

OFFICE OF DIRECTOR GENERAL OF POLICE  
MEGHALAYA : SHILLONG

Circular No. 13 /2014

Standard Operating Procedures (SOPs) to Deal with Arrested Accused/UTP while they are in Police Custody.

Some glaring instances of escape of arrested persons from police custody have come to the notice of the Police Headquarters. Such escapes have occurred largely due to negligence and dereliction of duty on the part of the police officers. In some cases it has been strongly suspected that the police personnel might have connived in letting the arrested accused escape. The other issue which has engaged the Police Hqrs concerns incidents of death of accused in police custody which have been reported from some districts.

As per Sec 55-A, CrPC, it shall be the duty of the persons having the custody of an accused to take reasonable care of the health and safety of the accused. It is, therefore, lawfully incumbent upon all the district Superintendents of Police to take adequate precautions in ensuring physical safety of the accused persons under custody and also that they do not escape from custody.

The following Standard Operating Procedures (SOPs) are hereby issued with a view to enable the District Superintendents of Police to formulate effective strategy in dealing with the issue in question at the level of PS/OP/PP staff:

**Handcuffing**

Legal provisions with regard to handcuffing have been issued the Police Hqrs Circular No. 10/2014 dated and Circular No. 10/1994. They may be referred to while handcuffing an accused person.

**Prevention of custodial death in lock up:**

The procedures should be followed in ensuring the safety of accused persons in lock-ups:

1. Officer-in-charge should search the body of the arrested person and remove everything from his possession except necessary articles of wearing apparel and should give the arrested person a receipt for all articles taken from him.
2. The officer-in-charge of Police station or Outpost will personally enter and examine the lock-up and see that no weapons or articles that can

facilitate escape or suicide, such as bamboos, ropes, tools, etc., are in or within reach of the lock-up and note in the station diary that this has been done.

3. At the time of relieving sentries, the officer-in-charge of the watch and the relieving sentry must count the arrested persons under police custody and see that all is well.
4. The key of the lock-up should remain with the Sub-Inspector, Head Constable or senior constable in charge of the watch, who if it be necessary to open the lock-up or take out the person under custody, will first call the officer-in-charge and rouse constables of the guard of duty to avoid being overpowered by such accused to escape.
5. In urgent cases such as an out-break of fire, or an attempt by the arrested person to commit suicide where immediate action is required, the Sub-Inspector or other officer-in-charge of the watch may open lock-up without waiting for the arrival of the officer-in-charge, but he is nevertheless responsible that the force available is sufficient to prevent escape.
6. On all occasions when an arrested person is put into or taken out of the lock-up, an entry must be made in the general diary that the locks, doors, and windows were duly examined and found secure.
7. Whenever persons under custody want to relieve nature in police posts where toilets are not built inside the lock-up, it should be ensured that before being taken out, the prisoner who otherwise would be likely to escape or be violent should be secured with handcuffs, or ropes. They should not be allowed out of sight; and while relieving nature violent prisoner or prisoners who might attempt to escape even when secured by handcuffs will in addition be tied by means of a rope to a constable.
8. The officer-in-charge of a police station or outpost or any other police officer dispatching a prisoner is responsible that the latter is sent with an adequate escort and that if this is necessary to prevent escape or violence, he is properly secured with serviceable handcuffs, or if no handcuffs are available, with ropes or by other suitable means.
9. Persons arrested by the police for transmission to a magistrate or to the scene of enquiry and under-trial prisoners should not be subjected to more restraint than is necessary to prevent their escape. If need arises warranting handcuffing UTPs, the provisions given in the PHQ Circulars as referred to in para- should be followed to effectively attempt at escape.

### While Making Arrest:

The procedure of arrest and duties of officer making arrest Procedure of arrest and duties of officer making arrest as laid down in Sec 41B, CrPC should be followed.

As per the guidance of the Hon'ble Supreme Court of India in *D.K.Basu Versus State of West Bengal*, the arrestee should be subjected to medical examination by the trained doctor every 48 hours during his detention in custody.

According to Sec 50-A, CrPC, there is an obligation of person making arrest to inform about the arrest, etc to a nominated person. District Superintendents of Police should refer to the provisions laid down in this section of law when a person is arrested.

### During Transit:

- 1) The I/O or any Police officer while sending the arrested accused persons for medical examination/Court should send them under proper escort. The escort party should be briefed properly about the nature or the case the accused is involved and whether the accused person arrested is likely to flee away from custody or not.
- 2) If the person needs to be handcuffed, the guidance issued vide PHQ circulars as above should be followed.
- 3) While arriving at the Hospital, the escort party should first report to the Police Assistance Booth (PAB) and inform the person on duty properly about the arrested person and show him the challans issued from the PS /OP mentioning his ground of arrest/medical condition/ mandatory periodic medical examination.
- 4) While in hospital, if the arrested accused person wants to use the toilet, the officer/guide of the escort party should first check the toilet as to whether the window or the ventilator in the toilet is safe or not. If the windows or the ventilator's in the toilet is not safe, then the escort guide should first send personnel behind the toilet and thereafter only an arrested person be allowed to go inside the toilet.
- 5) Before allowing him to go to the toilet the accused person should be again be bodily searched to check whether he is carrying any suspected material which he can be used for escaping.
- 6) While medical checkup is being conducted, the arrested person should not be left alone in the doctor's room. The escort should always

accompany the accused even in the medical room or in any room wherever he/she is taken for medical test, x-ray or scanning etc.

- 7) If the Accused person gets admitted in the hospital, he should be immediately shifted to designated cell. If no bed is available there and he is to be admitted in the general ward, he/she should be kept under proper guard of adequate strength. The guards should be briefed properly by the I/O himself about the nature of the accused and his grounds of arrest. If the accused is hardcore and is likely to escape then the guards must be told to take extra precautions while guarding him. The same procedure should be followed, if the accused is admitted in NEIGRIMHS.
- 8) The I/O shall give intimation to the concerned court about the accused that he/she is under medical treatment.
- 9) The accused person after discharge from the hospital needs to be forwarded immediately to the concerned Court.
- 10) The police personnel guarding the accused should not get friendly with the accused persons as they may take advantage of it and try to escape from custody. Therefore, it should be ensured that no police personnel is posted too long as guard in Hospital. Even the personnel guarding the cell should be replaced from time to time so that accused do not get familiar with them.

#### **At Lock Up:**

- 1) Before keeping the person in the LOCK-UP at the PS/OP/BH, an entry should be made first in the General Diary.
- 2) Before keeping the person in the lock-up he/she should be medically examined first in the nearest hospital.
- 3) No person should be allowed to meet the accused person in the Hospital or in the Lock-Up without obtaining a written permission from concerned SP or from any Superior officer duly authorized by the SP to do the same.
- 4) All persons who are granted permission to meet the accused in the Hospital or in the Lock-Up should be duly searched before allowing him to meet the accused.
- 5) No outside food should be allowed to be given to the accused persons in lock up or hospital.
- 6) The Officer-in-charge or any officer assigned by the Officer-in-charge of the PS should physically check the Lock-Up from time to time and look for cut marks on the Lock-up iron rod/grill or the door or the ventilator.

- 7) The officer-in-charge should make sure that a proper guard is placed in the Lock-up while providing food to the inmates.
- 8) Any request made by inmates of the lock-up should be brought to the notice of the O/C or the duty officer who will allow or disallow such request with entry in GD.

**Sd/-**  
**(SHRI. P.J.P.HANAMAN), IPS**  
**Director General of Police**  
**Meghalaya, Shillong**

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Dated Shillong the 21<sup>st</sup> Oct, 2014.

Copy forwarded to: -

1. The Addl. Directors General of Police (SB/CID) / (TAP) / (F&ES/R/PR), Meghalaya, Shillong for favour of kind information.
2. The Inspectors General of Police (CID) / (TAP) / (/Hqr/Admn & I/C. Opr), Meghalaya, Shillong / (SB/Border & I/C WR), Meghalaya, Tura for favour of information.
3. The Dy. Inspectors General of Police (ER) / (CID/ACB/Vig), (R/PR); Meghalaya, Shillong for favour of information.
4. The Director, MPRO/FSL, Meghalaya, Shillong for information.
5. The Principal, Police Training School, Shillong for favour of information.
6. The Superintendents of Police, WJH, Jowai / EJH, Khliehriat / EKH, Shillong / WKH, Nongstoin / SWKH, Mawkyrwat / Ri-Bhoi, Nongpoh / NGH, Resubelpara / EGH, Willamnagar / SGH, Baghmara / WGH, Tura / SGH, Amapti, Meghalaya, for information and necessary action.
7. The Asstt. Inspectors General of Police (R) / (A), Meghalaya, Shillong for information and necessary action.

  
Asstt. Inspector General of Police (E),  
Meghalaya, Shillong.