;
- (3) not commit any offence against property or any
offence attended by violence or any offence against
the public peace or against the State which may
be punishable by any law in force in British
Burma ;
- (4) not associate with notoriously bad characters
or lead a dissolute life ; and
- (5) provide and will continue to provide sureties to
the satisfaction of the Deputy Commissioner of
the district in which he may be residing in the
sum of Rs. _____ as guarantees for the perfor-
mance by him of the above conditions.

1524. The Station Writer will note on a blank sheet attached to the release order the dates on which reports (if they form part of the conditions of release) are made and will notify the making, or omission to make such reports, as the case may be, to the Township Officer.

1525. If the headman reports the absence from his village of a released convict who is required to reside in a specified place or if a released convict who is required to report himself fails for seven days after the prescribed date to do so, the Police Station Officer will at once enquire into the case and will submit a report as soon as possible under section 227, Penal Code, to the nearest competent Magistrate in order that a warrant for his arrest may be obtained under section 90, Criminal Procedure Code, and he may be proclaimed under section 87, Criminal Procedure Code. (By competent Magistrate is meant a Magistrate by whom the offence for which the released convict was originally convicted was triable, *vide* section 227, Penal Code, read with Schedule II, Criminal Procedure Code.) Once the absconder has been proclaimed he may be arrested without warrant. On conviction under section 227, Penal Code, he may be given a year's rigorous imprisonment in addition to the unexpired portion of his original sentence, *vide* section 2, Burma Criminal Law Amendment (Conditionally Released Prisoners) Act, 1928, to which the attention of the trying Magistrate should invariably be drawn.

1526. The name of a conditionally released convict will be cancelled in the Index on the expiry of the period of remitted sentence or after a period of three years whichever is shorter. The release order will also be cancelled but will remain in the file for a further period of one year before being destroyed so as to enable Inspecting Officers to satisfy themselves that the expiry of the order has been correctly calculated. If, however, the conduct of the conditionally released convict is suspicious, the Police Station Officer will ask the District Superintendent of Police or Subdivisional Police Officer (if any) for sanction to open a history sheet for him.

CHAPTER LXXV.

Finger Prints and the Identification of Old Offenders and of Exhibits.

SECTION I.—PREVIOUS CONVICTIONS.

1527. A person who has been previously convicted of an offence punishable under Chapter XII (offences relating to coin and Government stamps) or under Chapter XVII of the Penal Code (offences against property) with imprisonment for a term of three years or upwards and is again convicted of an offence under either of these two Chapters similarly punishable, is liable to enhanced punishment (section 75, Penal Code).

Furthermore, under section 348, Criminal Procedure Code, persons of the above class are liable to be tried by Superior Courts empowered to pass heavier sentences.

Again, under sections 3, 4 and 5, Act IV of 1909 (the Whipping Act), a person who, having been previously convicted of certain offences therein named, is again guilty of the same offence (*i.e.*, an offence of the same kind), is liable to be punished with whipping as an additional punishment.

In the case of all persons therefore, who are liable to enhanced punishment as mentioned above it is necessary that the Court be informed of the fact of the previous conviction.

To this end, whenever an accused is sent up for trial in a case in which if he had been previously convicted, he would be liable to enhanced punishment, the Police Station Officer will take steps to ascertain if the accused has a previous conviction and if this is the case, will report the fact to the Court.

1528. The most certain way of establishing a previous conviction is to send a Finger Print slip for search in the Finger Print Bureau but as, if this were done in every case, it would greatly add to the work of the Bureau, such action will be confined to cases in which the antecedents of the accused are not known or are only partially known.

If the accused has been a life-long resident of the jurisdiction in which the offence has been committed and there is no reason to believe that he has committed crime

under a false name elsewhere, his finger-prints will not be submitted for search, but a reference will be made to the Crime Index of the Police Station. In cases of doubt, e.g., where the accused is a new resident or his antecedents are unknown, a Finger Print slip will be submitted for search.

If the accused professes to be a resident of another Police Station jurisdiction, the Police Station Officer will inform the Police Station concerned and ask for particulars of previous convictions, if any, to be furnished in Form ^{Crime 34} _{Police 43A}. If the Police Station concerned reports that the accused is unknown in its jurisdiction then a Finger Print slip will be submitted to the Bureau. If particulars of previous convictions are obtained, Form ^{Crime 34} _{Police 43A} will be attached to the Police papers when the case is sent up for trial and the Court Prosecuting Officer will be responsible for obtaining a certified copy of the previous conviction from the Judicial Record-keeper concerned or a certificate of previous conviction—Form ^{Crime 19} _{Police 31} from the jail in which the accused underwent his previous sentence.

If a reference has to be made to a Police Station in another district it will be sent through the District Superintendent of Police of the referring district who will forward it to the District Superintendent of Police of the district to which reference is made. The Police Station Officer of the jurisdiction to whom reference has been made will send his reply through his own District Superintendent of Police. If the reply should be a list of previous convictions in Form ^{Crime 19} _{Police 31} the District Superintendent of Police of his district will, before forwarding it, obtain a certified copy of the previous convictions or a certificate of previous convictions and send it to the District Superintendent of Police of the district from which the reference emanated who will in turn forward it to the Police Station concerned.

1529. In the case of a native of India the usual procedure for tracing previous convictions in Burma, outlined above, will be followed. In addition a Finger Print slip will be sent for search to the Finger Print Bureau of his province. Should any previous conviction be discovered it will be necessary to save time to wire to the District Superintendent of Police concerned to furnish a conviction certificate or a certified copy of his previous conviction:

Delay will necessarily occur, if reference is made to a distant place and in such cases the Magistrate will be informed of the reason for the delay and an adjournment requested till the necessary documents can be received.

1530. If it is intended to bring the proof of a previous conviction to the notice of the trying Court for the purpose of affecting the punishment which such Court is competent to award, the fact, date, and place of the previous conviction will be stated, and the proof adduced before the charge against the prisoner is framed. When these particulars of a previous conviction are to hand, but the requisite copy of the sentence or certificate is not ready, an adjournment will be asked for after the Magistrate has taken the evidence for the prosecution.

1531. Section 511, Code of Criminal Procedure, lays down the manner in which a previous conviction (when one has been traced) is to be proved before a Court. A copy of the recorded sentence, certified as a "true copy" by the Judicial Record Keeper, or failing that, a certificate of previous conviction (Form ^{Crime 19}/_{Police 31}) signed by the officer in charge of the jail where the accused underwent his previous sentence will be filed; and evidence will be given (either by accused's admission or by evidence of identity) that the accused is actually the person to whom the copy or certificate mentioned above refers. An admission by an accused person of a previous conviction, or the mere recording of the fact in the Charge Sheet that previous convictions have been proved against the accused, does not suffice. In places where there is a jail it is advisable that an accused suspected of having a previous conviction against him be taken there for identification before being taken to Court.

1532. In places where there are jails but undertrial prisoners are not confined in the jail, such prisoners will always be shown to the jail authorities before being taken to Court. Many old offenders have been identified in this way who were unknown to the local Police.

SECTION II.—FAMILIARITY WITH THE APPEARANCE OF CRIMINALS.

1533. Investigating and Surveillance Officers and their subordinates will be encouraged to make themselves thoroughly acquainted with all peculiarities in the dress,

habits, and customary disguises of the criminal class. As a rule they will be allowed to go about in plain clothes. In order that their appearance when in plain clothes may not be familiar to the men whom they are to watch, they will wear uniform whenever they go to inspect prisoners in jail. It is obviously important that the investigating and surveillance staff be not changed frequently, as on their transfer the benefit of all their carefully acquired familiarity with criminals is lost.

SECTION III.—THE TAKING OF FINGER PRINTS.

1534. Finger prints are of two kinds, "rolled" and "plain."

1535. A "rolled" print is obtained by placing the inked thumb or finger on the paper so that the plane of the nails is at right angles to the plane of the paper. The thumb or finger will then be pressed lightly on the paper and turned over so that the bulb which originally faced, say to the left, faces to the right, the plane of the nail being again at right angles to the paper.

1536. A "plain" print is obtained by lightly pressing the inked bulb of thumb or finger upon the paper without any turning movement.

1537. "Unidentified" means a person whose residence and antecedents are not known.

1538. "Untraced" means a person against whom no previous convictions have been traced.

1539. A "proficient" means an officer who holds a certificate from the Principal of the Burma Provincial Police Training School, Mandalay, declaring him competent to take clear, well defined and fully rolled impressions, to check the correctness of the order of the impressions of finger print slips properly for submission to the Finger Print Bureau, and to fill in all details in the Finger print record slip (Form ^{Crime 48} Police 103) correctly.

1540. Finger impression slips are of two kinds:—

(a) *Record Slips* (Form ^{Crime 48} Police 103).—A "record slip" is the finger print slip of a person sent for record in the Bureau.

(b) *Search Slips* (Form ^{Crime 49}/_{Police 115}).—A "search slip" is the form used in making references to a Finger Print Bureau for the identification of a person.

1541. The appliances required for taking finger prints comprise a tin or a glass slab, an India rubber roller and a pot of printer's ink. These will be kept scrupulously clean, and free from dust, grit and hairs. The slab will be freshly cleaned before use each day, all particles of old ink being rubbed off. The roller when not in use will be wrapped up in a piece of clean oiled paper. Both slab and roller will periodically be cleansed with soap, benzine, or kerosene. The pot of ink will be kept tightly closed when not in use.

1542. The slab should be perfectly smooth and will be wiped free of dust before use. A small quantity of ink will then be put on the slab with the point of a knife and the roller used to bring it down to the finest possible film, so that the tin is dimly visible through the ink. Experience has shown that it is easier to start with a very small quantity of ink and to increase it as necessary. If too much ink has been put on the slab, a sheet of paper laid on it and rolled over with the roller will generally reduce it sufficiently. If the ink is dry and thick, it will be found that with a little perseverance it can be worked up smooth on the slab.

1543. The fingers of the subject will be rubbed clean and dry, as the slightest perspiration on the finger will cause blotches and blur the print. Only the inner portion of the upper phalanges of the fingers will be inked.

1544. Prints for record will invariably be taken on the authorized finger print slip (Form ^{Crime 49}/_{Police 103}). In the slip space has been provided for the "rolled" prints of all the ten digits as well as for the "plain" prints of the four fingers of both hands. The headings of the slip are self-explanatory.

1545. For convenience in taking "rolled" prints the slip will be folded at the line indicated and the fold placed in line with the edge of the table.

1546. The "rolled" prints of the right hand will be taken first, each finger being inked and impressed before the

next finger in rotation is inked. When the "rolled" prints of the right hand have been taken, the operator will take the "plain" prints of the four fingers of that hand simultaneously in the spaces provided for them on the slip. When the right hand has been finished, the operator will proceed to take the prints of the left hand in a similar manner.

1547. When the finger prints of both hands have been taken, the slip will be turned over and the subject's name, residence, age and details of convictions, etc., will be filled in. All names whether of persons or places will be written very legibly, all entries will be as concise as possible, and convictions will be entered in the chronological order.

1548. The details of convictions, etc., will be carefully verified, and the officer verifying them will enter in red ink the letter "V," his name and official rank in the first column against each recorded conviction.

1549. The verification will usually be made from the convict's warrant and descriptive-roll, which contains, or should contain, the whole of the convict's previous convictions. Where this cannot be done, the slip will be forwarded to the District Superintendent of Police of the District in which the convict was last convicted for verification from the judicial and jail records.

1550. The following points will be specially noted in preparing finger impression slips :—

(a) Impressions will invariably be taken with the tip of the finger pointing to the top of the form.

(b) The "rolled" prints will show the complete contour of the bulbs of the fingers. One delta in the case of "loops" and two in the case of "whorls" should be visible.

(c) The "rolled" print of each finger will be taken in the space allotted for that finger and the impression will not project beyond that space. The impression of the upper phalange of the finger only will appear.

(d) If a finger is missing or so deformed that it is impossible to obtain the impression the fact will be noted in ink in the space allotted for that finger by the words "missing" or "deformed." In the case of double fingers the prints of both fingers will be taken, if possible; but the print of the more prominent of the two invariably.

(e) Deformities, cuts, scars and disease marks interfering with the legibility of the impressions will be fully described, and it will be stated if they are temporary or permanent. Subjects suffering from open cuts or scars in any of the upper phalanges of the fingers will not (if this can be arranged) have the prints of such fingers taken until the cuts or scars have healed.

(f) The finger print slips of females, whether sent for search or for record, will always have the word "female" noted in red ink on the top of the slip which contains the impressions.

(g) The finger print slip of one prisoner will be completed before that of another is commenced, otherwise there is a risk of some of the particulars appertaining to one prisoner being entered in the slip of another.

(h) The name of the police-station, and first information number and year of the last conviction will always be entered on the top of the finger print record slip. The name of the police-station and first information number and year of all previous convictions when available will be entered in column 5 of Form ^{Crime 48} Police 103. This information is required to enable the Finger Print Bureau to enter these details on the finger print search slip, when the criminal is traced.

(i) The numbers and dates of any former slips which have been submitted, will be entered on Form ^{Crime 48} Police 103 in the space provided therein.

(j) The word "Unidentified" or "Reconvicted" will be noted in red ink at the top of the reverse of the slip.

1551. Finger prints of lepers will not be taken on any account. Persons suffering from contagious and infectious diseases will not have their finger prints taken until they have completely recovered.

1552. The places at which finger prints may be taken are :—

- | | |
|--------------------------|----------------------|
| (1) Jails. | (3) Police-Stations. |
| (2) Magistrates' Courts. | (4) Lock-ups. |

SECTION IV.—DUTIES OF THE DISTRICT POLICE AS REGARDS FINGER PRINTS BEFORE CONVICTION.

1553. The finger prints of all "unidentified" persons who are arrested in connection with an offence punishable

with rigorous imprisonment for a term of one year and upwards will be taken immediately, and submitted for search to the Insein Finger Print Bureau. For this purpose every person in custody, whose residence and antecedents have not been fully ascertained in the Police investigation, would be considered "unidentified." Search slips of unidentified persons arrested by the Railway Police will be submitted by the Railway Police-Station Officer concerned and not by the Police-Station Officer in-charge of the lock-up at which the prisoner may be confined.

1554. The finger prints of all persons who are arrested under sections 12 and 13 of the Burma Gambling Act will be taken immediately and submitted to the Insein Finger Print Bureau.

1555. When an unidentified person is, or is reasonably suspected to be, a resident of another province, a copy of his finger print slip will also be sent to the Finger Print Bureau of that province for search.

1556. In every case in which a Chinaman is arrested for any of the offences specified in paragraph 1573 of this Manual an additional copy of his search slip will be taken, and submitted to the Registrar of Criminals of Kuala Lumpur, Straits Settlements. The object of this action is to ascertain if the accused person has previously been deported from the Straits Settlements.

NOTE.— Search slips of Chinamen who are natives of Yunnan need not be taken in duplicate as required by paragraph 1556 but the word "Yunnanese" will be noted against their names on the search slips sent to the Insein Finger Print Bureau.

1557. The following instructions will be strictly observed, when submitting search slips to other Provincial Bureaux :—

(1) When a search slip is submitted direct, another slip will invariably be forwarded to the Insein Finger Print Bureau.

(2) The particulars on the search slip will be written in English.

(3) The name, rank and designation of the officer submitting the search slip will be fully and legibly written.

(4) The letters F.P. will be written on the upper left-hand corner of the envelope which will be Police Immediate cover.

(5) If the individual has been identified and his previous convictions traced by the local Police before a reply is received, the fact will be notified by telegram.

(6) Names of places in India will invariably be checked with post office towns and villages given in the Postal Guide.

1558. If, on the return of the search slip from the Finger Print Bureau, it appears that previous convictions have been traced against the accused, steps will be taken to prove these previous convictions, when necessary, under section 511, Criminal Procedure Code, which requires :—

- (1) that the certified copy of the previous conviction shall be filed, and
- (2) that the identity of the accused shall be proved.

1559. In the case of a person who has been previously convicted more than once, it will generally suffice to prove the last conviction only, provided that the former convictions were proved in that case, and are mentioned in the judgment.

1560. The identity of the accused will ordinarily be proved by the admission of the accused person ; failing that by the evidence of a Police Officer, who is cognizant of the previous conviction, or by a Jail Officer, who can recognize the accused as the prisoner, who underwent the previous sentence of imprisonment, but if such witnesses to identity cannot be obtained, identity may be proved, under sections 45 and 73 of the Evidence Act (I of 1872), as amended by Act V of 1899, by means of expert evidence for which purpose the record slip will be obtained from the Bureau, by which the accused was traced. An officer, who took the finger impressions on the record slip, or in whose presence they were taken, will be called to prove that the impressions are those of a person convicted in a certain Court of a particular offence, and that the impressions were taken by him, or in his presence after conviction. If he is unable personally to identify the accused with that person, an "Expert" will be called to prove that the impressions of the accused before the Court are identical.

1561. Finger prints for search will be taken on Form Crime 49 by the Station Writer, or by any Police Officer, Police 115

who has obtained a proficient's or expert's certificate. The slips will be submitted to the Finger Print Bureau for search without delay.

1562. Any case in which a Magistrate declines to accept the uncorroborated evidence of the Finger Print Expert will be brought to the notice of the Crime Assistant to the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma, through the District Superintendent of Police, and if the Magistrate makes any comment on the subject, a copy of the judgment will accompany the report.

1563. The fact that the search slip has not been received back from the Bureau shall not delay the trial. The case will be taken up in the ordinary way, and if necessary, an application for adjournment of the case under section 344, Criminal Procedure Code, or for postponement of judgment under section 366, Criminal Procedure Code, pending result of reference to the Bureau, will be filed.

1564. Any case in which a Magistrate declines to grant an adjournment for this purpose will be reported to the Crime Assistant to the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma, through the District Superintendent of Police.

1565. Every police-station will keep up Register No. 31 (Form ^{Crime 47} _{Police 132}) in which will be entered details of search slips submitted to the Bureau. The date of receipt of defective search slips returned from the Bureau will always be entered, as well as the date of re-submission.

1566. In cases where previous convictions have been traced, on the return of the search slips from the Finger Print Bureau, the Police-Station Officer will, if the suspect is a resident of his police-station area, examine the Crime Index and see if the convictions have been entered. If not, they will be entered at once, and any further information required regarding first information report numbers, etc., will be asked for through the District Superintendent of Police's office of the district of conviction.

1567. If the accused is sent up for trial before the certified copy of previous convictions has been received, the search slip will be attached to the Case Diaries for the information of the Court Prosecuting Officer.

1568. If the certified copy of previous convictions has been received, the search slip will be put into the case file, and retained at the police-station.

1569. If the case is not sent up for trial, the search slip will be put into the case file, and retained at the police-station.

1570. Untraced slips will be filed in case files, and will be destroyed with them.

1571. In a case where a criminal is arrested outside his home district, and his identity is traced by means of a search slip, the Finger Print Bureau will send Form Crime 55 to the man's home district.

1572. On receipt of this form, the information contained therein will be sent to the police-station to which the man belongs, and the Police-Station Officer will be called upon to report whether he is an absconder, or a history sheet criminal from his jurisdiction. If the latter, he will explain why the district where he was arrested, was not informed of his visit.

SECTION V.—DUTIES OF THE DISTRICT POLICE AS REGARDS FINGER PRINTS AFTER CONVICTION.

1573. The finger prints of all persons, who have been convicted of any of the following offences, will be taken for permanent record :—

(a) All persons convicted under Chapters XII and XVII of the Penal Code, except sections 241, 254, 262, 263, 263 (a), 385, 403 (property only, not cattle), 417, 421 to 428, 434, 447, 448, 449, 451, 453 and 461.

(b) All persons convicted for any offence, punishable with one year's rigorous imprisonment and upwards in connection with political agitation.

(c) All persons convicted under sections 215 and 403, Penal Code, with reference to cattle only.

(d) All persons convicted under sections 170, 171, 328, 363 to 373, 467, 471, 474 (so far as it refers to section 467), 489 (a), 489 (b), 489 (c) and 489 (d) of the Penal Code.

(e) All persons convicted under sections 107, 108, 109 and 110, Criminal Procedure Code, and section 17 of the Gambling Act, and ordered to execute bonds under section 118, Criminal Procedure Code, and all notified members of criminal tribes.

(f) Persons convicted under the Arms, Opium, Dangerous Drugs and Excise Acts, all such cases being put up to the District Superintendent of Police for decision as to whether the importance of the convict by reason of the large scale of his activities warrants the recording of his finger prints. The finger prints of seamen convicted of smuggling arms will invariably be taken.

(g) All convicted persons not specially provided for above, for whom it is considered desirable that a finger print slip should be on record.

(h) All convicted persons classified as "habitual criminals" by the convicting Magistrate under the terms of Local Government Judicial Department Notification No. 78, dated the 5th July 1923.

(i) All persons convicted under sections 12 and 13 of the Burma Gambling Act.

(j) All persons deported under the Foreigners Act, 1864, or the Expulsion of Non-Burman Offenders Act, 1925.

1574. Court Prosecuting Officers will be held responsible that the finger print slips on Form ^{Crime 48} Police 103 of convicted persons referred to in paragraph 1573, are properly taken, and that full details are entered therein.

1575. In the more important districts, a specially trained Sub-Inspector of Police or Head Constable will be detailed to work under the Court Prosecuting Officer at district headquarters to assist him with finger print work.

1576. Record slips will be submitted to the Office of the District Superintendent of Police attached to Form ^{Crime 18} Police 125A.

1577. At places where there is a jail, the finger prints of convicts, sentenced to imprisonment, referred to in paragraph 1573 will be taken on Form ^{Crime 48} Police 103 at the jail. For this purpose a Police Officer appointed by the District

Superintendent of Police will attend at the jail daily, at such hours as may be decided by the District Superintendent of Police in communication with the Superintendent of Jail, who will afford every facility for the execution of the work. If possible, it will be arranged that the Police Officer shall attend at the time that the Jailor in charge of the Jail Admission Register makes his entries in that register. The prisoner will be produced and his finger prints taken by the Police Officer, and the Jail Warrant and the Jail Admission Register will then be impressed with the stamp "F.P." The Warrant will be stamped on the upper right-hand corner. In addition to the letters "F.P." the date on which the finger prints were taken will also be entered. This date will agree with the date entered in Form

Crime 48
Form 23

under the signature of the officer who took the impressions. If the Police Officer who takes these finger prints at the jail is not the Court Prosecuting Officer, he will on completing the record slips hand them over to the Court Prosecuting Officer, who will check them carefully to see that they are correct, before attaching them to Form Crime 18
Police 125A vide paragraph 1576. This officer will also take the finger prints of Military Policemen confined in the jail after being sentenced to terms of imprisonment under Chapters XII and XVII of the Penal Code by the Battalion Commandant. The slips will then be sent to the Bureau for record.

1578. The finger prints of prisoners transferred to the Mōkpalin Quarry Camp Jail will be taken at the District Jail concerned prior to transfer as it is impossible to obtain satisfactory prints of prisoners engaged in manual labour at the quarries.

1579. It is the duty of the Police Officer referred to in paragraph 1577 to satisfy himself that the finger prints of all convicts admitted into his jail from other districts have been taken. He will therefore examine the warrant of each convict admitted. If the finger prints have already been taken, the finger print stamp and date will be found at the top right-hand corner of the warrant, and he will thereupon impress the finger print stamp and enter the date in the Jail Admission Register, and enter in ink the district in which the prints were taken. If he finds any warrant unstamped he will report this omission to the District Superintendent

of Police, who will communicate with the District Superintendent of Police of the district concerned, and enquire whether the finger prints have been taken or not. If already taken, the Police Officer will, on his next visit to the Jail, stamp the warrant and Jail Admission Register as noted above. If not taken, the Police Officer will take them, impress the finger print stamp, enter the date on the Jail Warrant and Jail Admission Register, and forward the slip to his District Superintendent of Police for transmission to the District Superintendent of Police of the district concerned.

1580. The District Police, in whose jurisdiction the crime occurs, are responsible for taking finger print record slips of persons convicted of the offences specified in paragraph 1573 of this Manual, who are sent up for trial by the Railway Police. Such finger print record slips will be given the district serial number, and will be despatched to the Bureau by the District Police, as laid down in paragraph 313 of the Burma Police Manual, Volume I.

In Rangoon Town, the Court Prosecuting Officer of the Railway Police will be responsible for taking all record slips in Railway Police cases, and will hand them over to the Finger Print Department of the Commissioner of Police, to be forwarded to the Bureau.

1581. Police-Station Officers will stamp the letters "F.P." in the space for remarks on their Criminal Index Cards of all criminals convicted of the offences specified in paragraph 1573, but numbers and dates are not required.

1582. On the occurrence of the death in his home of any person whose finger print is on record, the Station Writer will submit a report to the District Superintendent of Police, who will forward a death report in Form Crim. 46 Police 134 to the Insein Bureau. This will be acknowledged.

1583. For the purposes of cancellation of finger print slips in the Bureau, the surveillance staff in a police-station will make enquiries from time to time at villages they visit, as to whether persons, whose finger prints are on record in the Bureau are alive, or dead, or from any infirmity are incapable of committing crime; and it is their duty to report all such deaths to the Station Writer.

To enable them to perform this duty each member of the surveillance staff will maintain village-tract by village-tract in a blank note-book a list of persons whose finger prints are on record. The list will be revised monthly and kept up to date.

Every effort will be made to avoid any harassment of such persons and enquiries as to whether they are still alive will be made secretly from the headman.

SECTION VI.—INSTRUCTIONS FOR THE USE OF THE FINGER PRINT SYSTEM IN POLICE INVESTIGATION.

1584. Experience has shown that identification of finger prints is often of great assistance in the detection of crime. It is, therefore, very important that all investigating officers should make use of this aid to detection whenever possible, and to this end the following explanatory directions are issued.

1585. The finger prints of unidentified bodies will be sent to the Bureau for identification. Ordinarily there is not much difficulty in taking impressions from the fingers of a corpse, but it sometimes happens that the skin of the fingers is so contracted and wrinkled, that decipherable prints cannot be obtained. In such cases, a Medical-Officer will be asked to dissect the skin from the fingers. The pieces of skin from the ten digits will then be carefully enclosed in separately numbered envelopes and sent to the Bureau for examination.

1586. The finger prints of unidentified bodies will invariably be taken under the supervision of an officer, not below the rank of a Station Writer. Finger prints of all digits will be taken, even if it is decided to dissect the skin of the fingers; and the supervising officer will certify by his signature on the search slip that the impressions have been correctly taken in his presence. The supervising officer will further note in the remarks column of the search slip the condition of the body whether in advanced stage of decomposition or otherwise.

1587. Whenever a conjecture as to the identity of the body can be made, the finger impressions forwarded to the Bureau will be accompanied by any documents bearing the supposed person's finger impressions that can be obtained. Such documents may often be found amongst revenue

records, deeds relating to the sale, transfer and mortgage of property, marriage contracts, etc.

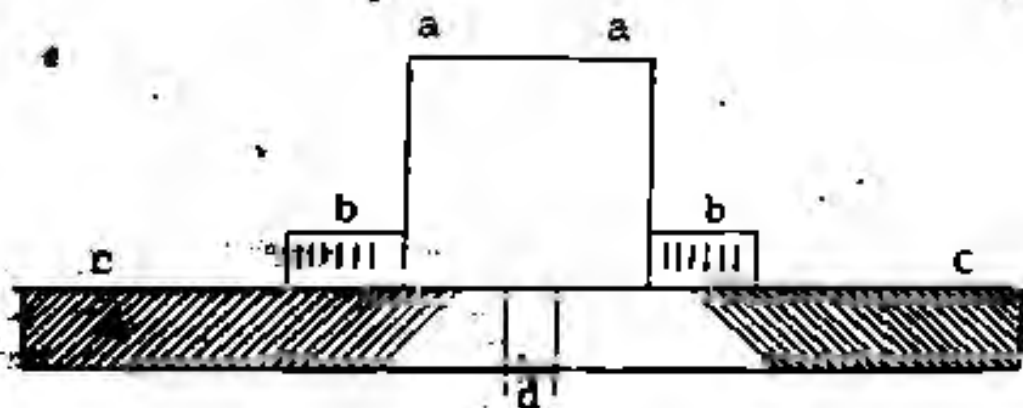
1588. Search will be made for finger prints, left upon articles, etc., connected with, or surrounding the scene of a crime. Finger prints upon the surface of glass bottles, brass vessels, tin boxes, etc., are often visible to the naked eye, and prints from bloodstained or greasy and dirty fingers generally show up clearly on most surfaces.

1589. In handling articles criminals frequently leave finger impressions which are invisible to the naked eye. Paper, wooden and certain metallic surfaces may often bear imperceptible prints of this description. In such cases, those articles which are thought to be likely to bear impressions, will be lightly dusted all over with finely powdered graphite or grey powder (mercury and chalk). After allowing the powder to settle for a minute or two, it will be gently blown or shaken off, and then, if impressions exist they will appear outlined by the particles of the powder employed. The following table embodying the results of experiments made at Phillour shows the best powder to use in different circumstances :—

Surface.	Powder.	Remarks.
Glass	Grey powder	This is unnecessary except for photographic purposes.
All naked metal surfaces	Grey powder.	
Japanned surfaces	Grey powder.	
Enamelled surfaces	Graphite when surface is white; grey powder for other colours.	
White paper	Graphite powder.	
Dark coloured paper	Grey powder.	
Printed surfaces	Graphite for white surface; grey powder for all others.	
Wooden surface	Grey powder.	

1590. When finger impressions have been found, they will, if possible, be sent to the Bureau for examination, due care being taken to protect them. When this course is

impossible, a Bureau expert will be summoned to examine them on the spot. When an article bearing an impression has a flat surface, the finger print can easily be protected by covering it with an inverted lidless card-board box as in the following illustration :—



- a — a card-board box.
- b — b gummed flaps which can be sealed down to the surface of
- c — c the article bearing the impression (d).

Many other ways of protecting finger prints will suggest themselves, but care will be taken that adequate protection is afforded.

1591. Finger impressions sent to the Bureau for examination will be accompanied by the search slips of suspected persons, and in the case of offences against property by the district record slips of registered members of criminal tribes and other local criminals, who are known to operate in the locality within which the offences have been committed.

1592. The investigating officer will also remember that, while handling articles in his search for finger impressions he is likely to impress them with his own finger prints. There is also a possibility that other innocent persons (such as owners of burgled houses, and those who have visited the scene of crime before the arrival of the Police) have also handled some of the articles. It is therefore desirable, in order to avoid confusion, that the finger impression slips of the investigating officer and other persons mentioned above should also accompany the prints forwarded for examination.

1593. Each police-station will be equipped with a magnifying glass for reading finger prints and four ounces each of graphite and grey powder. A piece of cotton wool, dipped in the powder, can conveniently be used for the purpose of dusting over suspected surfaces.

SECTION VII.—SINGLE FINGER IMPRESSIONS ON DOCUMENTS.

1594. As it is possible to transfer single finger impressions from one document to another, single finger impressions on important documents should be treated with caution and when necessary, the document should be forwarded to the Crime Assistant to the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma, Insein, for expert opinion.

SECTION VIII.—EXPERT EXAMINATION OF EXHIBITS.

1595. The Principal of the Detective Training School is available to give expert opinion on the following subjects :—

- (i) The identity of handwriting.
- (ii) The age of ink writing.
- (iii) The approximate date on which a fire-arm was fired.
- (iv) The particular fire-arm from which a bullet or cartridge was fired.
- (v) The identity of footprints.
- (vi) All objects which require microscopical examination.
- (vii) All objects which require examination by ultra-violet ray, or infra-red ray.

Investigating officers will make free use of his services in important and urgent cases. Exhibits will be forwarded under sealed cover addressed to the Crime Assistant to the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma, Insein, together with a brief history of the case.

CHAPTER LXXVI.

Property seized by the Police, Exhibits and Unclaimed Property.

Register of Property seized or taken possession of by the Police and of Unclaimed Property—Register No. 32.

1596. This register is kept up on Form ^{Crime 27}/_{Police 59} and in it are entered—

- (i) all property and weapons taken from an accused person on his being searched under sections 51 and 53, Criminal Procedure Code ;
- (ii) property taken in the course of searches made in Police investigations under sections 165 and 166, Criminal Procedure Code ;
- (iii) property forwarded to the Magistrate under section 170, Criminal Procedure Code ;
- (iv) weights, measures or instruments for weighing that are false, taken under section 153, Criminal Procedure Code ;
- (v) property alleged or suspected to have been stolen, taken under sections 523 and 550, Criminal Procedure Code ;
- (vi) property found under circumstances which create suspicion of the commission of an offence, taken under sections 523 and 550, Criminal Procedure Code ;
- (vii) property seized as liable to confiscation or forfeiture under the provisions of special and local laws, such as the Burma Gambling, Excise, Opium, Forests, Arms, or Explosives Acts ; and
- (viii) unclaimed property taken charge of under section 25 of the Police Act (V of 1861).

NOTE.—All arms and ammunition seized will also be entered in Police-Station Register No. 2 (Form ^{Ad. 24}/_{Police 4E}).

1597. The seizure or taking possession of property mentioned in clauses (i) to (vii) inclusive above will be reported forthwith to a Magistrate who will make such order as he thinks fit respecting its disposal or delivery to the person entitled to its possession, or if such person cannot be ascertained, respecting its custody and production. The Magistrate will pass his orders under section 523, Criminal

Procedure Code. Section 524 Criminal Procedure Code, lays down that orders for the sale of such property may be passed only by a District Magistrate, Subdivisional Magistrate, or Magistrate of the first class specially empowered in this connection.

No property will ever be returned to any person without the orders of a competent Magistrate.

1598. The following procedure will be adopted with regard to the reporting to a Magistrate of the seizure or taking possession of property mentioned in the preceding paragraph. As soon as property is brought to a police-station an entry will be made in the register. If the property consists of live-stock each animal will be given a separate serial number in column 1. The Police will fill in the first eight columns of the register, after which, should the Magistrate be at headquarters or within easy distance, the register itself will be sent to him for his orders to be entered in column 9. Should the Magistrate be inconveniently far away, a report of the property seized or taken possession of, containing all the information mentioned in the first eight columns, will be sent to him (if possible, through the Circle Inspector) and, his orders requested. A copy of his orders, when received, will be entered in the register, and the original order carefully filed. The Police will dispose of the property in the manner ordered by the Magistrate. Their responsibility for its safe custody remains however till they have obtained the signature, or left thumb impression, if he is illiterate, of the person to whom it is to be delivered. The attention of all Police-Officers is drawn to section 560, Code of Criminal Procedure, which forbids them under pain of summary dismissal, to purchase or bid for any property in connection with which they have had any public duty to perform. A brief note of all property regarding which orders have been passed under sections 523—525, Code of Criminal Procedure, will be made in the General Diary.

In cases in which no First Information Report is submitted the letter number from Police-Station Register No. 15 reporting the case to the Magistrate will be entered in column 2 of the register.

1599. Should any property entered in this register be required as an "exhibit" in a case (section 170, Code of Criminal Procedure) the procedure indicated at paragraph

1750 will be carefully followed. It is often very important to ascertain the exact place where an exhibit has been found, e.g., in a murder case, the place where a knife with which death was caused was found, its distance from the dead body, or the place where the accused lives, etc., are as important as the name of the person who found it and for this reason the information required in column 5 will be very carefully filled in.

1600. With every case sent up for trial in which there are exhibits, a loose copy of Form

Crime	27
Police	50

 will be forwarded with the Charge Sheet. This copy will be an exact transcript of the entry in the register. The usual *brief* entry will also be made in the Charge Sheet.

1601. Should the Magistrate trying the case be in the same place as the police-station whence the case is sent up, the register will be taken to him by the officer-in-charge of the case who will, before the commencement of the trial, make over the articles required as exhibits in the case to the Magistrate or, if the Magistrate so directs, to the Bench Clerk or Bailiff. The signature of the person receiving the exhibits will be taken in column 10 after which the Police will ordinarily have nothing more to do with the property.

1602. Should the Magistrate trying the case be in a place other than the place in which the police-station sending up the case is situate, the register will not be sent to him, but a second copy of a loose Form

Crime	27
Police	59

 will be forwarded to him, and he will be asked to sign and return this duplicate copy. This form will then be filed as a receipt in the police-station whence the case emanated.

1603. Full instructions regarding the way that "Exhibits" should be dealt with are given in paragraph 1750.

NOTE.—Should Judicial Officers inspecting Courts require Police-Station Register No. 32 in order to check it with the items in Bailiff's Register III, so as to make sure that all articles of property handed over to the Bailiff by the Police have been duly entered, it will be at once placed at their disposal. For similar purposes it is the duty of all Courts, when required, to lend Bailiff's Register III to Police Officers inspecting offices subordinate to them.

1604. Sections 26 and 27 of Act V of 1861 lay down the procedure to be followed by the Police in regard to unclaimed property [clause (viii) of paragraph 1596 above] of which they have taken possession under the provisions of section 25 of the above Act.

The Police are required to furnish an inventory of all unclaimed property of which they have taken possession to the District Magistrate who is the only Magistrate empowered to issue orders as to its disposal.

The necessary entries will be made in the first eight columns (excluding column 2) of Register No. 32 (Form ^{Crime 27} Police 39) and copies of these entries will also be made on two loose forms which will be sent to the District Magistrate for orders through the District Superintendent of Police.

The District Magistrate will pass his orders in column 9 and return one copy of the form to the police-station concerned through the District Superintendent of Police.

On receipt of the form a transcript will be made in the register of the orders of the District Magistrate and the form will be filed. The Police will then proceed to carry out the orders received. Should the District Magistrate order the sale of the property by the Police the latter will advertise the sale by beat of drum or gong and auction the property to the highest bidder. The fact of the sale will be noted in column 12 and the signature, or in the case of illiterate persons the left thumb impression of the buyer will be taken in column 11 of the register.

1605. Unclaimed property found in railway carriages or within railway limits by the railway police will be entered in the register and the signature of the railway official to whom such property is delivered will be taken in the register itself. The Police have no further responsibility for the disposal of such property.

1606. A notice board for proclamations of unclaimed property, hue and cry notices, etc., will be hung outside each police-station and in such a place that the public may have easy access to it and be in a position to read the notices. In wet weather the board will be hung inside the station.

1607. The orders in paragraph 1604 above apply only to unclaimed property found within the jurisdiction of the police-station itself. Notices of unclaimed property from other police-stations within the district, or from other districts, will be dealt with as follows. The original copy received will be filed (three files will be kept, one for notices from the police-station itself, one for notices from Police-

Stations within the district and one for notices from other districts). A duplicate copy made out in the police-station of receipt, will be pasted on the notice boards.

1608. On the 1st January of each year, or at such period as the District Superintendent of Police may deem necessary, an index of the property remaining on hand at the end of the previous year or period will be made out.

The index will be inscribed at the beginning of the volume for the new year or period and will contain ruled columns with the following manuscript headings:—

- (1) Serial number of entry of previous year or period.
- (2) Date of receipt of property.
- (3) Nature and date of final disposal of property.

CHAPTER LXXVII.

The Surveillance over and Records of Criminals.

SECTION I.—SURVEILLANCE NOTE-BOOKS—REGISTER NO. 33

(FORM $\frac{\text{Crime } 23}{\text{Police } 41}$).

1609. A surveillance note-book containing particulars of village-tracts and of the criminals residing in them and of absconders likely to visit them will be kept up by each member of the surveillance staff and each investigating officer. The note-book, which is bound in leather, is printed in Burmese and issued in two sizes of 150 and 300 pages. It is a permanent record and will be re-written only when it has become dilapidated or entirely filled up.

Full instructions for the upkeep of these note-books are contained in paragraph 1619.

1610. The histories of criminals for whom history sheets have been opened are compiled, immediately from the information brought in by the surveillance staff in their note-books.

SECTION II.—REGISTER OF VILLAGES IN THE POLICE-STATION JURISDICTION—REGISTER NO. 34 (FORM $\frac{\text{Ad. B}}{\text{Police } 40}$).

1611. This register will be kept up at every police-station, and at outposts where there is a surveillance staff or where the officer-in-charge is also responsible for surveillance duty.

It will contain a complete list of all villages and hamlets in the jurisdiction and entries of the dates of visits to them of members of the surveillance staff so as to enable a check on their work to be kept. The register will agree with Register No. 33 and with the weekly diaries of the Surveillance Head Constable.

In column 5 the Circle Inspector of Police, after consultation with the Police-Station Officer and senior Surveillance Officer, will enter the number of visits to be paid in a given period, e.g., three visits a month or one visit in two months, to the village concerned.

The frequency with which a village should be visited will depend on the number of criminals residing in it or resorting to it and on its general reputation.

No hard and fast rules can be laid down but it will probably be necessary to pay four or five visits a month to criminal villages while a village of good repute need only be visited once in three months.

Where villages are to be visited frequently a sufficient number of lines will be allotted to them, so that there may be ample space for the surveillance staff to enter the dates of their visits and their initials.

SECTION III.—REGISTER OF POLICE OFFICERS' VISITS. (FORM CRIME 78).

1612. A register of visits of Police Officers (Form Crime 78) will be issued to each village or ward headman.

Whenever any Police Officer visits a village he will sign his name in Part III of the register.

The register is divided into three parts as under:—

Part I.—A list of History Sheet and Finger-Print Criminals resident in the village-tract or quarter.

Part II.—A list of absconders likely to visit the village-tract or quarter.

Part III.—Visits of Police Officers and their business.

The surveillance staff will be responsible for keeping the entries in Parts I and II of these registers up to date.

SECTION IV.—CLASSES OF PERSONS WHO REQUIRE SURVEILLANCE.

1613. Surveillance criminals are divided into two main classes (a) the known quality consisting of members of criminal tribes, conditionally released prisoners and

persons on security under section 110 of the Criminal Procedure Code and (b) the unknown quality consisting of persons believed or suspected to be dangerous criminals or organisers of serious crime who do not fall under (a).

1614. Those falling under class (a) come automatically under surveillance and surveillance over them is open, but not intensive, being usually confined to seeing that they comply with any orders passed against them or any restrictions imposed on them.

Any of this class believed still to be pursuing a criminal career will be made subject to stricter surveillance.

A District Superintendent of Police will use his discretion in regard to placing under surveillance criminals bound down by Magistrates on their own initiative or on the complaints of village headman without reference to the Police.

1615. Those falling under class (b) are the real surveillance criminals. Careful discrimination is necessary in selecting criminals of this class for surveillance. Surveillance will not be exercised over an habitual criminal merely because he has a long list of convictions for petty offences as it is unlikely that he will be dangerous. On the other hand all dangerous criminals, whether they have previous convictions or not will invariably be kept under surveillance as long as they show signs of criminal activity. The aim of Police surveillance over the habitual criminal or persons suspected to be dangerous criminals, against whom preventive action has not yet been taken is to watch effectively their movements and mode of living with a view either to proving their connection with particular crimes, or to procuring sufficient evidence against them for their prosecution under one or other of the preventive laws. If after a definite time no evidence is forthcoming against them they will be released from surveillance and their history sheets will be closed; the latter can always be re-opened if necessity arises. No criminals or suspects will be brought under this class of surveillance without the specific order of the District Superintendent of Police, Subdivisional Police Officer or Circle Inspector of Police. No history sheet will be discontinued except under the orders of the District Superintendent of Police or Subdivisional Police Officer.

SECTION V.—RULES FOR THE SUPERVISION OF, AND REPORTING ON, CRIMINALS FOR WHOM HISTORY SHEETS HAVE BEEN OPENED AND SUSPICIOUS STRANGERS.

1616. In all important police-stations there is a surveillance staff consisting of at least one Head Constable and two Constables.

In stations where no surveillance staff is sanctioned, these duties will devolve on the Police-Station Officer and his staff.

The surveillance over class (a) criminals referred to in paragraph 1614 will be undertaken by the whole of the police-station staff and not left entirely to the surveillance staff.

1617. Two lists of men under surveillance will be maintained in each police-station showing those falling under classes (a) and (b) separately. All Sub-Inspectors of the police-station staff will have a list of class (a) criminals in Form ^{Crimes 22} _{Police 31} in their possession and it will be part of their duty to enquire about the behaviour of the persons entered in it whenever opportunity offers itself in the course of their other duties. This will relieve the Surveillance Staff to some extent of this part of their work and thus enable them to devote more time to their more important duties of exercising an effective surveillance over class (b) criminals. The surveillance staff is the "Intelligence" branch of police-station staff and District Superintendents of Police will see personally that "intelligence" work is carried out by the surveillance staff on systematic lines in order that the information they collect may prove to be of real use to the Police-Station Officer and the Investigating Staff. In order to ensure this the names in list (b) will be very carefully selected and kept down to the lowest possible limit.

1618. Deputy Inspectors-General of Ranges will, when visiting districts in their ranges, make a point of seeing that the orders regarding surveillance are carried out to the letter.

1619. The duties of the surveillance staff are as under :—

(1) The number of visits to be paid to each village or hamlet will be fixed by the Circle Inspector of Police and

entered in Register No. 34, *vide* paragraph 1611 and each village or hamlet will be visited by the Surveillance Head Constable or a member of his staff accordingly.

(2) Copies of the note-book in Form ^{Crime 72}/_{Police 41} will be supplied to each member of the surveillance staff, and to each investigating officer—

(i) Part I is merely an index to the entries in Parts II and III. The names of hamlets will be entered immediately under those of the village-tracts.

(ii) Part II is a list of History Sheet criminals and will be divided into three columns :—

Column 1 will contain the criminal's name and his *aliases* and his father's name.

Column 2 will contain the name of the village or hamlet in which the criminal resides.

Column 3 will contain details such as "in jail," "absconding," "lost sight of," "temporarily restricted elsewhere under the Criminal Tribes Act or bound down under the Criminal Procedure Code" and any other details that may be important. The entries in column 3 will be made in pencil and when a History Sheet is discontinued or closed a note of this discontinuance or closure will be made in ink.

(iii) Part III is a list of section 512, Criminal Procedure Code, absconders, and is divided into three columns :—

Column 1 will contain name and *aliases*, parentage and residence of the absconder.

Column 2 will contain the First Information Report number, date, section and Act, police-station and district.

Column 3 will contain the names of all associates, friends and relations of the absconder.

The absconder's name will be entered in every village where he has any associates, friends or relations and the names of all such persons will be entered up against that village in column 3.

It is the duty of the surveillance staff at police-stations to which the *Police Crime Gazette* is supplied to extract from Part I of the *Police Crime Gazette* and to enter in these note-books particulars of all absconders resident in their police-

station area, or in other police-station areas who have relations and friends in or have resided in or are likely to visit their police-station area and also to communicate this information to their Police-Station Officers. In the case of police-stations to which the *Police Crime Gazette* is not supplied, it will be the duty of the Circle Inspector of Police to furnish the surveillance staffs with extracts from the *Police Crime Gazette* of the names of such absconders on receipt of which the latter will take the action outlined in the first sentence of this clause.

NOTE.—In Parts II and III of the note-book Form ^{Crime 22} _{Police 41} the names of not more than three History Sheet Criminals or absconders respectively will be entered on any one page.

In column 3 of Part III sufficient space will be left for the addition of fresh names.

All entries will be as brief as possible, consistently with clarity.

These note-books, belonging both to the surveillance staff and to the investigating staff, will be kept up to date by the surveillance staff.

1620. The duties of the surveillance staff are preventive, and not detective, and they will not be required to investigate crime. They may arrest any heinous offender whom a Police Officer may arrest without warrant but, as already stated, their primary duty is the surveillance of important criminals. Their services will, however, be utilised to help an investigating officer, in cases where their local knowledge may prove useful. The surveillance staff will be retained on the same work sufficiently long to become thoroughly acquainted with the criminals in the police-station jurisdiction. They will not be changed without orders from the Subdivisional Police Officer or the District Superintendent of Police.

1621. The whole of the police-station staff, excluding the Surveillance Head Constable, will record particulars of enquiries made and information received in their ordinary police note-books. They will also enter in Part III of the *Headman's Register* the date and purpose of their visit and the names of the criminals about whom they have made enquiries. On their return to the police-station the note-book entries will be initialled by the Station Writer who will record brief entries in the General Diary of any useful

information brought in. It will be the duty of the senior surveillance officer to examine the General Diary entries each month and to enter any important information in the history sheet of the criminal concerned. Should the entries contain any facts useful to the Investigating Staff the Police-Station Officer will have the information read out at Roll Calls for 10 days so that the whole staff may become aware of it.

1622. When orders are received to open a history sheet for a criminal, the officer-in-charge of the police-station will communicate full particulars to the Surveillance Head Constable. It is the duty of the Surveillance Head Constable to inform the headman of the village-tract in which the criminal resides, that the latter has been made a history sheet criminal.

1623. It is the duty of the Surveillance Head Constable to report from time to time to the officer-in-charge of the police-station any information received regarding the (b) class criminals residing within the police-station jurisdiction for whom history sheets have been opened. The Surveillance Head Constable will record all such information in his weekly diary, and will at once enter any information of importance in the history sheets of the criminals concerned.

1624. The Surveillance Head Constable will keep up a weekly diary in Form Crime 22A in which he will record the following information :—

(1) The names of villages or hamlets visited, date of last visit, number of criminals in the village, time of arrival and departure.

(2) The names of history sheet criminals personally seen and any information about them.

(3) The names of history sheet criminals enquired about and information received.

(4) The names of absconders enquired about and information received.

(5) Information received regarding other bad characters in the village.

(6) The names of suspicious strangers met in the village with any information about them and whether Form

(7) The names of any criminals whose finger prints are on record and who have died since his last visit.

(8) Any other information about smuggling, gambling, illicit firearms, unreported crime, etc.

(9) All information obtained regarding political matters, rebellion, communal troubles, etc.

He will check the list of history sheet criminals and absconder's in the Headman's Register of Police Officers' visits (Form Crime 78) to see that it is correct and up to date. At the end of the week one copy of the Diary will be sent to the Police-Station Officer who will sideline important entries and record on them any remarks which he may have to make and send it immediately through the Circle Inspector of Police to the office of the District Superintendent of Police where it will be retained for three years and then destroyed. The detective staff will be responsible for extracting all important information from these weekly diaries for action as laid down in paragraph 351 (1) of the Burma Police Manual, Volume I. In the event of any information relating to political matters, rebellion, communal troubles, etc., being of importance an immediate report will be made to the Police-Station Officer or to the Circle Inspector of Police. In cases of urgency the telegraph will be used if available.

The weekly diaries of members of surveillance staffs will be kept for two years in police-station file No. 35 and then be destroyed. Inspecting Officers will check these weekly diaries at police-stations carefully to ensure that the police-station surveillance staffs are carrying out their duties efficiently.

1625. When a criminal for whom a history sheet has been opened leaves his home, it will be the duty of the village headman to inform the Police-Station Officer immediately of the departure of such person and his alleged destination, if known. The officer-in-charge of the police-station will at once notify the fact in form ^{Crime 35}/_{Police 67}, in duplicate (carbon paper being used for the preparation of the duplicate copy), by the quickest possible means to the police-station within the jurisdiction of which the individual is alleged or believed to have gone. On receipt of a Bad Character Roll (Form ^{Crime 35}/_{Police 67}), the receiving officer will at once acknowledge receipt, by returning duly signed and dated the acknowledgment portion of the original copy to the issuing officer. He

will then hand over the original copy to one of his Surveillance Staff Officers, or in the absence of these officers, to any officer available at the time for necessary action and retain the duplicate copy in the file maintained in the Police-Station. A blank sheet of paper will be attached to the duplicate copy and all steps taken and information obtained regarding the individuals will be noted thereon. On receipt of the original copy, the surveillance staff officer or other officer detailed for the purpose will then immediately take steps to ascertain, if the bad character in question has arrived, and, if so, will ascertain from him the length of his stay. If the stay is for a less period than six months, they will inform the original police-station of the fact of the individual having been traced, and of his proposed period of stay. The criminal will then be looked after in the same manner as a history sheet criminal, as indicated in paragraph 1649. On the return of the criminal to his home, all information ascertained about him during his stay will be entered on the back of the original Bad Character Form Crime 35
Police 6 which will then be returned to the station of issue. In the event of such a criminal not returning to the place from whence he came, but moving on to another police-station jurisdiction, the station-officer will intimate this fact by letter to the original station, informing him that he has forwarded on the original Bad Character Roll with all details regarding his stay in his jurisdiction to the new Police-Station concerned. The new receiving station will then take similar action to the above.

1626. If the history sheet criminal's stay is for more than six months, the police-station of his new residence will apply for the transfer of his history sheet and index card and on receipt, will take over the duty of surveillance over him.

1627. In the event of a history sheet criminal's whereabouts being untraceable, his descriptive-roll on Form Crime 28
Police 22 with the entries "H.S. Criminal" noted on the top of the roll, will be submitted to the District Superintendent of Police, who will, if the criminal's finger prints have been taken, forward the roll in original with an English translation to the Central Finger Print Bureau, in order that the finger prints may be slipped.

SECTION VI.—CRIMINAL INDEX CARDS AND THE VILLAGE
 CRIME LEDGER.—REGISTER NO. 36 (FORMS Crime 103A
 AND Crime 103B), Police

1628. In order to deal efficiently with crime it is necessary to maintain a permanent record of the criminal history of certain individuals. Such individuals are divided into two categories :—

(a) Individuals suspected of committing certain serious offences.

(b) Criminals convicted of certain specified offences.

To secure a permanent record there will be kept for each criminal of the types mentioned above an index card in Form Crime 103A, and his name will be entered in the Village Crime Ledger (Form Crime 103B). History Sheets will be maintained for the more important criminals in each of the categories. Each Police-Station will maintain its own criminal index cards which will be kept in a cabinet, and its own Village Crime Ledger. The Station Writer under the general supervision of the Police Station Officer will be responsible for the maintenance and proper upkeep of the criminal index cards and the Village Crime Ledger.

1628A. Criminal Index Card will be destroyed—

- (a) on the death of a criminal ;
- (b) on his attaining the age of 60 years unless the District Superintendent of Police considers that he is still active ;
- (c) on the orders of the District Superintendent of Police when he considers that the health or physical state of the criminal is such as to render him harmless ;
- (d) on his finger print record slip being destroyed under the provisions of paragraph 273 of the Criminal Investigation Department Manual, Part I ;
- (e) in the case of a person with not more than two suspicions, or a conviction and suspicion, seven years after the date of last suspicion, or if convicted subsequent to the first suspicion, seven years from the date of his release from jail ;

- (f) in the case of a person with not more than two convictions, seven years from the date of his release from jail ;
- (g) in the case of a person with three or more convictions or suspicions, either ten years after his release from jail, if the last entry is a conviction, or ten years after the date of the last entry of suspicion.

When a card is destroyed, the relevant entry in the Village Crime Ledger will be cancelled, a note at the same time being made in the remarks column giving in brief the reasons for the cancellation.

1629. Criminal Index Cards will be maintained in Form ^{Crime 103A} _{Police} for all persons convicted of any of the offences detailed below and as each card is opened the name of the criminal will be entered in the Village Crime Ledger. Names of suspects will be entered in the Village Crime Ledger under the provisions of paragraph 1630.

(A) *For the purpose of section 75 Penal Code.*

Chapter XII, Penal Code.—All offences except those punishable under sections 241, 254, 262 and 263A.

Chapter XVII, Penal Code, sections 379 to 382.—Theft of all kinds.

Sections 384, 386 to 389.—Extortion of all kinds except section 385.

Sections 392 to 394, 397 and 398.—Robbery of all kinds.

Sections 395, 396, 399 and 402.—Dacoity of all kinds.

Sections 400 and 401.—Belonging to a gang of thieves or dacoits.

Section 404.—Dishonest misappropriation of property belonging to a deceased person.

Sections 406, to 408.—Criminal breach of trust.

Section 409.—Criminal breach of trust by public servant.

Sections 411 to 414.—Receiving stolen property.

Sections 418 to 420.—Cheating of all kinds, except simple cheating, section 417.

Sections 429 to 433, 435 to 440.—Serious mischief.

Sections 449 and 450.—House-trespass in order to commit an offence in connection with property and cattle.

Section 453.—Lurking house-trespass or house-breaking in connection with property or cattle only.

Sections 454 to 458.—Lurking house-trespass or house-breaking.

Sections 459 and 460.—Grievous hurt or death caused in house-breaking.

Section 462.—Fraudulent opening of a closed receptacle held in trust.

(B) Other Offences.

Sections 489A to 489D, Penal Code—Forgery of currency notes and bank notes.

Section 328, Penal Code.—Administering stupefying drug with intent to cause hurt, etc.

Sections 370 to 373, Penal Code.—Offences against the person in connection with slavery, prostitution, etc.

Section 461, Penal Code.—Dishonestly breaking open a closed receptacle.

Section 120B, Penal Code.—Provided the offence which is the object of the conspiracy is an offence for which a card would otherwise be opened.

Sections 215 and 403, Penal Code.—With regard to cattle only.

Sections 19 and 20 of the Arms Act.—For an offence committed with firearms only.

Sections 109 and 110, Code of Criminal Procedure.—Bad livelihood.

Section 31 of the Rangoon Town Police Act.

Section 17 of the Burma Gambling Act.

Section 3, Opium Amendment Act.

Criminals whose finger prints are on record under clause (f) of paragraph 1573 and in whose cases the District Superintendent of Police orders a Criminal Index Card to be opened.

Attempts at offences detailed in (A) and (B) above where the offence is not in itself an attempt.

1630. Criminal index cards will also be opened for persons suspected of committing the following classes of crime :—

- (a) Dacoity.
- (b) Robbery.
- (c) Burglary and important cases of theft from buildings, vessels or trains.
- (d) Cattle theft.
- (e) Receiving stolen property.

(f) (Under the orders of the District Superintendent of Police)—Any other special type of crime, *e.g.*, professional pocket-picking, professional cheating, being a village bully, etc.

Each index card will be numbered according to the serial and page number of the criminal or suspect in the Village Crime Ledger, a separate series of numbers, commencing with 1 being given to each village-tract. When a criminal is re-convicted or a suspect convicted his name will not again be entered in the Village Crime Ledger but appropriate entries will be made in the various columns against the original entry.

Approvers will be treated in the same way as convicted persons and cards opened as for convicted persons but in such cases the word "Approver" will be shown on the reverse of the index-card instead of so many years imprisonment.

1630A. Village-tract information cards will be maintained in each police-station in Form ^{Crime 103H} _{Police}. The Police-Station Officer will be responsible for the upkeep of these cards, which will be maintained in English, if possible. All entries therein will be made under his personal supervision. Information will be added as it is obtained, and cancellation made as new conditions arise, and previous information becomes obsolete. The cards consist of three parts:—On the front at the top is a space for general information, such as the number of house, distance from police-station, etc. Below this is another space for such entries as notable or notorious persons, and remarks regarding same, means and route by which the village can be reached, *i.e.*, by car, water, on foot, etc., also any accommodation available in the village, such as dak bungalow. Furthermore, any general information of interest should be entered, such as any trouble between village parties, political activity, whether there are any well-known persons whose sympathies are either with or against the Police, and administration generally. On the reverse is the third part in which will be entered all crimes committed within the village-tract, and against these entries under "Criminals" will be entered the names, fathers' names and residences of criminals taking part or suspected, after each such name the following letters will be entered in red ink to denote (i) Convicted (c), (ii) Acquitted (a), (iii) Discharged (d), and (iv) Suspected (s). In cases not detected, and in which there are no suspects the entry "No suspects" will be entered.

On a card or any portion of a card getting filled up, a fresh card will be attached.

Investigating Officers should refer to these cards before going to villages, as it will show him whom he can trust or otherwise, and also give him an idea of the criminality of the village. The cards will be of particular usefulness to officers newly posted to police-stations, as they will supply them with local knowledge they do not possess.

Entries should be made in very small writing with a fine pen to ensure that the maximum amount of information is entered in the minimum space.

1631. The Village Crime Ledger (Form Crime 103B
Police) contains a record of all persons for whom criminal index cards have been opened. The Village Crime Ledger contains 500 pages numbered from 1 to 500. The first ten pages of the Ledger will be reserved for the names of the village-tracts or wards in the police-station jurisdiction together with the names of the village or Ward Headmen, the population of the village-tract and the hamlets in each. Hamlets will not be allotted separate pages. In towns, wards or quarters will be treated as village tracts. A suitable number of pages will be allotted to each village tract according to the number of criminals and suspects residing in it. It is essential that a sufficient number of pages be allotted to each village-tract as the Ledger is of a permanent nature and it is most undesirable that it should be necessary to re write it from time to time. In a police-station in the jurisdiction of which there is a large number of village-tracts with a criminal population, it may be necessary to open two volumes of the Village Crime Ledger in order to ensure that sufficient pages are allotted to each village-tract.

The headings of the Village Crime Ledger are self-explanatory. Information as to whether a card-indexed criminal is in Jail, present in his village, absconding, etc., will be entered in pencil in the remarks column.

1632. In all cases sent up for trial the Court Prosecuting Officer will communicate particulars of the conviction (an order under section 562, Criminal Procedure Code, being treated as a conviction), on the back of the last case diary to the officer in charge of the police-station concerned. Should the conviction be for one of the offences specified in paragraph 1629 either a new index card in Form Crime 103A
Police will be opened for the individual and his name entered in

the Village Crime Ledger under the village to which he belongs or, in the event of an index card already being on record, the necessary entries regarding the conviction will be made on the reverse of the card.

In addition to the entries on the index card and in the Village Crime Ledger, the result of the case as a whole will be shown in column 5 of the counterfoil of the First Information Report in Register No. 20. In the reference cage of the counterfoil will be shown the page and serial number of the criminal or suspect in the Village Crime Ledger. The results as affecting each accused sent up for trial will be shown in Register No. 24.

1633. In the event of a person belonging to another police-station jurisdiction being convicted of one of the offences specified in paragraph 1629, the Station Writer, on receiving the result of the case as detailed in the previous paragraph, will immediately forward to the police-station in the jurisdiction of which the person resides the conviction roll in duplicate in Form ^{Crime 34}/_{Police 65A} giving the form the number and date as entered in the Despatch Register. No forwarding letter is necessary. On receipt of the form in duplicate the Station Writer of the police-station concerned will make the necessary entries on the index card and in the Village Crime Ledger, and will file one copy of the conviction roll in an open file where it will be kept until it has been checked and destroyed by the Circle Inspector of Police. The Station Writer will then return the duplicate copy to the police-station of issue giving it the number and date as entered in the Despatch Register. On receipt of the duplicate copy at the police-station of issue it will be filed in the case file.

1634. Convictions for the non-cognizable offences specified in paragraph 1629, and in cognizable offences taken up direct by Magistrate will be notified to police-stations by Court Prosecuting Officers through the office of the District Superintendent of Police on Form ^{Crime 34}/_{Police 65A}. On receipt in the office of the District Superintendent of Police, the Crime Clerk will check them with the statement of all such convictions for all courts subordinate to him, compiled and sent by the District Magistrate, at the end of each month. After check, Form ^{Crime 34}/_{Police 65A} will be sent on to the police-

stations. On receipt at the police-station, necessary particulars will be entered in the Index Cards of the criminals concerned, and in the Village Crime Ledger, and if the criminal is a History Sheet Criminal, particulars will be entered in his History Sheet.

1635. Any modification or alteration of a conviction for one of the offences specified in paragraph 1629 made by an appellate court will be notified by the District Superintendent of Police to the police-station concerned by means of a miscellaneous order and necessary alterations will be made on the index card of the criminal and in the Village Crime Ledger. In the case of a history sheet criminal the necessary details will also be recorded in his file.

1636. When intimation is received from the jail authorities that a prisoner has been removed to a lunatic asylum, the fact will be noted on the index card. In the event of the criminal subsequently being reconvicted for a fresh offence the fact of his previous incarceration in a lunatic asylum will be communicated to the jail authorities. In the case of a history sheet criminal this information will also be recorded in his file.

Suspects.

1637. Cards for suspects will be placed on record in connection with the following classes of crime (see paragraph 1630).

- (a) Dacoity.
- (b) Robbery.
- (c) Burglary and important cases of theft from buildings, vessels or trains.
- (d) Cattle theft.
- (e) Receiving stolen property.
- (f) (Under the orders of the District Superintendent of Police)—Any other special type of crime, e.g., professional pocket-picking, professional cheating, being a village bully, etc.

In the event of an index card for the person concerned already being on record, an entry will be made regarding the suspicion against him. Similarly an entry will be made in the History Sheet should the person concerned be a History Sheet Criminal.

Index cards will be opened or entries made on cards already on record or in History Sheets, in respect of persons suspected of the classes of crime mentioned above only when orders to this effect are issued by an officer of or above the rank of Inspector of Police. Such orders will be issued only when suspicion is well-founded. Suspicion based on mere guess work or gossip or on the uncorroborated testimony of a spy is not well-founded information.

Normally the order for the opening of a "suspect" card or the making of a "suspect" entry will be passed by the Inspector on the final case diary and the final report when he records his orders, including the grounds of suspicion, on "the certificate of suspicion" (see paragraph 1657). It is thus necessary for the investigating officer to attach the certificate of "suspicion" whenever he closes an investigation into any case under the classes of crime mentioned above in which there is well grounded suspicion against any person or persons. Inspecting officers may, after perusing Police Station Case Files, order suspects cards to be opened whenever they deem necessary.

Cards will be opened for "lettauks" in dacoity and robbery cases and they will be shown as "Suspects" under the form of crime in which they are suspected of having acted as "lettauks". A white Tab will be used for the purpose of classification of crime as required by paragraph 1640.

1637A. When a person absconds for an offence under any of the sections mentioned in either paragraph 1629 or 1630 and for whom a Hue and Cry form has been opened in Police-Station Register No. 29, Parts I and III, if a card is already on record for the criminal, an entry will be made in his card, in a manner similar to an entry made for suspicion. If the absconder is subsequently arrested, the procedure laid down in paragraph 1637 will be followed.

Use of Criminal Index Cards

1638. (a) Criminal index cards are used principally for the purpose of tracing the previous convictions of criminals and of recording information regarding the particular forms of crime suspects are believed to be committing. Whenever an arrest is made, the index cabinet will be searched to ascertain if a card is on record for a person with the same name and father's name as the

arrested prisoner. The card supplies previous convictions and, information regarding associates of both convicted and suspected persons.

(b) An investigating officer must consult the cabinet whenever he has to tackle any crime of importance. For example, if a dacoity is committed, he will take time to examine the cards of known dacoits, making the requisite notes in his note-book about those convicted and suspected dacoits resident within a striking radius of the scene of crime. Clearly it is his duty to check up as early as possible the movements of both known and suspected dacoits. The same applies to robberies, burglaries and cattle thefts. The headman's register merely gives him the criminals of that tract, but not those of adjacent tracts. In crimes of great importance all available policemen will be detailed for this checking-up process. The examination of cards will precede the visit to the scene of crime, if time is available.

(c) Whenever an accused or suspect is named, the officer taking up the investigation will consult the index cards to ascertain the past record, if any, of the accused or suspect. This is important because the card may give a caution against relying on some one related to the accused or may furnish the name of some enemy who will be eager to assist.

(d) The essential attitude towards the card index must be that it is a valuable storehouse of knowledge culled from past investigations. This must be the attitude when cards are being written up and when they are consulted. They are in essence tabloid history sheets.

1639. (a) Criminal Index Cards, Form ^{Crime 101a} _{Police} will contain the following particulars :—

Front.—

(i) Name ; (ii) *Aliases* ; (iii) Father's name ; (iv) Mother's name ; (v) Residence ; (vi) Race and religion ; (vii) Birth place by village, police-station jurisdiction and district ; (viii) Occupation ; (ix) Date of birth ; (x) Description—which should be confined to height, build and definite peculiarities and scars ; (xi) Index Card No. ; (xii) History Sheet File No. ; (xiii) Gang name and number in gang list if he is a Criminal Tribes Act Criminal ; (xiv) Remarks.

At the top of the form are printed spaces indicating where the coloured tabs of classification of the criminal will be affixed.

Reverse.—

On this side will be entered particulars of convictions or cases in which suspected. The columns are :—

(i) Date of conviction or in cases of suspicion, date of occurrence ; (ii) Case number ; (iii) Name of Court ; (iv) Place where Court sits ; (v) Section ; (vi) Sentence ; (vii) Village-tract in which the crime was committed ; (viii) Police-station in which scene of crime is situated ; (ix) District in which scene of crime is situated ; (x) First Information Report No. ; (xi) Date of release from jail.

(b) In "suspect" cards column 1 will show the date of the offence although in convicted cases the date recorded will be the date of conviction. Across columns 2, 3 and 4, the word "suspect" will be entered. Except for persons who have history sheet files, on one or two lines below this entry will be given very briefly the grounds for suspicion ; the actual wording of this entry will be written in Burmese by the officer who orders the entry. No Police Officer under the rank of an Inspector may order a card to be opened for a suspect. Should a suspect reside in the jurisdiction of a police-station other than that in which the crime occurred Form Crime 34 Police 10A will be made out and sent to the police-station in whose jurisdiction the suspect resides. Orders regarding all suspects will be filed in the case files to which they refer.

(c) Criminal Index Cards will be kept in a cabinet in alphabetical order with blue guide cards for different groups of letters of the alphabet. Fresh convictions of persons already card-indexed will be inserted on the same card. An extra card will be clipped to the original when it is filled up. In the case of persons who have two or more names, a separate *alias* card will be opened for each name. Details will be entered on one card only, the other cards bearing merely a reference to the card containing the details. Index cards of criminals in jail will be kept in a separate drawer in the cabinet in the order of the probable date of the release from jail and retransferred to the "live" drawer when the criminal is released.

(d) Cards will be written up in Burmese on receipt of the case papers from the Court Prosecuting Officer with the conviction particulars written on the back of the last case diary or in undetected cases on the receipt of orders from an officer of or above the rank of Circle Inspector of Police.

(e) An order by a Magistrate under section 565 Criminal Procedure Code is part of the sentence and will therefore be recorded briefly on the card as such. Under the actual sentence in column (vi) (reverse) of the index card, the addition will be shown in this manner:—

"565—2 years" which suffices to indicate an order under 565 Criminal Procedure Code for 2 years.

(f) In column (xi) of the index card the date of the probable release will be entered in pencil on conviction allowing 1 month per year for remission; the actual date of release will be entered in ink when the actual release has taken place. "If the prisoner is released conditionally under section 401 of the Criminal Procedure Code by order of Government before the expiry of the term of imprisonment to which he was sentenced an entry will be made to this effect (e.g. $\frac{401}{1-2-37}$)."

(g) In the space for "Remarks" will be entered the *modus operandi* employed in each case of conviction or suspicion, if it has any unusual features; the names of associates with their card numbers (if any), the particulars in brief of what led to detection, special regard being paid to the method of disposal of stolen property. If necessary, an extra card will be clipped on and utilised for these particulars which yield a useful tabloid history sheet. It is of particular importance to note on a criminal's card any relationship to important persons, local or otherwise. For example, it is very useful and often crucial to know that the criminal is related to the headman, the headman's wife or some local or distant Government official.

(h) To enable cards to be destroyed when card-indexed criminals die, it will be necessary for these criminals to be regularly reported upon, and this will be the duty of the Surveillance Staff. The Surveillance Staff Officers will each have a Note Book, giving a complete list of all criminals whose cards and finger prints are on record, the names and fathers' names of these criminals being entered up village by village. The Station Writer will, at the end of every month, give the Surveillance Head Constable a list of persons for whom new cards have been issued. When visiting villages Surveillance Officers will make enquiries regarding the

death of card-indexed criminals in a manner similar to enquiries which they already make regarding finger-printed criminals and will immediately report the death of all such criminals to the Police-station Officer, who will destroy their cards. Should their finger prints be on record, intimation will be sent to the District Superintendent of Police.

1640. At the top of each card are divisions marked off with :—

(i) Convict ; (ii) History Sheet Criminal ; (iii) Dacoit or robber ; (iv) Burglar ; (v) Cattle thief ; (vi) Receiver of stolen property ; (vii) Any other class of criminal which the District Superintendent of Police may consider should be classified.

These divisions indicate where a coloured tab will be pasted on the card to indicate the class of crime to which the card-indexed criminal is addicted. Some criminals may have two or more tabs affixed to their cards. The coloured tabs will be issued in separate boxes. The following colours will be used for this classification :—

Green—Persons convicted for bad livelihood under sections 109 and 110, Criminal Procedure Code, or restricted under the Criminal Tribes Act.

Blue—A history sheet criminal.

Red—A dacoit or robber.

Yellow—A burglar.

Brown—A cattle thief.

Black—A receiver of stolen property.

White—Any other class of criminal at the District Superintendent of Police's discretion.

Care will be taken to paste the slips on so that they project at least an eighth of an inch, and not more than three-eighths of an inch. The object is to allow cards of each class of crime to be examined at once when an investigating officer is gathering information about persons known to be addicted to the class of crime he is investigating or about to investigate.

The letters F.P. will be entered in ink or stamped in the top left hand column of the card which is labelled "convict."

1641. Cards in each police-station will be kept in the cabinet in alphabetical order. The alphabetical arrangement

The initial in Burmese names is taken from the last part of the name, except when "Gyi" or "Gale" are merely descriptive additions and not part of the name. For Indians the first letter of the Burmese transliteration will be taken as the initial letter under which the name will be entered. For persons who possess surnames, e.g., Europeans, the first letter of the transliterated surname will decide the letter under which the name will be entered.

1642. As soon as an index card has been opened particulars will be entered at once in the Village Crime Ledger which shows whether a criminal has a History Sheet, is a suspect, or has been convicted of one of the specified offences.

1643. Whenever a card-indexed criminal is said to have changed his residence permanently to another police-station, a copy of the Index Card will be despatched to that police-station and on receipt will be placed in an open file until it is ascertained that he is permanently residing in the police-station area, when the card will be placed in the cabinet, and an entry made in the Village Crime Ledger. When this fact has been established the police-station in the area of which the criminal formerly resided will be informed and, except in the case mentioned below, his name will be deleted from the Village Crime Ledger of that police-station and the original index card destroyed. When a police-station receives the index card of a criminal on transfer, immediate steps will be taken to ascertain if the criminal has taken up residence in that jurisdiction as reported. The officer deputed for this purpose will bring back a written statement from village headman, or Village Committee member, or Ten-house *gaung* to show that the criminal has been traced and found in residence in that village-tract. When this has been done the original police-station will be informed that the criminal has been traced and the card acknowledged. In certain cases when a card-indexed criminal changes his residence permanently to some police-station near his original home, there is a likelihood of his returning to his old haunts to commit crime. Frequently he brings new criminal associates with him to harry the area with which he is familiar. In such cases it is essential for the staff of his original police-station to be on the watch for his return and to remember his former connection with the area. For this reason, before the duplicate card of the criminal is sent to the police-station having

jurisdiction over his new place of residence, such particulars will be entered on the original card which in such cases will be retained. The man's name will also be retained in the Village Crime-Ledger and the word "transferred" noted in the remarks column.

1644.

SECTION VII.—HISTORY SHEET CRIMINALS.

1645. (a) An Index card in Form $\frac{\text{Crime 103A}}{\text{Police}}$ will normally already be on record for every history sheet criminal before a history sheet is opened. When a history sheet is opened for a criminal appropriate entries will be made against his name in the Village Crime Ledger and a special file will be opened for him which will be numbered. Serial numbers will be entered in the criminal's card in the space provided. Upon the death of a history sheet criminal, or the cancellation of his history sheet or discontinuation of such, the number will be left blank, and allotted to the next history sheet opened. A list of history sheets will be maintained and history sheets will be kept in serial order according to this list the number being entered in the left hand bottom corner of the history sheet cover to facilitate search.

Each history sheet file (Form $\frac{\text{Crime 103C}}{\text{Police}}$) will contain:—

Part I.—Initial history sheet $\frac{\text{Crime 103D}}{\text{Police}}$.

Part II.—Blank sheets headed: Important entries
 $\frac{\text{Crime 103E}}{\text{Police}}$.

Part III.—Blank sheets headed: Current Reports
 $\frac{\text{Crime 103F}}{\text{Police}}$.

Part IV.—Order form sheet $\frac{\text{Crime 103G}}{\text{Police}}$.

Part V.—All correspondence relating to the criminal, including Form $\frac{\text{Crime 35}}{\text{Police}}$ will be filed in this part. The first page of the part will consist of an index in Form $\frac{\text{Crime 103I}}{\text{Police}}$, and in this index an entry will be made of all such correspondence when filed.

Papers in Parts III, IV and V will be periodically removed from the file and destroyed by police officers not below the rank of Inspector, when of no further interest, but never before the lapse of one year.

(b) The station writer under the general supervision of the police-station officer will maintain the history ~~sheet~~ files and be responsible for their proper upkeep.

(c) The initial history sheet (Part I) contains:—
 (i) Name; (ii) *Aliases*; (iii) Parentage; (iv) Present residence; (v) Place of birth of the criminal, his father, his mother and his wife; (vi) Race and religion; (vii) Age of the criminal at the date of opening the history sheet and the order number with date of opening it; (viii) Finger print numbers and dates; (ix) Criminal index card number; (x) Name of criminal tribe and number in the list; (xi) Occupations; (xii) Convictions present and subsequent; (xiii) Description; (xiv) Brief history up to his first offence; (xv) History of all his known offences up to the date of opening his history sheet; (xvi) Names of relations, connections, associates, friends and persons who can identify him with the father's name and residence of each. If the entries under item (xvi) of the initial history sheet fill the page, a blank sheet will be added for additional entries. A very full list of associates, relations and friends is extremely useful should the criminal abscond.

(d) Under important entries (Part II) will be recorded all information connecting the criminal with any crime, particulars regarding seasonal changes of residence and employment and, when the criminal has been lost sight of for any period and subsequently traced, full particulars of his movements during that period, after they have been verified.

(e) Current entries (Part III) will include the regular reports regarding the criminal and his movements whether important or otherwise. If the officer making an entry is in doubt as to whether the fact is of sufficient importance to warrant an entry also being made in Part II, he will enter it in Part III only and await the orders of an inspecting officer.

(f) The order form (Part IV) will be a record of orders given to subordinate police officers regarding card-indexed criminals and suspects. The date and substance of the order will be recorded and the dated signatures of the officers whose duty it is to carry out the order.

When this order has been complied with an entry will be made in the history sheet record under either Parts II or III according to the importance or otherwise of the information obtained. The number of this entry will be shown in Part IV over the signature of the officer who carried out the order.

(12) A confession should be filed in a miscellaneous proceeding. Any written communication made to the Magistrate by the police regarding the wish of the accused to make a confession should be filed with it.

1700. The period during which active investigation into a case will continue will vary with the importance of the case and with the likelihood of detection.

No hard and fast rules can be laid down but cases in which there is no clue and little likelihood of obtaining one, e.g., house-breaking in which no property was taken and the accused was not seen, will be closed as soon as it is certain that further investigation will be fruitless.

In other cases investigation will continue until all clues have been followed up and have led to no result. Cases of little importance in which no clue has been found may be closed as undetected after a week or ten days. Cases of importance (this does not apply only to important crimes, but also to cases in which a large amount of property has been stolen or which appear to be part of a sequence of crimes committed by habitual criminals, etc.) will ordinarily not be closed until the lapse of a month from the date of report and, if necessary, the investigation will continue for several weeks.

Investigation may safely be extended in police-stations where crime is light. On the other hand the practice of requiring investigating officers to dissipate their energies amongst a large number of pending cases, many of which are unlikely to be detected, is conducive to inefficiency in the detection of more promising cases and will be avoided.

1701. In all cases of "important crime" and in all cases of a grave nature, *vide* paragraph 363 of the Burma Police Manual, Volume I, if the accused is not arrested within a reasonable time, i.e., within a month, the investigating officer will forward to the nearest Magistrate competent to try the case or commit it for trial, all witnesses who can give any testimony regarding the circumstances (including witnesses to prove the absconding), so that their depositions may be taken under section 512, Criminal Procedure Code. At the same time he will request the Magistrate to issue a proclamation under section 87, Criminal Procedure Code, and an order of attachment of the property of the accused under section 88, Criminal Procedure Code.

The deposition of any witness recorded under section 512, Criminal Procedure Code, may be given at the trial if such witness is dead, or incapable of giving evidence or his attendance cannot be procured without unreasonable delay, expense or inconvenience.

The recording of evidence under section 512, Criminal Procedure Code, is, therefore, an insurance against the escape from punishment of an accused arrested after a lapse of time which would, in many cases, result in the disappearance of evidence against him.

1702. When a case has been closed as undetected, systematic and day to day enquiries into it cease. The case will not, however, be regarded as dead, and Police Officers will be expected to be on the alert for information, and to reopen any case closed as undetected if they receive any information justifying it.

It frequently happens that months or even years after the commission of a crime, information is obtained which enables the case to be sent up for trial. Most frequently, this is so in cases in which evidence was sufficient but the suspect was not apprehended.

Police Officers will, however, bear in mind that the recollection of witnesses fades with time and that unless the facts are remembered or their depositions have already been recorded under section 512, Criminal Procedure Code, it will often be difficult to prove old cases. Before sending up such cases investigating officers will therefore, re-examine all the available witnesses so as to decide whether or not the evidence available is sufficient to justify sending the accused for trial.

SECTION VI.—THE CONDUCT OF SEARCHES.

(Section 165, Criminal Procedure Code.)

1703. When the production of any particular document or thing which is known or believed to be in the possession of any person is necessary or desirable for the purposes of any investigation, an officer-in-charge of a police-station may issue a written order for its production under section 94, Criminal Procedure Code.

NOTE.—Although section 94, does not apply to postal articles which include letters, post-cards, telegrams and parcels in the custody of Postal authorities, the Government of India has ordered that the records of a post office shall be produced and information available in them shall be given on the written order of such an

officer. Only those entries in the records will, however, be disclosed which relate to the person or persons accused of the offence under investigation or which are relevant to the offence. When the information asked for is not available in the records of the post office, the Police Officer will be informed accordingly [letter No. 3 (Judicial)—236, dated the 21st February, 1891, from the Government of India, to the Chief Commissioner, Burma, reproduced in Local Government Financial Department Circular No. 5 of 1891].

If the production of a postal article is required, then under the provisions of section 95, Criminal Procedure Code, application will be made to the District Magistrate for a requisition.

Where before obtaining the requisition of the District Magistrate, it is desirable to detain any postal article, then application will be made to any Magistrate or to the District Superintendent of Police (if in Rangoon to the Commissioner of Police) for an order of detention [section 95 (2), Criminal Procedure Code].

Under the provisions of the Bankers' Books, Evidence Act—Act XVIII of 1891 as amended, it is not possible to compel certain Banking Firms and the Post Office Savings Bank to produce documents, etc. In these cases application will be made to a Court for an order of production.

1704. Whenever a Police Officer making an investigation considers that the production of any article is necessary to the conduct of the investigation, and there is reason to believe that the person to whom an order under section 94 might be issued will not produce the article, or it is not certainly known that the thing sought for is in the possession of any individual, he may search for the same in any place, within the limits of the station of which he is in charge or to which he is attached (section 165, Criminal Procedure Code).

1705. Before making the search he will record in writing in Form ^{Crime 101} _{Police} the grounds of his belief that the articles required will be found in the place to be searched and specify, as far as possible, the articles for which search is to be made [section 165 (1), Criminal Procedure Code].

Under the provisions of sections 124 and 125 Evidence Act, information given to an investigating officer in official confidence is privileged. It is not necessary therefore in recording grounds of belief to specify the source of information as to the location of articles to be searched for. It is sufficient to record "from information received."

If practicable, the investigating officer will conduct the search in person. If he deposes a subordinate to make the

search, he will record his reasons in writing and will give the subordinate an order in writing, specifying the place to be searched and, as far as possible, the thing for which search is to be made [section 165 (3) Criminal Procedure Code].

Whenever a search is made by an investigating officer or by a subordinate by his direction, a copy of Form ^{Crime 100} Police duly filled in will be sent to the nearest Magistrate empowered to take cognizance of the offence.

1706. The rules as to searching places will be found in sections 103 and 165, Criminal Procedure Code. The law requires that search be made in the presence of two or more respectable persons. If possible, the headman of the village-tract will be present. The occupant of the place searched, or some person in his behalf, will be permitted to attend during the search. Care will be taken that the witnesses observe every part of the search.

1707. Before entering the premises, the exterior of the place to be searched will be examined, and it will be ascertained whether there is easy access or opportunity of introducing articles without the knowledge of the inmates. Precautions will be taken to prevent this being done while the search is in progress.

1708. Before entry the officer who is to make the search and the witnesses, will search each other and satisfy themselves that none of their number is concealing anything which may be planted in the premises to be searched.

This procedure is necessitated by the not infrequent allegation on the part of the defence that incriminating articles have been smuggled into the premises by the searching party.

However distasteful this procedure may appear it must be submitted to, in order that such allegations may be refuted.

Whilst a search is in progress outsiders will be rigorously excluded and the witnesses will be required to watch attentively every detail of the search.

1709. Should anything be discovered, it is necessary to examine and consider the surrounding circumstances and whether it would be possible for the article to be placed

where found without the knowledge of the inmates. A note of the facts and of the conclusions arrived at will be made there and then in the Case Diary. The witnesses will be invited to give their opinions freely on these points, and these opinions will be recorded.

1710. Police Officers will bear in mind the possibility of incriminating articles being planted by enemies of the person whose person or premises have been searched and will be chary of taking action in cases where this may have occurred, without strong corroborative evidence. It is unnecessary to add that any attempt by a Police Officer to manufacture evidence of this kind will invariably result in his prosecution.

District Superintendents of Police will have stringent enquiries made into any case in which it appears that Police Officers have been guilty of malpractice of this nature. e

1711. In every case in which an investigating officer decides to search a house or place or any person in or about such place, he will record in his Case Diary his reasons for doing so. Houses will not be searched on the mere assertion of the complainant that he suspects the owner.

1712. The law does not require the search to be by daylight though, as there is less likelihood of things being overlooked in a good light, it is advisable as a rule not to make a search at night.

When it has been decided to search a house on the following day a watch will be kept over it to prevent anything being removed from or introduced into it by night.

1713. A list of all things seized in the course of the search and of the places in which they were respectively found will be prepared by the officer making or superintending the search and signed by the witnesses. To ensure the regular and proper conduct of searches in accordance with law, Form Crime 41 Police 90 will be used when a search is made. Section 103, Criminal Procedure Code, lays down the procedure to be followed, and the form is merely a recapitulation of the terms of that section arranged in a formal and tabular manner to prevent the possibility of any of the essential requirements of the law being overlooked.

Instances have from time to time occurred of prosecutions having failed in consequence of the omission of very necessary details.

1714. The columns of the form need no explanation. Care will be taken that the description given of each article is full and accurate, and such as to render it readily capable of identification. One copy of the form will be given to the occupant of the house searched or to the person searched (should he ask for it), and one copy sent up with the Charge Sheet, etc., to the Magistrate trying the case should the Police investigation end in an accused being sent up for trial. These entries are, of course, in detail. A brief account of the search will be entered in the General Diary—a detailed list of things found in the Case Diary. A copy of the detailed list will also be entered in Police-Station Register No. 32.

1715. If the article or articles found are to be used in evidence, care will be taken to provide for their identification before the Court which tries the case. One of the Police Officers in whose presence the discovery was made will give evidence as to the circumstances, as the witnesses to the search will not ordinarily be called to attend the Court (section 103, Criminal Procedure Code).

NOTE.—Searches of houses for stolen property are often conducted in a very slovenly manner. For example, two *lugyis* are sent for to witness a search. They regard the proceedings as irksome, and the Police take no trouble to invite their attention to what is being done. In Court the witnesses for the prosecution depose that a gold necklace was found in the house of the accused in the presence of the two *lugyis*. Cross-examination follows and it comes out that the gold necklace was found in a rice-basket, which the two *lugyis* did not see, in an inner room which they did not enter. The inner room was to the south of accused's court-yard, and the two *lugyis* remained standing at an outer door to the north, and never went any further in. In conducting a search of a house for stolen property, the Police ought to take trouble to shut out the possibility of its being said with any appearance of truth that the search has not been proved to have been an honest search, as the witnesses did not really see what happened.

1716. If the article found is a weapon bearing stains of what appears to be blood and the case is one in which such a discovery would be relevant, care will be taken to protect the stains from obliteration by wrapping the weapon in a suitable material, cotton wool for preference, and making it up into a parcel which will be sealed in the usual way to prevent any tampering with it.

1717. The powers of search given to the Police do not extend to the disinterment of a corpse in order to discover

the cause of death. Before this can be done, the authorization of a Magistrate empowered to hold inquests will ordinarily be obtained under section 176, Code of Criminal Procedure. But if the delay which such a reference would involve is excessive, if the spot where the corpse is believed to lie is not a burial ground, and if the relatives of the deceased are desirous that the exhumation should take place, the authorization of the Magistrate may be anticipated by immediate action. In conducting the exhumation, the investigating officer will be guided by the rules on the subject contained in Chapter LXXII which deals with inquests; and the exhumed body will be made the subject of an investigation and report under section 174, Code of Criminal Procedure.

SECTION VII.—EVIDENCE OF IDENTITY.

1718. Cases in which the proof rests chiefly on the identification of persons or things are often thrown out by Courts because the identification is not properly made out. If the identification by a witness of a person or of an article of property is to be satisfactorily established, it must be shown that the witness was (or is) able to pick out the person or thing from among a number of others similar in appearance. It is useless to put forward prisoners in the dock for identification by witnesses who have seen them in the course of the Police investigation, unless evidence is adduced to prove that when the witnesses were first confronted with the prisoners, they fairly and honestly picked them out, without any indication being given that they were the men whom the Police wished and expected to be identified.

To ensure compliance with these orders, Form Crime 98 will invariably be filled in by the officer conducting an identification parade of persons and Form Crime 99 at identifications of exhibits.

1719. Whenever it is necessary to submit a person suspected of having been concerned in any offence to identification, particular care will be taken, pending the arrival of the identifying witnesses, to keep the suspect in some place where they cannot have access to him. On their arrival the suspect will be mixed up with eight or ten persons similarly dressed, and the identification carried out, whenever possible, in the presence of a Magistrate; or, if no

Magistrate is available, in the presence of two or more respectable persons unconnected with the case, who will be asked to satisfy themselves that the identification has been conducted under conditions precluding the possibility of collusion. Care will be taken that the identification by each witness is done out of sight and hearing of the other identifying witnesses. The foregoing rules apply only to instances in which suspects have been arrested and have to be confronted with witnesses who express themselves able to recognize them by appearance, although not previously acquainted with them. When, as frequently happens, the complainant or other witness states that amongst his assailants he recognized certain persons of his acquaintance either by their appearance or by their voice, his credibility is a matter for the Courts and the above rules do not apply.

1720. As Police Officers may not give evidence of statements made to them in the course of an investigation, the Magistrate or other independent person present will note what the witnesses say as to whether or not they can identify persons in the parade, and will be cited as witnesses on this point.

1721. It is a common practice in proving the ownership to property alleged to have been stolen, to put up a witness to swear that he identified the article by a dent or scratch, or some fashion of make. It would be more convincing if the witness were able to pick out the article from among a number of others of similar size, shape, and make.

SECTION VIII.—CIRCUMSTANCES JUSTIFYING ARREST.

(Section 54, Criminal Procedure Code.)

1722. The powers of arrest without warrant of any Police Officer, as contained in section 54 of the Criminal Procedure Code, have been set out at paragraph 1050 of this Manual.

It is left to the discretion of the Police Officer to decide—

- (i) whether the complaint or suspicion is reasonable or the information credible in the cases mentioned in paragraph 1050 ;
- (ii) at what stage of the investigation arrest, assuming that arrest is appropriate, should be made.

✓1723. A general definition of what constitutes reasonableness in a complaint or suspicion and credibility of information cannot be given but both must depend upon the existence of tangible legal evidence within the cognizance of the Police Officer, and he must judge whether the evidence is sufficient to establish the reasonableness and credibility of the charge, information, or suspicion.

1724. Again, the moment when an arrest should be made is not (and obviously cannot be) prescribed. The arrest may be made as soon as the suspected person appears to the Police Officer to be such a person as is mentioned in section 54, sub-section (1) or sub-section (4); or the arrest may for sufficient reason be postponed. Unnecessary delay in investigation is forbidden by section 173, Criminal Procedure Code. In ordinary cases, when the offence charged is not of a serious description and there is no likelihood of the accused trying to escape, arrest need not be made until the enquiry has at all events proceeded so far as to satisfy the Police Officer that the charge can be properly substantiated before a Magistrate. But in grave cases, such as dacoity, murder, and the like, where there may subsequently be difficulty in discovering the whereabouts of the suspected person or danger of his absconding, the investigating officer will exercise his powers of arrest as soon as it appears that the complaint or suspicion is a reasonable one. If it turns out that the person arrested is not the guilty party, he will at once be released on bail or upon his own bond, the circumstances being set forth in the Case Diary.

1725. In cases where a suspected person is not arrested forthwith, either because the Police Officer is not as yet satisfied that the provisions of section 54, Criminal Procedure Code, apply to the individual in question or because, being satisfied that they do apply to him, the Police Officer, for sufficient reason, postpones immediate arrest, care will be taken that the suspected person remains at liberty and is a free agent. If the circumstances of the case so require, it is the duty of the Police to watch his movements, openly or secretly, and to keep themselves acquainted with his actions (as is the custom with detectives in every country) so as to be able to arrest him at any given moment; but no restraint of any kind may lawfully be exercised over him so long as he is not placed under arrest.

SECTION IX.—ARREST.

(Sections 46 to 53, Criminal Procedure Code.)

1726. The manner in which arrest is to be made is described in sections 46 to 48 and section 53, Criminal Procedure Code. If the person to be arrested absconds he will be pursued.

1727. All Police Officers in pursuit of offenders will follow up such pursuit beyond the bounds of their own jurisdiction until an equally responsible officer is at hand to take it up. Enquiry and pursuit will not stop at the boundary of a police-station.

1728. All officers are responsible that requisitions for aid in pursuing, searching for, or apprehending offenders are immediately complied with, and that every effort is made for the successful performance of the duty required.

1729. If the person to be arrested is known to be a dangerous character more than one officer will ordinarily be deputed to arrest him. Especial care will be taken that each officer deputed is suitably armed to defend himself should necessity arise. Officers will, however, be warned that arms may only be used if there is danger of the person to be arrested or his abettors causing death or grievous hurt (section 100, Penal Code), or, if the arrest can be effected in no other way (section 46, Criminal Procedure Code).

The greatest care will be taken when a prisoner is arrested to guard against his getting rid of any weapon or article of property which may furnish evidence of his guilt. Under any circumstances, offensive weapons (if he carries such) will be taken from him (section 53, Criminal Procedure Code).

1730. On the arrest of an accused in a non-bailable case a brief description of him will be recorded in the Case Diary. In the contingency of his escaping from custody such a record would prove most useful.

Arrest in Adjacent Districts.

1731. Under section 58, Criminal Procedure Code, a Police Officer is empowered to go to any place in British Burma for the purpose of arresting any person whom he is authorized to arrest. This power will be used with discretion. If a person is arrested in a district other than that in which the offence was committed he will, if not admitted to bail, be taken for remand before the nearest Magistrate having jurisdiction (who will ordinarily be a Magistrate in the district in which the arrest was made), or before the officer-in-charge of the nearest police-station who will send him to such Magistrate.

Arrests in Foreign Territory.

1732. In the case of any criminal taking refuge in foreign territory, it is the duty of the Police Officer in whose jurisdiction the offence took place to report the matter immediately to the Magistrate of the district in order that necessary steps may be taken to extradite him.

1733. In such cases it is generally advisable for the Police Officer concerned to communicate with the Police Officer of the territory in which the fugitive has taken refuge with a view to that officer keeping a watch on the criminal's movements during the interval necessary for the procedure of extradition to be carried out. Such communication will always be made in a respectful and friendly manner.

Arrest of Railway Employes.

1734. A special procedure is prescribed for the arrest of railway employes in view of the danger and inconvenience which might result from the sudden removal of a railway employe from his duty without intimation to the superior railway authorities. This procedure is laid down in paragraphs 1285 and 1286.

Arrest of Soldiers (British and Native).

1735. In the event of the arrest by the Police of soldiers, British or Native, charged with the commission of any offence, immediate information of the arrest will be

given to the military authorities in order that they may take charge of the accused, a report of arrest being, in the usual way, sent to the Magistrate. Every such arrest made without a warrant will be reported to the District Magistrate, or, if he so directs to the Subdivisional Magistrate.

Arrest of Government Servants.

1736. When any Government servant is arrested by the Police, notice of the fact will be communicated as soon as possible to the immediate departmental superior of the person arrested.

Arrest of Military Policemen.

1737. Military Policemen and Indian soldiers arrested by the Civil Police will, if possible, be made over to the Military Police for custody, instead of being confined in the ordinary lock-up.

Arrest of Persons under a Ceylon Warrant.

1738. When a person has been arrested under a Ceylon warrant he will not be immediately despatched under escort to that Colony, but a remand will be applied for and enquiry made by the District Superintendent of Police by wire from the Police Officer in charge of the district from whence the warrant issued as to whether or not a Ceylon escort can be sent to take charge of the prisoner.

Arrest of Frontier Pathans and Afghans.

1739. In the case of Frontier Pathans and Afghans who are arrested or are wanted in connection with offences committed in British Burma, reference will be made to the Deputy Inspector-General of Police, Criminal Investigation Department, North-West Frontier Province, through the local Criminal Investigation Department. Full particulars of the individual including photograph and finger prints will be given. All convictions of Frontier Pathans and Afghans will be reported to the Deputy Inspector-General of Police, North-West Frontier Province, and the Finger Print Bureau, Phillaur. The finger prints of Frontier Pathans and Afghans expelled under section 36 (b) of the Frontier Crossing Regulations and the Foreigner's Act will be sent to the Phillaur Bureau for record. All finger print slips will be submitted through the Central Finger Print Bureau, Insein.

SECTION X.—DISPOSAL OF PERSONS ARRESTED.

(Sections 60, 61, 62, 167 and 169, Criminal Procedure Code.)

1740. The sections which relate to the disposal of persons arrested are the following :—

"Section 60.—A Police Officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer-in-charge of a police-station."

NOTE.—By section 496, Criminal Procedure Code, a person accused of a bailable offence must be released on bail on his tendering such at any time while in custody of an officer-in-charge of a police-station. In all non-bailable offences not punishable with death or transportation for life, the officer-in-charge of a police-station may release the accused on bail (section 497, Criminal Procedure Code). An accused in such cases has no right of release and it is purely at the discretion of the Police Officer, whereas in bailable cases the accused has such a right if he furnishes bail.

"Section 61.—No Police Officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court."

NOTE.—The "time necessary for the journey to the Magistrate's Court" must be held to mean the time necessary to bring the accused before the Magistrate at a reasonable and proper hour of business. If the accused arrives at the place where the Magistrate holds his Court on a Sunday or holiday, it is not necessary to take him before a Magistrate there and then. He can be detained till the Magistrate's Court opens. This does not apply in towns where a Magistrate is detailed for duty during the holidays.

"Section 62.—Officers-in-charge of police-stations shall report to the District Magistrate, or, if he so directs, to the Subdivisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise."

"Section 167 (f).—Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police-station or the Police Officer making the investigation if he is not below the rank of Sub-Inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate."

"Section 169.—If, upon an investigation under this Chapter, it appears to the officer-in-charge of the police-station (or to the Police Officer making the investigation) that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a Police-report and to try the accused or commit him for trial."

1741. If the investigation has not been completed within 24 hours of the arrest, and there are grounds for believing that the accusation is well founded, the Police Officer will forward the accused to the nearest Magistrate, as provided by section 167, with an application for a remand.

NOTES.—1. The mere fact that the accused has been sent to the nearest Magistrate with an application for a remand will not affect the conduct of the investigation, which will in the meantime be pushed on as vigorously as before.

2. If the investigation has not been completed when the period of remand allowed by the Magistrate expires, the accused will be again sent on with a renewed application, should his further detention seem necessary. It is to be observed that remands under section 167 from time to time by order of a Magistrate can in no case exceed the term of 15 days on the whole.

3. A copy of the entries in the Case Diary will be sent with the accused to the Magistrate.

4. An application for a remand will always be made in the presence of the prisoner, and good cause be shown for applying for it otherwise it may not be acceded to.

5. The officer-in-charge of any police-station to which the provisions of section V of the Schedule to the Burma (Frontier Districts) Criminal Justice Regulation, 1925, have been applied may detain a person arrested without a warrant so long as under all the circumstances of the case is reasonable, reporting his action where necessary to the Magistrate as laid down in clause (2) of that section.

1742. If the investigation has been completed within 24 hours of the arrest, and it appears that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate the investigating officer will release the accused on his executing a bond to appear if required (section 169).

1743. If, on the other hand, it appears that there is sufficient evidence or reasonable ground of suspicion against the accused the case will be sent up for trial; and to this end the officer-in-charge of the police-station will either forward the accused in custody to the Magistrate, or, if the offence is bailable, and bail is forthcoming take security for his appearance (section 170).

1744. If the case is to be sent up for trial and the accused was released on bail before the completion of the investigation, security will be taken for his appearance at the trial in the same way as if he were still in custody at the completion of the investigation (section 170).

1745. Thus, no person who has been arrested by a Police Officer can be discharged "except on his own bond, or on bail, or under the special orders of a Magistrate" (section 63). Discharge in any other way is illegal.

1746. A prisoner who has been sent to (or bound over to appear in) a Court to stand his trial, cannot under any circumstances be discharged by the District Superintendent. Every such prisoner must appear before the Magistrate. A District Superintendent can release on bail persons who are entitled to bail, but he cannot annul proceedings taken under sections 170 and 173 and prevent the case from coming on for judicial disposal. He can, however, with the permission of the Magistrate having jurisdiction, withdraw the charge, and in cases when it appears to the District Superintendent that the evidence is clearly insufficient to prove a conviction, this is the course he should pursue instead of allowing the time of the Court to be wasted in trying the case.

SECTION XI.—SENDING IN WITNESSES AND EXHIBITS.

1747. Before sending up a case for trial, Form Crime 104 (Warning notice to the Magistrate to fix the date of hearing of cases), will be submitted to the Magistrate having power to take cognizance of the case so as to enable him to fix a date for the trial. On the return of the form containing the intimation by the Magistrate of the date he has fixed for the trial, the complainant, if any, and all necessary witnesses for the prosecution will be bound over to appear before the Magistrate on the date fixed. They will not be required to accompany the Police Officer in charge of the case, but there is no objection to their travelling along with him.

1748. The Public Prosecutor or one of the Court Prosecuting Staff will take charge of the case in Court in order that it may be properly presented and the orders of the Magistrate carried out.

1749. In all recognizances taken from witnesses will be entered both the day and the hour when they will be required to be in attendance at the Magistrate's Court. In fixing the day, reasonable time will be allowed not only for their journey, but also for making the necessary preparations for it. The hour will be always that at which the Court ordinarily opens in the morning. The original recognizances will be attached to the Charge Sheet.

1750. The following rules govern the treatment of exhibits or any articles which may be taken from an accused :—

I. Every article intended to be put in evidence in a case will be carefully labelled, numbered (or marked with a letter if it is a document), and, if possible, sewn up in a parcel and the parcel sealed in the presence of the finder, or of the person who produces it, and also in the presence of any person whom it is proposed to call as a witness to its identity. This will be done as soon as possible after the exhibit is first produced or found. When several exhibits in the same case are produced or found at the same time they will be put into one parcel. Each parcel, whether it contains one or several exhibits, will bear the number of the First Information Report entered in column 2 of Police-station Register No. 32 and will also bear the exhibit numbers or letters entered in column 3 of that register. The distinguishing number or letter of an exhibit will be written in this column in red ink. The numbers given to exhibit parcels in column 1 will be serial numbers, there being one series for each year. Exhibits found on different dates, but appertaining to one case, will be placed in separate parcels. In the case of exhibits consisting of live-stock no exhibit number is required to be entered in column 3. Each animal, however, will be given a separate serial number in column 1 (paragraph 1598). In the case of currency notes the serial numbers as well as the running numbers of the notes will be entered.

II. The fact of the receipt of the exhibit, and its nature, will be entered in the General Diary for the day on which the exhibit was brought to the police-station.

III. When the condition of an exhibit at the time it was found is a material fact in evidence, extra physical precautions will be taken to ensure its submission at the Court of the investigating Magistrate in the state in which it is found ; for instance, a *dah* having on it stains of blood will, if possible, be wrapped in cotton wool, sewn over with cloth, and sealed and numbered.

IV. In all cases the passing of exhibits from hand to hand is strictly prohibited ; ordinarily the finder, or, where the finder is not a Police-Officer, the Police Officer to whom the finder makes it over, will bring it to the police-station.

V. Articles requiring Chemical Examination will be forwarded direct by the Police investigating officer, to the

Chemical Examiner, Burma, packed and sealed according to the Instructions laid down in Local Government's Judicial Department "G" Circular No. 15 of 1930 (Appendix B-IV).

VI. Exhibits and property taken from prisoners unless of a bulky nature such as boats or of an offensively smelling character such as hides will be kept in the exhibit box. Live-stock will be sent to the pound if there is one. Should such property be composed of jewellery or other articles of value, they will be kept in an iron safe, where there is one, or special measures taken for their safety. Ordinarily considerable sums of money in cash or currency notes will be sent for deposit in the Township Officer's treasure vault or iron safe if there is no safe in the police-station.

VII. Every article will be accounted for by the signature of the person who receives it from Police custody, namely, the Bailiff at headquarters of districts or the Deputy Bailiff at out-stations. Exhibits will be made over to no other persons.

VIII. When exhibits are small and valuable they will be sent by post registered and insured against loss. Ordinary exhibits may be forwarded by escorts conveying prisoners, but if such exhibits are large or bulky the escort will be provided with suitable means of conveyance.

IX. Offenders in serious cases are often acquitted through faulty evidence as to, or insufficient care of, exhibits. District Superintendents will be careful to impress on their subordinates that disobedience of these rules will inevitably lead to severe punishment.

1751. Exhibits which are unique or of special interest are required for the Police Museum at Insein. After obtaining the necessary orders such exhibits will be carefully packed and forwarded to the Crime Assistant to the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma, Insein, for disposal.

1752. Witnesses will not be subjected to any restraint or inconvenience, or required to give any security for appearance before the Magistrate, except their own bonds. Only if a witness refuses to execute a bond will he be forwarded in custody (section 171, Criminal Procedure Code).

SECTION XII.—ABSTRACT OF PROCEDURE.

1753. The following tabulated form shows the proper procedure, under the Criminal Procedure Code, in each stage of a case from the First Information to the Final Report and Charge Sheet :—

Circumstances.	Procedure.
<i>Before Investigation.</i>	
1. Report made of facts which appear to constitute a cognizable offence. No person accused, or, if accused, arrested. Officer-in-charge of the station determines to enter on an investigation either at the scene of the alleged crime section 157 or at the station [Proviso (a), 157, Criminal Procedure Code].	Send foil of First Information Report Book as laid down in paragraphs 1411—1422.
2. The complaint is not of a nature to justify an investigation being made [Proviso (b), section 157, Criminal Procedure Code].	Send foil of First Information Report Book with explanation of reason for not investigating.
<i>The Accused Arrested.</i>	
3. The accused arrested. Investigation completed within 24 hours, and reasonable grounds for prosecution established. Offence not bailable or bail not forthcoming.	<p>Send the accused to Magistrate having jurisdiction with—</p> <ol style="list-style-type: none"> (1) Charge Sheet and Form showing result of trial and order of Court fully filled in, with names of witnesses, articles in evidence, etc. (2) Foil of First Information Report with the original written information (if any) attached. (3) Statements of witnesses (if any) under section 161, Criminal Procedure Code. (4) Loose forms of the register of property seized or taken possession of by the Police and of unclaimed property in duplicate. (5) Descriptive-rolls of prisoner in duplicate (on Form Crime 21). (6) Bonds (after binding the witnesses over to appear before the Magistrate and give evidence). (7) In the event of a prisoner previously convicted, a loose copy of Form <u>Crime 19</u> <u>Police 91</u> (8) List of things seized in the course of search, on a loose copy of Form <u>Crime 41</u> <u>Police 90</u> (if a search has taken place).

Circumstances.	Procedure.
<i>The Accused Arrested—contd.</i>	
<p>4. Accused arrested on sufficient grounds. Investigation cannot be completed within 24 hours. Offence not bailable, or bail not forthcoming.</p>	<p>Send accused at once to the nearest Magistrate with application for remand and a copy of the Case Diary or Diaries.</p>
<p>5. On completion of the investigation within the period of detention granted by the Magistrate (the accused being either in Police custody or in the Magistrate's 'lock-up' reasonable grounds for prosecution are established.</p>	<p>Send the accused to Magistrate having jurisdiction with—</p> <ol style="list-style-type: none"> (1) Charge Sheet and Form showing result of trial and order of Court fully filled in, with names of witnesses, articles in evidence, etc. (2) Foil of First Information Report with the original written information (if any) attached. (3) Statements of witnesses (if any) under section 161, Criminal Procedure Code. (4) Loose forms of the register of property seized or taken possession of by the Police and of unclaimed property in duplicate. (5) Descriptive-rolls of prisoner in duplicate (on Form Crime 21). (6) Order of remand. (7) Bonds after binding the witnesses over to appear before the Magistrate and give evidence). (8) In the event of a prisoner previously convicted, a loose copy of Form Crime 19 Police 31 (9) List of things seized in the course of a search, on a loose copy of Form Crime 41 Police 90 if a search has taken place.
<p>6. The accused having been released on bail, the investigation reveals reasonable grounds for a prosecution.</p>	<p>Take security from the accused for his appearance before the Magistrate on a fixed date and send Charge Sheet, etc., as in case 3.</p>
<p>7. On completion of the investigation within 24 hours, or within the detention period granted by the Magistrate (the accused being in custody), the case is found to be false, or the evidence is found insufficient to establish the offence.</p>	<ol style="list-style-type: none"> (1) In the case of the evidence being insufficient release the accused on bail and send bond with foil of Final Report Book through the Township Magistrate, Subdivisional Police Officer (if any) and Subdivisional Magistrate to the District Superintendent of Police. (2) If the case is found to be false, release the accused on bail and send bond with foil of Final Report Book to the Magistrate having jurisdiction in order that he may pass orders as to the classification of the case.

Circumstances.	Procedure.
<i>The Accused Not Arrested.</i>	
8. The accused is not found, but the case is held (on completion of the investigation) to be a true one and such facts have been elicited as would justify his arrest.	Send ^a Final Report* to Magistrate having jurisdiction, and ask for warrant with a view to the issue of a proclamation under section 87, Criminal Procedure Code. In cases falling under paragraph 363 of the Burma Police Manual, Volume I, send descriptive roll for publication in the <i>Police Crime Gazette</i> and have evidence recorded against absconder under section 512, Criminal Procedure Code. In all cases send Huc and Cry Roll to all police-stations absconder is likely to visit.
9. The case is found (on completion of the investigation) to be false or the evidence insufficient to justify the arrest of accused.	(1) In the case of the evidence being insufficient send foil of Final Report Book through the Township Magistrate, Sub-divisional Police Officer (if any) and Sub-divisional Magistrate to the District Superintendent of Police. (2) If the case be false, send foil of Final Report Book to the Magistrate having jurisdiction in order that he may classify the case.
10. On completion of the investigation the case is found to be true, but the offender or offenders are unknown.	Send in Final Report as laid down in paragraphs 1438—1445.

* If the accused is subsequently arrested, send in documents as in 5.

CHAPTER LXXIX.

Special Procedure in certain Cases.

SECTION I.—IN CASES OF IMPORTANT CRIME.

1754. An important crime is a crime falling under any of the following sections of the Penal Code:—

- (1) Murders, sections 302, 303, 396 and 460, Penal Code.
- (2) All robberies—
 - (a) in which fire-arms are used ;
 - (b) believed to have been committed by criminals with "Live" History Sheets. This does not apply to criminals whose History Sheets have been discontinued ;

- (c) in which property to the value of Rs. 250 or over is taken.
- (3) All attempted robberies in which fire-arms are used.
- (4) All dacoities and attempted dacoities.
- (5) Making preparation to commit dacoity, section 399.
- (6) Assembly for the purpose of committing dacoity, section 402.
- (7) Kidnapping human beings for ransom.
- (8) Arson or scuttling a ship with an intent to defraud an Insurance Company, or any person, of a sum of Rs. 10,000 or over.
- (9) Railways Act, section 126 ; cases which ordinarily involve the despatch of a Class " A " message, *etc.*, train wrecking, deliberate attempts at train wrecking, such as removal of lengths of rail, dangerous interference with bridges, removal of girders, placing of large and heavy obstructions on lines or facing points, tampering with signal lamps or wires, in such a way that an accident is the probable result.

NOTE.—Insertion of dog spikes in rail points, and placing of small obstructions on lines should be excluded.

1755. The Inspector-General of Police or any of the Deputy Inspectors-General, may direct that any particular form of crime in any district or larger area, shall be regarded as an important crime, and shall be the subject of special important crime reports.

Ordinary robberies which do not fall under the categories mentioned in paragraph 1754 will be classed as Range Important Crimes at the discretion of the Range Deputy Inspector-General of Police. The vernacular copy of the First Information Report in a Range Important Crime will not be submitted express to the District Magistrate and the Sub-divisional Magistrate. The Sub-divisional Magistrate will, however, receive a copy of the First Information Report in such cases in the same way as in other cognizable crimes.

• **1756.** On information of an important crime being given at a police-station the officer-in-charge will, after recording it himself, or causing it to be recorded under his direction, proceed immediately to the scene of the crime. Before starting he will leave directions with the Station Writer to submit as quickly as possible the reports mentioned

in paragraph 1760 below; but the officer-in-charge of the station will not delay his own visit to the scene of the crime. Should, however, the Police-station Officer be unable from any cause to go himself, he will depute the next senior superior officer to investigate the crime, or, should the Police-station Officer be away, the next senior officer will himself, without waiting for orders, proceed to the place; but before starting he will inform the Police-station Officer in the quickest possible way. On no account will there be any delay and in no case will investigation be left to a subordinate officer.

1757. Any Police Officer proceeding for the prevention or investigation of a serious offence may travel by any available Goods Train except the through Fast Goods Nos. 345 Up and 346 Down (and may, in cases of extreme urgency and importance, stop it out of course) provided that the necessity for doing so is certified by an officer of or above the rank of Sub-Inspector of Police. They will pay fares of the class by which they are ordinarily required to travel.

1758. Whenever possible, and it does not interfere with other work of importance the Circle Inspector, if any, will immediately proceed to the scene of an important crime on receiving information of its occurrence. He will not, however, as a rule take over the investigation of the case but will confine himself to control, advice and direction, leaving the actual conduct of the investigation as far as possible to the investigating officer. Should he consider that the investigating officer cannot be fully trusted to carry on the investigation thoroughly and effectively, then only will he take an active part in the conduct of the investigation or, if necessary, take the investigation into his own hands. The District Superintendent of Police and the Subdivisional Police Officer will only visit the scenes of important crimes, when it is considered that their presence is desirable, and is likely to help their subordinates to follow up any clue which they may have obtained. It is not intended that the Superintendent of Police should himself undertake the investigation of individual cases, nor is it ordinarily desirable that he should do so. When a District Superintendent of Police, Subdivisional Police Officer, or Circle Inspector visits the scene of an important crime, he will note the action taken by him, and the orders he has given to the investigating officer.

1759. The officer conducting the investigation will submit daily an extra copy of the Case Diary direct to the District Superintendent of Police. When the officer conducting the investigation is the Detective Inspector, or the Circle Inspector, he will submit the extra copy direct to the District Superintendent of Police, the original pencil copy being forwarded to the police-station for record and the carbon copy submitted to the Subdivisional Police Officer, if any, or direct to the office of the District Superintendent of Police, if there is no Subdivisional Police Officer. The diary should bear the number of the First Information Report, and the serial number of the important crime itself.

Under section 8 (1) (e) and (f) of the Burma Village Act, 1907, as amended, the headman is bound—

- (1) to resist any unlawful attack made upon any village within the village tract,
- (2) to take such measures and execute such works for the protection of the villages within his tract as the Deputy Commissioner may direct,

and under section 11 (b) and (d) of the Act the villagers are bound to assist him in the execution of his duties.

Under section 13 of the Act, villagers are liable to punishment if they fail to resist an attack on their village, or if they fail to take all reasonable means to prevent the escape of any criminal or suppress any evidence in a criminal case.

In all cases where the headmen or villagers have failed in their duties a report will be made to the Deputy Commissioner with a view to the villagers being punished.

1760. In addition to the copy of the First Information Report sent to the Township Magistrate in the usual way, in all important crimes, copies of the First Information Report will be sent by the quickest means available to—

- (1) the District Magistrate ;
- (2) the District Superintendent of Police ;
- (3) the Subdivisional Officer ;
- (4) the Subdivisional Police Officer, if any ; and
- (5) the Circle Inspector of Police, if any.

Care will be taken to enter full particulars in the column headed " Place of occurrence and distance and direction from police-station," and to mention in column 4 the names of the officers who have taken up the investigation together with the time and date of their departure.

1761. The officer conducting the investigation will submit Further Reports of Important Crime form ^(Crime 11) ~~(Police 24)~~—

- (1) as soon as all the particulars of the case are known;
- (2) on the detection of the case;
- (3) on the conclusion of the trial; or
- (4) on the submission of the final report;
- (5) if a conviction is reversed by an Appellate Court on receipt of the order of the Appellate Court.

1762. These further reports will bear the number of the First Information Report and in addition, the letters A, B, C, and so on to denote whether they are first, second, or third further reports.

Copies of further reports will be sent to the Subdivisional Police Officer and to the District Superintendent of Police. A third copy will be filed in the police-station.

1763. All First Information Reports and further reports of important crime, whether issued from a police-station or from the office of the District Superintendent of Police will be enclosed in a red "Immediate" envelope which will contain nothing but papers regarding the case.

SECTION IA.—CRIME MAPS.

1763A. A Crime Map will be maintained in each police station for (a) dacoity, (b) robbery, and (c) cattle theft.

The different forms of crime will be denoted by different coloured flags. The flags will bear the First Information Report number on one side and the date of occurrence on the other. In cattle theft cases the flag indicating the place of occurrence will be joined by a thread to a flag showing the residence of the thief or suspected thief. If the residence of the thief is situated beyond the district, a flag bearing the name of the village will be placed outside the district boundary in that direction of that village and will be joined with the flag indicating the place of occurrence by a thread.

When cases are struck off as "false," "mistaken," or "non-cognizable," or when a year has elapsed since their occurrence, the flags will be removed from the Crime Map. The Crime Map will be hung up in the police station and will be on as large a scale as possible.

Separate maps for house-breaking for urban areas only will be kept up, if so ordered by the Range Deputy Inspector-General of Police.

SECTION II.—IN CASES OF WOUNDING AND OUTRAGE.

1764. Complainants badly wounded by robbers or others will as a rule (and provided their consent is obtained) be conveyed direct and as soon as possible to the nearest hospital or dispensary. If for any reason the Medical Officer at such hospital or dispensary is not available to attend to the patient he will be sent at once to the next nearest hospital or dispensary where a Medical Officer is available provided that in serious cases when there is a question of life and death and the risk of moving the patient to the next nearest hospital is very great, a registered Medical Practitioner, if one is available in the station, will be called in immediately to attend on the injured person in the local hospital. He will, however, immediately the Sub-Assistant Surgeon in charge of the hospital returns, hand over the case. The Registered Medical practitioner will be entitled to a fee of Rs. 4 per case. The fees paid are debitable to the police Budget and will be met from the head "Contingencies Unclassified." He will be entitled to draw travelling allowance in accordance with Burma Courts Manual in the event of his being required to give evidence in Court. In no case will they be taken to the police-station in the first instance in order to have their complaint recorded or for any other purpose. They will be placed under medical treatment as soon as possible. A country litter, with "dooly" poles attached in the usual way and a blanket thrown over the pole for shade, will serve as a stretcher for carrying the wounded.

1765. The cost of transport for badly wounded persons from the scene of crime to a hospital when ordered by a competent Police Officer or from the police-station when they have been taken there by relatives or others and have been removed to a hospital under order of a competent Police Officer will be borne by the Police Department. The transport used by the Police will be that ordinarily used and the rates of hire payable will be those sanctioned by order or custom in the locality.

No payment will be made on account of the cost of transport to a police station or a hospital of badly wounded persons brought there by relatives or others without the order of the Police.

1766. Police Officers conveying a wounded person to hospital will be furnished with a copy of Form ^{Crim. 38} _{Police 75} duly filled in, for presentation to the Medical Officer in charge of the hospital.

If, owing to the severity of the injuries, it is doubtful whether the injured person can survive the journey, the Police will send him to hospital only if his consent or that of his relatives has been obtained.

If the injured person is insensible and cannot give his consent and if no relatives can be found, the Police will use their discretion but will not send him to hospital at the risk of causing his death unless it appears that this course affords the best chance of saving his life.

1767. If the attendance of a Medical Officer living at a distance who has examined an injured person or carried out a *post-mortem*, at Court is likely to cause unreasonable dislocation of his work and inconvenience, application will be made to have him examined in the presence of the accused by a local Magistrate under the provisions of section 509, Criminal Procedure Code.

Such evidence is admissible at the trial.

In cases of murder the Police Officer who conveyed the body to the hospital will be cited as a witness to prove the identity of the deceased. Villagers who know the deceased and made over the body to the Police will be called, if necessary, to complete the chain of evidence.

1768. If a complainant or witness of importance in an important case is seriously ill and cannot be moved, or refuses to be sent into hospital, the Police will apply for an order of remand in respect of the accused person (if in custody) and will invite the Magistrate having jurisdiction to come and record such complainant's or witness's deposition in the presence of the accused.

1769. It is not, however, always necessary to keep back a case by obtaining remand orders until an injured person is fit to appear before the Magistrate. The accused and the witnesses will ordinarily be produced in Court, and it will be left to the Magistrate to fix a date for the further hearing. An exception to this rule is when it is doubtful whether the injured person will die or recover, for his death might entirely alter the character of the judicial enquiry.

1770. In all cases in which the examination of the person of a woman by a Medical Officer is deemed expedient for purposes of evidence, the Police are warned against sending her for examination without first obtaining (a) her consent in writing and (b) the order of a Magistrate having jurisdiction. In case of rape, or alleged rape, the woman supposed to have been violated will be told of the importance of a medical examination in establishing the offence. If she refuses to submit to an examination, there is nothing for it but to collect other evidence. Consent, if obtained, will be recorded in the presence of witnesses and embodied in a report which will be sent to the Magistrate having jurisdiction. With the latter rests the decision as to ordering an examination of a woman's person by the Medical Officer.

1771. If the person to be examined is a minor, the consent of the guardian or other person having lawful charge of such minor will similarly be obtained.

1772. The fact of refusal to allow an examination will be carefully noted and deposed to. It will be for the Court to draw such inference of guilt or innocence as may appear to be justified by the fact of refusal under such circumstances.

NOTE.—The word "person" as used in paragraph 1770 applies only to those parts of the body to expose which would violate a woman's modesty.

SECTION III.—PERFORMANCE OF *Post-Mortem* AND MEDICO-LEGAL EXAMINATIONS IN POLICE CASES BY SUBSIDIZED MEDICAL PRACTITIONERS.

1773. (1) The Medico-Legal Work that Private Practitioners subsidized by Government will usually be called upon to perform will be—

- (a) the examination of and a Report on persons injured by Criminal Violence or Negligence or on cases of suspected Poisoning ;
- (b) the determination of age in connection with Rape, Abduction and Liability to punishment ; and
- (c) the forwarding of stained weapons or clothing, etc., to the Chemical Examiner for examination.

(2) Whenever a wounded or injured person is brought to a Private Practitioner under the subsidy scheme for medical relief, he will record as early as possible after

attending to the case in full all connected circumstances coming to his knowledge. Omission, if any, on the part of the Police authorities to afford full or all available information as to assault, injury or poisoning should be brought at once to the notice of the Police authorities by the Private Practitioner receiving the injured person.

(3) It is the duty of the Police on sending a person for examination to forward with him Form Crime 38
Police 7b, detailing for what purpose the examination is required and in cases of injury, supplying all available particulars as to the manner in which the injury or injuries are alleged to have been received. Failure on the part of the Police in supplying such information should be promptly reported to the Inspector-General of Civil Hospitals, Burma.

(4) All Medico-Legal cases should be examined as soon as possible after their arrival, however inconvenient the hour of arrival may be.

(5) Should a Practitioner, either through illness or absence from his station or any other reasons, be temporarily unable to attend to his duties, the matter should be reported by him to the Civil Surgeon of the District and to the local Police authorities, to enable the latter to make arrangements for the sending of Medico-Legal cases to the nearest hospital, dispensary, or subsidized Practitioner. Similary, return to duty should also be reported to the Civil Surgeon and the local Police.

(6) In all cases of serious injury necessitating admission to the hospital, the Private Practitioner should after rendering the necessary First Aid, send the patient to the nearest hospital or dispensary, if he thinks the patient is in a fit state to stand the journey. If the patient is in such a state as to render his removal dangerous, the Practitioner must make the best arrangements he can locally and should report by telegram to the Civil Surgeon asking for such help as he may require.

(7) If the injured person's condition is so grave that unconsciousness or death is likely to result the Practitioner should summon the nearest Magistrate with a view to a dying declaration being taken. If there is a likelihood of the patient succumbing or becoming unconscious before the arrival of a Magistrate, the Practitioner should record the dying declaration himself; being careful to do so as far as possible in the patient's own words and in the presence of

witnesses. The declaration should be signed by the injured person or attested by the Medical Officer and witnesses. If this is not possible, the declaration should be signed by the person taking it down and by the witnesses. The declaration should then be delivered over to the Magistrate or sent to him by registered post.

(8) In all Medico-Legal cases, the Private Practitioner performing the examination shall be particularly careful to have the person or other Medico-Legal exhibits, brought by the Police, identified by the Police Officer accompanying the case, and shall make an entry of the name, designation and rank of the officer identifying the person or other Medico-Legal exhibits.

(9) The Private Practitioner shall question and obtain all necessary information from the Police Officer in charge of a patient as soon as possible, so as to permit the Police Officer to return to duty. If the Police Officer cannot be examined at once, the Private Practitioner should instruct him to return at a stated hour for such examination.

(10) If an X-Ray examination is considered absolutely necessary for Medico-Legal purposes, and a patient is sent to the General Hospital, Rangoon, or other Institution, where such examination can be made, the following particulars shall be given for the information and guidance of the Officer-in-charge of the X-Ray Department:—

- (i) Name of patient.
- (ii) Station from where sent.
- (iii) With whom sent.
- (iv) Nature of illness or injury.
- (v) Brief history of illness or injury.
- (vi) Nature of examination required.

The Officer-in-charge of the X-Ray Department shall furnish as early as possible a complete report as to "Result of Examination" to the officer sending the case.

(11) In cases of rape and other sexual offences, abduction, abortion, etc., involving the examination of the person, the Practitioner shall make his examination only after obtaining the consent, in the presence of the witness or witnesses, of the person to be examined. The examination of a person, male or female, unwilling to submit to it would constitute an assault. The Practitioner for his own self-protection should arrange for the presence of a respectable woman

unconnected with the case, when he is examining a female. In the case of minors, the consent of the lawful guardians should invariably be obtained before examination.

(12) All particulars in respect of every examination of persons alleged to have been assaulted, raped, wounded or otherwise injured or poisoned, conducted under the above rules shall be entered by the examining Private Practitioner in a register maintained on Form Medical 29. All entries in this register shall be made by the Private Practitioner who conducted the examination and treated the case.

(13) Private Practitioners are entitled to fees at the prescribed rates for conducting Medico-Legal examinations, in addition to any allowances admissible under the Burma Courts Manual when summoned to give evidence in Courts.

NOTE.—(1) Under Government of Burma, Public Health Department, Letter No. 331826 (R.N. 1040), dated the 2nd July 1927, Private Practitioners are entitled to a fee of Rs. 4 (Rupees four only) for each case in which they perform duties on behalf of Government in connection with Police cases, i.e., the conducting of Medico-Legal examinations. They shall not be paid for the cost of dressings and medicines supplied by them in such cases. In places where there is no hospital and a subsidized Medical Practitioner if a case is sent for Medico-Legal examination to an unsubsidized registered Medical Practitioner, the same payment shall be made to him as is admissible to a subsidized Practitioner and he shall be paid for the actual cost of dressings and medicines supplied by him in the case, provided that the rules regarding Medico-Legal examinations are complied with and that claims for payment of charges for dressings and medicines are countersigned by the Civil Surgeon of the District.

(2) The written up of Police reports in each case by Private Practitioners should be held to be covered by the Fee and when they are required to give evidence in a Court of Justice they will not be entitled to any remuneration, in addition, to the Fee mentioned, other than the expenses paid to a witness under the court Rules.

(3) The Fees, like the fees paid to Sub-Assistant Surgeons and Railway Medical Officers for conducting Medico-Legal examinations in Police cases are debitable to the Police Budget and should be met from the head "Contingencies: Unclassified."

(14) All *Post-mortem* cases should be sent to the nearest hospital.

SECTION IV.—IN CASES OF ASSAULT BY BRITISH SOLDIERS ON NATIVES OF INDIA OR BURMA RESULTING IN THE DEATH OF THE LATTER.

1774. All cases in which there is any reason to suspect that a native has met his death at the hands of a British soldier will be investigated either by a European Civil Officer or by a European Gazetted Police Officer. The magisterial enquiry will be conducted by an experienced European Magistrate or by the District Magistrate himself. The prosecution of such cases will be conducted either by the Government Advocate or by the Public Prosecutor or, where the services

of these officers are not obtainable, by the District Superintendent of Police or a European Assistant Superintendent. The importance of immediate and full enquiry among the soldiers with the assistance of the Military Officers, will be borne in mind. The *post-mortem* examination will be conducted by the Civil Surgeon himself, and in order that there may be no misapprehension, the Police will give to the Civil Surgeon the information necessary to show him that the case is one in which his personal conduct of the *post-mortem* is required. With this object the officer-in-charge of the police-station will, when sending the body of the deceased person to hospital, endorse the Police form sent therewith with the words "Assault by British soldier, Civil Surgeon's attention required" in red ink across the report. (Attention is also invited to the procedure relating to the arrest of soldiers laid down at paragraph 1735 and the instructions relating to the holding of inquests contained in Chapter LXXII of this Manual.)

SECTION V.—IN THE CASE OF AN ACCUSED PERSON SUBJECT TO THE INDIAN ARTICLES OF WAR CHARGED WITH AN OFFENCE UNDER THE PENAL CODE.

1775. (a) If a person, subject to the Indian Articles of War (Act V of 1869) is charged with an offence, and if the offence be one which cannot be tried by court-martial under the Articles of War, or if, although so triable, the Military authority decides not so to try the offence and the surrender of the person of the accused is desired by the Civil authorities, a requisition will be addressed with that object to the Military authority by the senior Executive Police Officer present in the station. In the case of a non-cognizable offence the Police-officer making the requisition will obtain a warrant signed by a Magistrate. The requisition will ordinarily emanate from a Police Officer not below the rank of Assistant Superintendent.

(b) The requisition will be made to the officer commanding the troops to which the accused person subject to the Articles of War belongs.

(c) The procedure relating to non-military offences is contained in sections 170, 171, 173 to 175 of Act V of 1869 as amended from time to time.

SECTION VI.—IN THE CASE OF FUGITIVE CRIMINALS FROM TRIBUTARY STATES OR FOREIGN TERRITORY.

1776. The officers or agents of Tributary Chiefs out of British Burma have no authority to pursue, or to make arrests of criminals, or to search for or seize property in British territory.

1777. No person arrested or property recovered may be delivered up to Tributary States by the Police without an order from the District Magistrate, to whom every requisition for the surrender of a prisoner, or fugitive, or delivery of property, will be referred.

1778. Tributary Chiefs or their agents when in need of Police aid may apply for it at the nearest Police Post. It is not necessary for them to send an application to the District Superintendent.

1779. Whenever a Tributary Chief, his agent or subject lodges an information at a Police Post that any person has committed in the Tributary State an offence cognizable by the Police, and has taken refuge in British territory, the Police Officer in charge of the Post will receive and deal with the information precisely as if it had been made regarding a crime committed within his jurisdiction. Having satisfied himself that there are reasonable grounds for suspicion against the accused, he will proceed against him as directed by law. If he arrests him, he will transmit him to the headquarters station, with a full report to be disposed of as the District Magistrate may direct.

1780. When stolen property is searched for and recovered on the requisition of a Tributary Chief or his agent, or of one of his subjects, it will be dealt with in the same way. All the proceedings of the Police Officer in such cases, whether the information is entertained or not, and whether it is followed by an arrest or not, will be detailed in the General Diary.

1781. The Police will not execute or serve in British territory any warrants or summons issued by Tributary Chiefs or their Courts. Should any such processes be sent to them they will decline to receive them.

1782. When it is desired to obtain orders for the extradition of a person accused of an offence in Foreign territory who has taken refuge in British territory, the orders of the District Magistrate will be applied for. The Police are, however, authorized by section 54, Code of Criminal Procedure, "seventhly" to arrest any person whose extradition has been or could be demanded and who is reasonably believed to have committed the act of which he is accused, *provided* that the said act would in British Burma constitute an offence.

1783. (1) In any proceedings against any person under the provisions of the Burma Extradition Act, or of any treaty for the extradition of offenders, the Magistrate acting in such proceedings and any Police Officer authorized to arrest such person under the provisions of the said Act or of such treaty, may exercise in any place in British Burma in respect of any property in the possession of such person or of any other person which appears to such Magistrate or Police Officer to have been the subject of or to be required for proof of the offence in respect of which the proceedings are being taken, the powers respectively of a Court and of an officer-in-charge of a police-station under the Code of Criminal Procedure, 1898, as if such property were property the production of which is necessary for the purposes of any investigation or trial under the said Code by or before such Court or officer; and the provisions of the said Code, so far as they can be made applicable, shall apply to any summons or warrant issued in pursuance of this rule and to any search made under the authority of any warrant so issued and to the disposal of any property seized in any such search.

(2) Such Magistrate may send such property to the State to which such person is surrendered and shall have, in respect of any such property produced before him in such proceedings or returned by the aforesaid State, all the powers of disposal vested in a Court under the Code of Criminal Procedure, 1898, in respect of any property produced before it during an inquiry or trial (*vide Foreign and Political Department No. 362-I., dated the 20th July 1925*).

SECTION VII.—BAIL

1784. A list of the cognizable offences which are bailable (*viz.*, in respect of which a person arrested without warrant must be released on bail if he furnishes it or be dis-

charged on his bond) and non-bailable is given in Schedule II of the Criminal Procedure Code, 1898.

1785. It must be understood that in bailable cases bail is a right and not a favour; detention in the lock-up is the alternative, not the original order. The bail demanded will never be excessive, but will be fixed with reference to the social status of the prisoner and the character of the offence.

1786. The main provisions of the Criminal Procedure Code regarding bail are contained in sections 76, 496, 497, 499 and 513, and are reproduced below for convenience of reference :—

I. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police-station and is prepared at any time while in the custody of such officer to give bail, such person shall be released on bail: provided that such officer may, if he thinks fit, instead of taking bail, discharge such person on his executing a bond without sureties for his appearance (section 496, Criminal Procedure Code).

II. When any person accused of any non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police-station, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life. If it appears to such officer at any stage of the investigation that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but there are sufficient grounds for further investigation, the accused shall, pending such enquiry, be released on bail or on the execution by him of a bond without sureties for his appearance as provided in the Code (section 497, Criminal Procedure Code).

III. Any Court issuing a warrant for the arrest of any person may direct by endorsement on the warrant that bail shall be taken, and if this is done, the officer to whom the warrant is directed shall, when the warrant has been executed, release on bail the person arrested (section 76, Criminal Procedure Code).

IV. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police Officer thinks sufficient shall be executed by such person, and when he is released on bail, by one or more sufficient sureties, who are held liable that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed by the Police Officer (section 499, Criminal Procedure Code).

V. When any person is required by any officer to execute a bond, with or without sureties, such officer may permit him to deposit a sum of money or Government Promissory Notes (to such amount as the officer may fix) in lieu of executing such bond (section 513, Criminal Procedure Code).

VI. When a person is released on bail under section 499, Criminal Procedure Code, the amount for which the sureties should be made liable should be the full amount for which the accused is made liable. The intention is that the penalty of the bond should be a specific sum, which the principal and the sureties bind themselves jointly and severally to pay in default. This sum can therefore be recovered from the principal or from any, or all, of the sureties, but more than the penalty of the bond in all cannot be recovered from them. For instance, if the amount of the bond that an accused person binds himself to pay is Rs. 500, the sureties cannot be made liable for more than that sum, *i.e.*, if there are two sureties they should not be bound in Rs. 300 each, for this would make them liable for a total of Rs. 600 in all. But each of the sureties may be made liable for part of the penalty of the bond. Thus, if the principal is bound in the sum of Rs. 500, each of the two sureties may be bound in the sum of Rs. 250, or one may be bound in the sum of Rs. 300 and one in the sum of Rs. 200. But the most convenient plan is for the sureties to be made jointly and severally liable for the full amount of the bond.

SECTION VIII.—MEDICAL EXAMINATION.

1787. If a person accused of a cognizable offence which is being investigated by the Police is wounded or seriously ill and stands in need of medical assistance, he will, if the offence is non-bailable, or if the bail is not forthcoming, be conveyed to the nearest hospital, precautions being taken for his safe custody, and a remand order applied for.

Whenever possible, however, he will be sent to the Jail hospital for treatment on a warrant from a Magistrate, as it is dangerous to keep such a prisoner in the Civil Hospital under a guard. If dangerous symptoms supervene and such person has not yet been examined, an immediate report of the facts will be made to a Magistrate having jurisdiction with the request that he visit the accused and record his statement.

1788. Where there is reason to believe that the accused is of unsound mind, medical advice as to his custody, etc., will be obtained as soon as possible and action taken accordingly.

1789. No accused person undergoing treatment in a hospital will be removed by the Police to attend a Court, or for any other purpose, without the previous permission in writing of the Medical Officer in charge of the hospital. If the Medical Officer in charge of the hospital considers that the person is unfit to be removed he will grant a certificate to that effect and make it over to the Police Officer who is applying for permission to remove the person from hospital.

These rules apply equally in the cases of persons who are not accused persons, and whose attendance at Court or elsewhere may be required by the Police.

1790. If an accused person is wounded and cannot be removed without risk to his life, the Police Officer making the investigation will report the fact to the Magistrate having jurisdiction and invite him to come to the place where such person is and record his statement. In the absence of the Magistrate, the fact will be reported to the Medical Officer and a copy of the report forwarded to the District Superintendent.

1791. In cases in which a woman accused of having caused herself to miscarry, of having concealed a birth by disposal of the death body of her child, or of having murdered her infant in order to conceal the fact of its birth, denies the offence, and a medical examination of her person appears desirable in order to test the truth of her denial, the Police will on no account send her to a medical Officer or Practitioner to be examined unless (a) her consent to the examination, and (b) the order of a Magistrate, or (c) the

order of a Magistrate alone, have been first formally obtained. The consent will be recorded in writing, in the presence of witnesses and embodied in a report to be sent to the Magistrate having jurisdiction, with whom the responsibility of sending the woman for examination rests.

SECTION IX.—PROCEDURE UNDER THE EXPULSION OF OFFENDERS ACT.

1792. Orders regarding the disposal of persons convicted under the Expulsion of Offenders Act (Burma Act IV of 1926) are contained in the Manual of Preventive Law.

SECTION X.—IN CASES OF CASUALTIES TO INLAND STEAM AND MOTOR VESSELS.

1792A. On receipt of the report of a casualty under section 32 of the Inland Steam-vessels Act, the officer-in-charge of the police-station at which the report is made will at once send one copy of the report together with a copy of Form ^{Marine}_{Inland A} duly filled in to the Township Magistrate of the Township in which the casualty occurred. He will also furnish the officer mentioned in the table below with a duplicate copy of the report submitted to the Township Magistrate including Form ^{Marine}_{Inland b} :—

Area in which casualty occurred.	Officer to whom report is to be sent.
Pegu Division	Nautical Adviser and Principal Officer, Mercantile Marine Department, Burma.
Arakan Division	Port Officer, Akyah.
Irrawaddy Division	Port Officer, Bassein.
Tenasserim Division	Port Officer, Moulmein.
Upper Burma	River Transport Officer and Superintending Engineer, Mandalay.

After the report has been despatched, the officer-in-charge of the police-station will, with the least possible delay, record the statements of the available witnesses and forward the report and the record of the statements to the officer shown in the table above. It is essential that the Police report and statements of witnesses should reach the Port Officer concerned as early as possible so as to enable the latter to carry out his enquiry into the cause of the

casualty under the orders contained in Marine and Commerce Department "L" Circular No. 43 of 1928 without undue delay and while the facts are fresh in the minds of the witnesses.

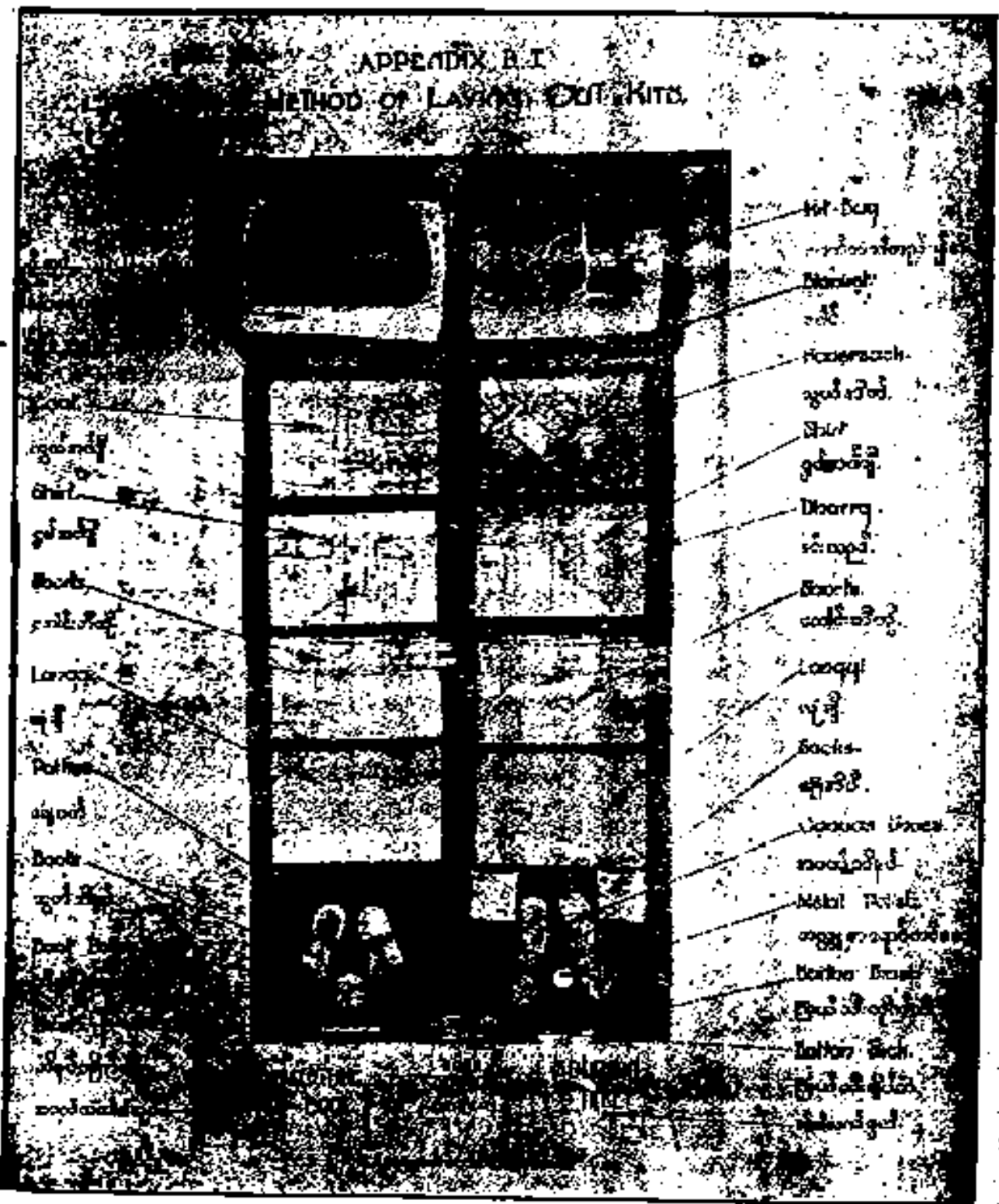
Under section 170 of the Criminal Procedure Code it is obligatory for an officer-in-charge of a police-station or the investigating officer not below the rank of Head Constable to send up a case in which there is sufficient evidence or reasonable ground for holding that a cognizable offence has been committed. But in cases of casualties to Inland Steam and Motor Vessels the investigating officer will, on completion of the investigation and before deciding whether a case should be sent up for trial, consult the Port Officer concerned and obtain his expert advice in the matter. It is important to ascertain whether any breach of Navigation Rules has been committed and this is a matter which normally requires technical knowledge.

The above orders, however, do not fetter the discretion of the Police who will still be bound by the statutory obligations imposed by section 170 of the Criminal Procedure Code if, after such consultation, they are satisfied that there is sufficient evidence or reasonable ground for holding that a cognizable offence has been committed.

B.—APPENDICES.

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APPENDIX B.I
METHOD OF LAYING OUT KITS.



Note.—School Certificate, St. John's Ambulance Certificate, etc., will be placed below the Ballroom Ticket.

APPENDIX B-II.

RULES FOR THE USE OF FIREARMS BY THE POLICE IN RIOTS AND DISTURBANCES.

District Superintendents will themselves study and see that the officer in charge of the armed Police and their other subordinates thoroughly understand these instructions and also the law as set forth in Chapter IX, Criminal Procedure Code. The most important principles to be followed in the use of firearms for the suppression of riots are reproduced below :—

(1) *Deputation of Magistrates.*—When the circumstances are such that the use of force or opposition to the Police is probable and when a detachment is deputed for protective duty during a strike or other disturbance, the District Magistrate, Subdivisional Magistrate or a Magistrate specially selected by the District Magistrate shall, if possible, accompany the party.

(2) *Ammunition.*—The ammunition served out shall be ball. Buckshot and blank cartridges shall not be issued in any circumstances. Buckshot may however be used with 12 bore guns.

Firing of Blank Cartridges prohibited.—The firing of blank ammunition by the Police (either from Government weapons or from privately-owned weapons) in order to suppress a riot is prohibited. If the situation is so serious as to render the use of firearms necessary the fire must be effective.

(3) *Disposition of Force.*—The disposition of the force shall be left to the discretion of the Police Officer in command. Every precaution shall be taken that an armed force is not brought so close to a large and dangerous mob as to risk its either being overwhelmed by numbers or being forced to inflict heavy casualties. If the use of firearms cannot be avoided, firing shall be carried out from a distance sufficient to obviate the risk of being rushed and to enable strict fire control to be maintained. The force shall as far as possible be kept intact and shall not be so extended that control is lost. Bayonets shall be fixed if the Police Officer in command considers that his force is likely to be rushed.

(4) (a) *Responsibility for the use of Force or Order to Fire*—If a Magistrate is present, he should take the responsibility of deciding whether an assembly is to be dispersed or not.

The question of the nature of the force to be used is to be decided by the officer who orders the dispersal of the assembly. If he is a magistrate, he will naturally consult the senior Police Officer present. A magistrate may order the police to open fire, if he considers it necessary.

Although the law does not require that the order given by a magistrate to disperse an assembly should be in writing, nevertheless the magistrate should give the order to the Police Officer in writing when such a course is feasible, retaining a copy himself. In the event of such a course not being feasible, the Magistrate should as soon as possible after the occurrence confirm his verbal order in writing to the Police Officer.

When a magistrate has ordered a Police Officer to disperse an assembly, whether by firing or otherwise, the magistrate is not entitled to fetter the discretion of the Police Officer in carrying out the order. Thus the magistrate is not entitled to specify how many shots are to be fired.

(b) *Police Officer in Command.*—The actual order to fire shall invariably be given by the Police Officer in command of the party and he shall also be responsible for the use of force or the opening of fire if no Magistrate is present.

(5) *Rioters to be Warned.*—Unless it is essential to fire immediately in defence of life or property, warning should as far as possible be given to the crowd that firing with live cartridges will be resorted to if they do not disperse peacefully and immediately.

The order to fire shall be given only in the last resort, when it is considered impossible to disperse the mob by any other means.

The Police Officer in command must make sure that no firing takes place contrary to orders or without orders.

(6) (a) *Fire Control.*—For purposes of fire control the force shall ordinarily be told off into sections of not more than ten men each with a responsible commander.

(b) If men have to be posted so as to face different ways, they should not be faced about in one line, but two lines should be formed facing different ways with a clear space between them, so as to enable the officer in command to move between the lines and thus exercise control.

(7) *Nature of Firing.*—Firing shall be so directed as to be at once effective, and such as, with the minimum of injury, to convince the crowd of the necessity of immediately dispersing. Firing over the heads of the crowd is strictly forbidden.

The men shall be instructed to aim low and away from the direction of persons separated from the mob. The Police Officer in command may order individual firing (by special individuals of the party) or by files or by sections or by volleys, according to the requirements of the situation; but if volleys are fired not more than half the party shall fire at a time. He is specially required to make no greater effort than the circumstances of the case require, and to rely upon the firing of specified individuals or of files unless the attitude of the mob is such as to make it imperative for the protection of his men, or for the protection of the life and property of others, to direct sections to fire or a volley to be fired.

(8) *Cease Fire.*—The order to cease fire shall be given by the Police Officer in command as soon as the mob shows the slightest inclination to retire or disperse. The Magistrate, if one is present, shall have authority to direct the Police Officer in command to give this order.

(9) *Action to be taken on Conclusion of Riot.*—When an unlawful assembly has been dispersed by force the dead and wounded shall be sent as quickly as possible to hospital. As soon as this has been done the senior Police Officer should then compile an accurate and detailed report of all that occurred. The number of rounds served out and expended should be carefully noted. A copy of the report will be submitted immediately by the Police Officer in charge to the District Magistrate and District Superintendent of Police. The magistrate will similarly report immediately to the District Magistrate. If possible a telephone message or telegram should be sent to the District Magistrate and the District Superintendent of Police in advance of the written report, giving information of the occurrence. The District Magistrate will send an immediate report to the Commissioner and to the Home Secretary. An advance report should be sent by telephone or telegram if this is possible and the disturbance is serious. Similarly the District Superintendent of Police will report to the Deputy Inspector-General of Police and to the Inspector-General of Police.

APPENDIX B-III.

History Sheet File No. 10/6.

CRIME 1034
Police.*Letpandan Police Station, Tharrawaddy District.*

Name—Nga Po Thu.

Father's name—Maung An (a) An Gyi.

Aliases—Nil.

Tharrawaddy District, Minbla Police Station: 13-7-35— Date of transfer.

New History Sheet File No. 5/27.

Tharrawaddy District, Tharrawaddy Police Station. 11-7-36— Date of transfer.

New History Sheet File No. 3/14.

District, Police Station. Date of transfer.

New History Sheet File No.

District, Police Station. Date of transfer.

New History Sheet File No.

District, Police Station. Date of transfer.

New History Sheet File No.

Date of discontinuing the History Sheet—

Reason for the discontinuance—

PART I.

CRIME 103
Police.

Initial History Sheet.

Name—Nga Po Thu.

Aliases—*Nil.*

Parentage—Father—Maung An (o) An Gyi. Mother—Ma On.

Present residence—Padeintan Village, Tharrawaddy Police Station,
Tharrawaddy District.

Birth places—

His own—Kanni Village, Panngde Police Station, Prome District.

His father's—Pauktaw Village, Thegon Police Station, Prome
District.His mother's—Kanni Village, Panngde Police Station, Prome
District.His wife's—Bodalun Village, Letpadan Police Station, Tharra-
waddy District.

Race and Religion—Birman-Buddhist.

Age at date of opening—43 years.

 Order No. and date of opening.—Subdivisional Police Officer
Tharrawaddy's Order No. 1096, dated the 23rd January 1932.

Finger Print No. and date—775, dated the 9th August 1935.

Criminal Card No.—(3/14) Tharrawaddy Police Station.

Name of Criminal Tribe—

 No. in list—

Occupations—Field conlie.

Description.

Age (and date of entry)—43. 23rd January 1932.

Height—5 feet 5 inches.

Build—Tall and stooping.

Hair—Shaved.

Eye-brows—Thin and black.

Fore-head—High and round.

Eyes—Big and reddish.

Sight—Good.

Nose—Big and pointed.

Mouth—Open with thick lips.

Teeth—Short and reddish.

Fingers—Short and stout.

Ears—Large and protruding.

Face—Oblong.

Complexion—Brown.

Beard—*Nil*.

Moustache—*Nil*.

Marks on hands—On left shoulder two dragons shouldering two
laks tattooed black. On backs of right and left hands—black
tattooed marks. On the back of the right hand a scar $\frac{1}{2}$ inch
long, on the right upper arm vaccination marks and two scars.
On the left forearm a scar of a dog bite

Marks on face—*Nil*.

Marks on neck—*Nil*.

Marks on feet—*Nil*.

Peculiarities of manner—Speaks slowly.

Appearance—Tall and stooping.

Accomplishments, trade, etc.—Field coolie.

Dress—Burman.

Deformity if any (red ink)—*Nil*.

Convictions.

No. F.I.R. No. and date. (1)	Police Station and District. (2)	Section (3)	Court and case No. and date, (4)	Punishment. (5)	Date of release. (6)
1. <u>307</u> 8-10-28	Letpulan P.S. Tharrawaddy District.	395/397, I.P.C.	Tharrawaddy Sessions. Case No. 48, dated 19th January 1927.	Five years' R.I.	19-1-32
2. <u>175</u> 11-6-35	Do.	110, C.P.C.	Tharrawaddy S.D.M. Case No. 65, dated 13th July 1935.	Restricted to Kamaukau Village, Minhu P.S. for two years and ordered to report daily to the headman between 8 and 9. Not to leave without permission.	13-7-35

Names of Relations, Connections, Associates, Friends and Persons who can identify him with father's name and residence of each.

Name.	Father's name.	Residence.	Police Station and District.	Whether relation, or connection, etc.
(1)	(2)	(3)	(4)	(5)
<i>Persons who can identify him</i>				
1. Ko Po Aing ...	U Mya	Padaintan ...	Tharrawaddy	Can identify the criminal.
2. Ko Shwe Hman	U Po Thung ...	Do. ...	Do.	Do.
3. Ko Po Seik ...	U Tun Myalne ...	Aleywa ...	Do.	Do.
4. U Pu ...	U Tun	Natmaw ...	Do.	Do.
<i>His relations and associates.</i>				
1. Ko Sein ...	U Pyaw	Magybin ...	Tharrawaddy	Uncle.
2. Ma On Thin	U Myat Tun ...	Do. ...	Do.	Aunt.
3. Maung Po-Kin	U Hpaw	Do. ...	Do.	Constable.
4. Ma Su	Ko Po Lwin	Do. ...	Do.	Do.
5. Ma Mya E	U Hpaw	Do. ...	Do.	Do.
6. Maung Sein Pe	U Po Lwin	Do. ...	Do.	Brother-in-law. Husband of No. 5.
7. Ma Pan Nu ...	U San Dun	Padaintan ...	Do.	Mother-in-law.
8. Nga Aung Bwin, H.S.	Do.	Do. ...	Do.	Brother-in-law.
9. Ma Pu	Do.	Monvo	Insein	Sister-in-law.
10. Ma Aye Yin ...	Do.	Padaintan	Tharrawaddy	Wife.
11. Ma Than Sein	Nga Po Thu	Do. ...	Do.	Daughter.
12. Maung On Myin	Do.	Do. ...	Do.	Son.
13. Maung Sein Ban	Do.	Do. ...	Do.	Do.
14. Ma Hla Aye ...	Do.	Do. ...	Do.	Daughter.
15. U Thein Toe	U Kyaw Din	Wetlet	Pawgde, Prone.	Uncle.
16. Ma The Ngwe	U Ba Saw	Do. ...	Do.	Aunt-in-law. Wife of No. 15.
17. Nga Tha Dun (H.S.)	U Kyaw Hla	Anakya	Tharrawaddy	Associate.
18. Nga Pu (H.S.)	U Ko	Do. ...	Do.	Do.
19. Nga Shwe Baw (H.S.)	U Shwe Hmin	Do. ...	Do.	Do.
20. Nga Aung Tha (H.S.)	U Shwe Htu	Do. ...	Do.	Do.
21. Nga Sein (H.S.)	U Praung	Do. ...	Do.	Do.
22. Nga Nauk Toe (H.S.)	U Po Thun	Aleywa	Do.	Do.
23. Nga Tin (H.S.)	U Po Lay	Hla-ya	Do.	Do.
24. Nga Pyu Toke (H.S.)	U Hnwe	Nedaw	Letpada, Tharrawaddy.	Do.
25. Nga Po Thet	U Po Tet	Kanri	Pawgde, Prone.	Do.
26. Maung Thein	U Po Thet	Do. ...	Do.	Do.

Names of Relations, Connections, Associates, Friends and Persons who can identify him with father's name and residence of each—concl'd.

Name (1)	Father's name (2)	Residence (3)	Police Station and District (4)	Whether relation, or connection, etc. (5)
<i>His relations and associates—concl'd.</i>				
27. Maung Po Han.	U Shwe Sint ...	Kaoni ...	Paungde, Prome.	Associate.
28. Maung San Thu	U Hlaw ...	Mingalun ...	Do.	Do.
29. Maung Paik ...	U Po Lwin ...	Kaoni ...	Do.	Do.
30. Maung Kruk	U Aung Myat ...	Sedaw ...	Tharrawaddy	Do.
31. Nga Moe (u) Nga Soc.	U Shwe Wain ...	Kyaukkyi ...	Do.	Do.
32. Nga Tun Tin	U Chit Su ...	Hindagon ...	Do.	Do.
33. Ma Swint ...	U Kan Htu ...	Do. ...	Do.	Do.
34. Ma Thaw Aye	U Bogale ...	Yogyi ...	Letpadan, Tharrawaddy	Do.
35. Nga Pan Aung	U Tun U ...	Ayeywa ...	Do.	Do.
36. Maung Shwe Ya.	U Po Se ...	Thelubya ...	Do.	Do.
37. Maung Thaw Pe	U Po Lwin ...	Do. ...	Do.	Do.
38. Nga Po Thei	U Man ...	Kyauktaw ...	Do.	Do.
39. Nga Mook ...	U Chit Su ...	Aungtha ...	Do.	Do.
40. Nga Tun ...	U Mya Thir ...	Thitabin ...	Do.	Do.
41. Nga Me ...	U Kyaw ...	Hlawlawgyi ...	Shkwin, Tharrawaddy	Do.
42. Nga Kwe ...	U Phou ...	Do. ...	Do.	Do.
43. Nga Ba On ...	U Gon Htu ...	Do. ...	Do.	Do.
44. Nga Lo Bo ...	U Gon Htu ...	Kyonsu ...	Letpadan, Tharrawaddy	Do.
45. Nga Shwe Hmya.	U Shwe Thaug	Mogyipon ...	Thonse, Tharrawaddy	Do.
46. Ma Thaw Da	U San Hpe ...	Do. ...	Do.	Do.
47. Nga Ba Aye ...	U Mya Ge ...	Medaw ...	Letpadan, Tharrawaddy.	Do.
48. Nga Kyact Ni	U San Hpyaw ...	Do. ...	Do.	Do.
49. Nga Na ...	Maung Po Han ...	Htandabin ...	Do.	Do.
50. Nga Ba Aung	Maung Seik ...	Ayeywa ...	Do.	Do.
51. Nga Tun Tin	U Tun Aung ...	Do. ...	Letpadan, Tharrawaddy	Do.
52. Nga Pan Galne	U Shwe Pyi ...	Medaw ...	Do.	Do.
53. Nga Pyo ...	U Hmwe Khun ...	Do. ...	Do.	Do.
54. Nga Aung Din	U Tun Kyaw ...	Hindagon ...	Do.	Do.
55. Nga Tet Pya	U Po Sang ...	Do. ...	Do.	Do.
56. Nga San Po ...	U Paw ...	Anaukywa ...	Do.	Do.
57. Nga Paik ...	U Sein Du ...	Ywathikon	Do.	Do.

Brief History up to his first offence.

Nga Po Thu was born in Ka ni Village, Paungde Police Station jurisdiction, Prome District, on Monday the 13th of *Nallaw Lasok*, 1253 B.E. His father Maung An (a) Au Gyi was the son of U Kala and Daw Wang, and a native of Pauktaw Village, Thegon Police

Station. His mother Ma On was the daughter of U Pyaw and Daw U, and a native of Kanni Village, Prome District. When Ma Ng Po Thu was about one year old, his father, acting as *Jaing* in a gambling waing at Talokelidaw Village, Paungde Police Station was killed by gamblers. He had only one brother, Maung Than Daing, who died at the age of 18, about 30 years ago.

At 10 years of age he went to U Ardeksa's *Pongyi Kraung* at Nauks village, Paungde Police Station and remained four years there. The following were his associates:—

25. Maung Po Thet, son of Maung Po Tet, Kanni Village, Paungde Police Station, Prome District.
26. Maung Thien, son of Maung Po Tet, Kanni Village, Paungde Police Station, Prome District.
27. Maung Po Huan, son of U Shwe Sont, Kanni Village, Paungde Police Station, Prome District.

He studied "Lawkaniti."

At about 14 years old he assumed the yellow robe together with the following associates, and discarded it after one lent and became a coolie:—

28. Maung Sou Thu, son of U Hlaw, Mingalon Village, Paungde Police Station.
29. Maung P'ik, son of U Po Lwin, Kanni Village, Paungde Police Station.

At about 15 years of age his mother Ma On died in Kanni Village. He remained there with his grand-mother Daw U for three or four years working as a field labourer. At about 18 he went with his grand-mother Daw U to his uncle U Sein and Ma Su of Magyiban Village, Tharrawaddy Police Station where Daw U died. He did not return to his native village but remained in Magyiban Village with Ko Po Win and Ma Ngwe Yone working as a field-coolie for about three years. From this time onwards he took to gambling and drink.

At 20 he married Ma Aye Yin, a native of Budon Village, Letpadan Police Station and daughter of My Pau Nu of Paleintan Village, Tharrawaddy Police Station and remained in Paleintan Village working as a field-coolie. His brother-in-law Nga Aung Bwin was a History Sheet Criminal and was addicted to house-breaking and thieving. He worked as a field-coolie together with Serial No. 11 Ma Than Sein, No. 12 Maung Olu Myint and No. 13 and Maung Sein Ban, *vide* List of Relations, etc., in Paleintan Village and after about nine years went to Yogyi Village, Letpadan Police Station and lived with U Tun Aung, a removed headman, for about one year during which he associated with the following criminals who were addicted to committing dacoity:—

22. Nga Nauk Toe, son of Maung Po Than, Meywa, Tharrawaddy Police Station.
23. Nga Tin, son of Maung Po Lay, Yogyi Village, Letpadan Police Station.
30. Nga Kauk Ya, son of U Aung Myit, Sedaw Village Tharrawaddy Police Station.

History of all of his known offences up to opening this History Sheet.

On the night of 7th October 1926 the said criminal committed a dacoity (F.I.R. No. 307 of 1926, Sections 395/397, I.P.C., Letpadan P.S.)

in the house of Maung Po Tun, Kyawbwe Village, Letpadan Police Station, together with the undermentioned associates, and took away articles valued at over Rs. 1,000 :—

10. Mi Aye Yin, daughter of Maung San Din, Yogyi Village, Letpadan Police Station.
23. Nga Tin, son of Maung Po Lay, Yogyi Village, Letpadan Police Station.
30. Nga Kwok Ya, son of Maung Aung Myat, Sedaw Village, Tharrawaddy Police Station.
31. Nga Moe (a) Nga Soe, son of U Shwe Waing, Kyaukkyi Village, Tharrawaddy Police Station.
32. Nga Tun Tha, son of Maung Chit Su, Hteinon Village, Tharrawaddy Police Station.
33. Mi Hwint, daughter of Maung Kan Htu, Hteinon Village, Tharrawaddy Police Station.
34. Mi Than Aye, daughter of Maung Po Lay, Yogyi Village, Letpadan Police Station.

Nga Moe (a) Nga Soe of Kyaukkyi Village used a locally made gun. Nga Kwok Ya, Nga Po Tun, Nga Tin and Nga Tun Tha gave confessions. Of the dacoited articles, a pair of gold bangles and a pair of earrings (set with a pearl each) were recovered from Mi Hwint, wife of Nga Tun Tha, and a Kyo-Gye-Chek Dong (a gold ring, a silk lanyard, and a pair of gold bangles) from Mi Than Aye (sister of Nga Tin), valued in all at Rs. 165. They were arrested and sent up for trial, *vide* Tharrawaddy Sessions Trial No. 58 of 19th January 1932. Nga Po Tun was convicted to seven years' R.I. under Sections 395/397, I.P.C.; Nga Tin and Nga Tun Tha to four years' R.I. under Section 395, I.P.C.; Mi Aye Yin and Mi Than Aye were sent for trial under Section 414, I.P.C., but were acquitted. Nga Moe (a) Nga Soe was also acquitted. Nga Po Tun appealed to the High Court at Rangoon, *vide* Appeal No. 201 of 10th February 1932, and his sentence was altered from seven years to five years' R.I.

This criminal was released from Tharrawaddy Jail on 19th January 1932. As he is addicted to committing dacoity, a History Sheet is opened under order No. 1090 dated the 23rd January 1932 of the Subdivisional Police Officer, Tharrawaddy.

PART II.
Important Entries.

CRIME 103E
Police.

Entry No. Date. Subject.	Particulars.
1 19-1-32. Release from Jail.	<p>Nga Po Tun was convicted to five years' R.I. under Sections 395/397, I.P.C. in F.I.R. No. 37 of 1926, Letpadan P.S. On 19th January 1932, he was released from jail. He stated that he worked as a farm cultivator in jail with the following :—</p> <p>22. Nga Nauk Tin, son of Maung Po Tian, Aeywa Village, Tharrawaddy P.S.</p> <p>35. Nga Pan Aung, son of Maung Tun U, Aeywa Village, Letpadan P.S.</p> <p style="text-align: right;">MAUNG TINT, S.I.V.</p>

Important Entries—contd.

Entry No., Date, Subject.	Particulars.
2 10-7-34. Suspicion.	<p>Nga Po Thu committed a robbery (F.I.R. No. 106 of 1934, Section 394, I.P.C., Letpadan P.S.) on 6th May 1934, in U Thaw's house and made off with articles valued at Rs. 729-10. Two or three days prior to this he went with the following to the house of Maung Nyan Gyi, who was on bad terms with the complainant, and the robbery was planned there. As there was no corroborative evidence and as no property was seized, although it was certain they committed the crime, it has to be closed as undetected:—</p> <p>36. Nga Shwe Ya, son of Maung Po Sa, Theabya Village, Letpadan P.S. 37. Nga Than Pe, son of Maung Po Lura, Theabya Village, Letpadan P.S. 38. Nga Po Thei, son of Maung Hman, Kyauktaw Village, Tharrawaddy P.S. 39. Nga Mauk, son of Maung Chit So, Amogtha Village, Tharrawaddy P.S.</p>
3 12-1-35. Suspicion.	<p>On 9th October 1934, Nga Po Thu, together with the following, committed a dacoity (F.I.R. No. 224 of 1934, Section 395, I.P.C., Letpadan P.S.) in the house of Maung Pan Yi, Kyaunggon Village, Letpadan P.S. and obtained Rs. 53-10 worth of loot of which Rs. 5 worth was recovered:—</p> <p>Two switches of false-hair and one silver anklet, both valued at Rs. 5 were recovered from Ma Tahw Da, daughter of Nga Shwe Hmya. These articles were identified by the complainant. The accused Nga Tun and Shwe Hmya admitted their guilt to the Police but retracted before the Magistrate. They were all acquitted by the 2nd Additional Magistrate, Tharrawaddy, vide his Criminal Trial No. 172 of 26th November 1934.</p> <p>40. Nga Tun, son of U Mya Thu, Thitabin Village, Tharrawaddy P.S. 41. Nga Me, son of Maung Kyaw, Htandawgyi Village, Sitkwin P.S. 42. Nga Po Hmi, son of Maung Phou, Htandawgyi Village, Sitkwin P.S. 43. Nga Ha On, son of Maung Gon Hlu, Htandawgyi Village, Sitkwin P.S. 44. Nga Lu Bo, son of Maung Gon Hlu, Kyonsa Village, Letpadan P.S. 45. Nga Shwe Hmya, son of Maung Shwe Thuang, Magyigon Village, Thonze P.S. 46. Mi Thaw Da, daughter of Nga Shwe Hmya, Magyigon Village, Thonze P.S.</p>
4 30-5-35. Suspicion.	<p>On the night of 4th May 1935, Nga Po Thu, together with the following companions, committed a dacoity (F.I.R. No. 137 of 1935, Section 395, I.P.C., Letpadan P.S.) in the house of Maung Sai Wan of Myohla Village, and obtained loot valued at Rs. 146. On investigation it was ascertained that the following were concerned in the case:—</p> <p>23. Nga Tin, son of U Po Lay, Yogyi Village, Letpadan P.S. 24. Nga Pya Tokc, son of Maung Hmwe, Medaw Village, Letpadan P.S. 47. Nga Ba Aye, son of Maung Mya Ke, Medaw Village, Letpadan P.S. 48. Nga Kywet Ni, son of Maung San Hpyaw, Medaw Village, Letpadan P.S. 49. Nga Nu, son of Maung Po Han, Htantabin Village, Tharrawaddy P.S.</p>

PART II.

Important Entries—concl'd.

C.M.P.
Pol

Entry No., Date, Subject.	Particulars.
3 11-6-35. Arrest under 110, C.P.C. and asso- ciates.	<p>There was evidence against Nga Tin only. He was sent up for trial under Section 395, but was acquitted by the Sessions Judge, <i>vide</i> Sessions Trial No. 24 of 20th July 1935. The case was classified as "True."</p> <p>Information being received that he was moving about, associating with the following criminals, and committing dacoity and robbery, he was prosecuted under Section 110, C.P.C., <i>vide</i> P.I.R. No. 175 of 1935, Letpadan P.S. under the sanction of the S.D.P.O. dated 11th June 1935:—</p> <ol style="list-style-type: none"> 17. Tha Dun, son of Kyaw Hla, Anaukywa Village, Tharrawaddy P.S. 18. Nga Fu, son of Maung Kbi, Anaukywa Village, Tharrawaddy P.S. 19. Nga Shwe Hwe, son of Maung Shwe Hmin, Anaukywa Village, Tharrawaddy P.S. 20. Nga Aung Thi, son of Maung Shwe Htu, Anaukywa Village, Tharrawaddy P.S. 22. Nga Nank Toc, son of U Po Than, Aleywa Village, Tharrawaddy P.S. 24. Nga Pya Toke, son of Maung Hmwe, Medaw Village, Letpadan P.S. 35. Nga Pan Aung, son of Maung Tun U, Areywa Village, Letpadan P.S. 48. Nga Kywe Ni, son of Maung San Hpyaw, Medaw Village, Letpadan P.S. 50. Nga Ha Aung, son of Maung Seik, Aleywa Village, Tharrawaddy P.S. 51. Nga Tun Tin, son of Maung Tun Aung, Areywa Village, Letpadan P.S. 52. Nga Pan Galin, son of Maung Shwe Pyi, Medaw Village, Letpadan P.S. 53. Nga Pyo, son of Maung Hmwe Khin, Medaw Village, Letpadan P.S. 54. Nga Aung Din, son of Maung Tun Kyaw, Hninsigon Village, Letpadan P.S. 55. Nga Tai Pya, son of Maung Po Saing, Hninsigon Village, Letpadan P.S. 56. Nga San Po, son of Maung Pyaw, Anaukywa Village, Tharrawaddy P.S. 57. Nga Pauk, son of Maung Sein Bu, Ywathitkon Village, Letpadan P.S.
6 13-7-35. Conviction under 110, C.P.C. Restriction.	<p><i>vide</i> entry No. 5, Nga Po Thu was prosecuted under Section 110, C.P.C. and was convicted, <i>vide</i> S.D.M.'s case No. 65 of 13th July 1935 and was restricted under H.O.R.A. for two years to Kamaukau Village, Minhla Police Station jurisdiction, and was ordered to report daily to the head man between 7 and 8 o'clock. He was handed over to Ko Mya Aung, village headman of Kamaukau, on 13th July 1935. Form 114 was sent to Minhla P.S., <i>vide</i> despatch No. 1908, dated 13th July 1935.</p>

SAN NYUN,
S.W.

Form 109F.
Police.

PART III.

Current Reports.

Entry No., Date, Subject	Particulars.
1 1-8-35. Leave.	Nga Po Thu was granted five days' leave to enable him to go to his wife in Pademlan Village, Tharrawaddy Police Station and ask for money for his living expenses. MAUNG TINT, S.I.P.
2 1-8-35. Despatch of leave applica- tion.	Nga Po Thu proceeded on leave. His leave application was sent to Tharrawaddy Police Station, with despatch No. 928, dated 1st August 1935, for verification. MAUNG TINT, S.I.P.
3 5-8-35. Return from leave.	On the expiry of five days' leave Nga Po Thu reported at the Police Station, made over his application and returned to his Village Kamauked. MAUNG TINT, S.I.P.
4 6-10-35. 3rd quar- terly report.	During the quarter he has been working as a field-coolie to U Mya Maung, headman, for 40 baskets of paddy. No bad reports against him. TUN MYA, S.H.C.
5 2-1-36. 4th quarterly report	During the quarter he has still been working as a field-coolie to headman U Mya Maung. Associating with Nga Hooi, a discontinued H.S. Criminal. Being carefully watched. So far there is nothing against him. TUN MYA, S.H.C.
6 5-4-36. 1st quarterly report.	During the quarter he has been living on the 40 baskets of paddy received from U Mya Maung, headman, for work done in the rales, and is now working in the reserved forest near the village, girdling teak trees at -8/- per day. So far nothing against him. TUN MYA, S.H.C.
7 17-6-36. 2nd quarter's report.	During the quarter he has been living on girdling teak trees in the reserved forest near the village at -8/- per day. So far nothing against him. TUN MYA, S.H.C.
8 31-7-36. Return of criminal. Continua- tion of surveil- lance.	The restriction order was cancelled, and the criminal returned to Magybin Village, Tharrawaddy Police Station jurisdiction, on 11th July 1936. He is working as a coolie for 20 baskets of paddy in his uncle U Sein's house. Informer Ko E Maung has been instructed to get information regarding his associates and activity. BA U, S.H.C.

Current Reports - conclud.

Entry No. Date Subject	Particulars
<p>9 3-10-36. 3rd quarterly report.</p>	<p>Having worked as a coolie in U Bein's house, Magyibin Village, Tharrawaddy, Ngo Po Thu returned to Padetwan Village, and is working on the paddy he has raised during the rains and by selling bamboo shoots with his daughter Ma Thuu Sein in the neighbouring villages, from which he gets about 6 rupees a day. He has no weapons. As he is a dacoit he is being carefully watched. Informer Ko E Maung has been instructed to get information about him.</p> <p style="text-align: right;">TUN HAN, -9-10-36. P.S.O. BA U, S.H.C.</p>

PART IV.

Orders.

Date	Order.	Signatures with dates of the Police Station Officer and Senior Surveillance Officer.
<p>24th January 1936.</p>	<p>Surveillance Head Constable to report whether Ngo Bon mentioned in his report, dated 2nd January 1936, is still suspected of committing crime.</p> <p style="text-align: center;">SAN PR, -10-1-36, S.D.P.O.</p> <p>S.D.P.O.:</p> <p>File above closed. No adverse news was received against Ho Mi.</p> <p style="text-align: center;">TUN MYA, -23-1-36, S.H.C.</p>	<p>Noted.</p> <p style="text-align: right;">TUN MYA, S.H.C.</p> <p style="text-align: right;">E PR, -11-1-36, P.S.O.</p> <p>Seen.</p> <p style="text-align: right;">SAN PR, -23-1-36, S.D.P.O.</p>

APPENDIX B-IV.

**RULES FOR THE DESPATCH OF EXHIBITS IN CRIMINAL CASES TO THE
CHEMICAL EXAMINER, BURMA.**

GOVERNMENT OF BURMA.

JUDICIAL DEPARTMENT.

"G" Circular No. 15 of 1930.

**PROCEDURE FOR THE DESPATCH AND RETURN OF EXHIBITS IN CRIMINAL
CASES SENT FOR CHEMICAL ANALYSIS.**

Dated Rangoon, the 5th April 1930.

(Not translated into Burmese.)

1. The following rules relating to the procedure for the despatch and return of exhibits in criminal cases, which are sent to the Chemical Examiner for chemical analysis, are published in supersession of the rules contained in Local Government Judicial Department Circular No. 33 of 1894, which is hereby cancelled.

2. Articles which require examination by the Chemical Examiner should be sent by the Police Investigating Officer direct to the Chemical Examiner. They should not be sent through the Civil Surgeon or the Police Surgeon unless exceptional circumstances require such a course. After the examination has been completed, the Chemical Examiner should return the articles direct to the Police Investigating Officer from whom they were received.

3. Before the article is despatched to the Chemical Examiner it must be packed in the presence of the Police Investigating Officer, who must seal it personally with a special seal to be used for this purpose only. A letter in English describing in detail the contents of the packet, and, if necessary, the alleged contents of the articles, e.g., "six small bottles said to contain cocaine," and a short history of the case including the section of the Indian Penal Code or of any other Act under which the case is instituted must be despatched by registered post or by peon, as the case may be, simultaneously with the packet, in which should be enclosed a duplicate copy of the letter. A specimen of the seal used in packing the articles should be enclosed with the original copy of the letter which is sent in a cover separate from the packet. Form No. Crim 97 should be used for this purpose. The sealed packet and the letter should then be placed in an outer cover on which the Police Investigating Officer must sign his name. In cases in which the packet can be taken by bearer to the Chemical Examiner's office the Police Investigating Officer should hand it over to some responsible person for delivery to the Chemical Examiner personally. In other cases the article should be sent by registered post direct to the address of the Chemical Examiner. It should be stated in the letter whether the packet is sent by registered post or by bearer, and in the latter case the bearer's name should be entered in the letter.

4. On receipt the Chemical Examiner should first note the marks or number and the signature on the outer cover of the packet. He should then see whether the seals on the inner cover are intact, should note the impressions upon them and compare them with the specimen of the impression forwarded with the letter. If he is satisfied that these are in order, he should open the inner cover and compare the contents with the description given in the letter. If no specimen of the impression is received the article should be refused and returned. If there is more than one article the seals on each should be separately examined and noted. The result of these observations should be recorded at the time in a notebook under the appropriate date.

5. The articles should be returned by the Chemical Examiner only to the person from whom they were received and to no other person. The Chemical Examiner should at the same time write a separate letter containing (i) the impression of the seal used by him in sealing the packet and a description of the contents of the packet, (ii) a list of the articles returned and a statement of the method of despatch, (iii) his report concerning each article examined. The articles should be packed in the manner described above.

6. When articles are returned by post, the rules for the transmission of articles by post (see Article 248, Burma Medical Manual) should be observed.

7. The report on articles examined should be drawn up, as nearly as may be, in the following form :-

REPORT No. _____ OF _____ THE CHEMICAL EXAMINER TO
 THE GOVERNMENT OF BURMA, UPON _____ SUBMITTED TO HIM FOR
EXAMINATION AND REPORT BY
 ANALYSE

The _____ ^{were} received by me ^{through the post} _____
 _____ _{were} _____ from the hand of _____
 on the _____ day of _____ at about _____
 _____ p.m.

I examined the label on the packing cover and found that it purported to bear the signature of _____

I examined the seal impressions on the _____
 and, as far as I could judge, they were intact and corresponded with
 the impression of the seal stated by _____ in his letter to me, No. _____
 dated the _____, to have been used by him in closing the _____

After examining and analysing ^{the} _____ I report
 the contents of the _____
 thereon as follows :-

Chemical Examiner to the Government of Burma.

8. The Chemical Examiner should make a special report to the Secretary to the Government of Burma, Police Department, of any cases in which parcels received from Police Investigating Officers are improperly packed, or in which the forwarding letter is incomplete, or does not agree with the contents of the packet.

9. In cases in which a Magistrate or Judge considers it necessary himself to send articles for examination to the Chemical Examiner, a similar procedure must be followed. Form Criminal 77 should be used in submitting articles for examination. The articles must be packed in his presence, sealed by him, personally with the seal of his Court, and despatched direct either by registered post or by bearer to the Chemical Examiner, who in returning them will return them direct to the Magistrate or Judge from whom he received them.

10. The correct establishment of the identification of articles sent for chemical analysis is essential. In all cases the Police Investigating Officer who despatched the articles must be examined as a witness, and when the article is sent by bearer the bearer must also be called as a witness to prove that the article which he handed over to the Chemical Examiner is the article which was handed over to him for delivery. When articles are sent by post evidence should be adduced to prove that the article was posted. It is desirable to reduce as far as possible the number of persons whom it is necessary to call as witnesses as to the identity of articles, and therefore it is essential that they should pass through as few hands as possible. Consequently Police Officers should not delegate their duties in this respect to subordinates, and as far as possible, all articles should be handled personally by the Chemical Examiner, and should pass through as few hands as possible in his office. It should be remembered that if an article passes from one clerk to another, either in the Police office or in the Chemical Examiner's office, it becomes necessary to call each of those clerks as witnesses to establish its identity.

By order,

TUN YA,

Off. Secy. to the Govt. of Burma,
Judicial Dept.

APPENDIX B-V.

DEFORMITY CHART.

Arms—Both—
Left—
Right—
Bald—
Blind—Both eyes—
Left eye—
Right eye—
Bow-legged—
Ears—Both—
Left—
Right—
Fingers—Left Index—
Little—
Middle—
Ring—
Thumb—
Right Index—
Little—
Middle—
Ring—
Thumb—

Hands—Both—
 Left—
 Right—

Hunchback—
 Knock-kneed—

Lame—Left—
 Right—

Legs—Both—
 Left—
 Right—

Nose—

Special Marks.—(Such as large permanent scars or birth-marks on face or other place easily visible.)

Squint—

Teeth—

Toes—Left : Big toe— Right : Big toe—
 First— First—
 Little— Little—
 Middle— Middle—
 Third— Third—

APPENDIX B-VI.

DESCRIPTION CHART.

Age	...	
Height	...	Tall, short, or medium.
Build	...	Stout, thin, erect or stooping.
Hair	...	Colour, quantity, parting, cut.
Eyebrows	...	Colour, thick, thin, shape.
Forehead	...	High, low, straight, sloping.
Eyes	...	Blue, grey, hazel, brown, small, large.
Eight	...	Long, short, wearing glasses, pince-nez, or spectacles.
Nose	...	Large, small, snub, Jewish.
Mouth	...	Open, close, shut, shows teeth.
Teeth	...	Clean, discoloured, stopped—If any false, especially in front.
Fingers	...	Round, pointed, turned up.
Ears	...	Large, small, close to head, protruding, with long or short lobes, pierced.
Face	...	Long, round, swelling, scowling, wrinkled.
Complexion	...	Fair, black, yellow.
Beard	...	Colour, thick or thin, style.
Moustache	...	Colour, thick or thin, style, ends waxed, etc.
Marks	...	About the hands, neck, face or feet, of a person.
Peculiarities of manner.	...	Habit, appearance, gait, speech, voice, or accomplish. mental or physical.
Usual dress	...	Any peculiarities.

APPENDIX B-VII.

CASE DIARIES AND ACTION AGAINST SUSPECTS.

Note on Case Diaries and Investigations.

Compiled by Mr. A. Dunbar, M.A.

1. It has been noted that diaries in many cases are not well written and are frequently unnecessarily long, full of repetitions and not clearly expressed. The following hints should prove of use and save much labour and paper.

2. In the first place the investigating officer must know clearly what he has to prove if the case he is investigating is to be brought home to the accused and the case diary must show step by step the measures taken towards detection. It must be a record of acts performed rather than of theories discussed. Opinions as to the reliability of statements are not theories and must be expressed. Too often it is found that the investigating officer starts off by saying what he is going to do and then proceeds to carry out his plans. The first part is unnecessary and merely wastes time and paper. Frequently diaries start with: "In order to investigate, elucidate and detect (*lit se; pau hank ya ang; ou dauk va bo*) this case"—this is merely useless verbiage and must be cut out. "Questioned" or "examined" is sufficient. Every redundant expression should be avoided.

3. Actual movements should be stated very briefly thus: "Left X village at X time; arrived Y village at Y time." If accompanied by anyone, state thus: "With Head Constable Maung Ni, Police Constable Maung Sein and Village Headman Maung On Bwin of Z village." This is necessary for checking travelling allowance of assistants and for reward purposes.

4. Every person questioned must be mentioned and his father's name given; but where several persons are examined and nothing of value ascertained, the names should be given altogether and "no news" added after the list. This suffices. If a witness examined is one mentioned in someone else's statement as corroborating, then, if he corroborates, the facts he testifies to in corroboration should be stated, adding "corroborates witness Maung Pyn." If he fails to corroborate, merely state that he does not corroborate Maung Pyn and do not detail a useless statement. If a witness is absent, merely say so; do not detail where he has gone and for what purpose; briefly state arrangements made to examine; e.g., instructed Ten-house *gaung* Maung Pya to produce him at Z village on X-Y-Z date. Do not waste your time and that of the villagers by calling in witnesses who cannot testify to some material point you have to prove in Court to support your case. Remember also that it is prejudicial to your chances of a good statement to recall a man from the work by which he earns his daily bread, when remaining in the village for the evening would give you the opportunity to examine him at leisure. Early morning before they go to work or the evening when they return are the best times to examine witnesses who work outside the village; the evening is undoubtedly the best time to examine witnesses who after a satisfying evening meal are usually more ready to talk. Furthermore do not call witnesses to your camping place and examine them in a public manner. You will get better results if you go to the witness's own home and examine him quietly without an audience. Always remember that audience are often chiefly comprised of friends of the accused who want to hear what is said so that they may give the accused the names of the witnesses he has to suborn in order to break down your evidence. This is highly important and the sound investigating officer works up his cases in the evening, remaining the night in the village for this purpose instead of hurrying back to his police-station and proceeding out again the next day.

5. In recording a summary of statements of witnesses in your case diary, never record any statement that does not help you prove your

case. This predicates the first essential in handling a case, which is to note down in your notebook the essentials you must prove before the Court in order to prove your case. Check the definition of the crime. For example, it is necessary in a dacoity to prove (a) that five or more persons committed the offence and (b) that property was taken or that endeavours were made to find property to loot. In order to apply section 397 to any accused you must have evidence that he personally was armed at the time of committing the offence, remembering that there is collective responsibility where firearms are used. You can prove a dacoity by (a) identification of persons at the scene, (b) by identification of property taken in the dacoity and found with the accused or proved to have been disposed of by him. This may be supported by proving assembly and/or presence together near the scene at the time of the commission of the crime. This entails the greatest care in recording evidence of the identity of participants. If a man is described as "name unknown but residence known," record if possible the position of his house in the village, the names of any known neighbours or of the persons with whom he usually associates. These facts help to define the person. In recording descriptions apart from general build endeavour to get the witness to recollect any definite mark, scar or peculiarity noticed. This is best done by taking the witness over the parts of the body and asking him if he can recollect any peculiarity or abnormality regarding it. Without this care important information guiding you to the culprit may be overlooked. Remember also that when you record the description of an accused person, arrested or at large, general build helps you little; position of scars, marks, or defects are of vastly greater importance. If you can find three permanent marks, not of a common nature like vaccination marks on different parts of a man's body, you mark him down almost as definitely as by his finger-prints. Hence even small permanent scars and marks should not be overlooked. In recording the description of an absconder endeavour to get his relatives to recollect any accident he may have had that would leave a scar; any bad cut or scar left by any serious illness, by boils or carbuncles, moles and birth marks. Again by going over the body with them part by part you may glean two or three marks definitely positioned that will make identification of the man simple even by a stranger. For example it is unlikely that you will find two men with a half inch scar on left cheek, a mole one inch below right nipple and a round smooth scar from a boil on the calf of the left leg. This description with approximate age, height and build would suffice to identify the man anywhere and publication in the Gazette would make it simple for men arrested on suspicion to be examined for identification.

6. The second means of detection is usually by means of articles taken by the criminals. Here again meticulous care is required. A full list of the articles taken should be made out and the description of each article carefully recorded. Descriptions should be taken from the persons who actually wore or handled the articles and, when possible, from more than one such person. Their description of the articles they handled or wore or made should be recorded carefully in their statements and the marks of identification clearly noted in the case. There is an art in getting good descriptions from witnesses: try to get them to recollect a fly flaw or any accident that left its mark on the article. Any patterns they may have of the same

material should be taken as an exhibit before *Jugis* and entered in the usual Search Form 103. Do not be content with vague descriptions or worry the witness much about articles so common that identification of them is not likely to be possible or believed. In the case diaries mention only those articles that can be definitely identified and the points by which identification is possible. This should be in the statement of each person who can identify any article or articles. A copy of the full list of the articles taken with descriptions should be attached to the diary which mentions this, so that it is in all the files recording the case. Do not rely on the common; "identifiable if seen"; unless some mark for identification is on record any Magistrate is justified in refusing to accept identification even when the article is picked out from others of the same kind at a properly conducted identification parade. Goldsmiths often keep copies or drawings of designs that they have executed for customers and the possibility of this should not be overlooked, any record of design being taken for exhibit purposes before *Jugis*. Do not hurry your witnesses when examining them about descriptions of articles stolen and give them plenty of time for reflection; also caution them to get the headman to record and send in any mark of identification they may subsequently recollect. By these means you lay a sound foundation for detection by means of articles stolen. Again before articles are seized and retained for identification, they should be checked before *Jugis* with the recorded descriptions, so that the marks on them can be recorded on the Search Form and signed by the elders who witness the search. This is a highly essential and important step in your investigation. In addition it will safeguard you from seizing articles not answering the recorded description and thereby save you from worrying the witnesses with attendance at a useless and abortive identification parade which involves them and Government in unnecessary expense. Again and again it has been recorded in case diaries that witnesses refused through fear to identify the articles placed before them, whereas a careful check of the recorded description of an article with that noted on the search slip has disclosed the fact that the descriptions of the article were palpably dissimilar, indicating that the non-identification of the article was *bona fide*. In some of these cases it is very probable that the witnesses were given an utterly unwarranted dressing down for their refusal to identify the article, thereby making them not merely hostile as witnesses but rightly embittered against the police as a whole. The evil effect of this on detection is obvious.

7. Much time, paper, energy and money are often wasted on following up so-called clues which have no direct bearing on proving the case under enquiry. Case diaries are written according to the orders contained in section 172 (1) of the Criminal Procedure Code. The "information" and "the circumstances ascertained" refer directly to the facts that are material to the case. No Court is interested in the random doings of suspects some weeks or months prior to the offence; hence steps taken to ascertain the connections and past of suspects, very important as they are from a police point of view for future reference, are not essential to the elucidation of the case and for such enquiries no case diary is necessary. The facts thus ascertained should be mentioned in the final case diary of the case which sums up the results of the investigation against each and every person sent to trial or suspected on reasonable grounds. This limitation of case

diaries to the case under investigation will save a lot of time. Officers supervising investigations should pay especial attention to this matter and should stop any investigating officer from pursuing useless lines of enquiry. Similarly many investigating officers write case diaries in an old case while investigating a fresh case merely because they have met and questioned some so-called spy, some person who has been "haz-hita-ed," some village headman, ten-house gang or member of the village committee. This does not constitute investigation and unless information is received which is material towards detection and is investigated, the writing of a case diary is wholly unnecessary, is mere eye-wash and a reprehensible waste of time and paper. Normally cases should be closed as soon as the detailed investigation is finished and should not be kept open on the off-chance of information being received from spies, etc. It is a simple matter to re open the enquiry should important and valuable information come to hand, the final report then being treated as an intermediate report. This is far too often lost sight of and officers responsible for supervising investigations must exercise their authority to prevent this.

8. It has been found that in connection with absconders diaries often run up to 40 or 50, each one but a few lines it is true, but at the same time a waste of paper and time. An investigating officer is responsible for getting down the evidence against an absconder, for taking prompt steps to effect his arrest, for recording as rapidly as possible a full description of the absconder and as complete a list as possible of relations, friends and associates of the absconder, his wife and his parents. Once this is done, the circulation of the hue and cry notice should be rapidly carried out; the hue and cry notice should be read out at morning and evening roll-call for at least a week so that all the police-station staff know the particulars and can make enquiries whenever duty takes them to any place likely to be visited by the absconder. Once the investigating officer has completed his hue and cry notice and acted on any early likely information as to the whereabouts of the absconder, he should close his case and write no more case diaries. The record of future steps taken to effect the arrest goes on to the absconder roll. In the majority of cases the case diaries for a case involving a single absconder should never exceed ten; in many cases five days thorough and rapid investigation should produce all that is required to make it possible to carry out an effective man-hunt. Further measures and instructions are contained in the Note on Absconders.

9. Statements of witnesses are often recorded in far too great detail with no relation to the facts that have to be proved in Court; *this awats the defence more than the prosecution by increasing the chances of discrepancies.* As already pointed out, the investigating officer must know clearly what he has to prove and see that the evidence collected does this and nothing more. In dacoity cases it is common to find half a dozen witnesses examined at great length to prove merely that a dacoity did take place with but little reference to evidence material against the culprits. This must be avoided because it wastes valuable time. Police statements are frequently far longer than those recorded by Magistrates at trials, even including cross-examination. The golden rule is to write short statements but make certain they contain facts material to proving one's case. In recording these in diaries the facts of the case as apart from evidence against individuals should be

recorded *verbatim* and behind each fact should be given the names of the witnesses who prove it. For example : "Gang consisted of eight men, one had a double-barrelled gun and fired three shots, others carried *daks*, spears and an axe—proved by witnesses Maung Ni, Maung Pyu, Ma Sein." If this is done it cuts down the diary record and lays the facts clearly before the prosecutor. When this has been done, the statements of witnesses useful to prove the case against the culprits should be given in so far as they are relevant to this proof. Each material witness should be given a paragraph to himself. At the foot of any separately recorded statements reference should be made to the case diary which reports this recording. This greatly assists the prosecutor. By this method case diaries will be more methodical, give a much clearer idea of the case and evidence and be greatly curtailed. When corroborative evidence is thus recorded at the end mention : "Corroborates witnesses Maung X and Y—*vide* C.D. No. 7."

10. It is better to work late on getting the facts and material evidence than to stop early merely to record a case diary. Case diaries as far as possible have to be recorded on the day of the investigation which they mentioned; but this cannot always be done although paragraph 172 (1) of the Criminal Procedure Code enjoins "day by day" record. It suffices if the spirit of this is carried out and frequently it is wiser to wait till next morning before writing up your case diary for the previous day if you have been working late. A fresh mind will produce a clearer and a shorter diary than a tired mind. In addition the early morning summary of the previous day's results gives one a clearer idea of the lines of investigation to be followed that day. It may occasionally happen that rapid following-up of information is necessary, leaving no time for diary writing for a few days, diaries being written up when a halt and a breathing space are possible. In all such cases all that is necessary is to date the diary the day it is written with a brief note at the end showing why it could not be written up on the day of the investigation. No District Superintendent of Police nor any reasonable Magistrate or Judge will question your diary if delays are reasonably and honestly explained with no false statement as to the date of record.

11. On the investigating officer's return to the police-station all case diaries and statements of witnesses written while out on tour should be handed over to the Station Writer and shown in the entry showing the return to the police-station. This entry should be signed both by the Station Writer and by the officer who hands in the diaries. He need only record it thus : F.I.R. 100 C.D.'s 1, 2, 3 and 4. This is the only receipt the investigating officer gets for the diaries that pass out of his custody, so it is in his own interest to have this entry made. Should he come in late without having recorded a diary for that day, he will record his return and the following day make the necessary entry about the handing over of the case diary. Case diaries and recorded statements should not be carted round by the investigating officer; they must be in the police-station for perusal by visiting officers and for the information of the Police Station Officer. The investigating officer has his note book wherein he has recorded his movements and statements of witnesses.

12. A very important case diary is the final one on which the case goes to trial or is closed. If the case goes to trial it should contain the summary of the case against each accused with mention of witnesses so

that the Court Prosecuting Officer can gather clearly from it the case for the prosecution. It must be stressed that the case against each and every accused should be clearly shown. In cases closed as "true undetected" a careful summary of the investigation should be given. Where persons have been suspected on reasonable grounds the evidence against each should be given in detail along with the name with *aliases*, parentage, birth-place, race, religion, date of birth, occupation and brief description, which should all be available from the statement taken from the suspect during the investigation. These particulars must also be recorded for persons sent up for trial in cases falling under paragraph 1629 of the Burma Police Manual, Volume II. This is necessary to enable the writer to make proper entries on conviction or suspect cards now being introduced in the System of Card Indexing Criminals. The Subdivisional Police Officer or Circle Inspector on reading the final case diary should be in a position then to decide whether a card for a suspect should be opened and so can issue orders accordingly. In important crimes the final case diary should show in addition all that has been ascertained about the past history of each accused sent for trial or reasonably suspected, except in the case of an accused who already has a history sheet on record. These enquiries will normally be made during the investigation and are an essential part of it from a police point of view, because they indicate whether preventive action is possible or a history sheet is necessary. Sometimes the case will go for trial before these enquiries are completed, in which case an additional case diary should be submitted when the histories have been duly ascertained. Only brief particulars indicating a criminal past are required and not lengthy detailed histories.

It has been suggested that when a case has been closed early in the investigation, notes of any further enquiries made should be recorded in a diary form such as is prefixed to a departmental enquiry or a judicial record. If a page of this diary is filed in the case file after the final report, entries can be made in it by the investigating officer if he receives further information that does not warrant the re-opening of the case, but is material against some suspect or suspects. This should be done only in important crimes, robberies, important burglaries and cattle-thefts. The entries should be clear and to the point. No entries should be made that are of no importance.

N.B.—See also paragraphs 1424, 1689, 1691, 1692, 1724 and 1725 of the Burma Police Manual, Volume II.

APPENDIX E-VIII.

Lecture by Mr. M. O. Tanner, O.B.E., District Superintendent of Police, Myaungmya, at the Detective Training School, Insein, on the 5th July 1937 on the Tracing of Absconders.

I have divided this lecture up into three heads and under the first head I want to give you a brief outline of the origin of the Scheme. Now it will be known to every officer here of a few years service, that up to a year or two ago we were never very successful in catching absconders. In fact to be strictly truthful, I do not think we had

actually ever done so except by luck in the past. Of course, I know that, officially speaking, an "absconder" has never been definitely and clearly defined but for all practical purposes, I think you can take an absconder to be a "person who is wanted by the Police or by a Court for some offence and who is definitely determined to keep out of the way and not be arrested." It is not the length of time that a man is missing, that is the test; it is the intention and if and when an absconder intends to remain "missing" permanently, then you may take him to be an "absconder". As you know for example, in many of these 326 I.P.C. cases, a man hits another on the head with a stick and just keeps out of the way for a few days to see if his victim dies or not; if he does, then the murderer just goes on absconding; if he does not, the assailant frequently comes back to stand his trial (and if possible ruin the evidence).

Now my attention was first directed to this point in the Maubin District. Many of you may know something about the "Scan-Thin" gang. About 70 men committed dacoities up and down the Delta Districts and we ultimately got some suspicion that a gang was at work; one of the points which aroused my curiosity was that when reading through the case files, First Information Reports, etc., I found in the list of the suspects, four or five given by name and also an unknown man or two. I began to wonder who these unknown men were and as I went on dealing with this question of the "Scan-Thin" gang, I came to know that many of these unknown men were actually absconders: Scan Thin himself was an absconder wanted under section 395/302, Penal Code, by one of the police-stations of Insein and by Mezali under section 326. However, apart from him, there was no doubt about it but that there were a lot of absconders about and these fellows were actually taking part in dacoities. It is quite likely that the gang would not have been as big as it was found to be and in all probability there would not have been such a large number of cases committed had it not been for the professional help and expert knowledge, contributed by the absconders. When I got to that stage, I began to think that it was about time that we began to arrest absconders and for the first time the question "why don't we catch absconders" began to run through my head.

I then commenced to look through the various files; I am afraid that in the past most District Superintendents of Police have not paid very much attention to absconders; it was always thought that it was quite hopeless to try to arrest absconders and most officers used to take that view; some still do. I cannot tell you how or when or why this view grew up. Certainly many of our old Police Station Officers in the past were efficient enough and they certainly did catch a number of absconders in their police-station jurisdictions relying, of course, on informers and information received; but the hard fact remains that, speaking generally, there is no question about it but that the police in Burma did not arrest absconders and for quite a number of years now it has been accepted that absconders cannot be arrested. Therefore what I am trying to put before you is that although it is admitted that "information received" is the basis of catching absconders, as in fact it is the basis of all police work, yet at the same time now-a-days some particular organization and some regular system is necessary in order to make the best use of this information received and it is precisely this question of organization which I am endeavouring to make clear.

However, I went through the old files and the next thing that struck me was that there was a lot of information about the various absconders available. For example, in the case diaries, there was a lot of data and information about these people put down by Investigation Officers and sometimes even in Surveillance diaries I found information cases here and there were special reports in correspondence files. I found some times all kinds of interesting things: sometimes an absconder had been a Government servant, occasionally I am sorry to say, a Police Officer (but this is happily rare); sometimes he had been a rich man come down in the world; sometimes he had a string of relations in influential positions. Any how, it was all there, recorded and forgotten.

Then I turned my attention to the Surveillance Staffs. Now we have got a wonderful book in the police called the "Burma Police Manual". It tells you how Surveillance Staffs go round the villages, how they make enquiries concerning History Sheet men and suspects, how they note down what is going on in the village, whether the crops are growing well, whether there are signs of disaffection or severe trouble in that village and in fact, are supposed to act as trained and competent "eyes" of the Police Station Officer. It is specifically laid down that their duties are preventive and not detective and in the past they seemed to have construed these instructions with great strictness. Among their duties is that of "Tracing absconders" but in all connection I have been ironically amused to see that although these Surveillance Staffs in the past were expected to trace absconders, it was nowhere laid down that they were expected to arrest them and in fact apparently never were expected to do so. I am confirmed in this view by reading a list of all the important facts to be recorded in a weekly diary. I find that under paragraph 4 the names of absconders enquired about and information received were to be placed on record but I do not see that there is any paragraph under which he is called upon to report the names, etc., of absconders arrested and there was, I fancy, on surveying the matter, an extremely good reason for the omission of such a special paragraph.

Now this is quite alright as far as it goes. The trouble is that it does not go far enough. One is irresistibly driven to the conclusion that if a Surveillance Officer really carried out all these duties and made all the routine enquiries he is ordered to make and record, and in addition collected and traced up all information concerning absconders, he would have to work at least 24 hours in every day and he would certainly never have any rest. Of course, in the past everything was concentrated upon these routine enquiries and the work and therefore the number of Surveillance Staffs, were all calculated according to the data. The point that was overlooked was that absconder work is a very big business and because of its complexity, the time it takes up and the distances that have to be covered together with the minute enquiries and investigations necessary, is a job for specialists and cannot possibly be undertaken by a group of men tied to a regular round or circuit. The system was all right, the trouble was that it had never been expanded to meet the varying conditions of absconder work with the result that as far as handling absconders, we might just as well have no surveillance system at all.

I then sat back to think things over; if a good system is already in operation and if we know a lot about individual absconders and if the

Surveillance Officers are not catching absconders, what is wrong? The answer immediately came to me and that was, they do not catch absconders because it was nobody's business to do so. Surveillance Officers had already got a large number of duties to perform and with a fixed and important programme they were compelled to follow, it was clearly unreasonable to expect them to chase an always elusive and frequently highly mobile entity, like an absconder. From the point of view of absconders, therefore, Surveillance diaries were beautiful to read. Now, the other day, I was looking at some of the old files of absconders and I came upon one or two pages of reports. They are nice reports clearly written by Surveillance Officers and which are entirely useless for any practical purpose.

"I have made enquiries at Tagundaing and Kamagaing villages from Maung Tin and Po Kyaing. They say that this absconder is not living in the village and that he might have gone to his native place. I have ascertained that there is one Thein Maung at Kywegyan. I proceeded to Kywegyan. I asked elders and Village Headman and we made a search for him. We found Thein Maung but he was not the right man."—Quite useless.

The report also says "Enquiry is made at various places but up to now no clue is yet obtained. Still under enquiry."

The report again says after three months, "I have made every effort to trace this man and his movements. No one seems to know him including the surveillance staff. He might have concealed his whereabouts at his native place. Still under enquiry."

Again three months later, "Enquiry made at various places. No clue is obtained yet. Still under enquiry."

This is the end of the reports. Apparently about this time, they got tired of looking for this absconder; so they gave up and I have no doubt that a year or two later some officer, perhaps the Police Station Officer or perhaps the Circle Inspector of Police found this file and read through it. He then decided that everything that could reasonably have been done to trace this absconder, had been done and he therefore asked the District Superintendent of Police for permission to strike him off. If it were not so serious, the matter would be humorous.

I will now take another page of reports from quite a different area. The first report on record says—"Absconder was a man from different area. Enquiries made from Headman Maung Tha. Up to now the movements of this absconder not yet known. Chit Pe told me he would try and locate the whereabouts of this absconder."

The second report is a lovely entry made by the Police Station Officer as follows:—

"During July, August and September, enquiries made by the surveillance staff. Traced Po Cho at Polaung and Ngamyinchaung. No useful information is yet obtained.

Another three months later "Enquiries made at various places. At the present moment, no clue is obtained."

After that, there was an entry in Burmese—"No news received: could not find the absconder, missing."

At this point, the Surveillance Officers gave up all hope of tracing this absconder. Again, they were quite certain that all had been done which could be done to find him and in due course, he was also struck off from the list of wanted persons.

Let me try to picture to you exactly what it was that happened upon which these delightful reports were written every three months.

The Surveillance Officer goes to the village in his sampin probably with a History Sheet man rowing it, asks the headman about the absconder and when the headman says "No information" he stops for the night and has dinner with him.

At the next visit he might talk with the ten-house *gaung* about this absconder and when the ten-house *gaung* says "no information", the Surveillance Officer agrees and has dinner with the ten-house *gaung*. Possibly this time he does make a few perfunctory enquiries from *lugyis* of the place and if he has an informer in the village, he probably asks him too. In the vast majority of cases, of course, the result was entirely blank. In some cases I have no doubt that the absconder himself was living peaceably in the village and watching everything that was going on with an amused eye. Naturally he knew perfectly well that his relatives were not likely to give him away and it was almost equally unlikely that other people would say anything about him; so the Surveillance Officer duly made up the entries in his note book and moved on to the next village. It was a system delightfully simple and extremely satisfactory to all concerned including, of course, the absconder himself. Now and again, as I have said they did catch an absconder; occasionally one of his enemies, etc., gave him away and he was then duly arrested but I am afraid that the proportion of absconders so arrested to the total number wanted, was very small.

Of course, as I have said before, here and there, we had an old Police Station Officer who knew everything in his station area and did not altogether like the idea of absconders moving about possibly committing petty crimes: he did arrest a few, working of course on information given by informers, but the fact remains that up to now no attempt was ever made to set up any organized practical scheme to get hold of, classify and distribute information: above all there was really no attempt to make anybody directly responsible for doing the work. That was the situation as it stood before.

I then went to the Thirrawaddy District; some of you know it. There I came to the conclusion that the sooner I made somebody responsible for the absconder work the better, because it was obviously going to be a whole-time job for a Specialist. So we picked out one or two Sub-Inspectors of Police and Police Constables and turned them into a little special Staff. We put each Form 62 into a separate file cover and I then issued orders that every bit of correspondence, every report, every note concerning an absconder was to be filed in his personal file and *not* put in the Correspondence File which is destroyed after two years. This was to ensure that information once obtained, should not be overlooked or lost.

The second step was to go through all case files, get the old cases out of the Record Room, go through the case diaries, make a list of all the clues and where an absconder had a History Sheet, we read through his History Sheet and extracted the clues from it; finally we made a kind of précis or condensed report enumerating and classifying all knowledge obtained, to be filed in the personal file of the absconder. In many cases we found a large amount of information about him; we knew a lot about his relatives and his habits; we knew about his convictions; we knew who his associates were. Then the next point

was to place all this information on record in some form in which it could be handled. This is the point where Form 62 comes in.

PART II.

Form 62 and its uses.—In the circumstances, we already had a Form 62 concerning an absconder on record. I began to read through what had actually been put on this Form concerning each man and I found in many cases there was mighty little. This Form is important and is very important to fill in these sections properly. Just take these sections one by one.

Item No. 1.—His name with *aliases* and occupation, if any.

The question of an absconder's name is of some little interest because it is well known to you all that many old criminals use a number of *aliases*. Consequently, when you start compiling a roll of an absconder, bear in mind that he will probably take another name. In considering this matter, there are two points which you should bear in mind.

Firstly, through lack of imagination some absconders will call themselves by some nickname or childish name of their youth. Enquiries on this point as to whether he ever has such a name should be made from his relatives.

Secondly, it should be remembered that an absconder will sometimes assume a name which is only a portion of his own name. If his real name is Maung Tin Gyi, he may call himself Maung Tin. These are the small points but no point is so small to be worth neglecting.

Very often the "occupation" is shown as a cooly. This is the point over which I have had constant trouble. The word "coolly" is not sufficient and conveys nothing; in fact, when an officer enters up "coolly", I regard him as being mentally bankrupt. The question is, if an absconder can rightly be described as a "coolly", what kind of a cooly he is. Note that there is a wider diversity in the occupation of "coolies". It is not uncommon to find a fisherman, a bamboo cutler or a herdsman classed as "coolly". I have even found men of skilled occupation such as gold-smiths, sampan rowers and clerks to paddy-mills, all classed under this one heading.

I remember finding in one case that the occupation was shown as a "coolly" whereas a perusal of the case diaries showed that the man was a pig dealer. In another case, I found that a man was a rice-mill engineer (who made guns in his spare time) and not a "coolly" as recorded on the roll. I suppose 75 per cent of your absconders are cultivators and it is true, I admit, that force of circumstances will sometimes transform a steamer cooly into a paddy planter or a reaper, but speaking generally, even your "cultivators" must be split up into classes. They may possess paddy land, or they may hire land, or they may be ordinary hired cultivators or labourers getting about 50 or 60 baskets of paddy; in most of the Forms you will find them as "coolies" which will not help you. In Myaungmya when a Form is sent showing "coolly" on the Form as the occupation of an absconder, it is returned to the station concerned for a proper "means of a livelihood" to be filled in and the postage for sending the Form backwards and forwards is debited to the writer of the original Form who sent it out.

Some of you may perhaps think that I am placing altogether too much emphasis on this question of occupation. I do not think so.

From the fact that you cannot afford to neglect a point, however slight, I think that a little reflection will show you that it is really a matter of common sense. Above all, an absconder who possesses some skilled trade or occupation by which to earn his living will in all likelihood tend to drift to places where he can earn his living in the manner to which he is accustomed. A rice-mill cooly is likely to be found working in another rice-mill; a fisherman will probably stick to that means of a livelihood, even going so far as to go fishing with the same kind of net which he habitually uses; a man who has worked in a timber camp is likely to be found in some other timber camp; an elephant driver will probably look for employment with elephants or at least with other animals; a fishery revenue clerk wanted for embezzlement may well give himself away by setting up as a writer of "fishery" petitions; a steamer tally clerk may give himself away by his conversation about cargoes and freights; a sawyer will be likely to make for places where he can get work, i.e., saw-pits and his conversation will show that he is familiar with timber work. The great point about this question of recording a man's occupation accurately and in detail is that it gives the people who are going to search for him a very useful line of enquiry and as I said before you cannot afford to neglect clues. It does not tell you *where* to look for him, but it does tell you *whereabouts* to look.

Item No. 2—Father's and Mother's names.—Recording the names of the parents of an absconder is not usually of much use as far as tracing him but even in this connection there are several points to remember.

Firstly, in considering the question of place where an absconder can be harboured, you must not forget the parents.

Secondly, there is always a likelihood that a man once he has absconded will keep in touch with his parents either through letters, in which case, we must make friends with the local Postman or by sending messages or even money to them. Then again remember that you sometimes have several absconders of the same name and in order to differentiate them, you must know the name of the father as well. It also frequently happens in Lower Burma that on enquiries being made you will find that absconder's parents came from Upper Burma. If this is so you should trace the village from which they came and establish the fact that they are connected with it. Here again is a clue of a place in which an absconder is likely to be harboured because the grand-parents may be still living there. In this connection do not forget the parents of both the mother and the father.

Finally, remember that you can very often get a useful description of an absconder from his parents and in the case of a living absconder or his dead body; having to be recognized and identified it is always useful to know who the parents are and where they live.

Item No. 3—Birth Place.—The importance of putting down a birth place very carefully is contained in two separate points. To start with, if a man is born in a certain village, it is almost certain that he has other relatives and friends in that village and incidentally you will get a good description of him there; therefore his birth place is one of the places in which to look for him being harboured.

In the second place, having friends and relatives in that birth-place, that is the place to which he is very likely to go when he wants help. As a matter of common sense the average absconder does not walk

off into the blue and disappear : he has to get help, food, money, clothing, shelter and information. Even in Burma, he cannot hope to get all this in a village where he is not known : also he feels safer against betrayal when among his own people and can rely in most cases upon his relatives and friends finding out what is going on and passing the information on to him.

Item No. 4—Usual residence.—I do not think I need emphasize this item. Its importance is, or should be, obvious. It is closely connected with the question of his wife.

Item No. 5—Age.—There are not many clues here ; where an absconder is known to be 50 years of age, however it is not much good arresting a boy of 18. So the question of age has got a certain amount of importance. It also helps you in considering the question as to whether an absconder is dead of old age.

Items Nos. 6 to 22—I do not think I need say anything special about these items.

Item No. 23—Marks about the heads, necks, feet, etc.—This is one of the most important items in the whole Form but I find that its importance is usually overlooked by officers when filling in Form 62. Of course, all the items are of some importance and it is perfectly obvious that we do want a very good general description of an absconder to enable us to search for him but I am afraid that many officers seem to have overlooked this point and their argument is that if and when they arrest a man, they can call up witnesses who know him and get them to identify him or otherwise. This is perfectly true but they overlooked the point that not only do we want a general description by which the man can be identified at leisure but we want to know any permanent mark or peculiarity about him by which he can be identified at sight by persons who do not necessarily know him. All police officers concerned ought to keep in their memory some record of absconders who have some peculiarities and they should certainly detain all men with such peculiarities to enable enquiries to be made. For example, I have one absconder whose fingers on both hands are joined together. He was born like this ; I can assure you that this peculiarity has been given a prominent place in item 23 of this Form and all my officers look out for a man with this peculiarity. There are all kinds of such marks and peculiarities and in this connection I must point out to you that very often strangers note peculiarities better than near relatives. If your brother has a scar on the left side of his neck, you may have forgotten the existence of this scar although you can probably recollect the accident which led to him being injured. It is quite likely however that a friend of your brother will remember the existence of that scar much better than you do. When you are drawing up the description of an absconder, get every person you examine to try and remember any accidents, quarrels, fights and illness, etc., that the absconder has had and try and get them to recollect what injuries he sustained that would leave identifying marks, particularly marks on the exposed portion of the body where they can normally be seen. The importance of getting such marks on record is, as I have said, that the absconder can be recognized by such marks by persons who do not personally know him. In this connection do not be satisfied with merely examining one or two persons but carefully check over the details in item No. 23 and try to improve on and correct them.

Item No. 26—Names and residences of relations and friends whom the absconder is likely to visit.—Now, as I have already said, I do not think that very many absconders simply walk away out of their villages and vanish for ever. They go somewhere where they can get help, shelter, food, clothes and information; it is quite obvious that, apart from his parents and his wife, the most likely place for a man to get help will be where his relatives live. This section must be filled in properly but experience has shown me that its importance is usually overlooked. In the old days it was extremely rare to find more than three or four relatives of an absconder put on record and in the majority of such cases, no effort whatsoever was made to verify this information.

Many criminals have faith in their fellows not giving evidence against them and hang round nearby until their relations report the police progress in the case by the simple process of standing and listening to the witnesses giving their statements to the Investigating Officer who too often appears to like a village audience watching him manipulate his typewriter. It is during this period that the police have most chance of catching their man. The man who has used a *dak* or stuck vigorously, liter is hopeful that his victim will not die; he hangs round in the hope that his victim may recover and is kept informed of the progress of the patient in the hospital by his relations far more effectively than the Investigating Officer is kept informed. When the victim does die, the chances are that the murderer himself hears the news and starts his real boll into the blue at least one day sooner than the Investigating Officer gets the news. Watching the relatives of the accused near a hospital will often lead the police to the wanted man.

It is therefore of the utmost importance to get a clear and correct list of all relations and friends of an absconder on record and this in its turn leads to the question of the wife of the absconder.

Now this point is of paramount importance and in fact what I may call the "clue of the wife" is one of the best and most promising lines of enquiry which an officer can take up. In fact I do not think I am exaggerating in saying in all probability 50 per cent of absconders are brought to book through their communication with their wives and sweethearts yet up to now the importance of tracing up the wife and her relatives and recording the same on the Form has not only been neglected but in my opinion has never been considered; if we are to chase absconders with any hope of success, this kind of thing must be altered. In spite of this, the importance is generally overlooked.

Now it is necessary for me to go into this question of the wife in some detail. Either the absconder takes his wife with him or he leaves her behind in the village; if he takes her away with him, it is of the utmost importance that you get a clear description of the wife and children, if any, and add it to Form 62. In addition it is of great importance that you should trace up the relatives of the wife and add them to the list of persons who are likely to harbour the absconder. This, of course, must be done in any case, whether the wife remains in the village or goes away. If, of course, the wife absconds at the same time as the absconder disappears you cannot do very much except to look for her as well as the absconder since if you find her, it is clear the absconder himself will be nearby. If, on the other hand, as so

When the absconder comes back to his village a short time after he has been away, it is of the utmost importance that a reliable informant or even a police officer in disguise should be sitting in the village watching over the wife ready to follow her wherever she goes so to let her lead him to the absconder himself. The same applies to a sweetheart. If the absconder is known to be in love with the particular girl, find out if she gets away with him and in that case treat her exactly the same as the wife.

In the second place, if the wife and possibly the children or the sweetheart, etc., remain behind in the village, it is up to you to watch them closely. If she remains unmarried and disappears at times, you may take it that she is visiting her husband and follow her. If she remarries then it is a fair argument that either she is no longer interested in him or else she does not know where he is. Even in such a case however, the children, if any, may form a link with the missing man and may provide a means of getting into touch with the absconder. Watch the wife's figure and any increase in her family which normally indicates continued relations with her absconder husband. Keep an eye on the wife and see how she is gaining a living. If the absconder owns land and his wife goes on working it, you may be fairly certain that the husband is not far off and is visiting his wife and helping her when he considers it safe. Even if the wife remarries, she may later leave her second husband and turn to her first husband if he comes back to her. Even though the wife may have been a loose character before and since her marriage with the absconder, she may still have attraction for him and may still love him back. It all indicates that a careful and secret watch must be kept over her.

Experience has shown us that absconders are fully aware of the danger of going to their own relatives and instead they go and remain with the relatives of their wives. Not long ago we found an absconder being harboured in the Eastern District and enquiries showed that he was living there with his wife's brother. You must therefore not only take particular care to place his wife on record but you must trace up the relatives of that wife, find out where they live and keep these people under watch as well.

Again if the wife continues living in her village and does not remarry, always bear in mind that the absconder may be in communication with her. He may write to her and in that case we should make friends with the village Postman to find out from where the letters are sent and it is just possible that later on you might be able to get hold of the letter. This is a matter of fact actually happened recently in one of my police stations and we were able to intercept a letter. The trouble was in this particular case we were too late in getting hold of the letter. A few questions to the neighbours on this point may give you information. Again a few enquiries at the Post Office are well worth making to see if the absconder, by any chance, is sending in any correspondence to his wife. A talk to the neighbours will also sometimes disclose the fact that the wife entertains a visitor sometimes late at night who is never seen during the daylight. This is a matter worth looking into as he may be an absconder.

Then again remember in some cases it is the wife who has the money and in such cases she may be sending it away to the absconder. Here again the Post Office may be indicated as a line of enquiry. If there is any question of money transactions, of course, it is of the utmost

importance that the Police pay particular attention to it since, if the absconder is moving about from place to place and never stays long in one place, he naturally requires money to live upon.

All that I have said about the wife applies more or less to his sweetheart and his lady friends and the existence of such female connections should never be overlooked and as I have said they should be treated exactly the same as his wife. In fact as regards tracing up a wife's relatives, remember that even if his wife is dead, it is necessary to trace up the relatives of this wife and see that they are not helping the absconder in any way. Experience has shown us that a wife's relatives are among the most important harbourers of an absconder.

Finally there is one particularly sad state of affairs which I had intended to make a few remarks about under the heading of a brief history of the case but it will more properly come in here. This is a case in which a husband murders his own wife and absconds.

In this particularly sad circumstance it will, I think, be a matter of common sense that it is extremely unlikely that the murderer will be harboured by any relatives of the wife and in such a case I do not think that, speaking generally, they may be considered as even possible harbourers. There is, however another aspect of this which an Investigating Officer must not overlook and that is where the wife has been deliberately killed by the husband, in a very large number of cases the relatives of that wife will be prepared to assist the police in looking for and convicting the murderer. Even a year or two afterwards when a chase after the man has slowed down a little, it is still quite likely that they will be willing to give any information which they have heard about the whereabouts of the murderer. I have had this actually happen in more than one case and you can, I think, always rely upon getting a certain amount of help and assistance from such relatives.

There are also one or two other aspects of dealing with this question of the wife such as to arouse her jealousy, etc., but this will come into the lecture on the practical side of the absconder work and will be mentioned a little later on.

The point of getting the relatives of the murdered person to help the Police, is, of course, of wide application and must be borne in mind by all officers.

While we are considering the question of the wife of an absconder and her relatives, remember that a man's children are always a close lie and may lead you to him. Not merely should their names and ages be placed on record but they should be quietly and tactfully questioned when away from the influence of their elders. It is always possible that a child will give away his father or mother. A police officer should have no scruples about trying to use the children. It may not sound altogether pleasant but remember that it is our duty to protect the community against the criminal and in such cases the rights of the community come first. It so happened in a recent case in the Akyangmya District in which a man and his wife had both absconded when they were wanted for a cheating case, that a Police Station Officer finding the two children in the village, had a quiet talk to them with the result that when the wife who had gone out for a short time came back, she found a party of police waiting to welcome her; her arrest was very shortly followed by that of her husband. Remember in this.

connection that although many adults are able to keep a close guard over their tongues yet children will chatter at random and will very often let important facts leak out.

I must again impress upon you all the vital importance of this clue of the wife. A man's wife or sweetheart and the children form a most important focal point and it must never be overlooked, while the officers who prepare the roll and whose duty it is to verify and search for the absconder must bear it in mind. It is of the utmost importance that no fact which is likely to help you in looking for an absconder be overlooked and it is equally important that when once it has been ascertained, that it is placed clearly and conveniently on record. Of course, in such matters it is incumbent upon you all to use your common sense. For example, if a wife had left her husband before he committed the crime for which he had to abscond it is hardly likely that you will get much help or information from her; but on the other hand again it is a question of common sense that in such circumstances it is always worth while having a quiet talk to her because she may know something about him, where he is likely to go, or where he was seen recently and she will have no compunction whatsoever about stating what she knows. So you see that even though a wife may have no use for her husband yet even then it is quite possible for an intelligent officer to get some clue out of her even though in many cases she does not realize that she is providing clues and information.

Item No. 27—Places of former residence of the absconder.—The importance of this section is that if an absconder is living in a particular village, he is almost bound to have left behind there friends and acquaintances who knew him and can possibly give information about him. In any case it is always likely that if he turns up again asking for help, food, shelter, etc., they will extend to him a helping hand. There are, therefore, always places where an absconder may be likely to find help and harbourage and for that reason they must be carefully ascertained and placed on record.

Of course, many of the people who knew him in that village will only be acquaintances and will not be very interested one way or another whether he is arrested or otherwise. In such cases it is frequently well worth ascertaining from them if they ever heard any news of the absconder since he absconded; but there is no doubt about it that under item No. 27 the question of the absconder getting harbourage in the places where he has lived is by far more important.

Don't forget also that where a man has lived in the village for sometime, it is quite likely he will have a sweetheart or two or lady friends there and if so, you should ascertain this because you never know whether the absconder will sooner or later get into communication with them.

There is however one special aspect of this item No. 27 which is really of much more importance to Lower Burma than it is to Upper Burma. Experience of the Delta has shown me that an appreciable percentage of our absconders are men who have come from Upper Burma. In the majority of cases they have simply worked their way down, taking jobs such as a year's cultivating or a contract to cut firewood or clear jungle, etc., at some place or places en route. Finally they have ended up in a Delta District and have been there for years but sooner or later they have committed an offence and have absconded.

Now in such a case it must be borne in mind that there is a large amount of boat traffic along the main rivers between Upper and Lower Burma. Big boats of "paungawma" or "anyahloy" type move up and down the rivers. From Upper Burma they bring down pots, jaggery, tobacco, ground-nuts, medicinal roots of various kinds and special crops such as "lunau", etc. They sell these articles in the Delta and they then pick up a cargo of "ngaji", "nga-chauk", "pa-tun-chauk" or "ngan-pya-yay" and such commodities which are manufactured near the sea. They then return to their original starting place in Upper Burma trading, of course, *en route*. On several occasions we have traced absconders to these boats and I recommend the fact to the notice of officers who may have to look for absconders in future. If and when you have a man of the type whom I have outlined and if, above all, his family is known to do a boat trading along the rivers, then it will, I think, be well worth our while to scrutinize these big boats working up and down between Upper and Lower Burma. I do not say that the crew of these boats are specially criminal; I rather fancy that they are men who lead a hard life but I do say that there are certainly absconders amongst them and it is those people whom we want.

Item No. 28—Number and date of Finger Print.—Merely recording the number and date of a Finger Print which was taken at the time of his conviction is not really of very much use and does not afford you much assistance but it is certainly a useful thing to have it on record especially when it comes to the question of identifying it at the Finger Print Bureau. The question of actually making use of a Finger Print is a wide one and you will find it dealt with later on but I will merely indicate to you now one or two little points. For example, supposing your absconder had ever been a Constable, an Excise Feon, a Prison Official, a Serang or a professional motor driver, etc., then his Finger Print is in the Character and Service Roll or in the Service Book or on his Certificate. In such a case, it is very useful to have a photographic copy of that Finger Print placed on record and at Form 62 since it affords a very quick means of identifying the man when arrested or verifying the truth or otherwise of an unknown man's statements when caught. Again he might have been a party to a Civil Suit and in that case he will have his thumb print or signature either on the plaint or a bail bond or on an agreement of some kind or other. Here again a photographic copy can be taken and attached to Form 62.

Therefore want to impress upon you that apart from the number and date of his Finger Print, if you knew anything more about his Finger Print, the information should be recorded under the section.

Item No. 29—Particulars of previous convictions, if any.—Now here again this is not an item which, on the face of it, is likely to afford you much information but there is a certain amount of benefit to be obtained for all that.

In the first place, it is very useful for you to know the kind of crime which a man is in the habit of committing because it does give you some idea of where to look for him. For one thing it indicates that quite a likely place in which he may be found is the local jail. Of course, in most cases his Finger Print will give him away but a man might have several convictions under the sections for which no Finger Print is normally taken such as 376 and 354, Penal Code and if he was in the jail under those sections, he cannot be traced by his Finger Print.

Again a man might have a number of convictions for House Breaking. I do not know whether that will help you in finding him except of course, that you should look for him among house-breakers but it does indicate that if at any time an unknown house-breaker is arrested and brought to your station then you should compare his description with that on any Forms of men wanted for or addicted to the same offence; perhaps sooner or later you will catch your man thereby.

In the second place, however, apart from the mere mechanical work of ascertaining a man's convictions, I think it is a great use to you to get on record the local evil reputation of the absconder as considered apart from that which is indicated by his actual cognizable convictions and you should note down his reputation and any criminal tendencies under the heading of convictions.

For example, if your absconder is known to have been a very useful pick-pocket in his younger days, a very likely place to look for him will be where you normally see pick-pockets such as on steamers, railway stations and any places where crowds naturally congregate.

Again, to take another example, if the local reputation shows that this man was in the habit of resorting to violence, it immediately should remind you not only that any unknown person arrested for an assault case should be scrutinized very carefully but it should also act as a warning to any officer who may go out to arrest this man, that he may resort to force, so that you see even though this item really consists chiefly of a record of the actual convictions of the man, yet there are other bits of information which should be put down under that heading all of which may possibly give you a little assistance in tracing up your men.

Don't forget too that where your absconder has had a previous conviction or convictions under section 110, you should indicate clearly the type of crime to which he is addicted as disclosed by that proceeding.

A very brief history of the case.

Now in recording a brief history of the case I find that in the majority of files which I have read, this is usually one of the worst entered up items of the whole Form. In fact, in reading some of the histories of cases in the old files, I have very nearly come to the conclusion that the majority of station writers and Investigating Officers who made out these old forms in the old way were gifted with very little, if any, ordinary intelligence. Useful entries and remarks were conspicuous by their absence and it was only very rarely that I came upon anything which could possibly be of any use to an officer searching for an absconder.

In one case I found a useless entry, "This man killed a woman with a *dak*." In going through the case diaries, I found that the accused killed his own wife and ran away. As I have already mentioned to you, this is a most important point to know because it indicates that he is not very likely to get any help or harborage from the relatives of his wife whereas on the other hand it is quite likely that they will assist the police to find him.

It is of the utmost importance that you should give the essential facts of the case and stress points which indicate the character of an absconder. The case may possibly be a murder in a gambling

going after the consumption of much liquor and the diaries may show that the absconder was addicted to both drink and gambling : both of these are useful points to note about him. In a case which I have before mentioned under another heading, the entry on the history of the case simply showed that the absconder had killed somebody, a fact which, to any officer of moderate intelligence, should be pretty obvious because the section itself tells you what the offence was ; but a close inspection of the facts however showed that the murder arose over the sale of a pig and the diaries clearly showed that the absconder himself was a pig dealer. In this connection, he had of course been entered up under Item No. 1 as a "Cooly". I will not stress this point as I have noted it before.

Again a murder sometimes arises out of a feud between villages and between families known at the time to the police but likely to be unknown to the police station staff a few years later on. The facts of the feud should be carefully recorded under this heading because it is quite likely that the police will obtain information and help from persons belonging to the party opposed to that of the absconder. It is also not unknown to all police officers that occasionally a paramour murders the husband of a woman to get her for himself. This fact is extremely important because as I hope you will now realize, the woman then becomes a great value to the police as a "bait" or a focal point around which to look for the absconder.

Finally, I will give you another example. It is not much use showing an absconder wanted under 408 or 409 and then entering in the history of the case that "This man ran away with money." Such an entry in the circumstances is entirely useless and as I have already indicated, shows mental bankruptcy on the part of the officer who writes it down. We want to know something about the man ; was he a headman who misappropriated Government revenue ? Since in this case his fellow *thugyis* who signed his guarantee bond and had in consequence, to pay up their share of his defalcations, will probably be considerably annoyed and will be willing to assist the Police to find the absconder : (Remember you will probably be able to get hold of his Finger Print out of the Revenue Office) ; or was he a paddy broker who was entrusted with money to buy paddy and ran away with it because in that case it is obvious that the place to look for the man will be in and around paddy mills and places where paddy brokers normally collect. Don't be content with a silly entry but give some relevant details about the absconding defaulter.

To sum up therefore, I think that the rule in entering up a brief history of the case is that it is better to put too much on record than too little and a mere bald statement of the facts is practically useless since the sections itself tells any intelligent officer what the offence actually was.

PART III.

ORGANIZATION.

Now as I mentioned sometime back after I had come to the conclusion that we did not catch absconders for the simple reason that it was nobody's business to do so, it was a very simple straightforward step to come to the further conclusion that a special organization must be set up to do this work.

To start with the police station, there is of course in every station a Register 29 divided into four parts. Up to now it was the business of the surveillance staff and various officers to bring in information, etc., about absconders and to keep these files up-to-date. As I have already made clear to you, all this was entirely useless from any practical point of view.

I therefore decided that we must have an Absconder Unit in every police station whose duty would be to attend to all absconder work and who would be held responsible for it. Of course, we have not many men to spare and we cannot detail many men for this duty but experience has shown us that we can obtain a sufficient number of keen-Head Constables or Police Constables to enable us to put one at each station as a kind of extra member of the surveillance staff and entrust him with the absconder work. At this point, it must be recognized that to do this work it is no use detailing any Tom, Dick or Harry; you must take care in selecting your men. They must be men who are not only keen on the work but who have a definite "flair" for it and who moreover are trustworthy and can be relied upon to work without constant supervision. When this was done, all the absconder work was handed over to them and they were made responsible for dealing with anything concerning absconders which occurred inside their Police Station Jurisdictions. Not only did they keep the files up-to-date but they had to study all reports put in concerning absconders, follow up fully all likely information, make closer local enquiries to expand the "roll" of absconders and thus enlarge the area of search. They had to jog the memories of extra-jurisdictional Police Stations about their absconders, seek out those at enmity with the absconder or his family and enlist their support: they were to cultivate friendly feelings with the village postmen and petition or letter writers. They had to see that all orders and instructions issued were carried out and had to produce results not only on paper but as regards actual arrests. On occasion, where a particular criminal was absconding they went out with the Investigating Officer to assist him to effect the arrest. In fact, to put it briefly, they become the specialists in absconder work in the police stations. They were, of course, normally members of the surveillance staff but in actual practice they are made directly responsible only to the Police Station Officer. Usually, they only attended to work within the limit of their stations but there is no question of jurisdiction in these matters and if any absconder unit receives red-hot information about an absconder, it is his business to act upon it at once. He must either go himself or must forward the information to the Headquarters Absconder Staff and ask them to take it up. In any case prompt action is demanded. This is placing a good deal of responsibility upon a man but, after all, most of the following up of red-hot information is simply a matter of common sense. As long as he does make a genuine effort to get busy at once on the information then one must feel satisfied in the matter. The remedy, of course, if a man is not successful in his absconder work, is not to punish him but simply to put him back in the station to do guard duty, carry out escort work, follow the Police Station Officer whenever he goes and carry out jobs for which neither special training nor intelligence are necessary. Apart from this, of course, the absconder unit, as I have said, is a specialist in the station and in the event of help in dealing with an absconder being needed by another station or the Headquarters

Absconder Staff. He is, of course, the man who will be called upon to render assistance and if necessary, borrowed from his station for a shorter or longer time as necessary.

Equally he must be free from all other work of the station and any tendency on the part of the Police Station Officer to use the absconder unit man to follow him on investigations must be set upon from the start. When he gets a case in which the accused is known to have absconded by the time the First Information Report comes in, then this is a legitimate occasion upon which he can take out the absconder unit with him but generally speaking much must be left to the common sense and the skill of the absconder unit men who are or should be specialists in the matter and officers should refrain from giving them hard and fast orders in any matter of absconders since experience has shown that in the long run they only prejudice their own work by so doing; in the majority of cases the absconder unit men know far more about how to catch absconders than does any other member of the station staff.

Apart from the station work, however, it was also found necessary to set up the Headquarters Absconder Staff. This staff consists of whatever Sub-Inspectors of Police you can spare and who are keen on the work (in practice it is usually one Sub-Inspector of Police drawn from the Reserve or from the Detective Department) and 2 or 3 educated and trained constables. These men should include an Indian and a Karen (in Maungmya District) to deal with absconders of their own race. Other districts deal with, a Chin, a Kachin, a Chinaman, etc. These means are supposed to be and also *should* be, the pick of your skilled absconder unit officers of the district. They must be good men since they are going to be entrusted with many investigations and moreover they must be reliable and trustworthy men who can be sent at short notice anywhere within the Province, if necessary, and are reliable enough to work faithfully and honestly at their job, without being constantly under the eye of superior officers.

As regards their duties not only do they form a central clearing house through which all reports concerning absconders pass, but they sift out these reports, act upon them, if necessary, and make such arrangements as are called for to conduct special co-operation against absconders. In this connection, of course, the officer in charge of the Headquarters Absconder Staff has full power (in case it is necessary) to borrow the absconder units from the stations for any special work. Wherever a station is unable to handle a particular job of absconder work it is reinforced as requisite by one or more of the trained officers from the Absconder Staff of Headquarters.

Finally, the most important side of their work is that they are the people who deal chiefly with other districts. In chasing after an absconder, you cannot afford to waste time; frequently fresh information may be brought to you by an informer and it is necessary that somebody goes out at once to deal with it. Normally speaking, in a police station this is done by the absconder unit but since much of this vital information comes into Headquarters, it is obvious I think that it is the Headquarters Staff who handle this information, follow it up, verify and act upon it. As I have said no boundaries are set to their activities. For example, in the Myaungmya District on more than one occasion I have had to send men as far afield as Shwebo District. This does not imply any slur upon the Shwebo police but some of this information was

so complicated that it could not possibly be communicated by letter and in the circumstances a letter would arrive too late. The only way is therefore to send up a skilled officer who knows the whole facts of the case and everything concerning this absconder from beginning to end and entrust him with the duty of handling this important information. Other duties which they have to do, are to read through long files. Court records and proceedings and extract from them all relevant clues and place them on record. They have to visit jails to interview those prisoners concerned in the same case as the absconding accused to see if any information can be obtained from them. They have occasionally to go in disguise to other places and they have, what is also more important, to handle their own little staff of informers. They must attend to the correspondence with other districts, they look after the upkeep of the routine reports and keep the District Superintendent of Police in touch with everything of absconder work which is going on. They have got a tremendous amount of hard work to do and the work is of a nature which does not usually show many conspicuous results. Nevertheless, the Absconder Staff of Headquarters form, as it were, a little office of specialists in the Detective Department. In fact the best word which I can use to describe them is that they form a clearing house of information, collecting, classifying and circulating it promptly. In this connection I would like to impress upon you that every bit of information concerning an absconder must be written on a separate sheet of paper. The reason, as you will probably already have realized, is that it must be filed separately in the Personal File of the absconder to which it relates. For this reason, the absconder unit and the absconder staff diaries contain nothing but the bald statements of their journeys.

You will now see that the difference between the Absconder Unit and the Headquarters Absconder Staff is really only one of degree. The absconder unit keeps his eye primarily on his police station area and his absconders in that station and those who are likely to visit this particular jurisdiction; whereas the Headquarters Absconder Staff not only pay general attention on all absconders in the district (with particular care of course to gazetted men who are known to have gone elsewhere) but they also keep a general watch on all absconders from the whole Province who are likely to have any connection with their own district. The station absconder unit therefore is a kind of little organization within the wide organization of the Headquarters Absconders Staff but I must emphasize again on this point that there can be no question of water-tight jurisdictions and the duties are all interchangeable. In fact, as far as his actual work is concerned, he is just as important in his way as your perhaps more highly trained and educated officers of the Absconder Staff of Headquarters. In this connection it is very useful if your absconder units are literate in English since so many of your reports come written in that language.

As regards the actual handling of the Absconder Staff, they are normally in the Detective Department but I do not regard them as directly under the control of the Detective Inspector of Police because that officer has already got a full day's work since he handles not only the political work of the district but also investigates special cases which are sent to him. He cannot possibly therefore devote very much time to looking after the Absconder Staff and as a matter of fact, in the Myaungmya District the Absconder Staff Officer reports directly to the

District Superintendent of Police and sends his diaries, etc., only nominally through the Inspector. Reports concerning absconders, of course, must never be delayed, and no bunkum about the "usual channel" can possibly be tolerated in any urgent matter—and a good deal of absconder work is urgent.

Finally, as regards the cards of absconders in Headquarters, these in my case are kept up by me personally and I keep my cards up-to-date not only from my inspections of the stations but also from the reports sent me through and by the Headquarters Absconder Staff. This is the most convenient way for me to keep an eye on what is going on concerning absconders. Provided the cards are entered up as soon as the reports come in, there is very little delay and the reports can then be returned to the station in which the personal file of the absconder is kept with the appropriate orders, etc. Furthermore, it enables the District Superintendent of Police to have important information circulated at once to wherever it will do the most good.

When an absconder is finally arrested, (in due course sent up for trial and we hope, convicted), the officer who actually makes the arrest, never mind whether he is only a constable, must make out his personal report of the arrest at once and send it into the District Superintendent of Police through the Police Station Officer and the Absconder Staff in the usual way. In this report he must put all details. For example, we want to know the manner in which he obtained the information leading to the arrest and the name of his informer; if he considers that the informer should be rewarded he should state his recommendation and this recommendation of course should be vetted by the Police Station Officer and if necessary by the Absconder Staff. The circumstances, including the places, etc., where he effected the arrest, must also be clearly stated and finally the officer must sign it and give his number and rank. All this is necessary because:—

(a) It is vital for the success of arresting absconders, that all informers are rewarded adequately and promptly.

(b) It is necessary for entering up in the Register of Arrests to know the actual officer, etc., who makes the arrest.

(c) It is always interesting to know where it was that the absconder was found and who was harbouring him, etc. Most of this information is wanted for the compilation of six monthly and yearly Returns concerning absconders and these two Forms A and B.

Form A.—Being the headings used in the Register of Arrest in which all arrests of absconders are entered.

Form B.—Percentage table of arrests of absconders to show or classify the agency responsible for the arrest.

This latter Form of course also enables you to see those officers who are not pulling their weight in the matter.

This report of course is sent on a separate sheet of paper and when due action is taken upon it and orders passed, it is returned to the Police Station in which is the Personal File of the absconder and it is filed as the last paper in the Personal File. The Personal File is then closed but it is never destroyed as long as your arrested absconder is still alive. The reason for this is that nobody can prophesy whether a man will again lapse into Crime or not and for that reason the file should be kept since if he again absconds, all the preliminary work of finding out about him will not have to be gone into again but

the same file with all its clues and information, its Form 62, its list of relatives and harbourers and all relevant outlines about your absconder will be already on record and can be disinterred from the record rack and opened once more. In fact in this connection it will be as well if on the card in the Card Index of Register XI belonging to that arrested person is made a red ink entry to the fact that this man previously absconded and was arrested and his closed Personal File is still in existence at such and such a Police Station.

You will note that I have just mentioned the fact that two Forms A and B must be used. I think that these Forms fairly well explain themselves but it is necessary that they be kept up to date and in fact, the information in both the Form is required for the Annual Report.

The Percentage Table is made up by me half-yearly because I wish to know how things are going on but I must impress on you that it is necessary to keep Form A up to date and as soon as any report of an arrest of an absconder comes in, the officer-in-charge of Form A who is usually one of the Absconder Staff of Headquarters should enter up the proper entries. This must be done because we not only want a record of all absconders arrested but we also want to know who the officers are who effected the arrest in order to enable us to reward deserving officers at the end of the year and we want to make certain that informers, etc., are not overlooked. In fact Form A is a most useful book concerning your absconders. In it of course will also be noted all absconders who are arrested by other Districts or other agencies and sent to this District for disposal. It forms in fact a concise picture of all the arrests of absconders which have gone on during the year.

As regards rewarding officers, the District Superintendent of Police himself should survey the work of the year in January and allot rewards to Police Officers. In Myaungmya we do not normally give rewards for arrests during the year; rewards are given on the work of the whole year.

Practical Measures.

I have now dealt with the three heads which I mentioned to you at the beginning which explained to you what might be called the "organization". I must now discuss the question of the practical side of the work.

Now in the first place, the officer who must initiate a search for an absconder is unquestionably the Investigating Officer himself. He is the man who is handling the case and he is the only person who can sum up the facts and who can come to the conclusion that the accused has definitely got away. In that case, you will realise, that no Investigating Officer can afford to continue looking for an elusive and mobile absconder since he has far too many other cases to look into. In such a case the Investigating Officer must at once compile a roll of Form 62 and it must be signed by him. It should not be left to the writer who after all cannot have the same detail of knowledge of the man that the Investigating Officer does. At the same time, the Investigating Officer must take pains to see that he verifies as far as possible all the information which he records in Form 62 and if any information is not verified, he should state so. At the same time it is of absolutely vital importance that at the time when he makes up

Form 62 he also extracts all relevant clues and all useful information concerning an absconder from his case diaries and reports and attaches one or more sheets of paper in which these clues are clearly set forth to Form 62 itself; so that information which he has laboriously gathered in the case diaries is not allowed to be forgotten. Not all this information fits into any of the items of Form 62 properly. For example, possibly during the investigation the Investigating Officer found that the absconder some years before has worked as a timber trader in some far away area and while he was there, he had had a very serious quarrel with certain persons. This is an important bit of information in the case diaries which must be recorded on the precis of the case diary clues because it indicates an area where any officer might expect to get help concerning the absconder.

It is known sometimes that the accused in a case cannot be traced and arrested at once and an organised and assisted search must be made. It may often be the case, especially in murder cases that the culprit is denounced at the time the First Information Report is made and in such a case the search for him must be commenced at once. I will go into this question of conducting a "drive" after a man a little later. There are also cases in which an accused is known to have already absconded when the First Information Report is made. In this case, the Investigating Officer can make a choice either to take out the absconder unit with him to assist him to look for the man or he can decide to apply for help for a special drive.

In any case this is a question of commonsense on the part of the Investigating Officer. The main point is that if it is clear that the accused had absconded and had no intention of being arrested at the time when the case came to the notice of the police, action is demanded at once in the matter and it is no use for the Investigating Officer to concentrate on recording evidence leaving the chase after the absconder to wait until he has got the case ready for the Court. This is simply giving a good deal of assistance to the absconder. It is, I think, clear that a denounced accused must be known to the complainant and probably to the people who come with him to the Police Station to report. These persons can give sufficient information about the absconder, his relatives, associates and friends to enable the Investigating Officer to start the hunt within an hour of the report being made. (I will deal with this question of special measures and "drive" for the accused a little later). In any case this hunt must be organized and the various people set out. They should be instructed to raise a wide hue and cry throughout the villages they proceed to. This will enlarge the hunting pack. Station Masters, ticket clerks at railway stations, bus drivers and their spares, steamer clerks and serangs, ferry men and police officers on duty at jetties and railway stations, etc., are all people who should be included in the pack. Above all, every known relative in the area should be watched and their houses should be searched at dawn.

Such, I think, is more or less the procedure to be followed if an absconder is simply evading the police locally and is not likely to go far afield. In fact it may be looked upon as a mere normal procedure with regard to absconders in general.

I have already emphasized that the hunt should be carried out as speedily as possible and every effort made to catch the absconder before he can get himself properly fixed up and obtain money to enable

him to move elsewhere and can dig himself in and become an accepted person in his new surroundings. It may, however, happen that an absconder, or absconders, is far too cunning or too dangerous to be dealt with by a small organization. In such a case it is, obvious that the man at any particular station are hardly likely to be enough since the men available for such measures vary with the size of the station and the pressure of work at the time. Gang crime may make it necessary to go all out to arrest leaders and other important members of the gang; a particularly brutal murder or murders may make it essential to make special efforts to rope in a homicidal maniac. An old absconder may have been located and his capture impossible without a good body of men. These circumstances call for extra measures which in turn required increased man power for the purpose of tackling the problem with a special absconder squad. When these circumstances arise, the Investigating Officer must apply to his Subdivisional Police Officer or the Circle Inspector of Police by telegram if need be, for a special absconder squad. The Subdivisional Police Officer (or Circle Inspector of Police) must act with decision and promptitude. He must comb nearby police stations for officers and men and concentrate them at the police post concerned. If that does not yield him enough men he should obtain men from headquarters. He should himself proceed immediately to take charge of the arrangements and after sifting all the information he could map out the plan of campaign assigning to each and every man his programme of duties. Naturally everything must be done at top speed with the utmost secrecy and the plan should only be acted on when everything is in readiness. The plan of campaign will naturally be of the nature of a drive. The "bolt holes" of the absconder have to be blocked by picquets; the villages wherein reside his harbourers and supporters have to be cordoned and the harbourers and food suppliers put out of action by police picquets. The "beats" and "combings" have to be laid down beforehand and undertaken simultaneously with the picquetting. The roping in of "friendlies", headmen, tea-house-gaungs and villagers to enlarge the army of searchers requires to be properly organized with officers and men detailed for this special purpose to guide the "leries" in the programme of duties assigned them. The watch and ward measures over speedy means of transit, trains, steamers, launches and buses have to be strengthened. The co-operation of the Railway Police and the Railway Staff must be sought where necessary. The extra-jurisdictional bolt holes should not be neglected, the police stations concerned being asked to take special measures to picquet and cover them. The more detailed the plan the greater the chance of success. Each man in the scheme must be warned to use his intelligence and while adhering to instructions, take necessary measures to expand the scheme on any information he may receive, roping in extra "specials" for the purpose. Once a start is made every move must be expeditiously and thoroughly executed. The net may and usually does catch others in its meshes, so every stranger come across should be examined and detained if not adequately vouched for. Every advantage should be taken of moving under cover of night and searches are best carried out at dawn. The measures may entail but 24 hours mobilisation or may be continuous over several days up to 10 or so. A longer period will tend to disorganize the district too much. Naturally, the Subdivisional Police Officer or the Circle Inspector of Police may not find his plan of campaign

successful or complete when he is new to this team work ; but each such effort should yield him valuable experience. This outline is not exhaustive and each such concentrated effort should give us new ideas. Even if unsuccessful, the drive will serve to bring the wanted man or men prominently to the notice of all the surrounding locality and in the hum of gossip it will create may be gleaned more effective information.

These were the measures which we adopted in 1937 in the Myaungmya District, to deal with the absconding murderer Pan Pi who killed Sub-Inspector of Police Shwe Lan Ho entirely unnecessarily. In this particular case a matter of 8 to 10 Sub-Inspectors of Police each in charge of patrols (many of these patrols included a small force of Military Police) were thrown out into the area with the result that the absconder was, bit by bit, deprived of shelter and food, etc., and driven into a particularly small area of hilly country. Once he was pinned in that part it was only a question of time before an informer gave him away or a patrol ran into him. As it happened it took exactly 32 days before he was held up by a patrol and shot down while endeavouring to resist arrest. It will be seen therefore that a chase for an absconder may really be in three separate stages:—

Firstly, the information of his absconding may be red-hot at the time of commission of the offence and a small hunt made by the Investigating Officer with his absconder unit and a few extra men may bring him to book.

Secondly, he may be a man of such a type that it is necessary to organise a special big hunt for him, and

Thirdly, it may so happen through bad luck that the absconder gets away and in that case the chase after him is simply a stern chase conducted by the absconder organization of the District which may unfortunately last years before he is brought to book either in his home district or (as experience has shown is far more likely) in another District.

Photography.

I have now given a rough sketch of how the various hunts for an absconder are carried out. There is, however, one very important aid to officers which hitherto is not received the attention which it deserves and that is "photography". Now-a-days there are professional photographers in almost every town of any size and even many of the large villages have a photograph shop. The taking of photographs is spreading in Burma and it is becoming more and more common for a man, whoever he is, to have a pictorial record of himself. In order to make use of this new weapon, I have now set up a special permanent dark room at Myaungmya and one of the Sub-Inspectors of Police of the Detective Department is in charge of it. I do not necessarily say that the officer-in-charge of photography should be a member of the Absconder Staff but at any rate he should be an officer who not only has a special liking for taking photographs but he should also be an officer who is interested, at least, in absconder work. In my particular case, the officer-in-charge who is himself a keen photographer underwent a small short training with the Rangoon Police to get the latest hints and methods on photography and on his return we set up a dark room. It is, as I have said, a properly fitted dark room which can be

used both during the day and during the night and includes among other things, an enlarger.

It is not possible for me to tell you everything in which photography can be used in police work but I can indicate to you quite a number of ways in which photography aids absconder work.

Firstly, you will all note that Register XI has been revised and we are opening a new pattern of History Sheet. As far as possible, I am trying to get a photograph of every History Sheet criminal recorded in his History Sheet File, so that if, at any time he sees fit to abscond, then we have got a photograph of him on record. I am aware that it is not legal to photograph people if they do not so desire but there are many ways of overcoming this. For example, in the case of well-to-do men who are suspected of being concerned in crime, it is always possible to get a snapshot of them as they come out of a steamer or walk along the road and this can then be enlarged. In the case of an ordinary History Sheet criminal we have found it very possible indeed to get photographs of the History Sheet men by simply calling them up and by asking for permission to photograph them and offering them a free copy each for their own use. I have never yet met any ordinary jungle criminal who has refused this. In consequence we are gradually getting a large number of photographs of our local criminals which we hope in the near future will be of great use to us. At the same time, of course we are also getting photographs of such people as gamblers and pick-pockets who move about over many districts and if necessary, we are circulating them. Already we have proved the use of this and I think myself that it will be a very useful aid in the future to have a photograph of every History Sheet man attached in his file.

Another way in which the police photography is of great use is that on one occasion we arrested a man from Arakan on suspicion acting on good information. To have him identified through witnesses would have been a great waste of money. Nor could we keep him until the witnesses arrived from Arakan because the 15 days remand will not cover it. Therefore there was, the man was at once photographed and his photograph was sent by Air Mail for identification. As a result we found that he was an absconder wanted for a most serious offence by a police station in the Kyaukpyu District and he was duly forwarded there.

The third way in which photographs can be of great use is that in many houses you will see upon the wall groups including the house owner and probably many of his relatives, his wife and his children, etc. Now in the case of an absconder one of the first things to be done is to visit his house and see if any such group can be found. If they can, it is usually not difficult by the exercise of a little tact to get some relatives or legys, etc., to identify the wanted man in the group and a snapshot of the whole group can be taken; a separate photograph of him can later be extracted from the group and enlarged.

Also, remember that a Serang or a professional Motor driver has his photograph on record on his Certificate or Driving Licence.

Fourthly, remember that when you get their photographs, make use of them. When the photograph of an absconder has been obtained, one copy should be attached to every Form 62 which is sent out and the widest possible circulation should be given of them. Let all your men see it. If necessary, they can be sent to the police stations of other districts.

Certainly in this way you must use up 20 or 30 copies but the cost, if your dark room is running on an economical system, is well worth the result. Of course, if the man has to be gazzeted, a copy of his photograph will accompany the gazette notification. In this connection do not forget that certain criminals are photographed at the jail and an intelligent and a hard working police officer will make it his business to see that he gets hold of a copy of this photograph and uses it for reference. As regards handling photographs and negatives in the dark room, it will of course be necessary to set up a small card index for keeping them. This particular branch, as far as Myaungmya is concerned, is still in its infancy and I cannot tell you much but as I have indicated the broad outlines, I think that the system will justify itself and will unquestionably develop as it goes along.

Let me remind you that photography can be used for other purposes besides merely getting photographs of History Street criminals and absconders, etc. There are other things such as photographs of thumb prints and finger prints of an absconder duly enlarged; a photograph of his signature and photographs possibly of his sweetheart or wife are of great use in ways I have indicated to you in the previous portion of the lecture.

Apart from this, however, great use can be made of photographs in handling suspects. You all know the use of Form 71A and B: as you know they deal with the question of suspicious strangers. In many cases where we have caught a suspicious person within the District, we have found it extremely useful to get a snapshot of him and send a photograph of him together with Form 71 to his home police station. A detailed verbal description of a man is, of course, useful but it is far more useful to have a photograph of him which can be shown to people. I think myself that the use of photographs on these Forms will ultimately prove to be of very great use in keeping an eye on people who habitually wander about. In this connection, however, I might suggest one little precaution and that is that if, for example, Myaungmya Police Station sends a Form 67 together with a photograph of the suspicious stranger found in Myaungmya Police Station Jurisdiction, to Bassein and Bassein traces up the man and possibly reports that he has certainly got a bad character but he is not wanted for any particular offence, there is no use in Bassein returning the photograph to Myaungmya and if they have not got a photograph of this man on record, they should keep the copy sent by Myaungmya and put it in one of their card indexes for future reference. There is really no use in returning the photograph to Myaungmya, since Myaungmya, being the original station which sends it out, obviously has the negative in their possession. This is a very minor point but in some cases it might save a District taking a photograph and supposing later on he was found to have absconded for a definite offence, the fact that his photograph is on record will certainly be of use.

There is also yet another way in which photographs are likely to be of use to you. In Myaungmya we actually mount our photographs upon a piece of card of standard size, the standard size being that necessary for use in rough Card Index boxes, i.e., about quarter plate. A piece of paper is hinged so as to fall over the actual photograph itself and save it from wear and tear. The name of the suspect and all details about him are recorded clearly in ink on the back of the card.

and no writing whatsoever is permitted on the front. The reason for this is as follows :—

It may happen in the course of an investigation that certain people are suspected and that the complainant or his witnesses can give you their descriptions but cannot give you their names. It is a very useful thing in such a case to put the photographs of suspects before him and ask him to pick out the criminal. In doing this, if by any chance he succeeds in looking out the wanted man, then it gives you a very good clue which you can feel is fairly reliable and trustworthy. This of course, does not really affect the question of "absconders" because your criminal may be arrested without any trouble since he is probably hoping that he has not been recognized and has remained unknown and therefore untraced. On the other hand, however, if he has absconded, it is going to be very useful to you in chasing him to have his photograph handy. This is a comparatively small point but now and again it may be of very great use to you.

Arrests on Suspicion.

As I have now indicated to you the use of photographs in dealing with suspects, I think it will be suitable on this point to add a few special notes on the general aspect of suspects as regards the absconder question.

During the year quite a large number of unidentified persons are dealt with by means of a Form 71A or are arrested under section 54 and go without their identity being established and doubtless many of these are wanted absconders. Usually the case is left in the hands of a station writer or somebody inexperienced. The "suspect" is not fully questioned in detail about his movements and a record made of his answers; his statement is never followed up. If telegrams are sent the receiving station contents itself with looking up its absconder files or F.I.R. register and blindly replies that the man is not wanted. It does not verify in the village the story of the suspect's identity and wire whether the man's statement is true or false, the reply usually being "not wanted". Every endeavour should be made to trace the suspect's actual movements back along his track and every person with whom he has stayed should be carefully examined with a view to ascertaining his true identity. They should be asked to recollect the places he talked about; his Finger Prints should go to the Bureau. Prisoners in the lock-up should be put on to pump him; if his identity cannot be established, it is clear that the police are in a position to place before the Court evidence which will justify a conviction under 109 Criminal Procedure Code and seeing that no one can come forward as security who knows the man and his antecedents, he must go to jail, thus affording the police ample time in which to make exhaustive enquiries to prove his identity and thereby probably trace an absconder. These cases are an important preventive measure much neglected and given little or no attention by inspecting officers.

Persons arrested for travelling without tickets on trains and steamers probably include many an absconder who keeps on the move and for that very reason has never the funds with which to buy a ticket. If they are strangers clearly every effort should be made to identify them,

including finger printing, and if this has not been done after they have done their term for their Railway or Steamer offence, their arrest under 54 should follow and they should be treated as unidentified suspects.

In the past, of course, all this work devolved on the surveillance staff and the writers of the stations. Now-a-days under the new system I think it will be clear to you that this work is obviously and necessarily one of the clear duties of the absconder unit of the station and although there is no reason why the surveillance staff should not make brief routine enquiries in villages and in fact must do so as regards strangers living in a village in their beats since obviously the surveillance staff are the people to discover these strangers and make enquiries about them, I do not think however this alters the position as regards a stranger who is definitely a suspect. Once detailed enquiries have to be made about him, it is, I think, clear that the absconder unit should make the enquiry himself and if there are a number of enquiries to be made and if of this number many of them could be conveniently done by the surveillance staff, then it is equally the duty of the absconder unit to give a clear and detailed description of the man and the village, etc., where enquiries can probably be profitably made by the surveillance staff, and asked them to attend to it. Of course, in such a matter you cannot possibly have any argument as to who should do the work between the surveillance staff and the absconder unit. The simple rule that should be observed is that the work is there, it has got to be done and the man who is most fitted to do it either by his training or by the circumstances of his work is the man to do it and there the matter should end.

Prosecution under 216 Penal Code of Harbourers.

The number of such prosecutions does not reach double figures in any year and probably not in a period of five years. When a man is captured, the possibility of proving harbouring is usually quite overlooked. The man may be captured in the house which shortly before was raided with *Jugyis* present for the capture of the absconder and *Jugyis* can prove that the house owner knew the absconder was wanted. There is usually evidence available to show that the man has been hidden there for several days. He usually is in actual hiding when captured. Clearly this evidence justifies a trial. When houses are raided, the officer conducting it can serve a notice on the house owner to the effect that he is duly informed that such and such a person is wanted and is absconding; he can have this written notice signed by the house holder and his wife in presence of *Jugyis*, then place it on record in the Hue and Cry file or case file of the absconder, thus proving himself with documentary proof that the harbourer knew the man was wanted. Should he subsequently be traced in his house. Wider use of this section would be definite assistance in the solving of this troublesome absconder problem.

Deportation.

Under section 20 of the Burma Village Act we have a useful weapon, not often enough used for cutting off supplies and removing harbourages from an important absconder. This should be applied quite early to important absconders who while at large are a definite menace to an area. It is by no means uncommon to find the leader

of a dacoit gang or a member of a gang wanted for many dacoities being hunted for in a half routine fashion by the surveillance staff. One such case came to the notice recently with regard to an absconder wanted for 11 dacoities and the latest information about the man's wife was three months old. The Subdivisional Police Officer and Circle Inspectors of Police must see that this useful weapon is more widely applied. The cost of Government is often raised as a bogey against it which quite overlooks the fact that each extra dacoity an absconder organizes may cost Government at least a thousand rupees and much loss to some members of the public. Full action frequently results in captures or surrenders within a short period. In the rebellion it proved a very useful weapon.

Co-operation.

It is very necessary that all officers should realize that in this question of dealing with absconders, a very great amount of co-operation is necessary between police officers not within the one District but between those of other Districts. Co-operation is a very much abused word and is capable of many different interpretations, the majority of which, I am afraid, do not mean very much. We are always hearing about co-operation and in many circumstances we are told to co-operate but it is extremely rare that anybody ever attempts to give any description of the manner in which such co-operation should be brought into being. Most people's idea of co-operation is that somebody else does the work and takes the blame, while they take the credit.

Now the dictionary definition of the verb "co-operate" is "to act jointly with others". In other words, with reference to absconder work we are endeavouring to beat the co-operation of the absconder, his friends, relatives and connections, the one with another by means of an even better co-operation, that of a highly organized union of all police officers who will have their back not only far more resources of all descriptions but also I hope a great deal of more intelligent and a more efficient system. It is of the very utmost importance that police officers should act together on this matter of absconders and whether they are directly implicated in the chase or not, they should respond to every request for assistance, whether that request is to ask them to assist in making the actual arrest, to verify some bit of information and inform another station of its truth or otherwise or to carry out some difficult and intricate piece of quiet, if not secret, investigation.

Now experience has shown me that although as regards the actual making of arrests and to a somewhat lesser extent the circulation of information when it comes to hand, there is little which I can say on the subject of mutual assistance among police officers, yet I am afraid that co-operation does fail to some extent when it comes to surveillance and the making of uninteresting and tedious enquiries. I do not say that such negligence or carelessness is actually deliberate. I suppose that it is a disability from which all human beings suffer when faced with uninteresting work and in such a case I am afraid that officers are apt to perform their part in a somewhat perfunctory manner.

Let me give you an example in which co-operation tends somewhat to fail. Frequently when compiling a Form 62 for an absconder, an officer will receive information that the absconder has certain relatives

living in a village, for example, in the Pegu District. There being no reason to think that the absconder has gone there, a Form 62 is not compiled at once for the police station concerned in Pegu but a letter is written to the police station stating that—

"According to our information this man had an uncle together with his wife (aunt) living in such and such a village a few years ago. Will you please verify this information and let us know the facts?"

This, of course, is a job for the absconder unit to carry out unless it can be more conveniently handled by the surveillance staff. However I am afraid that in many cases, the kind of answer we have received is that,

"We have been to the village but no information."

On some occasions we have received a reply saying—

"We received no news."

Now I think that it will be clear to you all upon a little reflection that this kind of thing is not really of very much use and this brief and sketchy information received from the station does not help us much. In such a case what we actually want to know is—

- (1) Are the uncle and aunt still there?
- (2) If so, what are they doing? What are their circumstances? Are they well-to-do people or otherwise?
- (3) Is there any suspicion that there is any unknown man living with or visiting them and if so, is this unknown man their nephew who is wanted by us?

On the other hand, supposing that the Pegu police make enquiry and find the uncle and aunt are not in the village, what we want to know is—

- (a) Did the uncle and aunt ever reside in the village?
- (b) If they did, when and in what circumstances did they move away?
- (c) When they moved away, where did they go?

Supposing that the information sent by the parent police station is entirely incorrect, then the kind of reply we should hope to receive would be that—

"Enquiries have been made in the village concerning these two people but we cannot find any trace of them. Enquiries have been made from the headman and *lucays* of the village who have lived there for many years and they cannot recollect any persons of the names or descriptions given by you; so we do not think that these persons have ever been known to live in this village."

When we receive a note of this sort, then we know that we are following up a wrong clue and so we dismiss it. On the other hand, of course, if the station reports to us that the uncle and aunt did live there and that they moved away a few years ago to (say) Henzada District then, of course, we proceed to follow up this clue in Henzada.

In a case of this sort, a little common sense must be exercised. You must put yourself into the position of the officer who wrote the letter and try to realize why it was he took the trouble of writing to you in the beginning. He did not do it for fun; he did it because he wanted your assistance to try and trace up these people and if you do

not do whatever you can to assist in the matter, then I hope you will now realize that not only are you getting in his way and hampering his search for the absconder but you are also being very rude to him and dismissing his enquiry as one which is not worth your consideration. In police work this attitude is never justified.

Again, take an example in which you receive from another station a Form 62. Now I think it will be evident that that Form 62 has been sent to you for a certain good and sufficient reason and on scrutinizing the Form you will probably find that the reason is either the man is reputed to have relatives living in your jurisdiction who may harbour and help him or else, possibly, he once upon a time lived in your jurisdiction himself. Now in such cases the first thing which you must do is to verify this information. Remember that the officer who made out the Form recorded the details according to the news which he received in his own district and he is not in a position to verify any information which concerns your district; he relies upon you to do so. He therefore includes whatever information he can obtain in the Form and sends it to you. When you receive a Form 62 the first thing which you should do is to verify the information in it which concerns your district police station and when you have verified it you should communicate the results to the parent station to enable them, if necessary, to correct the Form. If you can find the various relatives in the district, then let the home police station know that you have found them and just give a few details about them. For example, if one turns out to be a headman let the parent station know this; if one of them, perhaps, is a notorious criminal of your area, then let the home police station know it. If a form was sent to you because the absconder is reputed to have lived in your police station jurisdiction then just verify this information and ascertain by an actual enquiry in the village or villages where he lived, whether he has still got any friends, acquaintances, lady friends or sweethearts along the lines which I have indicated to you in the previous portion of this lecture. When you have found out all you can about the man there do not be satisfied with simply recording this information in your file of the absconder in your police station; send a copy of it to the parent police station so that they may know something about what is going on. After all, remember that any bit of information concerning an absconder may possibly contain a clue to his present whereabouts and therefore not only do your best to verify the information which is sent to you about an absconder but do your best to amplify it and make certain that all information concerning him in your district is not only placed on record in your own file but in that of the home police station; circulate it to any other police stations, wherever they are, which may possibly be interested in the matter. Remember that it is your business to see that the absconder gets neither help nor harbourage from anyone within your police station jurisdiction. Above all, do not leave this important work of verifying and amplifying information and whenever necessary, acting upon it to an unintelligent officer who has neither sufficient interest in the matter to lead him to take a few pains nor enough intelligence to enable him to carry out the enquiries satisfactorily. Here again, it is clear that the bulk of the work must of course fall on the absconder unit but undoubtedly the whole staff of the police station should be considered as potential sources of information and should be asked if they happen to know anything in the matter.

The second point which I wish to emphasize in connection with this question of mutual assistance is that in working the absconder scheme we do not want any jealousy between officers. It is true that some officers have more natural aptitude than others in dealing with the absconder question and it is equally obvious, I hope, that such officers will be singled out either for special work in connection with the absconder scheme or possibly for a special reward at the end of the year. This, of course, is inevitable and should not be a source of heart-burning among officers; it is exactly the same position as when an officer gets a reward for good shooting at the annual musketry or obtains a reward from the Local Government after many years of sound work and careful and pains-taking service.

As I have pointed out already, one of the main points in tracing absconders is that you are matching the organization and the union of the police against the organization and the union of the absconder and his relatives and it is therefore clear, I think, that there is no room for jealousy or heart-burning and all officers must do their best. No police station officer should feel aggrieved when an absconder entering into or hiding in, his jurisdiction, is arrested by an officer of the Absconder Staff or somebody from another district for the simple reason that every absconder arrested is the removal of a potential source of trouble from that police station area. You will not object if a Doctor comes to your police station area and puts a stop to an epidemic of cholera which has just broken out and is endeavouring to spread. In the same way your absconder is or may be a potential focus of trouble spreading in the police station area and the sooner that someone lays him by the heels, the better it is for the general health and well being in that part. No police station officer however efficient, can possibly know everything which goes on in his police station jurisdiction and now and again it will so happen that a police station officer does not receive prompt information about an absconder in his area. It will occasionally happen, too that an absconder unit or a Headquarters Staff man who is following the clues on the trail of an absconder will actually run him to earth independently of the local police. The Police Station Officer on his part may possibly have his hands full with several of his own absconders who have gone into a neighbouring police station jurisdiction or possibly into a neighbouring district and may be collecting news about them; I feel certain that provided that a Police Station Officer is working well and satisfactorily; handling his crime, keeping order in his jurisdiction and arresting a reasonable number of absconders, nobody is going to blame him for negligence merely because a few absconders, many of whom have nothing whatsoever to do with his jurisdiction, are run to earth in his Police Station area. A Police Station Officer in a big first class station with probably three to four hundred cases to look after during the year who could manage not only to arrest all his absconders but also to arrest every absconder from another part of the Province immediately he set foot inside his Police Station Jurisdiction would not be a human Police Station Officer at all but a miracle-worker and wizard and there are no such persons in existence in the world.

So to reiterate what I have already said, do your best to render whatever assistance you can to other people, try to get all the information you can about your absconders and if you have done everything

which you can be reasonably expected to do in the matter, do not worry if any officer who in all probability is a whole-time specialist happens to be a little more fortunate than you are.

Pongyi Kyaungs and Pongyis.

This is a most unpleasant aspect of absconder work but it is one which I am afraid I must bring prominently to your notice. Experience has shown, I regret to say, that in all probability a high proportion of absconders, possibly as high as 33½ per cent assume the disguise of religious men in order to escape the just reward of their crimes. It is, I am afraid, very frequent that the criminals seek sanctuary either under the yellow robe or in *kyaungs* or as pagoda attendants, etc. If any new "upazin" coming to a *pongyi-kyaung* in a village who is not able to give his past history satisfactorily were dealt with under section 54 Criminal Procedure Code, doubtless the list of absconders would be materially reduced but I am afraid that many officers either through their religious feelings or through a dislike of hurting the religious feelings of others, neglect this obvious refuge for absconders. Again and again we have traced up wanted men and found them at *pongyi-kyaungs* wearing the yellow robe. In one case I recollect an absconding murderer wanted for a particularly brutal and unnecessary double murder in the Tharrawaddy District was actually found in a *kyaung* in a village where for the past two years he had been looked upon as a local sayadaw. In another case I remember an absconding murderer was traced to a *kyaung* in Rangoon and the officers arrived there only to find that 24 hours before their arrival he had been killed in a dispute with another *pongyi*. Such incidents have convinced me that the *kyaungs* and religious edifices generally are the places in which we must, unfortunately, look for our absconders and the fact that a *pongyi* may be well looked up by his neighbours (who possibly know nothing of his character) should not and must not deter police officers from making enquiries about him if suspicious warrant it. If necessary, officers of the absconder staff must be prepared to assume the yellow robe themselves for a short time in order to gain information about people living in particular *kyaungs*.

In this connection I am afraid that we cannot expect much help from either *pongys* themselves or from the *lugyis*. As I have already remarked where every new *pongyi* with no local connections, to be scrutinized carefully and the facts of his presence reported to the police, it is quite likely that we should find quite a number of absconders amongst them but this is unfortunately not the case. Nevertheless all police officers in general and surveillance and absconder staffs in particular ought to bear these facts in mind that if and when a new "upazin" or a "pongyi" turns up a *kyaung* who is not known to have any local connections, it will be well worth their while making a few enquiries about him as a suspicious character.

Jails.

It may seem a little strange that the jail should be indicated as a place in which to look for absconders but from the fact of the matter, this is readily understandable. It so happens that probably 50 per cent of our gazetted absconders are men wanted for murder and of these a very substantial proportion have no previous police record so

that neither their descriptions nor their Finger Prints are available. Consequently, if one of these absconders is convicted some years later in a District where he is not known and where he has not been searched for because he had no known connections with it, then he is quite likely to go to jail under another name ; although his description and Finger Prints are then taken, yet they are taken and recorded under his new name and there is no link unless somebody identifies him more or less by chance, and connects him with the identity of the absconder.

In 1936 a case of this sort occurred in the Myaungmya District. A certain absconder Po Sa who was wanted for the Lay-ein-dan dacoity with murder had no previous criminal record and in fact was not known to any of the police even by sight. Some seven years after his absconding, he was found under arrest in the Bassein Jail by a Sub-Inspector of Police from the Maubin District who acted on information received. Even then it was not until we had shown him to several reliable witnesses that we were quite certain that we had found our man. He had been convicted in the Bassein Jail for robbery but he had no connections or relatives in that district and although gazetted had never been searched for particularly there. This is a typical example of how an absconder may be found in a jail and it is by no means the first example with which I met. In 1937 we caught two murderers in jails : they had no previous criminal record and had been convicted in other districts (once several times) under an *alias*.

Informer and Secret Service.

All police work in general rests upon information received and this is particularly true in the case of absconders. No amount of elaborate machinery, no method of collecting, classifying and circulating information will enable you to find an absconder. It is true that every now and again a man is arrested on suspicion and identified as an absconder and occasionally an absconder is identified by his description or personal marks and arrested by a smart and observant police officer but taking it all round, the informer is one of the best weapons you have.

This being the case, police officers must see to it that their informers are well treated. I am afraid that there are a number of officers who are inclined to take the help given by informers lightly and are apt to think that it is more or less a part of the duty of the informer to give his information. This I think is a somewhat mistaken view. No man works for nothing and an informer who takes the trouble to collect information and pass along to the police thereby possibly laying himself open to retaliation on the part of an absconder or his relatives, deserves to be rewarded. See to it therefore that your informers are well and as far as possible promptly rewarded. Many of them, of course, will not care to take a reward openly and in such cases you must go to the extra trouble of obtaining a reward for them from the Secret Service. As I have already noted, the question of retaliation or revenge plays a certain part in these matters. Good informers are valuable and you cannot have them intimidated or injured. It therefore any question of secrecy as regards rewarding is necessary, see that it is really secrecy. Don't sent your reports to any one but ask to see the District Superintendent of Police personally and explain matters

to him. If he gives out a Secret Service reward, pay it yourself; there is nothing more discouraging to an informer to feel that secrecy is not being observed. Place yourself in the position of an informer: would you like to think that your safety was being jeopardized, simply because a Police Officer was too big a fool to realize the necessity for secrecy? Do, therefore, your best to help your informers and if secrecy is really necessary, see to it that there is really secrecy.

Death of Absconders.

By the time that an absconder has been missing for some time and is moreover getting on in years, it is very often worth while asking his relatives if they have any information that the absconder is dead. There is no harm done by this. If he is dead, the relatives are usually quite willing to tell you so. If you do happen to obtain information that an absconder is dead, see that this information is verified carefully before reporting that the absconder has passed away. On the other hand, do not neglect such rumours, collect them and have them verified because every absconder who is definitely and certainly established to be dead means another personal file closed for good and another card taken out of the Index.

The question at once arises in this connection as to when a personal file of an absconder should be closed and we should cease looking for him. It has been laid down that a non-gazetted absconder should be kept going for five years and a gazetted absconder for ten years. These are, it is true, rough rules in the matter but they should never be treated as absolutely definite hard and fast rules and an absconder struck off automatically when the fifth or tenth year is completed. My own view is that a file should never be closed while there is a chance of arresting and convicting the absconder. It may be argued that following this rule would lead to a great congestion of files but this is not so since there are other circumstances which lead to the closing of files. In one set of circumstances it will be found that owing to the lapse of time many witnesses have either moved away and disappeared or have died and it is no longer possible to obtain a conviction against an absconder, if arrested. In such a case the best thing to do will be to close the personal file.

In another set of circumstances it may be found that the clues in the beginning of the search were very faint and they have been thoroughly worked out. Here it is going to be a question of fact as to whether it has any use in looking for the absconder. I have one particular example in which a man turned up quite unexpectedly in a village in the Myaungmya District, lived there about three months and then planned to commit a dacoity. After the dacoity he disappeared and from that date to this, which is now about seven years, nothing whatsoever has ever come to light about him. In this particular case, we do not even know such elementary things about him as his birth place or the names of his parents; barring the fact that we have a rough description of him and we presume him to have been a man with a previous bad record, the plain truth is that we know absolutely nothing about him. In this particular case the file has not yet been closed but to all intents and purposes it may as well be discontinued. Probably as a matter of actual fact, we shall keep it for ten years and after that, stop looking for him.

The third set of circumstances in which a file may well be closed are those in which a scrutiny of the trial record plus the information on record about the absconder leads one to believe that a conviction is unlikely or even impossible if arrested. Much of the evidence in the beginning may have been confessional evidence which although other convictions have been obtained upon it did not bear the test in court very well. Since the case was heard, one or two important witnesses may have died. In such a case it may well be that a conviction of any other accused even if arrested is unlikely. Here again is one in which an independent opinion must be arrived at as to whether to close the file or not.

Lapse of time is not always a guarantee that either an absconder cannot be found or that he cannot be convicted. As an example of this in the Tharrawaddy District we arrested a murderer who had been missing for 20 years and was wanted by the Magwe Police. He was duly sent to Magwe and was later convicted and I believe, hanged. Another District Superintendent of Police informed me recently that he had managed to get an absconder convicted who has been missing for 21 years. In 1936 in the Myaungmya District we arrested an absconder who had been missing for 18 years and he was duly convicted. Merely lapse of time therefore, provided that you have good clues in the beginning, that your case is still good and witnesses are still alive, is no bar whatsoever to the successful arrest and afterwards conviction of an absconder. It is for this reason therefore that I do not advocate closing files under a hard and fast rule. In fact as I remarked to you in the early portion of my lecture, in the old days this rule was not only observed but it was abused since all that happened in looking for absconders was that a police station marked time for a number of years until time was up, without making any real effort to arrest the absconder and then struck him off under the time-expired rule. It is for this reason therefore I consider that although it is useful to have a time limit yet it should be recorded merely as a guide and should never be looked upon as a hard and fast rule, each case being decided on its merits.

Incidentally, while I am speaking of the personal files of absconders, I might point out that the personal file after all is only a continuation of the case diaries in the main case file concerning the crime. The proper place therefore for the police papers in the Police Station concerning the case in which an absconder is wanted, is together with the personal file of the absconder so that it is always available for reference.

Finally the last point which arises concerning personal files is, "when should a personal file be destroyed?" The answer to this, I think, is "only when an absconder is definitely proved to be dead."

Take the case of an absconder who has been searched for for some years but who cannot be found. There is no reason to presume him dead but on the other hand as the absconder organization progresses in efficiency there is always a hope that an informer will come forward to enable you to arrest him. In such a case you want all the details about him available and if you destroy the personal file too early, these details vanish.

A second case is one in which an absconder has been arrested. He may be a murderer and he may be hanged. In such a case the file can be destroyed but it is far more likely that he will receive a jail sentence

and sooner or later will be let loose. In such a case is there any guarantee that he will not relapse into crime again? Common sense and experience tell every police officer that this is not so. Therefore, until a man is definitely dead, keep this personal file handy on the station racks. Who knows but that in the future he may abscond again and if and when he does, you or your successor in that Police Station will be very glad indeed to find his old personal file and from it get detail of his friends, relatives and places where he is likely to go for help or shelter.

To sum up, therefore, as long as a man is known to be alive, his personal file should be kept either because there is always a hope that an informer will come forward and give him away or because he may relapse once again into crime and again abscond.

Incidentally, when you finally close or destroy the file, do not forget to inform all stations who are looking for that absconder so as to enable them to close or destroy the file in their stations. Nothing is more annoying to a police station to find that possibly for months or even years they have been looking for an absconder who is no longer wanted. This of course is partly the duty of inspecting officers and will be noted under that head.

Diaries and Reports.

The absconder unit of a station sends in a weekly diary of his work. This diary is nothing more than a brief detail of the places he has visited and what he has done there. It should not cover more than one sheet of foolscap. Attached to it, however, the various items of information which he has obtained about individual absconders. Each individual absconder must be dealt with on a separate sheet or sheets of paper because when done with these original sheets have to be filed in the personal file of the absconder.

These diaries and their attached reports are then sent in to the Headquarters Absconder Staff normally of course through the Police Station Officer but as I have already indicated we cannot have any delay in this matter and if the Police Station Officer is out and not likely to be in for some days and the information gathered by the absconder unit is of some importance then of course the reports must go in direct, the diary following at leisure.

On receipt in headquarters, the absconder staff officer goes through these diaries and the reports and if it is necessary to take urgent action he attends to this at once. He then notes upon each individual absconder sheet what has to be done and sends it in to the District Superintendent of Police. Here again it is advisable of course that the Detective Inspector just glance on them but as I have already remarked he is a busy man and he cannot be expected to exercise anything more than just a general supervision over the absconder work. All these must be left to the specialist absconder staff officer.

On receipt by the District Superintendent of Police, that officer usually reads through what has been done, if any further orders or instructions are required, he issues them and if necessary circulates extracts and so on (if this has not already been done) to other districts or Police Station Officers. Occasionally, of course, he has to write to other District Superintendents of Police on the matter and ask for help or assistance. If he does, of course, the office copy of his letter is

attached to the absconder report for that particular absconder and when the reply comes from the other district or Police Station, that reply, after attention, is also attached; this is to ensure that when all these papers finally go into the personal file of the absconder, not only the Police Station Officer and his absconder unit of that station will know exactly what has been done by the Headquarters Absconder Staff to help in the chase after the absconder, but that officers coming after them will know the accurate details of what has been done in the past and thus save further trouble and waste of time and expenditure in following up old clues afresh.

In the same manner the absconder staff officer sends in a brief diary for himself and his absconder staff officers. Here again whatever special information he gets concerning an absconder is reported on a separate sheet and sent in to the District Superintendent of Police in the usual way.

I do not think it is possible to make any big change in this system without hampering it. It is not advisable for such reports to come through the Headquarters Assistant for the simple reason that this officer has already got a full day's work and he cannot be expected to attend to all the detailed work of issuing orders and instructions on these reports and filling up the cards. Also he is not an inspecting officer and does not go round to police stations and therefore cannot know what has been done outside, all of which incidentally cannot possibly be recorded on the card. It is, of course, to be understood that in the absence of the District Superintendent of Police from Headquarters on tour or otherwise, he attends to any urgent work concerning absconders which is put up to him by the Absconder Staff.

Duties of Inspecting Officers.

District Superintendents of Police, Subdivisional Police Officers and Circle Inspectors of Police are the officers who most of all, must see that the machinery and organization of absconder work are all put into thorough running order. It is not possible for me to give a detailed list of their duties but the following hints may be of use:—

- (a) They must check all rolls, *i.e.*, Form 62, with a copy of these instructions beside them and see that all defects are remedied.
- (b) They must direct effectively all drives, whether large or small concentrations and rounds-up.
- (c) They must insist upon officers helping one another in the work.
- (d) They must ensure that the officers of neighbouring districts co-operate.
- (e) They must see that all information obtained is—
 - (i) properly recorded,
 - (ii) circulated wherever necessary
 - (iii) dealt with and acted upon promptly.
- (f) They must make certain that all informers are well and promptly rewarded and must see that the services of police officers and others are placed on record in the proper Form, *i.e.*, Form A, "Annual List of Absconders Arrested."

(g) They must see that Secret Service money is carefully and judiciously expended so as to get the best value for the money paid out.

(h) They must look upon themselves as helpers and not merely as inspecting officers. Merely drawing attention to a list of defects is utterly useless.

The inspecting officer must not only point out the defects but he must take immediate steps to remedy them. In this connection he should recollect that a number of mistakes are not due to laziness but to want of sense in handling information and in such a case they must not only put matters right but must explain what is wrong to the officer who made the error so that he may avoid this type of mistake in future.

(i) They must from time to time go through the personal files of each absconder, bring information up-to-date, see if necessary, that it is promptly circulated and take out of the file and destroy any papers which have now served their turn and are no longer necessary.

(j) They must see that the various reports are promptly sent in and if necessary, help the Absconder units in this work.

(k) They must see that Burmese translations are made wherever required.

(l) They must ensure that "Dead" and "Destroyed" files are properly dealt with in all police stations and not merely in the parent station.

List of general hints together with a few faults to be avoided.—(a) It is plainly a primary duty of all Police Station Officers and the basis of all absconder work to take all possible measures to ensure that the absconder is not obtaining any help or harbourage from relations, friends, etc., within their police station jurisdictions.

(b) Don't dilly dally in handling suspects against whom some evidence exist; put them behind bars. If the full evidence is not in by 15 days you can always place the case before the magistrate and get from him adjournment remands.

(c) It must be impressed on Inspecting Officers that it is their duty to initiate man-hunts and to do so at the earliest possible moment.

(d) When making arrangements for captures, remember always that the country side is full of eyes watching and ears listening; so make your plans and arrangements as secretly as possible.

(e) Move as far as possible under the cover of darkness. Conduct searches on houses or villages by surprise at dawn. Don't watch your village exits with ancient, foot-sore and rheumatismal old constables, but with men who can run faster than an absconder and who will run after him and not away from him.

(f) Pick your assistants among your men with care because there are in every force, officers and men who cannot hold their tongues and some few who are unreliable and disloyal. Careless remarks may ruin the "drive" or "raid". Don't make your plans too publicly. It often happens that there are undesirables of various kinds, i.e., History Sheet men or other criminals, hanging round the police station and listening to what is being said at the evening roll-call where night patrol orders are given out and duties are allocated.

(g) Don't be squeamish about making adequate enquiries at *fongyi kyauungs* and watching them most carefully for new comers. It is common knowledge that the yellow robe hides a large number of absconders and some recent captures clearly prove this to be true.

(k) Be speedy and honest in recognizing assistance rendered by subordinates and by members of the public. Prompt and adequate rewarding helps greatly.

(l) Don't haggle over "kudos" afterwards, co-operate with each other and get your absconders roped in.

(m) Note your experiences and remember to pool them at conferences, with your fellow officers.

(n) If an absconder really gets away from you, don't delay any more than is absolutely necessary in getting Form 62 out and circulating it to the various stations concerned. Don't forget to have notes or letters which arrive at the station in English, translated briefly into Burmese for the information of your surveillance staffs and absconder units. Remember that it is of the utmost importance that these officers (especially the absconder units) be kept informed of the latest information concerning an absconder but that at the same time they are usually only constables and very infrequently literate in English. This duty by the way really devolves personally upon the Police Station Officers and upon nobody else but all officers who understand English should be prepared to give a few minutes of their time to translating any note or letter for the help of the absconder unit.

(o) In Form 62 it is unfortunately the case that the space allowed for the list of relative is in the majority of cases far too small. Do not however paste on piece of paper. Carry on the list of relatives on the blank backs of the other sheets. Bits of paper pasted on only get torn off and lost in the long run.

(p) The space allotted for the history of the case is also too small. Here again don't paste on pieces of paper. It is better as I have pointed out, to put in too much rather than too little under this heading: so here again, continue your history of the case on the blank back of one of the forms.

(q) Don't forget to mention in Form 62 an absconder's vices. A man who is a gambler, drunkard, *beinsa*, or womaniser or a habitual petty thief is always likely to follow these vices if he absconds.

Finally in closing this lecture and description of the absconder organization of a district, let me impress upon all officers that there is no hard and fast rule for catching absconders. Even now-a-days many officers seem to think that once an absconder has got away, there is some magical rite in filling in Form 62 and circulating it and getting action taken under section 512 and sections 87 and 88 of the Criminal Procedure Code. In fact I believe that some officers think that they have only to go through this procedure as if it were a magical rite and as soon as it is completed some occult influence will compel the absconder to give himself up, so that the next morning they will find him sitting upon the steps of the Police Station begging to be taken inside. Officers can depend upon it that this is not so. There is no magic or other influence in Form 62 or proceedings under section 512 and the average absconder who has got no property to be sequestrated under sections 87 and 88 cares not one scrap either for police forms or the Criminal Procedure Code. He certainly will not be arrested by such means and unless you make it extremely hot for him, it is equally unlikely that he will come and give himself up. The basis of it all is the informer and information received: what I have done in this lecture

is to endeavour to show you how machinery and an organization may be set up which will enable you to handle your information to the best advantage.

There is no royal road of arresting absconders. What is wanted is the officer who takes up this work is a capacity for hard work combined with the ability to go deeply into detail (much of it uninteresting); an infinite capacity for taking pains and last but not least a considerable admixture of wiliness and cunning.

Let me however record one word of warning. The great difficulty in applying this scheme is one of "continuity." At the present moment the absconder units in stations are usually constables with here and there Head Constables. It is obvious that these men must be picked for their ability and their intelligence and is equally obvious that they therefore stand (especially if their record in dealing with absconders is good) a somewhat better chance of promotion than the rest. It is unfortunate therefore that one is always losing good absconder unit men who are promoted to other duties and are lost more or less permanently to the absconder organization. This of course does not apply to the same extent to Sub-Inspectors of Police, because there is usually only one Sub-Inspector of Police in charge of the Headquarters Absconder Staff and he can probably reckon upon two years duty in this post, if not longer. As however absconder unit men are picked men, the small but unfortunately steady and continuous loss, is certainly one of the main defects of the system. I do not propose at this juncture to suggest remedies but I would point out that if we were to revert to the old system of having a Sub-Inspector of Police in charge of surveillance, it would be a distinct improvement. Under the new system this Sub-Inspector of Police would be looked upon as the "Intelligence" Sub-Inspector of Police of the station and he would be in charge not only of the surveillance work in general but the absconders, the political and the intelligence work in particular, thus allowing the Police Station Officer to give more general supervision to the work of his station than he can at present; while at the same time providing a specialist for these branches of police station work, which unquestionably demand the control and direction of a whole-time professional.

FORM A.

Annual List of Absconders Arrested.

HEADINGS.

- (i) Serial number, adding G after it if the absconder was gazetted.
- (ii) Name of absconder and home address.
- (iii) Place and date of arrest, giving Police Station and District.
- (iv) Offence for which wanted; year in which he absconded; Police Station by which wanted.
- (v) Names, ranks and numbers of officers responsible for the arrest.
- (vi) Names of officers and others who rendered assistance or gave information.
- (vii) Remarks. (Herein show agency responsible for the arrest, vide Form B. Also enter briefly rewards given.)

FORM B.

Percentage Table of Arrests of Absconders.

Period: January 1st to June 30th or July 1st to December 31st.

	Number.	Percentage.
(i) Total Absconders arrested
(ii) Arrested by Headquarters Absconder Squad working on its own.
(iii) Arrested by Surveillance Staff including Police Station Absconder Units where these exist.
(iv) Arrested by Detective Staff Officers on their own initiative.
(v) Arrested by Station Staffs with the help of Absconder Squads, Absconder Units and Surveillance Staffs.
(vi) Arrested by Station Staffs on their own initiative.
(vii) Arrested by other District
(viii) Arrested by headmen or villagers on their own
(ix) Arrested solely through identification of fingerprints.
(x) Arrested outside the district through the help or information supplied by home districts.
Total

In these lists of course should be included persons shot and killed when being arrested.

APPENDIX B-IX.

Instructions for Dealing with Substances or Objects Suspected of being Explosive.

(Notice No. 76, Confidential Supplement to the *Police Crime Gazette*, dated the 27th August 1931).

INTRODUCTION.

Explosive substances or objects which may cause explosion may be met with in the following forms:—

A. *Liquids*—For example nitro-glycerine. These will rarely have to be dealt with. The possession of a liquid explosive is generally illegal.

B. *Solids*—1. *Blasting Explosives*.—Dynamite, Gelatine Dynamite, Blasting Gelatine, Gelignite, etc. These are usually made up in cylinder form about two inches long in waterproof paper wrappers, stamped with the maker's name. They vary in consistency, from a tough leathery material to a soft one like ordinary stiff jelly.

2. *Gunpowder*.—May be black, brown or grey and is made up in cylinder form, cubes, pebbles, grains and powder.

3. *Cuncotton* is white and is supplied in lumps or cylinders or loose like ordinary cotton wool.

4. *Gun, Rifle and Shot Gunpowders*.—These are generally in cords, tapes or grains, but are also found as small cubes or flakes. In colour they may be white, pink, yellow, blue or black.

5. *Fulminates*.—These are white or grey powders. They are extremely dangerous. Their possession is generally illegal.

6. *Picric Acid and Picrates*.—These are crystalline or may be in powder form. They have a brilliant yellow colour if pure. A license is required for their possession.

7. (a) *Ammonal*.—This is a mixture of tri-nitro-toluene, ammonium nitrate, luminium powder and charcoal. It is a silvery brown paste.

(b) *Amatol* is a mixture of tri-nitro-toluene and ammonium nitrate. In appearance it is a brown paste.

8. *Chlorate of Potash* may be found in clear tabular crystals or as a white powder.

9. *Sulphide of Arsenic* is generally found as a yellow or orange powder.

10. *Carbide or Phosphide of Calcium*.—Under certain circumstances these may cause violent explosion.

11. *Detonators and Caps*.—These are explosives made up in metal tubes or small metal caps. Military detonators, friction tubes and time fuses are made in a great variety of forms. All detonators should be handled with the utmost care.

12. *Fuse*.—This is slow-burning gunpowder rolled up in cloth or paper in the form of long cords. Military fuses are made up in metal bodies in great variety of forms.

13. *Cartridges*.—These are either commercial, military or sporting and generally contain their own means of ignition in the form of a cap or primer. Cartridges for big guns generally consist of explosives made up in silk cloth or shaloon bags or bundles.

14. *Bombs*.—These are explosives contained in receptacles, such as hotties, jars, coconut shells, cloth, jute or hemp, balls or bundles, books, letters, tins, metal shells, bamboo tubes, water cistern floats, chatties, etc., the whole being designed to explode by percussion, fuse trigger, by being inverted, etc.

15. *Fireworks*.—Fireworks are provided with a fuse of touch paper or slow match. Throwdowns, crackers, explosives, corks or objects designed to explode by percussion, provided they are not detonators, caps or cartridges are not fireworks, but bombs.

16. *Rockets*.—Some rockets are not fireworks. Life saving, signal and military rockets are dangerous and should be handled with care.

17. *Signals*.—These may be ships-flares, signal lights, etc. They are not fireworks.

C. *Gases*—Liquid or compressed gases (ammonia, oxygen, hydrogen, acetylene, carbon-dioxide) in cylinders, sparklets, etc., may, under certain circumstances, cause violent explosion.

INSTRUCTIONS.

A local Police Officer should communicate at once with the District Superintendent of Police, who will himself proceed, or depute some responsible officer to proceed, to the place to carry out the following instructions:—

1. If you have any reason, however slight, to suspect that the substance or object with which you are dealing is dangerous, then regard it as being highly explosive until such time as it is proved to be otherwise.

2. Note that the address of the Chief Inspector of Explosives is 1, Council House Street, Calcutta; Telegraphic address "Explosives," Calcutta; Telephone, Regent 423.

3. Find out who is your nearest Chemical Examiner or Chemical Analyser.

The following is a list of Chemical Examiners and Chemical Analysers in British India:—

- (1) Chemical Examiner to Government, Bengal, Calcutta.
- (2) Chemical Examiner to Government, Madras, Madras.
- (3) Chemical Examiner to Government, Punjab, and North-West Frontier Province, Lahore.
- (4) Chemical Examiner to Government, United Provinces and Central Provinces, Agra.
- (5) Chemical Examiner to Government, Burma, Rangoon.
- (6) Chemical Analyser for Sind, Karachi.
- (7) Chemical Analyser to Government, Bombay, Bombay.

4. During the removal, guarding or examination of any substance or object suspected of being explosive, all unnecessary persons whether police or otherwise should be sent away.

5. If the substance you are examining is—

- Liquid, proceed as in paragraph 7 or 8.
- Solid, proceed as in paragraph 9, 10 or 11.
- Gas, proceed as in paragraph 12.

6. If the object you are examining is a—

- Detonator or cap
 - Fuse
 - Cartridge
 - Firework
 - Rocket
 - Signal light
 - Bomb, proceed as in paragraph 14.
- } proceed as in paragraph 13.

7. If the substance is a liquid in an open vessel—

(1) Carefully dip into the liquid a pencil or thin piece of stick and allow one drop to fall on a small piece of blotting paper or tin foil (silver paper). Remove this ten yards or more from the vessel or vessels containing the bulk of the liquid, place it upon a flat surface of iron or stone and strike it a sharp glancing blow with a flat-headed hammer. Repeat the test three times with fresh drops and also by burning a fresh drop of the liquid on blotting paper in the flame of a spirit lamp or candle.

(A) *The substance explodes or burns rapidly.*—Place about half an ounce of the liquid in a small clean bottle, carefully cork it up (do not use a glass or metal stopper) and after packing in cotton wool in a box or tin, send it by messenger to the nearest Chemical Examiner or Analyser with your report and send a copy of this report to the Chief Inspector of Explosives. The bulk of the liquid should be locked up in an isolated place until instructions are received from the Chief Inspector of Explosives as to its disposal.

(B) *The substance does not explode or burn rapidly.*—Place about half an ounce of the liquid in a small clean bottle, cork up and after packing send by post to the nearest Chemical Examiner or Analyser with your report, the bulk of the liquid should be locked up in any convenient place until the report of the Chemical Examiner is received.

(2) If the Chemical Examiner reports that the liquid is an explosive, send a copy of all papers to the Chief Inspector of Explosives and wait for instructions.

8. When the substance is a liquid in a closed vessel—

(1) If the vessel is a bottle and is not suspected of being a bomb and the stopper will not come out when using only moderate power, do not attempt to open but send it by messenger to the nearest Chemical Examiner or Analyser together with your report, first having carefully packed the bottle upright in a box with straw, sawdust, or paper, etc. Should the Chemical Examiner report that the substance is an explosive, send a copy of all papers to the Chief Inspector of Explosives.

(2) If the vessel is a bottle and is not suspected of being a bomb and the stopper will come out, then proceed as in 7.

(3) If the vessel is not suspected of being a bomb and is of metal or other hard material and the stopper will not come out when moderate force is used, do not attempt to open but remove the vessel very gently and in such a manner as to expose it to as little shaking as possible, and, without turning it over in any way, to such open place of safety in the vicinity as may be available, where its ignition or explosion would be attended with a minimum of mischief, e.g., a yard or a garden or other open space from which the public are or can be excluded. Tie two pieces of strong cord to the vessel passing one cord round a hook or tree and from round the corner of a building and after all persons have been removed from within range, pull the cords backward and forward so that the vessel is upset and given as severe a shaking as possible, then leave the vessel alone for twelve hours.

If explosion is not obtained and the vessel is not too large send it by messenger to the nearest Chemical Examiner or Analyser with your report. Should the Chemical Examiner report that the substance is an explosive, send a copy of all papers to the Chief Inspector of Explosives.

If the vessel is a large one, try once more to open it, using more force. If you cannot open it, remove the vessel to a convenient place where it can be locked up and send a copy of your report and all connected papers to the Chief Inspector of Explosives.

9. When the substance is a solid in an open vessel.—(1) Carefully take out with a piece of cardboard or flat stick a few grains of the solid and, after removing it ten yards or more away from the vessel or vessels containing the bulk of the substance, place it upon a flat surface of iron or stone and strike it a sharp glancing blow with a flat-headed hammer. Repeat the test three times with fresh substance and also try burning a small portion on blotting paper in the flame of a spirit lamp or candle.

(A) *The substance explodes or burns rapidly.*—Take a very small amount of the substance, add to it a little water and notice what happens. If the substance undergoes no change and there is no sign of any gas being given off, or of heat being generated, place about half an ounce of the substance in a small clean bottle and fill up with clean water. Cork the bottle carefully, taking the precaution not to use a glass or metal stopper, and then pack it in cotton wool in a box or tin and send it by messenger to the nearest Chemical Examiner with your report. Send a copy of this report to the Chief Inspector of Explosives.

The bulk of the substance should then be covered with clean water and locked up in an isolated place until instructions are received from the Chief Inspector of Explosives as to its disposal.

(B) *The substance does not explode or burn rapidly.*—(1) Test a small amount of the substance with water in exactly the same way as detailed in (A). If the substance undergoes no change and there is no sign of any gas being given off, or of heat being generated, place about half an ounce of the substance in a small clean bottle and fill up with water. Cork the bottle carefully, and, after packing, send it by post to the nearest Chemical Examiner with your report.

The bulk of the substance should then be covered with clean water and locked up in any convenient place until the report of the Chemical Examiner is received.

(2) If the Chemical Examiner reports that the substance is an explosive or is dangerous, send a copy of all papers to the Chief Inspector of Explosives and wait for instructions.

(3) If you find that the substance under sub-paragraphs (A) and (B) does undergo a change, etc., when water is added proceed exactly as before, except that the sample in all cases should be sent dry, and the bulk also kept dry. Make certain that your bottle is absolutely dry before you put the sample into it.

10. *When the substance is a solid in a closed vessel.*—(1) If the vessel is a bottle and is not suspected of being a bomb, and the stopper will not come out when only moderate power is used, do not attempt to open it but send it by messenger to the nearest Chemical Examiner together with your report, first having carefully packed the bottle upright in a box with straw, sawdust, paper, etc. Should the Chemical Examiner report that the substance is an explosive, send a copy of all papers to the Chief Inspector of Explosives.

(2) If the vessel is a bottle and is not suspected of being a bomb and the stopper will come out then proceed as in 9.

(3) If the vessel is not suspected of being a bomb and is of metal or other hard material proceed as in 8 (3).

11. *When the substance is Calcium Carbide or Calcium Phosphide.*—If it is desired to destroy calcium carbide or calcium phosphide, this can be done by dropping them into deep water, but not more than half a pound at a time, waiting until no more gas is given off before a fresh portion is destroyed.

12. *When the substance is a Gas.*—Gases are generally found compressed in cylinders, sparklets, etc. They should be kept cool and away from the direct rays of the sun. If it is desired to know what gas is in any cylinder, the whole cylinder should be sewn up in a cow matting and sent by train to the nearest Chemical Examiner together with your report. Small cylinders or sparklets only a few inches long can be sent by post if well packed in cotton wool in a wooden box.

13. *When the object is a Detonator, Cap, Fuse, Cartridge, Firework, Rocket, Light.*—(1) These should never, under any circumstances, be sent through the post. A few should be carefully packed separately in cotton wool in a wooden box and be sent by hand to the nearest Chemical Examiner or Chemical Analyser together with your report. The bulk should be locked up in an isolated place.

(2) After the receipt of the Chemical Examiner's or Analyser's report, send a copy of all papers to the Chief Inspector of Explosives and wait for instructions.

14. *When the object is a bomb.*—(1) These may be met with in the following forms :—

- A. Military grenades.
- B. Copies of military grenades.
- C. Bombs made up in soda bottles, jam tins, water cistern floats, chatties, coconut shells, bundles of jute or hemp, bamboo tubes, etc.
- D. Book bombs.
- E. Letter bombs.

(2) Any of these may be designed to explode—

- (a) when moved in any way,
- (b) when turned over,
- (c) when placed in water,
- (d) when thrown down,
- (e) by lighting a fuse,
- (f) by clockwork, and
- (g) by chemical reaction.

(3) Before touching the bomb examine it where it lies and see if you can detect the arrangement for firing. See if there is any trigger and if so if it is set or not. Do not move the bomb, unless you are satisfied that it is safe to do so. If you are not satisfied, then place a guard over the bomb and report to your senior officer.

A. Military Grenades.—The first thing to do is to see that the safety pin is in position, that it is not broken or corroded and that the ends are well splayed out so that it cannot be jolted out. See that the jaws of the lever are in good condition and support the striker correctly. Being satisfied on these points, the base should be unscrewed and, if the igniter set is present, it should be carefully removed. Pack the igniter set and the bomb in cotton wool in separate wooden boxes and send by hand to your nearest Chemical Examiner or Analyser, together with your report.

If the safety pin and lever are missing and the striker is inside the bomb, it will probably have to be destroyed *in situ*. Set a guard over it where it lies and report to your senior officer.

B. Copies of Military Grenades.—These are generally something like a military grenade but are of cruder finish. They must only be handled by persons who have handled bombs before. It is generally possible to render them harmless by removing an explosive cap or tuft of gun cotton. This should only be done when you are satisfied the trigger is safe. Do not put this type of bomb in water but, provided the trigger has been made safe, it should be packed in cotton wool in a wooden box and be sent by hand to your nearest Chemical Examiner or Analyser together with your report. Send a copy of your report to the Chief Inspector of Explosives.

C. Bombs made up in Soda Bottles, etc.—First arrange a string bag and strong cord over a large bucket of hot water. Carefully remove the bomb keeping it in the same position as found and place it in the bag and from round the corner of a building, first having sent everybody present under cover lower the bomb into the hot water and leave it there for 24 hours. The water will then be cold.

It may then be taken out and be carefully packed in wet straw or cotton wool in a wooden box and be sent by hand to the nearest Chemical Examiner or Analyser, together with your report. Send a copy of your report to the Chief Inspector of Explosives.

If the bomb is well made and there is a possibility that the water may not have penetrated inside, it should be given the rough-treatment described in paragraph B (3) before being sent away.

D. Book Bombs.—These are bombs made up in book form and are generally designed to explode when the book is opened or turned over. Such a bomb should be very carefully taken to an isolated place, keeping it in the original position all the time and be locked up. Send a report on the subject to the Chief Inspector of Explosives.

E. Letter Bombs.—These are letters containing explosives which are designed to explode when opened. Place the whole letter in a bucket of water. When the letter is quite wet, pack it in a tin in wet cotton wool and send by hand to your nearest Chemical Examiner or Analyser, together with your report.

F. Booby Traps.—1. "Booby Traps" are bombs generally designed to explode in the presence of an officer who is engaged in searching suspected premises.

2. They may be designed to explode when the bomb is moved in any way or electric contact is made by some action of the officer or by clockwork or chemical means.

3. The most prevalent procedure is to cause one bomb to explode in a house by time fuse such as a burning candle, leaving a second bomb which will explode when the officer comes to investigate the first explosion or the officer may be tempted to the house by a message, telephone call, etc.

4. Another method is to leave the second bomb with an obvious means of ignition such as a burning candle in the hope that the officer will extinguish the candle and then consider the bomb as safe, whereas it is really designed to explode if moved in any way.

5. Never enter a house or room in which you suspect booby traps by the obvious way. First smash a window or knock a hole in the wall with a crowbar opposite the door to see if the door can be safely opened.

6. Enter the house or room very slowly touching nothing until each object has been carefully examined. Make a loop at the end of a long rope and drop the loop over each object which might be a bomb without touching it. These may be such things as tins, trunks, kettles, lamps, buckets, boxes, clocks, etc. From outside the room or house jerk the object about by means of the rope and do not enter the room or house again for some minutes in each case. Open the lids of boxes or trunks by means of the rope from round the corner.

7. If an unexploded bomb is discovered after this treatment proceed, as in paragraph C above.

Notice No. 145, Confidential Supplement to the *Police Crime Gazette*, dated the 15th December 1932.

Reference.—Notice No. 76, Confidential Supplement to the *Police Crime Gazette*, dated the 21st August 1931.

The Deputy Director, Intelligence Bureau, Home Department, Government of India, Simla, intimates that the Chief Inspector of Explosives, Calcutta, has reported that live bombs and explosives, such as mixture of chlorate of potassium and sulphur, which constitute a fulminate (a highly sensitive explosive) are sometimes sent to him by post by police officers in contravention of the instructions mentioned

above. As this practice is fraught with great danger, it is requested that all police officers be reminded of the instructions on the subject and be directed to follow them closely.

APPENDIX B-X.

Rules made by His Excellency the Governor under section 15 of the Government of Burma Act, 1935, to provide against the disclosure of sources of information in respect of crimes of violence intended to overthrow Government.

Reforms Department Notification No. 8, dated the 25th February 1937.

His Excellency the Governor is pleased to make the following rules under section 15 of the Government of Burma Act, 1935, to provide against the disclosure of sources of information in respect of crimes of violence intended to overthrow Government.

They shall take effect from the 1st April 1937.

1. Except as hereinafter provided a police officer or other servant of the Crown shall not disclose nor be required to disclose the source from which or the channel through which any information with respect to the operations of persons committing, or conspiring, preparing or attempting to commit such crimes as are mentioned in sub-section (1) of section 14 of the Government of Burma Act, 1935, has been or may be obtained; and a police officer or other servant of the Crown shall not communicate nor be required to communicate any matter whether contained in records or otherwise which discloses or in his opinion might in conjunction with other circumstances or matters result in the disclosure of or permit to be inferred the source from which or the channel through which any such information as aforesaid has been or may be obtained.

NOTE.—Section 15 and this rule protect also sources of information relating to past acts of commission of such crimes, and to past conspiracies, preparations, and attempts to commit such crimes.

2. The provisions of rule 1 shall not apply to a disclosure or communication by a police officer to another member of the same force who is authorized by the ~~Inspector-General~~
Commissioner of Police either by a general or special direction in this behalf to require or receive such disclosure or communication.

3. The provisions of rule 1 shall not apply to a disclosure or communication by a police officer to any person (not being a member of the same force) who is authorized by the Governor in his discretion either by a general or special direction in this behalf to require or receive such disclosure or communication.

4. The provisions of rule 1 shall not apply to a disclosure or communication by a servant of the Crown (not being a police officer) to any person who is authorized by the Governor in his discretion either by a general or special direction in this behalf to require or receive such disclosure or communication.

5. Any person, whether a servant of the Crown or not, to whom under the provisions of rule 3 or rule 4 a disclosure or communication has been made shall be subject to the provisions of rule 1.

6. The provisions of rule 1 shall not apply to a disclosure or communication by any servant of the Crown (not being a police officer) of facts ascertained by himself made to a Superintendent of Police or District Magistrate of a District or to an officer of the Criminal Investigation Department of or above the rank of Sub-Inspector or to any police officer conducting an investigation under the Code of Criminal Procedure, 1898.

7. A servant of the Crown who is in doubt whether in any particular case he is permitted under the provisions of these rules to make a disclosure or communication may before making the disclosure or communication require that the matter be referred for the direction by the ~~Inspector-General of Police~~ ^{Commissioner of Police} or the Governor in his discretion as the case may be.

8. The provisions of rule 1 shall not apply to any disclosure or communication necessitated by the ordinary course of his duties, made by a police officer investigating, under Chapter XIV of the Code of Criminal Procedure, 1898, an offence of which information has been given under section 154 of that Code.

Explanatory Memorandum on the Rules published with Reforms Department Notification No. 8, dated the 25th February 1937, providing against the disclosure of sources of information in respect of certain crimes of violence.

(a) Rule 1 has been drafted so as to prevent the identity of a source being either directly communicated or indirectly inferred; the latter is a point of considerable importance, for even if a "nom-de-plume" is used, the study of a series of reports may reveal the identity.

(b) It also refers to "the channel through which" information is obtained; this is considered desirable, for it may happen, for example, that if A as agent gives information to B, a subordinate police officer, who passes it on to C, the head of the Criminal Investigation Department, the exposure of B may lead to the identification of A.

(c) It also makes it clear by the insertion of the words "nor be required to" that no authority can compel a police officer to disclose the source of his information. This is in accordance with section 125 of the Evidence Act.

(d) Rules 2, 3 and 4 provide, for the reasons already indicated, that the rules shall be amplified by general or special directions of the Inspector-General, Commissioner of Police or Governor.

(e) Rule 5 provides that the person to whom the identity of a source is revealed is bound by the general rule 1.

(f) Rule 6 is designed to meet an apprehension that the rules might possibly have the result of information regarding terrorist activities not being given to the police by officers of other Departments, e.g. a jail officer might obtain information from a prisoner which should be passed on at once. It also makes it possible for a police officer, engaged on an investigation under the Criminal Procedure Code or a senior police officer or Criminal Investigation Department Officer engaged on an enquiry, to demand disclosure of the source of information given to him. This is very important, for failing this the test of

corroboration is impossible. For example, Inspector A engaged on an enquiry is given the same information by Constable X as by Village Headman Y; he must ascertain whether the information comes from the same source.

(g) Rule 8 is designed to meet an objection that these rules prevent the disclosure of the identity of persons who give information about terrorist offences which is not secret.

R. G. McDOWALL,

*Secretary to the Government of Burma,
Reforms Department.*

Direction issued by the Inspector-General of Police, Burma, under Rule 2 of the rules published in Reforms Department Notification No. 8, dated the 25th February 1937.

DIRECTION.

Under Rule 2 of the rules published in Reforms Department Notification No. 8, dated the 25th February 1937, the Inspector-General of Police authorizes the following Police Officers to require or receive such disclosures or communications as are mentioned in the rules from the Police Officers named below :—

(1) From Police Officers serving in the District Police—the Inspector-General of Police, a Deputy Inspector-General of Police and the District Superintendent of Police of the District.

(2) From Police Officers serving in the Criminal Investigation Department—the Inspector-General of Police, the Deputy Inspector-General of Police for Railways and Criminal Investigation and his Assistants.

(3) From Police Officers serving in the Railway Police—the Inspector-General of Police, the Deputy Inspector-General of Police for Railways and Criminal Investigation and the Superintendent of Railway Police.

Direction made by His Excellency the Governor under Rules 3 and 4 of the Rules published in Reforms Department Notification No. 8, dated the 25th February 1937.

DIRECTION.

His Excellency the Governor is pleased to authorize the following officers to require or receive such disclosures or communications as are mentioned in the rules published in Reforms Department Notification No. 8, dated the 25th February 1937 :—

The General Officer Commanding.

The Inspector-General of Police.

The Inspector-General, Frontier Force.

The Commissioner of Police, Rangoon.

The Deputy Inspector-General of Police for Railways and Criminal Investigation and his Personal and Crime Assistants.

The Director and Deputy Director, Burma Defence Bureau.

The Military Intelligence Officer of Burma Army Headquarters.

The Director, Intelligence Bureau, Home Department, Government of India.

APPENDIX B-XII.

Inspection of Explosives in possession of licensees, registers, places of storage, etc.

From U CHIT MAUNG, K.S.M., A.T.M., Secretary to the Government of Burma, Judicial Department, to (1) all District Magistrates; (2) Commissioner of Police, Rangoon; and (3) all District Superintendents of Police.—General Department letter No. 328E/537 (1460), dated the 14th August 1927.

SUBJECT.—*Inspection of explosives in possession of licensees, registers, places of storage, etc.*

I am directed to invite your attention to—

- (1) Rule 137 of the rules at page 57 of the Explosives Manual, regulating the inspection, search and seizure of explosives.
- (2) Miscellaneous Department Notification No. 72, dated the 15th October 1927.
- (3) Judicial Department Circulars No. 25 of 1914, dated the 17th August 1914, and No. 48 of 1927, dated the 20th September 1927.

2. Miscellaneous Department Notification No. 72, dated the 15th October 1927, prescribes the Executive Engineers in Burma to be the officers to approve buildings in which explosives are to be kept in accordance with the Condition 3 in Forms E and F in Schedule (III) to the Indian Explosives Rules 1914, as amended up to date.

3. Judicial Department Circular No. 25 of 1914, dated the 17th August 1914, and Judicial Department Circular No. 48 of 1927 dated the 20th September 1927, direct the holders of licenses—Forms A, B, C, D, E, F, J and L, to maintain registers of explosives as required by the conditions of their licenses, and draw the attention of the Commissioner of Police, Rangoon, of District Magistrates, and all other officers entitled to make inspections under Rule 137, to the necessity for examining these registers from time to time.

4. I am to request that in view of occurrences of theft of explosives in several districts, the powers granted by Rule 137 may be exercised with more care and vigilance both by yourself personally and by the

(1) Magistrates.
 (2) Specially deputed Police Officers subordinate to you.

(3) Police Officers.

- [5. I am to request also that the Registers of Receipts and Issues kept by persons holding a license for the possession and sale of explosives and more especially those kept by the licensees under Articles 8 and 12 of Schedule II at page 75 of the Manual may be carefully examined by you not less than once a quarter.]

[To District Magistrates and Commissioner of Police, Rangoon only.]

NOTE.—References referred to above will be found in the Burma Explosives Manual, 1927.

APPENDIX B-XIII.

Procedure to be followed in making investigations, etc., in Military, Frontier Force or Military Police lines.

Circular Order No. 2—M-347, dated Rangoon, the 13th August 1934, from C. G. STEWART, Esq., O B E., M.A., Indian Police, Assistant Inspector-General of Police, Burma, to all District Superintendents of Police and Assistant Superintendents of Police and Deputy Superintendents of Police in independent charges

SUBJECT.—*Procedure to be followed in making investigations, etc., in military lines.*

The Government of India has drawn the attention of the Local Government to a case in which an Inspector of Police, who had received information of the location of stolen property within the area of a military barracks and considered himself obliged to take immediate action in regard to it, entered the military lines and of his own initiative seized the stolen property and arrested the suspect. He thereafter reported his action to the Commanding Officer.

It has been pointed out that, while there was nothing improper in the action taken by the Inspector, it is desirable, in order to avoid the risk of unfortunate incidents, that the assistance of the Officer Commanding the unit should be sought before military lines are entered by the police. An additional safeguard is the wearing of uniform by the investigating police officer or officers.

The Inspector-General of Police directs that instructions should be issued to police officers that, so far as circumstances permit, previous notice should be given confidentially to the Officer Commanding, the Adjutant or the Orderly Officer concerned when any investigation, search or arrest is contemplated within military lines, and that the police officers engaged should be in uniform.

District Superintendents of Police and other officers concerned in whose districts there are military barracks are requested to issue instructions to all investigating officers on the lines indicated above.

The term "military barracks," should be interpreted as including Military Police Barracks also.

APPENDIX B-XIV.

Procedure to be followed when a Government Servant is summoned by a Court to produce Official Documents for the purpose of giving evidence.

Memorandum No. 207, dated Rangoon, the 30th November 1935.

SUBJECT.—*Procedure to be followed when a Government servant is summoned by a Court to produce official documents for the purpose of giving evidence.*

The following is published for the information of all District Superintendents of Police and other officers concerned:—

Endorsement by C. AUSA MYINT, Under Secretary to the Government of Burma, Judicial Department.—No. 635W35 (2691), dated the 6th November 1935.

A copy of letter (with enclosure) No. F.661—35-Judicial, dated the 26th September 1935, from the Officiating Joint Secretary

2. For the purposes of section 123 above, the expression "officer at the head of the department" may be held to mean the head of the office in whose custody the document required by the court is, and *vis-a-vis* the court which demands its production, that officer should be treated as the authority to withhold or give the necessary permission.

3. In respect of documents emanating (1) from a higher authority, viz., His Majesty's Government, the Secretary of State for India, the Government of India, or the Local Government, or which have formed the subject of correspondence with such higher authority, or (2) from other Governments, whether foreign or Dominion, the head of the department should obtain the consent of the Government of India through the usual official channels before agreeing to produce the documents in court, or allowing evidence based on them, unless the papers are intended for publication, or are of a purely formal or routine nature when a reference to higher authority may be dispensed with.

4. In the case of papers other than those specified in paragraph 3 above, the head of the department should not allow production of the correspondence if it relates to matters which are generally regarded as confidential, or disclosure of which would in his opinion be detrimental to public interests, or to matters which are in dispute in some other connection, or have given rise to a controversy between Government and some other party.

5. In a case of doubt the head of the Department should invariably refer to higher authority for orders.

6. These instructions apply as well to cases in which Government is a party to the suit. In such cases much will depend on the legal advice as to the value of the documents, but before they are produced in court, the considerations stated above must be borne in mind, and reference to higher authority made, when necessary.

7. The Government servant who is to attend a court as a witness with official documents should, where permission under section 123 has been withheld, be given an order duly signed by the head of the department in the accompanying form. He should produce it when he is called upon to give his evidence, and should explain that he is not at liberty to produce the documents before the court, or to give any evidence derived from them. He should, however, take with him the papers which he has been summoned to produce.

8. The head of the department should abstain from entering into correspondence with the presiding officer of the court concerned in regard to the grounds on which the documents have been called for. He should obey the court's orders and should appear personally, or arrange for the appearance of another officer in the court concerned, with the documents, and act as indicated in paragraph 7 above, and produce the necessary certificate if he claims privilege.

ORDER.

Summons from the Court of the
for the production at
of the office files relating to the

(a) I direct to appear with the files mentioned in the summons and to claim privilege for them under section 123 of the Evidence Act.

(b) I withhold ~~permission~~ to give any evidence derived from the files for which privilege is claimed under this order.

It should be represented to the Court that these files contain unpublished official records relating to affairs of State for the purpose of section 123 and that in view of the provisions of section 162 of the Evidence Act, the files are not open to the inspection of the Court.

Head of Department.

Dated *this*

NOTE.—Section 123, Evidence Act, has been held to apply to the deliberations of Parliament, proceedings of the Privy Council, communication between public officials in the discharge of public duty and the like, and not even Government remarks with regard to the conduct of public officials have been considered to be strictly privileged, so that the statements made by witnesses before the departmental superior of the accused cannot possibly be considered to be unpublished records relating to any affairs of State.

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