



POLICE COMMISSIONERATE
BHUBANESWAR-CUTTACK
BHUBANESWAR

COMMISSIONER'S ORDER NO.03/2011

In accordance with the directives of Hon'ble Supreme Court of India in WP(CrI.) No.539 of 1986 - D.K.Basu Vrs. State of West Bengal and WP(CrI.) No.529 of 1987 - Ashok K. Johari Vrs. State of Uttar Pradesh & others and observations of Hon'ble Orissa Human Rights Commission, communicated vide letter No.10987 dtd.20.12.2010, the following procedure and compliances in matters of arrest by police personnel are hereby prescribed:

1. Police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designation on uniform, which should be tagged on the right side chest above the pocket. The particulars of all such police personnel, who handle interrogation of the arrestee must be recorded in Col-5 of the register, called "ARREST REGISTER", as per the proforma indicated in "**Annexure-A**".

2. Police officer carrying out the arrest shall prepare a Memo of Arrest at the time of arrest under his signature and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest was made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

The Arrest Memo shall be prepared according to the proforma indicated in **"Annexure-B"**.

3. A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up shall be entitled to have one friend or relative or other person, known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the Memo of Arrest is himself such a friend or a relative of the arrestee.

This information shall be indicated in Col-7 of the proforma given in **Annexure-A (Arrest Register)**.

4. The time, place of arrest and venue of custody of an arrestee shall be notified by the police in case the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the district and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

The particulars of such information shall be indicated in **Col-8 of Annexure-A**.

5. The person arrested shall be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

The information should be indicated in **Col-9 of Annexure-A**.

6. An entry shall be made in the diary at the place of detention regarding the arrest of the person, which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in which custody the arrestee is.

The Station Diary, maintained in the police station, should contain all informations, relating to point-6 and the reference thereof shall be indicated in Col-10 of **Annexure-A**.

7. The arrestee should, where he so requests, be also examined by the time of his arrest and major/minor injuries, if any, present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer, effecting the arrest and its copy provided to the arrestee.

The Inspection Memo shall be maintained as per the proforma indicated in "**Annexure-C**".

8. The arrestee shall be sent for medical examination every 48 hours during his detention in custody by a doctor or a panel of approved doctors, appointed by Director, Health Services, Orissa. An entry to this effect shall be made every 48 hours in the Station Diary maintained at the police station.

The panel of doctors approved by the Health Services, Orissa shall be maintained as a hanging list in all Police Stations of Police Commissionerate as per "**Annexure-D**".

9. Copies of all the documents including the Memo of Arrest should be sent to the Area Magistrate for his record.

10. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation. The lawyer must produce his credentials i.e. Identity Card to the IIC, if required. Such meeting must be done in presence of the interrogating Police Officer.

An entry to this effect shall be made in the Station Diary and the arrestee may be made aware of this provision.

11. Information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest, to the Urban Police District Control Room, where it should be displayed on a conspicuous Notice Board. The Commissionerate Police Control Room should be informed of the arrests daily by the Urban Police District Control Rooms.

The Urban Police District Control Room shall display information as per "**Annexure-E**" in its Notice Board.

Any deviation in implementation of the instructions indicated above shall render the arresting officer liable for departmental action besides contempt of court.

By Order

(B.K.Sharma)
Commissioner of Police,
Bhubaneswar-Cuttack.

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ANNEXURE - A

ARREST REGISTER

| Sl. No. | Date & Time of arrest | Place of arrest | Case Reference | Name of officer/ men effecting arrest | Name of PS/ Interrogation Centre/Lock up or other place where the arrestee is detained. | Name of friend or relative or other person (known or having interest with the arrestee) accompanying the arrestee | Mention whether due information about arrest/ detention and place of arrest has been given: (a) Whether through Legal Aid Orgn. (b) Whether through PS (Must be complied within 8 to 12 hours of arrest) | Mention whether the person arrested has been made aware of his/her right about someone informed regarding arrest/detention (Signature of the arrestee & the persons named at Sl. 5 & 7 must be taken) | Reference of Station Diary Entry |
|---------|-----------------------|-----------------|----------------|---------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

ANNEXURE - B

MEMO OF ARREST

| Case Reference | Name of the IO or other person effecting arrest | Name of the person arrested | Circumstances of arrest, in brief. (Ground of arrest) | Date & time of arrest. | Time of preparation of Memo of arrest | Name of witness (preferably a family member of the arrestee or a respectable person of the area) with signature. | Signature of the arrestee with date and time. | Signature of the Police Officer. |
|----------------|-------------------------------------------------|-----------------------------|-------------------------------------------------------|------------------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

ANNEXURE-C

INSPECTION MEMO

| Sl. No. | Date & Time of arrest | Name of the person (with address) arrested | Name of Police Officer effecting arrest | Date & time of examination | Nature of injuries found (both major & minor) | Signature of the arrestee and acknowledgement of copy thereof | Signature of Police Officer effecting arrest |
|---------|-----------------------|--------------------------------------------|-----------------------------------------|----------------------------|-----------------------------------------------|---------------------------------------------------------------|----------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

ANNEXURE - D

LIST OF APPROVED DOCTORS FOR TAHASIL/DI STRICT.

Ref. Letter No. _____ / Dated _____
of the Director Health Services, Orissa, Bhubaneswar.

| Name of the Doctors | Address | Distance from PS |
|---------------------|---------|------------------|
| 1 | 2 | 3 |
| | | |

ANNEXURE - E

NOTICE BOARD

| Sl. No. | Name of arrestee with address | Date & time of arrest | Name of Police Officer effecting arrest | Place of detention | Time when intimation received at Urban Police District Control Room/ Commissionerate Police Control Room | Date & time of forwarding of accused to Court or released otherwise |
|---------|-------------------------------|-----------------------|-----------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |