

In Pursuance of the Provision of clause(3) of article 348 of the Constitution of India, the Governor is pleased to order the Publication of the following English translation of Notification No. /XX-5/22/11(38)2022, dated June, 2022 for general information.

Government of Uttarakhand

Home Department

No. 635 /XX-5/22/11(38)2022,

Dehradun, Dated, 28 June, 2022

NOTIFICATION

In exercise of the powers conferred by subsection (1) of section 87 of the Uttarakhand Police Act, 2007, the Governor, is hereby pleased to make following Rules for adopting the Procedure to ensure effective Investigation in appropriate manner of Criminal cases in State of Uttarakhand.

The Uttarakhand Investigation Procedure Rules, 2022

Part.1: GENERAL

**Short Title, extent
and commencement**

1.

- (1) These Rules may be called The Uttarakhand Investigation Procedure Rules, 2022.
- (2) It shall come into force at once.

Definitions

2.

In these rules, unless the context otherwise requires-

- (a) 'Code' means the Code of Criminal Procedure, 1973;
- (b) 'Court' means any Criminal Court established under the Code, any special law or any local law, time being in force;
- (c) 'High Court' means the High Court of Uttarakhand, Nainital;
- (d) 'Government' means the Government of Uttarakhand;
- (e) 'Governor' means the Governor of Uttarakhand;

PART-II INVESTIGATION

**BODY SKETCH
TO ACCOMPANY
MEDICO LEGAL
CERTIFICATE, POST
MORTEM REPORT
AND INQUEST REPORT:**

3.

Every Medico Legal Certificate, Post Mortem Report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch.

Explanation: The printed format of the human body shall contain both a frontal and rear view of the human body as provided in ANNEXURE - A

**PHOTOGRAPHS AND VIDEO GRAPHS
OF POST MORTEM/OTHER
MATTERS IN CERTAIN CASES**

4.

- (a) In case of death of a person in police action [under Section 46 or Sections 129 to 131 of the Code, or death while in police custody, the Magistrate or the Investigating Officer as the case may be, shall inform the hospital or doctor in-charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The photographs of the deceased shall also be arranged to be taken in all cases. In other matters Photography/videography shall be conducted as per necessity.
- (b) Such photograph and video graphs shall be taken either by arranging a police photographer or by photographer engaged under these rules, and where neither of the above are available, an independent or private photographer shall be engaged.
- (c) Said photographs or video graphs shall be included in Investigation and all necessary steps shall be taken by Investigation Officer for conserving such photographs/video graphs during Investigation.
- (d) The Investigating Officer shall ensure that such photographs and videographs, if taken electronically, are seized under a panchnama or seizure memo separately and steps are taken to preserve the original, and ensure that certificate under Section 65B Indian Evidence Act, 1872 is obtained and taken to be proved during trial.
- (e) The video or photographs shall be stored on a separate memory card, accompanied by a duly certified certificate under Section 65B Indian Evidence Act, 1872.
- (f) Where post-mortems are recorded in electronic form, the file containing the post-mortem proceedings, duly certified, should be placed with the memory card as an attachment unless individual memory cards are not capable of being produced before Court.

**SCENE MAHAZAR/
SPOT PANCHANAM**

5.

- (a) A Site plan of the place of occurrence of an incident shall be prepared by Investigating Officer to the scene mahazar or spot panchnama.

- (b) The site plan shall be prepared by the Investigating Officer by hand or by handwriting of Police draftmen or draftmen engaged under these rules.
 - (i) The place of occurrence.
 - (ii) The place where the body (or bodies) was/were found.
 - (iii) The place where material exhibits and/or weapons.
 - (iv) Blood stains and/or body fluids had fallen.
 - (v) The place where bullet shells, if any, were found or have caused impact,
 - (vi) The source of light and presence place of witness, if any, and;
 - (vii) Adjoining natural and man-made structures or features such as walls, pits, fences, trees/ bushes, if any and
 - (viii) Elevation of structures and their locations.

Note: The Signature of the person in presence of whom Site Plan has been prepared shall be taken on Site Plan.

- (c) The preparation of this sketch by the Investigating Officer shall be followed by a scaled site plan prepared by police Draftsmen, if available, or Draftsmen engaged under these rules, who shall prepare the scaled site plan after visiting the spot.
- (d) The relevant details in the mahazar or panchnama shall be marked and correlated in the said site plan.

SEPARATION OF PUBLIC PROSECUTORS AND INVESTIGATORS.

6.

Under these rules Advocates/Legal Advisors other than the Public Prosecutors shall be engaged by the Government to advise Investigators during the investigation in Criminal Cases

PART-III : QUALIFICATION, TRAINING, FUNCTIONS AND RESPONSIBILITIES AND OTHERS FOR THE SELECTION OF PHOTOGRAPHER/DRAFTSMEN AND ADVOCATES/ LEGAL ADVISOR

QUALIFICATION TRAINING, FUNCTIONS AND RESPONSIBILITIES AND OTHERS FOR THE SELECTION OF PHOTOGRAPHER

7.

Qualification determined for the selection of photographer:-

- (i) General Qualification
 - (a) Be a citizen of India,
 - (b) Minimum five years' experience in photography/ videography. Preference shall be given to photographer course done from a particular institute for photography.

- (c) Minimum educational qualification for photographer should be 12th pass.
- (d) That no criminal case should be registered against him, pending at any stage, Police Character Verification will be necessary before selection.

(ii) Training:-

Police Photographer shall be given 15 days training by expert Photographers in Police Training College, Narendra Nagar to acquire requisite skills.

(iii) Functions and responsibilities:

- (a) Photographer shall do the photography and video recording of crime scene.
- (b) Photographer shall be available on phone 24x7.

(iv) Others:

- (a) The proposal of honorarium etc. for specialist photographer shall be made available by Police Headquarters to the Home Department of Government. After that honorarium shall be decided separately by the government after due consideration.
- (b) Payment of bills related to the honorarium of photographer shall be done from the item of professional service .

**Qualification, Training 8.
Function and responsibilities
and Others for the Selection of
Draftsmen.**

Qualifications determined for the selection of Draftsmen

(i) General Qualification

- (a) Be a citizen of India,
- (b) Minimum of five years' experience.
- (c) The Minimum educational qualification of Draftsmen is 12th pass and Diploma in Draftsmen from any recognised institution affiliated in India.
- (d) That no criminal case should be registered against him, pending at any stage, Police Character Verification shall be necessary before selection.

(ii) Training

The Selected Draftsmen shall be compulsorily sent for training of Draftsmen in ITI for atleast one week.

(iii) Functions and responsibilities:

Draftsmen shall prepare the map of crime scene. Sketch of criminals may also be drawn as and when required by Investigating Officer.

(iv) Others:

- (a) Draftsmen shall be available on phone 24x7.
- (b) The proposal of honorarium etc. for specialist Draftsmen shall be made available by Police Headquarters to the Home Department of Government. After that honorarium shall be decided separately by the Government after due consideration.
- (c) Payment of bills related to the honorarium of Draftsmen shall be done from the item of professional service.

Legal Advisor 9.

One Legal Advisor for Vigilance Headquarters in Dehradun, One Legal Advisor for Central Investigation Department, One Legal Advisor for Police Headquarters. Thus a total of 03 Legal Advisors shall be engaged in various headquarters of district Dehradun. In addition to this one Legal Advisor shall be engaged in every district, i.e a total of 16 Legal Advisors shall be engaged in the whole State.

**Qualification, 10.
Training, Functions
and Responsibilities
of Legal Advisor.**

Qualifications determined for the selection of Legal Advisor.

(i) General Qualification

- (a) Be a citizen of India,
- (b) Minimum educational qualification shall be Law Graduate/LLB passed and it shall be mandatory for him/her, to be registered with Bar Council, but if the degree of Bachelor of Law has been obtained after 2010, then it shall be mandatory for him to have qualified All India Bar Examination.
- (d) Minimum 5 years' working experience in courts for Criminal Cases.
- (e) In the selection of Legal Advisors, retired Public Prosecutors registered with the Bar Council, shall be given preference for selection and services rendered by them in Government Service shall be considered for minimum 5 years' experience.

(ii) Functions and responsibilities:

- (a) The Legal Advisor shall provide Legal Assistance to the Investigating Officers to improve the quality of Investigation.
- (b) The Selection of Legal Advisor shall be done on contractual basis as per the arrangements in the Government order no. 111, dated 27-04-2018 and G.O order No. 173, dated 20-02-2013 and as amended from time to time.
- (c) The Legal Advisor shall give contract letter to the concerned Senior Superintendent of Police/Superintendent of Police to the effect that he shall neither be an advocate on behalf of the accused in that case nor will be directly/indirectly involved with the accused and shall ensure complete confidentiality. In case of violation of this condition the Legal Advisor shall be removed immediately on the recommendation of the Selection Committee and one month (Honorarium) shall also be recovered from the concerned.

(iii) Honorarium

The Legal Advisor shall be given Rs. 2500/- per case and in any case the honorarium shall not be less than Rs. 25000/- per month up to maximum of Rs 40,000/- per month.

(iv) Others:

- (a) Arrangement for the office of Legal Advisor in the District Headquarters shall be done by Senior Superintendent of Police/ Superintendent of Police.
- (b) Legal Advisor shall be available on phone 24x7 on the basis of demand of police officers appointed in the district.
- (c) Payment of bills related to the honorarium of Legal Advisor will be done from the item of Professional Service.
- (d) That no criminal case should be registered against him, pending at any stage, Police Character Verification shall be necessary before selection.

PART-IV : SELECTION PROCESS FOR PHOTOGRAPHER, DRAFTSMEN AND LEGAL ADVISOR

COMPOSITION OF SELECTION COMMITTEE	11.	A Committee shall be constituted under the Chairmanship of Senior Superintendent of Police/ Superintendent of Police at the district level for the selection of Photographer, Draftsmen and Legal Advisor.
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The Selection Committee shall be constituted as follows:-

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|---|-----------------|
| (a) Superintendent of Police/
Senior Superintendent of Police- | Chairman |
| (b) Any Sub Divisional Magistrate nominated
by District Magistrate- | Member |
| (c) Any Circle Officer/
Additional Superintendent of Police
nominated by Senior Superintendent of Police
/ Superintendent of Police- | Member |
| (d) Officer in-charge of Prosecution
Department of concerned district- | Member |

Note- The said Committee; may obtain the opinion of District Judge, in relation to the experience, conduct of judicial work of the applicant Legal Advisor, if deemed necessary.

**APPROVAL FOR
SELECTION
ON EXTENSION**

- 12.** The approval of the State Government shall be sought on selection of Legal Advisors by the Selection Committee and Approval of Police Headquarters shall be sought after the Selection of Photographers/Draftsmen. Similarly, for the extension of the tenure of Legal Advisor, approval of State Government shall be taken while for the extension of tenure of photographers/draftsmen, approval of the Police Headquarters shall be taken. On aforesaid Posts for inviting the application from interested candidates, advertisement shall be published in two National Newspapers by Senior Superintendent/ Superintendent of police.

Note- The said Photographer/Draftsmen and Legal Advisor shall normally work under the directions of Senior Superintendent of Police/ Superintendent of Police or an officer designated by them.

By Order,

(Radha Raturi)

Additional Chief Secretary, Home