

CHAPTER III

HISTORY-SHEET AND HISTORY-SHEETERS -
AN ANALYSIS OF STATUTORY PROVISIONS

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One of the major aims of any penal administration is the protection of society. In ancient time this "protection was provided by the removal of the offender. He was hanged or transported."¹ Now with the emphasis on reformative approach, there is realisation that society has to live with the offender and therefore another aim of the penal system is to help the offender to adjust himself to society by putting him under police surveillance by opening a history-sheet at a police station to which he belongs. In case of conflict between the interests of society and of the offender, the interest of the society should definitely get priority.

Concept of History-Sheet :

History-sheet is a technical term used in relation to part V of village crime Note Book which under the Police Regulations, the police are enjoined to maintain. History-sheet is a confidential and official document of

1. Elkin: The English Penal System, p.36.

the police in which the offender's history is written. For this a prescribed form No. 14-4-205 (अ) (given in Appendix I) is used. Facts about his family life and his social experience are recorded on it after collecting information from various sources - from himself, from members of his family, his associates, and so on with the idea of tracing the basis due to which he has become a criminal. This method owes its origin to penologists and criminologists who are engaged in the treatment of the offenders and prevention of crime based on an intimate relationship with their criminals and an attempt at a sympathetic and largely intuitive understanding of their involvement in the crime of the locality. It is said that history-sheeting is the only method in which real understanding of an offender may be achieved. But it is bound to be rather uncertain and capricious one. It depends much upon the paper technique and experience of the police inspector, and leaves the door wide open to the entry of subjective bias in all its disguises.

History-sheet is the life-history of the criminal written by the police. The history-sheet contains the story of delinquent's own life, describing and trying to account for his own descent into crime. Details of conviction, imprisonment, acquittal and complaints form an important part of it. The procedure helps to solve the

problem of crime through the eyes and voice of the offender himself, only when he is both frank and perceptive. He is very likely to be neither of the two. Generally the criminals try to justify themselves and blame others or attribute unavoidable circumstances for their anti-social activities.

Rules and Regulations :

Various methods like imprisonment, parole, probation, fine, open jail system, mass surrender, history-sheet and surveillance are used to deal with the criminals. History-sheet and surveillance are essential parts of any system of crime prevention. A properly planned and executed system of history-sheeting contributes a lot in tackling the crime problem. It can be defined as a secret or open watch of particular bad characters and collection of information about them in order to know whether or not they are continuing their life of crime or making some effort to earn an honest livelihood. It goes hand in hand with patrol work and is one of the sacred and recognised duties of beat constables every where in India. Their names are entered in the village crime Note Book, after opening of the history-sheet and close watch is thus started. The watch depends upon the nature of crime they are resorted. It may be either in day or night or both.

Surveillance presupposes opening of the history-sheets which are helpful to get criminals bound down under Section 109 Cr.P.C. which reads as under:

"Security for good behaviour from suspected persons - when a Judicial Magistrate of the First Class receive information that there is within his local jurisdiction a person taking precautions to conceal his presence and that there is reason to believe that he is doing so with a view to committing a cognizable offence, the Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit."¹ The action under Section 110 Cr.P.C. can be thus properly taken .

History-Sheeting in India

The methods of history-sheeting and surveillance are not the same in all the States as they are generally governed by the Police Regulations of the States. The methods applied in Punjab, Delhi and Haryana States are given below:

In every police station other than those of the railway police a surveillance register is maintained.

1. The Code of Criminal Procedure, 1973, Eastern Book Co., Lucknow, p.39.

In part one of this register the names of persons commonly residents within or commonly frequenting the local jurisdiction of the police station concerned and who belong to one or more of the following classes shall be entered:

(i) All persons who have been proclaimed under Section 82 New Cr.P.C.

(ii) All released convicts in regard to whom an order under Section 356 New Cr.P.C. has been made.

(iii) All convicts the execution of whose sentence is suspended in the whole or any part of whose punishment has been remitted conditionally under Section 432 New Cr.P.C.

(iv) All persons restricted under the rules of Government made under Section 16 of the Restriction of Habitual Offenders Act.

In Part II of such register the following entries may be made at the discretion of the Superintendent of Police:

(i) Persons who have been convicted twice, or more than twice, of offences under chapters XII and XVII of the I.P.C.

(ii) Persons who are reasonably believed to be habitual

offenders or receivers of stolen property whether they have been convicted or not.

(iii) Persons under security under Sections 109 and 110 Cr.P.C.

(iv) Convicts released before the expiration of their sentences without the imposition of any conditions.

Ordinarily, before the name of any person is entered in Part II of the Surveillance Register, a history-sheet is opened for such person. However, the names of persons who have never been convicted or placed on security for good behaviour will not be entered until the Superintendent of Police has recorded definite reasons for doing so. The record of reasons for opening history-sheet is treated as confidential and a person concerned is entitled for a copy thereof. In Uttar Pradesh, Madhya Pradesh and Rajasthan the provisions for opening of history-sheet are similar.

History-Sheetee Defined :

According to U.P. Police Regulations, history-sheetees or history-sheet-men are such bad characters as registered by the police under these regulations. They are or likely to become habitual offenders or abettors of such criminals. There are two types of history-sheetees

i.e. class 'A' and class 'B'. Class 'A' history-sheeters include dacoits, burglars, cattle and railway goods thieves and abettors thereof, and class 'B' history-sheeters consist of confirmed and professional criminals i.e. attachelifters, bicycle thieves, pickpockets, forgers, coiners, illicit distillers, hired ruffians, goondas, wire-cutters and abettors thereof.

Provisions of History-Sheet in U.P. :

After discussing the general provisions of history sheeting in India, we will analyse the provisions in U.P. in detail. The village crime note book is a confidential record kept at every police station and contains information about the crime and criminals of each village in the circle. The officer-in-charge of the police station is responsible for its safe custody and contents. In cities and towns which are too large for a single note-book there should be a separate note-book for each mohalla or other division.¹

Part I of the village crime note-book contains particulars of the population outlying hamlets, revenue market days, principal castes and tribes, Pradhan, Sarpanch, chief land owners, other leading men and watchmen of the village. The particulars of all offences committed within

1. U.P. Police Regulations, 1971, p.94.

the limits of the village area cognizable and whether truly or falsely reported to the police are entered in Part II of the book. Part III contains the particulars of all residents of the village convicted under the Indian Penal Code. The nature of the offence committed and the name of the known gang of which the criminal is a member are written in its remark column. Part IV contains the entries regarding religious festivals and disputes over property and factions etc.

Part V consists of history-sheets. A blank proforma of the history-sheet is given in Appendix I for reference. Entries in Parts I, II and III may be made by a subordinate under the supervision of the officer-in-charge of the police station. Entries in Part IV are made by the officer-in-charge. Entries in Part V i.e. history-sheet are made only by officer-in-charge only when they have been approved by the Superintendent of Police.

Opening of History-Sheet :

History-sheets are the personal records of criminals under police surveillance. No history-sheet can be opened without the order of the Superintendent of Police. As soon as it has been established by suspicion or conviction that a suspect is an active and a prominent member of a gang of criminals or abettors thereof, who has become

dangerous to society and is unlikely to be reformed, a history-sheet is opened for him.

History-sheet cannot be opened for persons who have no definite residence. A history-sheet will only be destroyed at the death of its subject, or if, in the opinion of the Superintendent of Police its further retaintion is not likely to be of any use. The names of associates of a history-sheeter under surveillance must be noted in brief in the remark column on his history-sheet.

For opening a history-sheet personal history and circumstances of its subject are taken into consideration. It is more important to open a history-sheet on conviction than on suspicion and the fact that a convict has been sentenced to a term of imprisonment, however long, is no reason for not opening a history-sheet. History-sheets are not sent to courts as a matter of course but only when courts ask for them. When the subject of a history-sheet changes his residence his history-sheet is forwarded in original by the Superintendent of Police to the Superintendent of the district to which he has migrated.

Entries of History-Sheet :

History-sheets generally contain entries regarding relations, associates, dependents, property, occupation, income and convictions and is kept upto-date and checked by

by the senior officers. Reasons which have led to the opening of history-sheets are also written in brief. All these initial entries in a history-sheet are first submitted to the Superintendent for his approval before they are made. Subsequent paragraphs are written at the police station without reference to the Superintendent and will contain:

- (a) details of all suspicious absences;
- (b) details of report made to the police and all cases instituted against its subject;
- (c) result of periodical inquiries made into the history-sheeter's habits and general repute; and
- (d) details of cases in which the history-sheeter has been suspected.

Closing of History-Sheet :

In closing the history-sheet of an ex-convict and especially of ex-dacoit great care is exercised. The discontinuance of surveillance of a history-sheeter does not entail closing of history-sheet which is a record of information.

Types of History-Sheets :

History-sheets are maintained in duplicate and its one copy is kept at the police station and the other at

the police head quarter. There are two types of history-sheets viz. original and transferred history-sheet. Original history-sheet means that history-sheet which originates in the same police station where it is kept while the transferred history-sheet is that which does not originate in that police station where it is kept but has come by way of transfer as its subject has started living in the jurisdiction of this police station. Both types of these history-sheets are again classified into four sub-heads i.e. class 'A', starred, unstarred and class 'B'. Normally the subjects of class 'A' history-sheet are kept under surveillance for two consecutive years provided no complaint is recorded against them while the subject of class 'B' history-sheet remain continuously under surveillance till death. On the active involvement in crime of a subject of class 'A' history-sheet is converted into starred one by putting a red star on the top which means strict and longer watch and when he becomes silent the star is abolished and the history-sheet becomes unstarred.

Opening of history-sheets on suspicion or acquittal is not justified as it socially degrades men who are not convicted of having committed any crime. Although it is a fact that history-sheets affect the reputation and social prestige of a person, yet on the other hand, society is also protected against anti-social elements. These persons

escape punishment due to cunningness or criminal theory of benefit of doubt construed in favour of the accused or on technical grounds or for want of sufficient evidence, though they are notorious bad characters who have actually committed or abetted the commission of crime. To allow such persons to prey freely upon society is not conducive. U.P. Police Commission¹ examined this issue in detail and observed that we cannot agree with the suggestion that history-sheets should not be opened on suspicion or acquittal. In all such cases, however, orders for opening the history-sheet should be issued only after personal enquiries on the spot by the circle officer in the character and antecedents of the person concerned.

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1. Report of U.P. Police Commission, 1960-61, p.63.