



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 33 Dispur, Thursday, 2nd February, 2017, 13th Magha, 1938 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
POLITICAL (A) DEPARTMENT

NOTIFICATION

The 3rd January, 2017

No. PLA. 174/2014/139 - In pursuance of the Judgment & Order dated 19/09/2015 passed by the Hon'ble Gauhati High Court, Guwahati in WP(C) No. 2226/214 (Nikhil Swarna Silpi Samiti & 2 ors. -vs- State of Assam & 6 ors.), the Governor of Assam is pleased to issue the following guidelines for prevention of harassment of goldsmiths, artisans, jewelers, shop owners dealing in gold business in the State of Assam.

1. Ordinarily, goldsmiths, artisans, jewelers, shop owners dealing in gold business in the State of Assam are not to be arrested and kept in lockup while they are cooperating in the investigation of a case leading/ linking the possession of a jewellery/ ingots with them.
2. In case of theft, robbery and dacoity, the District Superintendent of Police/ Commissioner of Police are to immediately circulate the list of stolen/ missing jewellery/ valuables to the local jewellers association who are to circulate and alert all its members.
3. The jewellers should preserve a digital photograph of the jewellery purchased from individuals before melting them into Gold ingots for a reasonable period, besides maintaining the details of the individuals in a register.
4. The jewellers besides keeping records about the sellers of gold articles are to have diligence on their antecedents and bona-fide, before engaging in business with them.
5. Ordinarily, whenever any suspicious jewellery is received by a jeweller, or he is approached by a suspicious seller, he should inform the local jewellers association which-in-turn shall keep the police informed accordingly.
6. The police shall apprise the local jewellers association and its members about the habitual offenders engaging in the stealing of precious metal/ snatching chain etc. in the locality.
7. As far as search of premises and seizure of articles of persons engaged in the afore mentioned business is concerned the provisions of Section 100 of Cr.P.C are to be strictly adhered to. Seizure should be made in presence of two respectable witnesses of the locality and also a representative of the petitioners/ jewellers association. A detailed seizure list giving the description of seized ornaments should be prepared and receipt thereof be given to the jeweller/ dealer by the police officer making the seizure under dated acknowledgement.
8. A police officer shall seize gold ingots from a dealer/ goldsmith/ artisans jeweler only if there is sufficient evidence to suggest that he has converted the received stolen jewellery into ingots. Similarly, ornaments shall be seized only if there is sufficient evidence to suggest that they are stolen property.

9. Complaints of harassments of goldsmiths/ jewellers/ artisans/ dealer by the police personnel will be viewed very seriously and stern action taken.
10. Whenever a police officer goes for recovery of stolen property the senior most Police Officer must be in uniform without fail. He should first indentify himself by showing his identity card to the jeweler and then proceed to take further action as per provisions of Cr.P.C.
11. The District Superintendent of Police/ Addl. SP/ DCP(Crime) shall closely supervise these cases to ensure compliance of the guidelines.

Since the above mentioned guidelines have already been circulated vide Assam Police Headquarter's Memo No. LC/WP(C) No. 2226/2014/105/126 dated 20/09/2016 and since this notification is issued formally as per direction of the Hon'ble Gauhati High Court, this notification is deemed to have been in force wef the date of its circulation (i.e., 20/09/2016).

BY ORDER AND IN THE NAME OF GOVERNOR

L. S. CHANGSAN,
Commissioner & Secretary to the Government of Assam,
Home & Political Department.