

EIGHTH REPORT NATIONAL POLICE COMMISSION

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CHAPTER LXI

ACCOUNTABILITY OF POLICE PERFORMANCE

Our experience in the preceding three decades after independence has shown that a Constitutional system of Government based on democratic principles cannot function without the support of an effective, efficient and accountable administration. Constitutionally, the political executive i.e., the Minister has been made accountable for the performance of the bureaucratic executives under him. We feel that such undiluted ministerial responsibility is not in the interest of either administrative efficiency or the people sought to be served by the administration in the present conditions. Responsibility of the political executive or the Cabinet in the Assembly is too broad to afford relief to the people who have no access to the channels of power. It is, therefore essential that the accountability of the bureaucratic executive at the various levels be defined and a degree of immediate proximity to the people introduced. The concept of anonymity of the bureaucratic executive cannot wish away the necessity for fixing his accountability for the performance of his duties. While the above is

true for the entire administrative machinery, it has an extra significance for the police organisation which is entrusted with the task of preservation of the basic order in society which is essential for the stability of a Constitutional Government. Unlike the other executive wings of the Government, the police has maximum visibility. Visibility by itself waters down anonymity. The accountability of the police has to be viewed in this light.

Accountability means answerability for the proper performance of the assigned task. It means more than mere responsibility to discharge the duties involved in a job and includes that the discharge of duties shall be to the satisfaction of the party for whose benefit the duties are being discharged. Therefore, accountability pre-supposes two parties, one under obligation to render account for the proper performance of the task assigned and the other having a right to ask for and receive such an account. While the party who renders account has to be unitary, the party which has the right to ask for and receive the account may be multiple. It may be within the organisation or outside.

It is, therefore, essential that the departmental functionaries should know clearly the source of authority to which they have to account for their performance. A clear understanding of the concept would indicate to them their various roles and functions the level of expectations and the limits and constraints within which they have to function. A similar understanding is essential on the part of the source of authority to which the police is accountable. Lack of understanding by either side will result in misplaced goals and objectives and consequent displacement of accountability.

This leads us naturally to the next issue as to whom the police is accountable. In a democratic society, each department of the Government including the police is ultimately accountable for its performance to the people. However, direct accountability to the people in a society like ours may prove difficult. It has, therefore, been constitutionally laid that the public service is accountable to the elected representatives of the people at the forums of Parliament and State Legislatures through the Minister/ Ministers concerned. We have already stated that in the modern world ministerial responsibility of this kind waters down the administrative efficiency and fails to provide the necessary satisfaction to the people. It has become urgent and essential to devise new mechanisms of accountability to ensure a certain amount of direct responsibility to the people at the various levels of administration.

While the ultimate accountability is to the people, the police have a proximate accountability to the law of the land, which in essence is the expression of its will. As the prime law enforcing agency, the activities of the police not only centre around the enforcement of various laws, but their free functioning is also governed by the processes of laws. The action of the police is, therefore, confined to the laws of the land while enforcing the same. Every stage of their activity is given, governed and judged by provisions of law. In this area of accountability to the law of the land the police activities come under very close scrutiny of the judiciary. In other words, the accountability to the law is ensured by judicial review at several stages.

61.6 Apart from the above two sources of authority to which the police is accountable they have a direct accountability to the organisation. This accountability is ensured under the various regulations and departmental procedures apart from the inspections and periodical review of administration.

61.7 We have spelt out in the preceding paragraphs the three-fold accountability of the police i.e. to the people, to the law and to the organisation. We would emphasise that the concept is in fact inter-related and ultimately points to one and the same

principle The laws are the collective will of the people expressed through various legislative bodies and put into a formal shape. The department functionaries are bound to act according to the laws as enacted. Finally, it is the people who have created and authorised the supervisory hierarchy of the department to control and direct the functionaries at police station and other levels so that the latter discharge their statutory duties in accordance with the procedures established by law.

Accountability to the people

61.8 As stated earlier, at present the concept of total anonymity of the bureaucratic executive and undiluted ministerial responsibility to the people has resulted in distortions affecting police efficiency and citizen-satisfaction. Unfortunately, therefore, the concept of ministerial responsibility has given the wrong impression to the political executive that they are authorised to guide and intervene in all functions of the police in all areas regardless of such guidance or intervention being in accordance with or in contravention of the law of the land. We have brought into clear focus in our earlier reports the harm this has done to the people. We wish to emphasise that it is ultimately the people whose agents the police functionaries are and to whom they are ultimately accountable. Realisation of this concept in our opinion, is of vital importance. We however, find that the process of the police accountability to the people has suffered considerable distortion in the recent past. Various pressure and elite groups have come to develop in society having infinite expectations from all Government departments including the police and seeking favours to the exclusion of legality and fair play. These are members of State and Central Legislatures, the local bodies, important functionaries of political parties, particularly the ruling ones, representatives of the local, yellow press, other important persons of the locality and Government servants holding important positions, who have tended to divert the police accountability from the people to themselves. Police functionaries, therefore, also have tended to shift their priorities on to these pressure groups. This has had obvious effect on the attitude of the common people themselves, who feel that the public services including the police service are meant only to serve the elitist groups and in case they wish to avail of any public service, they have to purchase it through illegal gratification or secure it through exercise of pressures from power-wielding sections of the society.

51 9 Another distortion noticed by us is preferential attention of the police to the urban areas at the cost of the rural areas. Since the urban population is more vocal and more demanding, the public services have tended to neglect the rural population. We understand, in several States, departmental instructions provide compulsory stay of district level officers in the rural areas for at least 90 days every year. We notice that these instructions are seldom complied with. Police functionaries of and above the level of Dy. Supdt. of Police/SDPO, therefore, do not come into contact with the rural population as frequently as they should. The rural areas are neglected except for completing the rituals of supervision and inspection. Therefore, the police officials appear to be out of touch with the problems and difficulties facing the vast majority of the people, residing in the villages. In this context, we would strongly recommend strict compliance of the existing instructions and would emphasise that officers of the level of SDPO and SP must reside in the rural areas for at least 90 days in a year Such stays would help them to come in close contact with the common people, know their problems in full and seek their cooperation in various

police activities. It will also provide opportunity to police officers to meet representative sections of society and discuss various problems facing the people at large.

61.10 The assessment of the police performance has two facets — the first facet consists of the examination of records during inspections, which constitutes the visible part of accountability as prescribed. More important is the invisible part which can be gathered only by interaction with the people by the inspecting officers. This interaction will enable them to assess the actual qualitative performance of policing, its impact in that area on citizens and the feeling of security. It is, therefore, essential that officers should not make such inspections a routine drill but introduce such fraternisation as is deemed fit so that the interaction with the public will enable them to elicit the maximum possible information about the views of the people in regard to the functioning of the officials in the area.

61.11 At present the Annual Administration Reports of the State Police are compiled on the basis of statistics and information collected from the various levels in the organisation. This report attempts to present a picture of the standard of policing within the State during a specific period, usually a calendar year, but generally it bases its conclusions on the basis of the statistics, emanating from the police stations. The report is submitted to the State Government who review it and along with its conclusions present it to the Assembly for discussion. In actual practice, in most States there is a considerable time lag between the date of submission of the report before the Houses and the period to which it relates.

61.12 We have recommended in our Second Report that the evaluation of performance of the State Police would be one of the tasks assigned to the State Security Commission. The aforesaid Annual Administration Report of the State Police will naturally be an important document to aid the State Security Commission in the evaluation of the performance of State Police. But we feel that this document is not enough for an objective assessment. It is based on the statistics, which, as we have more than once observed in our previous reports, are unreliable on account of the fact that there is considerable burking of crime. Further, the Annual Administration Reports generally project only a quantitative assessment. It is not possible to have an accurate idea of the qualitative satisfaction of people from such reports. We, therefore, recommend that the State Security Commission be also provided an independent Cell to evaluate 'police performance, both in quantitative and qualitative terms. This Cell should not be a part of the police and may include experts from other disciplines according to requirements. In addition to the two reports mentioned above, the State Security Commission would also be receiving an assessment report, though not so detailed regarding the state of policing from the Central Police Committee recommended by us *in* our Seventh Report. In our view, these three reports, each emanating from different channels, should provide a reliable base to enable the State Security Commission to assess the police performance objectively and with an amount of certainty, enough to inspire public satisfaction. The State Security Commission will thus be adequately equipped to prepare its own assessment of the performance of the State police, to be placed before the State Legislature.

61.13 The preparation of the final report, to be put up before the Legislature by the State Security Commission itself will lend the report greater acceptability. The Commission will consist of not merely the Home Minister but Members of known integrity and impartiality drawn from various cross-sections of society who would have no temptation not to call a spade a spade. At the same time, the system suggested by us will bring to the notice

of the Home Minister a more reliable and more detailed picture of the State policing and will thus enable him to take the necessary corrective steps thereby helping him to discharge his responsibilities as a Home Minister **in a** much better manner.

- 61.14 We would have liked the accountability of the police to the people to be made more direct and visible by vesting the power in the people to ensure accountability directly to the people themselves. But in a representative democracy like ours we are aware that ensuring such a direct accountability, though desirable, is beset with various difficulties. We are, however, convinced that it is not impossible to introduce a near direct accountability of the police to the people whom they serve. This does exist in a way even today. The Superintendent of Police of a district and the Range DIG get regular feed-back from the people and the press. This enables them to assess the performance of the officers at the Station House and other operational levels.
- 61.15 What we desire is to create the awareness of direct accountability to the people at the various levels in the police hierarchy. In other words, this awareness of accountability to people should not only permeate the system but the officers individually as well as in groups should be sensitized to the idea of the importance of accountability to the people. We have stressed this aspect in our Chapter on 'Training of Police Personnel' also.
- 61.16 Inspections are instrumentalities in introduction of direct accountability to people Officers, therefore, have to take inspections seriously and make them more meaningful by conscious and constant interaction with the people. They should not hesitate to meet the people and the press, nay, they should seek out people during their inspections to get the necessary feed-back to assess the functioning of operational level policing. This should be both at the district and at the Station House level. During the inspections the Inspecting officers should call meetings of the cross-sections of the people and discuss their problems with them. At the district level they should hold meetings not only with the cross-sections of the people but with the representatives of the people at the Municipal, Zila Parishad levels and with the MLAs and MPS of the constituency.
- 61.17 During inspections the inspecting officers should devote special care to scrutinise and review the overall pattern of complaints that are received. If a complaint of a particular kind is repeated or frequent complaints are noticed from a particular area the Inspecting Officer should investigate into the causes. Selective inspection should be carried out so that the complaints as well as the reasons therefor could be ascertained in detail.
- 61.18 We would like to lay emphasis on the point that officers at the level of Superintendent of Police and above should be required to watch the reputation of Station House Officers. Responsibility in this regard must be squarely fixed on them and any failure on their part in this regard should be viewed seriously. However, there may be circumstances where the supervisory ranks may either fail to assess the reputation of the SHO or fail to take appropriate action even after a case of bad reputation has come to their notice. In such circumstances, the people have a right to petition to the State Security Commission. In such cases the State Security Commission should cause appropriate enquiries to be made to gauge the reputation of the SHO concerned and take such action thereafter as may be

required.

61.19 We have in our earlier Chapters expressed the hope that the future police station will not merely be a point of crime control and prevention but will develop into a service centre. At present, people hesitate to go near police stations but with the introduction of training we have recommended for the police personnel, and the quality of recruitment we have envisaged and the constant sensitising of the police personnel to the problems of the people by the superior officers, it should be possible to convert the police stations into 'service centres' for people with problems.

61.20 When the Range DIG or the Supdt. of Police of the district feels that a particular station house or operational level policing is not giving the necessary satisfaction to the people, he should go into the causes in depth and try to remove the same. If the attitude of a particular Station House Officer or his methods of functioning are not in the interests of the people of the locality, the higher officers should not hesitate to shift the officer from that particular area and to take such corrective or disciplinary action against him to mend his attitude and behaviour.

Accountability to Law

61.21 The principal criminal laws in the country are the Indian Penal Code and the Criminal Procedure Code. There are also some special/local laws making certain acts penal offences. The Police Act which is one of the special laws spells out powers functions and duties of the police.

61.22 The Police Organisation is subject to the superintendence of the State Government We have analysed the nature of this superintendence in our Second Report in paragraphs 15.36 to 15.42. We have explicitly mentioned therein that "the investigative tasks of the police are beyond any kind of intervention by the executive or non-executive." Therefore, so far as the police-activities pertaining to investigation of offences are concerned, they have professional independence whereby they are to be entirely governed by the provisions of law. No authority except the supervisory ranks of the police themselves are authorised to issue an executive order to the police official to investigate or not to investigate a criminal offence, arrest or not to arrest an alleged offender or decide a case under investigation in a particular way. Any executive instructions issued in this regard would be contrary to the law. With regard to preventive tasks and service oriented functions, we have said that "in the performance of preventive tasks and service-oriented functions, police should be subject to overall guidance from the Government which should lay down broad policies for adoption in different situations from time to time. There should, however, be no instructions in regard to actual operations in the field. The discretion of the police officer to deal with the situation within the four corners of the overall guidance and broad policies should be unfettered."

61.23 The police accountability, therefore, is to the law as established by the people in all areas of law enforcement. In the area of investigation they are exclusively governed by the laws, both substantive and procedural. They are not subject to the directions of any authority not recognised by the law. In other areas of law enforcement, the police accountability continues to be to the law as enacted. In the latter areas, however their functions are subject to such broad policies as may be laid-down under the law by the recognised authorities. Even here the broad policies can be laid-down only under the law and not beyond or against it.

61.24 Although the laws are ultimately the wishes of the people themselves, neither the

people nor the elected representatives have any authority to intervene or interfere in the activities of the police in the discharge of the duties under the laws once enacted though the people through elected representatives may amend the law if they deem so necessary.

61.25 The above-mentioned factors are essential for ensuring police accountability to law ; but we observe that there has been a continuous erosion by undue interference in the exercise of the discretionary authority and statutory duties of the police. Extraneous interference is damaging the police accountability to law. In this context Professor David H. Bayley expressing his views on the subject has observed :—

"In India today a dual system of criminal justice has grown up — the one of law the other of politics. With respect atleast to the police, decisions made by the police officials about the application of law are frequently subject to partisan review or direction by elected representatives. This autonomy of police officials in specific and routine applications of law has been severely curtailed. This is not only true of law and order situations. People accused of crimes have grown into the habit of appealing to political figures for remission from the sanctions of law. Police Officers throughout India have grown accustomed to calculating the likely political effect of any enforcement action they contemplate. Fearing for their careers and especially their postings, they have become anxious and cynical. But everywhere officers expect to be held personally accountable by politicians even more than by superior officers for enforcement actions taken in the course of duty."

He has further observed —

"Altogether, then, the rule of law in modern India, the frame upon which justice hangs, has been undermined by the rule of politics. Supervision, in the name of democracy has eroded the foundations upon which impartiality depends in a **criminal** justice system."

The findings of Prof. Bayley support our own observations of the situation in the country.

61.26 While police functionaries have been accorded wide powers under the law, many of them affecting the freedom and liberty of an individual, provision has also been made for strict scrutiny by the courts over the manner in which the police exercises these powers. Almost all preventive and investigative activities of the police are Subject to scrutiny by law and adverse observations by courts on police conduct call for a mandatory enquiry attended with follow-up action. At the same time any member of public who feels that the police in a particular situation has acted contrary to the law, can move the courts for redress. In order to secure fuller accountability of the police to the laws, we have already recommended in our First Report, mandatory judicial inquiry into certain categories of police "misbehaviour" through a District Inquiry Authority. We have in the same report also recommended creation of a Complaint Cell under the District Superintendent of Police and Special Cells under the Range Deputy Inspector General of Police an Inspector General of Police to handle complaints against the police personnel.

61.27 On occasions, however, it is seen that false and frivolous complaints are made against police officers before criminal courts, to embarrass and demoralise them so that they desist from taking stern action against an offending party. Sometimes such complaints are got filed through third parties by influential persons who have a grouse against the police but do not themselves want to come out in the open. They

only make funds available and exercise their influence to create and produce evidence. Law takes notice of such vexatious prosecutions and has provided protection to police officers, as also to other Government servants, for acts done or purported to be done in the discharge of their official duties.

61.28 Section 132 of Cr.P.C. 1973 gives protection to members of the armed forces of the Union, executive magistrates and police officers against prosecution for acts done under section 129, section 130 and section 131 Cr.P.C. which relate to dispersal of unlawful assembly by use of force etc. According to sub-section 1 of section 132, no prosecution can be launched against a police official except with the sanction of the State (Government. Section 132(2) provides that police officials acting under good faith in connection with dispersal of unlawful assembly would be deemed to have thereby committed no offence.

61.29 Section 197 of the Cr.P.C. provides protection to judges, magistrates and all public servants not removable from their office except by or with the sanction of the Government. Thus no court is authorised to take cognizance of an offence against a public servant, if the alleged offending act has been committed while acting or purporting to act in the discharge of duties, except with the previous sanction of the State Government. Sub-section 3 of section 197 empowers the State Government to make any class or category of members of the force charged with the maintenance of order immune from prosecution except with the previous sanction of the State Government.

61 30 The difference between the provisions of the above two sections are firstly that while section 132 Cr.P.C. gives protection to police officers of all ranks, section 197 Cr.P.C. generally covers only the officers who are not removable from their office save by or with the sanction of the appropriate Government. Secondly, section 132 Cr.P.C covers only acts purported to be done under section 129, 130 and 131 Cr.P.C. while the other section provides for omnibus protection for all acts done or purported to be done in the discharge of official duty.

61.31 The above provisions in actual practice seem to have made neither the public nor the police officer happy. The public feel that the restriction placed by the law are dilatory and undue. Obtaining permission for prosecution from the competent authority takes considerable time and the consequent delay provides an opportunity to the accused police officer to suborn witnesses and even pressurise the complainant. The common man feels that he should have an unfettered right to seek redress for an injustice done to him by a public servant, from a court of law. The police officers, on the other hand, feel that the law as it has been interpreted and applied hardly provides them any protection worth the name. The police officers, whom we met, repeatedly drew our attention to many occasions when they got no legal protection, even though the acts in question were done in the discharge of their duties.

We have given anxious consideration to the two opposite views stated above While we feel that on the one hand the police officers are exposed to frivolous prosecutions and there is need for help from the Government so that they do not feel helpless or abandoned, we also at the same time see merit in the plea that the public should be free to seek the verdict of a court

of law if he has a grievance against a Government servant.

Section 197 Cr.P.C. suo moto makes a distinction between officers not removable save by or with the sanction of the appropriate Government and other ranks of police officers. Though in some States (like Delhi) the protection has been extended to other ranks charged with the maintenance of public order under the provisions of sub-section (3) of this section, we see no justification for making a distinction between the various ranks of police officers and would like the recommendations which we will be making in this chapter later on to be made applicable to all ranks equally.

Police has vast powers which may affect even the liberty of an individual. Stigma attaches to any person, action against whom is taken by the police. Similar powers are not enjoyed by officers of other departments and hence we feel that the police should also have a greater measure of accountability. The public complainant should, in our opinion, be free to press his complaint against a police officer for a judicial pronouncement without there being a need to obtain permission from any body. At the same time we feel the necessity for certain measures for the protection of police officers against vexatious and frivolous prosecutions. While we advocate that the public complainant should have the liberty to go ahead with his case in a court of law, we would recommend that the police officer should be defended at the cost of the Govt. According to the existing rules and instructions in some States the permission of the Government has to be obtained for such a defence. We do not consider this to be necessary. We feel that officers of and above the rank of Superintendent of Police should be empowered to order defence of their subordinates. The Government orders should be necessary only in cases when a complaint is filed against an officer of the rank of Inspector General of Police or Director General of Police and also in case the complaint against the police officer is of rape or murder. Such defence at Government cost should extend upto the appellate stage. We have examined the propriety of the suggestion that in case the officer is convicted by a court of law, the expenses incurred by the Government in such cases should be recovered from him. In the case of conviction of a Government servant he will automatically be subjected to some other departmental penalty which may extend up to his dismissal. We think that such a departmental penalty should be enough and the recovery of expenses would not be necessary.

We have considered another suggestion which was made to us, namely, making it obligatory for the public complainant to deposit a certain amount of money along with his complaint in the court of law which amount should be subject to forfeiture in the event of the complaint being found false. We think that such a provision will prevent the weaker sections of the society from going to courts for the redressal of their grievances. As an alternative, we feel that in case the court comes to a finding that the complaint is unfounded, it should by law be empowered to take the explanation of the complainant and if it finds the explanation unsatisfactory, it should have power to inflict suitable punishment on the complainant. The Law Reforms Commission appointed by the Australian Government in its Report on 'Complaints against police' has recommended that "where the

complaint filed against a police officer concerning action taken by him is false or misleading in a material particular, it should be treated as an offence punishable with fine upto Rs.500 or/and imprisonment upto six months". We are in general agreement with this approach and would suggest the introduction of a suitable legal provision in this regard. We would also add that it might be impressed upon courts by the High Courts concerned that such complaint cases against police officers should be disposed of on a priority basis. Delay not only causes frustration to the complainant but also brings the police force as such into disrepute. Further, we would suggest that the High Courts might draw the attention of the lower courts to the provisions of section 202 Cr.P.C. and advise them generally to ask for a report from the District Superintendent of Police on the complaints filed before them. It should be the responsibility of the District Superintendent of Police to either make an inquiry himself or have it made by a sufficiently senior officer and submit a factual report to the court before the court decides to proceed further with the case. Objectivity of such a report must be ensured at all costs and there should be no attempt to white-wash or cover up the lapses. A fair and impartial report will enhance the confidence that the court may repose in police.

- 61.36** We would like to add a word of caution in this regard. Sometimes the main purpose of filing a complaint in a court of law is to secure the transfer of the officer concerned and once the transfer has been ordered, the complainant loses interest in the case. We feel that on mere filing of a complaint transfers should not be made unless there is a prima facie case and justification for the same.

Organisational accountability

61.37 In the system of accountability internal to the organisation also we have noticed equally serious drawbacks which have led to distortions and which would require suitable corrective measures. In a hierarchical system like the police, accountability is determined at various levels with reference to the next higher level. For instance, the SHO is accountable for his individual performance as well as collective performance of the Police Station to the Superintendent of Police. So far as the performance appraisal of individual functionaries are concerned, we have dealt with that in a separate Chapter in our Seventh Report. In this Chapter we are confining ourselves to evaluation of collective performance. This is because in our opinion individual performance appraisal requires a more detailed and exclusive discussion and the evaluation of group performance may be more appropriately dealt with in the context of police-accountability. Evaluation of group performance is conducted by various levels of supervisory police officers by the exercise of periodic inspections. For instance the District Superintendent of Police inspects police-stations under his charge periodically. Similar inspections are carried out in respect of the District Police by the D.I.G. and the Chief of the State Police. We note that the yard-sticks adopted for evaluation of group-performance are generally similar in most States with regard to the major areas of police activities. For instance the most commonly used parameter relates to assessment of police efficiency by comparison of crime-statistics of the period under review with those of the previous years. If the number of offences registered during the period under review is more than those in the preceding years, a facile conclusion is drawn that the police of the area has failed to control crime. Firstly, statistics of reported cases of crime do not reflect the

true position regarding police efficiency, as the police by themselves do not exercise control over all crimogenic factors. Secondly, adoption of this parameter leads to large-scale non-registration of offences at the police station level. Since free-registration of all cases reported at Police Station would mean swelling of crime figures, under-registration at the Police Station level has become a prevailing practice. We would like to add even at the risk of repetition, that suppression of crime-statistics is not a malady afflicting the Police Station level only ; it has taken into its sweep the supervisory authorities at all levels also. Since the crime situation is discussed every year on the floor of the State Legislatures primarily on the basis of crime statistics, State Governments in the majority of the cases are also interested in presenting a rosy picture of crime incidence Therefore, the State Governments and the senior police-officers frequently connive at under-reporting of cases.

61 38 Another commonly used parameter is the so-called 'preventive measures' taken by the police during the period of review. Incidence of reported offences under Local and Special Laws is generally considered to be an index of the extent to which 'preventive measures' were taken by the police. The higher the number of reported cases under Local/Special Acts (e.g. Police Act, Arms Act, Excise Act, Gambling Act, Suppression of Immoral Traffic Act etc.), the more creditable it is considered to be for the police. The logic behind this practice appears to be that the acts punishable under Local and Special Laws are the breeding-grounds for more serious offences and the arrest and prosecution of offenders at this stage acts as a deterrent against major offences. The obvious flaw in this assumption cannot escape notice. But more than that, adoption of this determinant of evaluating police performance leads to large-scale and unwarranted arrests, and initiation by police of false cases against innocent persons.

Another yard-stick adopted in some States pertains to police-encounters with the gangs of dacoits and robbers. Total number of encounters during the period of review total number of criminals apprehended and killed in police-encounters, fire-arms etc recovered from the outlaws are the parameters by which the police efficiency is assessed This yardstick also often leads to police staging fake encounters and at times killing of criminals after they are caught by the police. Fire-arms are often planted in the hands of dacoits and to acquire them, unscrupulous police officials connive at the illicit manufacture of such fire-arms.

The above are the most frequently used yardsticks on which the police efficiency is assessed. A few other yardsticks common to all States are —

- (i) Recovery of stolen property during the period of review, as compared to previous years;
- (ii) Successes in investigation of offences determined by the percentage of chargesheeted cases to those registered by the Police during the period of review;
- (iii) Successes in criminal cases in the courts of law determined by percentage of cases successfully convicted to those decided, etc.

In adopting these determinants, a lack of correlation between the determining factors and yardsticks which are supposed to measure police efficiency is apparent. But more than that, these parameters encourage the police to adopt questionable means of recording and controlling crime and even resorting to illegal acts. One

modern yardstick adopted in some big cities is the 'response-time' which is the time-lag between the receipt of a call by the police and the arrival of the police at the place of the caller. But we note that the average response-time of the police-car in big cities does not provide a realistic picture, as the police records appear to be manipulated frequently to show a quicker response-time.

Due to a faulty system of monitoring police performance at various levels, we have come across a number of odd situations. For instance, in one major State the sense of security in the community has been lacking during the last decade or so, but crime statistics create an impression that it is a very peaceful area. In another major State there is a similar situation, but the crime figures of today in that State are much below those recorded 10 years back. In this State several thousands of dacoits have been shot dead during the police encounters during last 5-6 years, but the dacoity menace remains unchecked.

Great harm has been caused to the image of the police department due to laying down of faulty determinants for evaluating police performance, which has led to a misplaced sense of accountability and questionable methods of crime control adopted by police. In our opinion, the parameters of performance evaluation act as reference points for determining police-performance which ultimately help delienate the coordinates of police accountability. Therefore, we have addressed ourselves to the possible yardsticks which may be the desirable indicators of police performance. While determining these yardsticks we have two considerations in our view :—

- (a) that these should help the authorities to have an objective evaluation of police performance ;
- (b) these yardsticks should not encourage the police to resort to extra-legal methods.

We recommend the following determinants to be adopted by the State Police organisations :—

(1) *Prevention of Crime* :

- (i) Sense of security prevailing in the community.
- (ii) People's willing cooperation and participation secured by the Police in preventing crime.

(2) *Investigation of Crime* :

- (i) Correct registration of crime
- (ii) Prompt visit to the scene of occurrence
- (iii) Speedy investigation
- (iv) Honesty and impartiality in investigation.

(3) *Law and Order*:

- (i) Extent to which law and order is maintained, taking into account the forces which promote lawlessness.
- (ii) The manner in which law and order is maintained. Two factors have to be judged — (a) People's cooperation, (b) Use of force.

(4) *Traffic Management*:

- (i) Smooth flow of traffic in urban areas and control of fatal and serious

accidents by prosecution of persistent offenders.

(5) *Service* :

(i) General spirit of service, especially to weaker sections, physically handicapped, women and children.

(ii) Quality of service rendered in a distress situation like cyclone-havoc flood-damage, famine etc.

(iii) Specific instances of service-oriented functions performed by the Police which drew special appreciation and gratitude from the public.

(6) *Reputation of integrity and courtesy* :

(i) General reputation.

(ii) Police collusion with criminals organising illicit distillation, gambling economic crimes, prostitution etc.

(iii) Reputation for courteous behaviour (iv) Prompt and satisfactory enquiry into complaints against policemen.

However, the problem likely to be faced in this connection by the police authorities will be fixation of specific determinants to evaluate the performance of the police relevant to each of the above-mentioned heads. These determinants would have to be evolved in due course after some experimentation and experience.

61.43 With regard to the departmental accountability, we would like to lay down as a guiding principle that a functionary in the department at a particular level should be held accountable only with respect to functions and duties assigned to him ; conversely the accountability should not extend to duties over which he has no direct control. Such duties and functions are assigned to police-officers at various level from time to time by virtue of various laws and departmental rules. Great damage has been done, in our view, by not taking note of this important principle, and holding functionaries at each level (e.g. SP. DIG and IG) responsible for everything happening throughout his jurisdiction. To elaborate our point, the IG is responsible for generally maintaining law and order throughout the State, generally maintaining integrity and morale of the force, personnel management including training of personnel etc. But he cannot be held responsible for each isolated incident in a particular district unless it is proved that the particular incident occurred because of some acts of omission or commission on the part of the Chief of Police, or such incidents have been widespread and the latter has failed to react adequately. In a similar manner, it would be wrong to hold the SP or the SHO accountable for each isolated incident in their respective jurisdictions,

61.44 Finally, with regard to the departmental accountability we strongly disapprove of the practice of fixing unreasonable or impossible targets which cannot be achieved except through irregular or illegal means. Examples of these are the categories of orders to 'reduce' crime within a fortnight, or clear the area of outlaws, particularly dacoits and robbers, within a short time or to create a sense of security in the community within a similar period or to work out a sensational offence within an unreasonably short time. More often than not, these are the very orders which induce policemen at the Police Station level to resort to such unlawful means as indiscriminate arrests, adoption of third-degree methods, staging fake encounters etc. Often targets of the kind indicated above are promised by the Government in

the State Assembly after a hue and cry has been raised regarding law and order/crime situation in a particular area or in the State. Such instructions filter down to the Police Stations through the various levels of police hierarchy. In our opinion such instructions and directions which are instrumental in creating a distorted sense of accountability among the police functionaries should be controlled effectively and avoided.

61.45 The necessity for accountability of the police organisation is not far to seek. As mentioned earlier, it is too much to expect the political executive alone to account for the acts of the Government departments under their control and the individuals in those departments. The very remoteness of the political executive from the grass-root functioning of the Governmental agencies makes it imperative that the accountability has not only to be defined but prescribed precisely for various levels of the Government organisation. Again the concept of ministerial responsibility to the people through the Parliament and Assemblies presupposes anonymity of the Governmental agencies. In progressive democracies, the concept of anonymity has given way to direct accountability of the various constituents of the Government to the people.

61.46 We want to emphasise that accountability can be ensured only by active supervision. Accountability also depends upon the awareness of the people of their rights and their willingness to exercise the same in a responsible manner by activating the mechanisms worked out by us. At the same time that awareness should also include clear understanding of the limitations and constraints within which the police has to function. Police on their part should also clearly understand that the ultimate accountability is to the people and to the people alone. Their accountability to law and to their organisation are only complementary to the ultimate objective of accountability to the people. If the people are not prepared to assert their rights through the various agencies prescribed by us apart from the Courts, if the State Security Commissions are not established, if the media remains biased and not constructive and inspections continue to be a farce, nothing much can be expected from the mechanism of accountability.

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CHAPTER LXII

LOOKING AHEAD -

62.1 This is not an omnibus peep into the future ; the approach is confined to the police organisation and its role performance about 2000 A.D. Only factors affecting the role performance of police have been discussed. The objective has been to discover what the police organisation has to do *now*, and from *now on*, to adequately discharge its responsibility in about 2000 A.D. The object is strategic planning and not futurology It is necessary to attempt this even though history shows that sometimes revolutionary changes in a country as a result of science, economics make all calculations go awry.

The present state of policing

62.2 In Our earlier reports we have already commented on the present state of policing. The two key elements in the state of policing are police performance and police behaviour. In the Preamble to the First Report we had stated that "Functioning under the constraints and handicaps on an outmoded system, police performance has undoubtedly fallen short of public expectation". It might, however, be mentioned that the assessment of police performance is a tricky matter. Statistics of crime and percentages of conviction do not reveal much, and statistical appraisal of police work has been condemned from 1903 to the present day. The reasons are the nebulous concept of normal crime and the fluid character of order.

62.3 Taking crime control and maintenance of order separately it would be found that (1) no society has ever been totally free of crime and (2) there exists a concept of 'normal crime' as a standard against which police performance in this sphere is usually assessed. If we take a town with a population of two lakhs with the usual mix of students, labour, a small floating segment and a fair sprinkling of various communities how much crime is normal for it cannot be stated by anyone. How many rapes murders, thefts, robberies, per annum are 'normal' cannot be determined by any formula. In practice crime statistics of various years are used for comparison but this comparison seldom takes into account the accretion, during the period, in the criminogenic factors and the absence of free registration of offences. While statistics of crimes are used for various purposes, they do not, unless there is a marked increase in a particular type of crime during a period in which an experiment in free registration is not being made, reveal the ground position of police control over crime. If in a town the figures of rape for the last three years were 8, 7, 9 and in the current year up to October only 4 rapes have taken place it may to the people mean nothing who might legitimately be horrified by a couple of brutal rapes which form part of the total figure of 4 rapes. Consider the following situations. Five rapes take place in different parts of a district, two in a khalihan, one in the town and another two inside homes. In the other situation a girl returning from school is kidnapped by a couple of goondas, taken away, raped and freed. Although it is a single case of rape it will and should hit the people much harder; a conclusion of lawlessness is justified. A couple of grisly offences, though they are for the police and the administration a question of crime and crime control, may create the feeling that law and order has deteriorated. But even if we relate the state of order to an agitation, a procession, a demonstration a gherao, a riot, all these can be counted but how many should be considered normal for a district? Processions and bandhs are a part of our democratic way of life and will continue but if in spite of them people feel that they can go about their normal routine that is all that matters. Thus in both the areas, i.e., crime and disorder, public perception is the decisive factor.

62.4 Public perception of police performance and, behaviour has been mentioned by us in Chapter XLI of the Fifth Report. The conclusions stated were :—

1(1) "Police-public relations at present are in a, very unsatisfactory state. While there are several reasons for it, police partiality, corruption, brutality and failure to register cognizable offences are the most important factors which contribute to this sad state of affairs".

- (2) "Police do in fact harass even those people who try to help them".
- (3) "There is a certain degree of ambivalence in people's views about police efficiency ; by and large they do not think the police are inefficient. A change in the style of police functioning is what they desire foremost".
- (4) "Those who have interacted with the police have a slightly better opinion of it than those whose opinions are based on what they have heard".
- (5) "The Indian Police Commission of 1902-03 had, after discussing police corruption 'practices of extortion and oppression', their 'unnecessary severity' harassment of people, concluded (para 26): "What wonder is it that the people are said to dread the police, and to do all they can to avoid any connection with a police investigation". These observations can very well apply to the conditions obtaining even today. People now may not dread the police but they certainly dread getting involved with it any capacity".

The present state of the police organisation

- 62.5** During our tours and discussions with people in various walks of life a feeling was often expressed that based on the Police Act of 1861 the present police organisation is not suited for the present times because an authoritarian police working under an imperialist regime cannot function well in an independent democratic country. In addition to this basic change is the phenomenal rise in population not paralleled by an equal rise in our gross national product, leading to problems of scarcity in a developing society. It is felt that the police cannot handle all these problems in the traditional manner of repression. The police, sub-culture should take into account the fundamental rights of the people, the supremacy of laws and not of executive fiat, and our constitutional goal towards a developed and egalitarian, society. Before independence a single constable could handle four goondas, now he gets beaten up, stabbed or, even killed. While this factor is taking its toll on the police organisation as yet there are no signs of any preparation for it. In practice the laws are so many, not to speak of social legislation in particular, that police do pick and choose. The real problem is not the effective enforcement of one law or the other but to create a total atmosphere of law enforcement in which criminals, who make a cool calculation, should feel that the odds are weighed against them.
- 62.6** The traditional attitudes and values stubbornly survive while the environment has changed totally. The army philosophy, particularly that which had obtained in the nineteenth century, of work and discipline through an autocratic plus paternalistic management survives as an anachronism and an hindrance to any effort to adapt to the changed role and environment. Now with greater education and mass consciousness there should be an effort to promote motivation by participation and shared goals.
- 62.7** The methods of recruitment and training are far from the realities of the ground situation. As soon as a police officer reaches the police station he has first of all to unlearn what he had been taught in the training institutions. To some extent the legal handicaps and to some extent double talk have produced this situation. The law itself does not trust its instrument. As yet it is not clear to any policeman how he can investigate a case of dacoity, in a strictly legal manner, and yet secure

conviction from a court of law. The same is true of a number of other offences. A witness is harried by the police, bullied by the lawyers and harassed by the courts, yet the police are expected to produce fresh independent witnesses every time.

62.8 The organisation is shaken by mounting criticism of its operational brutality and cancerous corruption. No thinking and planning are in evidence because the senior administrative ranks are perpetually insecure and are exhausted by the continual effort to survive, in an atmosphere where their assessment by the executive — administrative and political — is not always based on merit. Clearly the police organisation as it stands today is unfit to discharge its duties. How much more so would it be by the turn of this century is a horrifying thought.

Trends in crime and disorder

The trends in crime and disorder today can be projected into the future as a continuing process. The crime picture before independence was typical of a large agricultural country where the predominant forms of crime were dacoity murder for traditional causes such as land and woman, with a certain amount of burglary in the urban areas. The crime picture has remained more or less the same after Independence though the number of offences has increased steadily even as population and overcrowding have increased, and has reached a serious stage in some areas, and organised crime such as smuggling, gambling, corporate crimes and frauds have appeared. While there is undoubtedly a feeling of insecurity in some parts of the country, especially in the rural areas, the situation in the urban areas continues to be more or less the same. Communal flare-ups showed a marked decline in the first few years after independence but there has since been a substantial increase and, along with it, there are signs that the use of fire arms and explosives will increase. We should expect that violence which is basically rooted in a soft state and deprivation for vast numbers, may increase. Difficulties regarding food, drinking water, fuel and energy may create conditions conducive to disorder. The quickening pace of industrialisation will lead to massive urbanisation. Uprooted populations without the restraints of rural life may find a life of crime attractive and will drift into gambling, alcoholism and organised disturbances to secure their demands.

62.10 The unreliability of crime statistics in India is well-known. This trend got accentuated after independence because of the anxiety of the State Governments to prove to the legislature that crime was under control. Every State Police Commission in Punjab, in Delhi and in Uttar Pradesh in 1971 — which went into this question unanimously concluded that crime statistics reflect large-scale concealment. Whenever a genuine effort was made to register all crime -- in Uttar Pradesh in 1961-62, and 1970-71, in Delhi, in 1970 and in Haryana in 1977-78. the figures showed such fantastic jumps as were impossible with any normal increase in one year. In spite of the basic unreliability of the crime statistics the figures of recorded crime show certain unmistakable trends. The visible trends in crime are : (1) crime is increasing faster than either population or police strength ; (2) the involvement of young people in crime is increasing ; (3) the involvement of women in crime is increasing ; and (4) the tendency of criminals to be armed and to resort to violence as well as crimes of violence is increasing.

Increase in crime

62.11 After showing a marginal fall in the decade 1951-61, recorded crime has been steadily rising in the country in the last two decades. Total cognizable crime in the years 1951, 1961, and 1971 was 6,49,728 ; 6,25,651 and 9,52,581 respectively. In 1978 total recorded cognizable crime was 12,73,564. It would be seen that during the decade 1951-61 recorded crime decreased at the rate of 0.37% per year or 3.7% through the decade. During the decade 1961-71 crime increased at the rate of 5.2% per year or 52.2% through the decade. During the decade 1951-61 the population of the country rose at the rate of 2.2% per annum or 21.63% in the decade. The increases for the decade 1961-71 were 2.5% per year and 24.82% for the decade. The total strength of the police in the country was 4,67,740 in 1951, 5,26,149 in 1961 and 7,06,895 in 1971. On 1-1-78 the police strength was 7,67,396. The growth of police strength was 12.4% during the decade 1951-1961 and 34.4% during the decade 1961-1971. The comparative situation is shown below in the following table :—

Year	Population in crores	Growth index 1951=100	Crime in thousands	Growth index 1951=100	Police strength in thousands	Growth index 1951=100
1951	36.11	100	650	100	468	100
1961	43.92	122	622	96	526	112
1971	54.82	153	953	147	707	151
1978	63.21	175	1274	196	767	164

From the above analysis it can be seen that while crime, after a fall during 1951-61 has been rising rapidly in the last two decades and the population also has been showing a steady rising growth rate, police strength after showing a proportionate growth up to 1971 has failed to keep pace with the growth of crime and population during the period 1971-78. If this trend continues the growth of crime and population would far outstrip the growth of police strength in the coming couple of decades.

Increasing involvement of the young in crime

62.12 A marked feature is the increasing involvement in crime of the young people. A total number of 44,008 I.P.C. crimes were committed by young offenders (those up to 21 years of age) during 1977, recording an increase of 18.9% over 1976. They were responsible for 3.5% of the total IPC crimes reported in 1977 as against 3.4% from 1973 to 1976. The volume of juvenile

crime per lakh of population was 7.0 for 1977 as against 6.00 in 1976. It is thus clear that the involvement of juveniles by way of numbers is increasing. It increased from 2.6% in 1967 to 3.5% in 1977. On the other hand due to improved health standards and longevity the proportion of young people in the 70's has gone up in the total population and therefore one cannot be very definite that proportionally criminality among the young is increasing. The fact of sheer increase in the number of offending juveniles is however relevant. The figures of crimes committed by juveniles take into consideration all those who are up to the age of 21. If we take the age group of 15-19, easily available from census figures, and the year 1972 for which figures of juvenile crime are available we find that in that year the total number of IPC crimes committed by juveniles was 31,199 and their population in the age group of 15-19, 54 million, and the figures for 1976 were juvenile population 63 million and IPC crimes committed by them 37,000. The increase works out to 57 IPC crimes by juveniles per lakh of their population in 1972 and 59 crimes per lakh of their population in 1976. In any case such a large number of young people going through the mill of the criminal justice system and getting back to society is a cause for concern on account of the present state of the criminal justice system and its impact on those who are put through it

Increasing involvement of women in crime

62.13 On account of various socio-economic reasons about which the police can do nothing the involvement of women in crime has been increasing. The table below shows the increase, particularly in number, of the involvement of girls in juvenile delinquency :—

Involvement in Juvenile Delinquency

Year	Boys	Girls	Percentage of Girls	Total
1967	66719	5390	7.5%	72109
1968	68557	4801	6.5%	73458
1969	74092	4776	6.1%	78868
1970	94617	4228	4.3%	98845
1971	97987	5432	5.3%	103419
1972	120953	7228	5.6%	128181
1973	122192	5550	4.3%	127742
1974	132125	8514	6.1%	140639
1975	132587	9312	6.6%	141899

1976	124569	9404	7.0%	133968
1977	138532	10390	7.0%	148922

Taking the total number of persons arrested under I.P.C. crimes during the period 1971-77 we found that in 1971, 975251 were arrested out of whom 16303 (1.7%) were females but in 1977 the total arrests were 153515 out of whom, 28600 (2%) were females. If we take the numbers only the increase of 12,297 amounts to an increase of 75.4% from 1971 to 1977. The involvement of female offenders was largely in kidnapping, abduction, thefts and murders.

^{62.14} Involvement of women as victims of crime is also, on the increase. While no data on this is available we examined the figures of the crime of rape and found the following progression :—

1971	2487
1972	2605
1973	2919
1974	2962
1975	3376
1976	3893
1977	4058

I The female population in 1971 was 264 million and provisional figures for 1981 are 331 million which means a growth of 25.4% which is less than their increasing involvement in crime either as victims or as offenders.

62.15 Women largely because they have come out of their homes to study and to work are now more exposed to dangers in society and exploitation by the unscrupulous and they also now and then become victims of misconduct by policemen. All these require a definite response from the criminal justice system, including the police. The traditional police organisation is not structured to deal with women be they victims or perpetrators of crime.

Violent crime

62.16 While crime as a whole is increasing, crimes of violence are increasing faster.

Incidence of crimes of violence per one lakh of population and percentage variation during 1978 over 1968

Year	Total cognizable - Murder	Dacoity	Robbery	Riots.
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note : Figures in brackets show crime per lakh of population.

* (Figures are provisional and exclude Assam).

It might be mentioned that during 1968-78 the increase in cognizable offences was 47.7%. The increase in population during the same period was 24.9% but robberies increased by 112% and rioting by 69%. As is common knowledge the increase in dacoity has been very large but it is quite likely that many dacoities were converted into robberies to minimise crime.

62.17 Another disturbing feature is the input of violence in crimes which traditionally were committed without violence. As example is pick-pocketing. A field study in Bombay revealed that whereas a few years ago pick-pockets depended on sleight of hand now they depend on their readiness to whip out a knife and stab the protesting victim. Similarly burglars are now usually well armed and invariably assault the residents if they wake up and try to obstruct the commission of crime. Even in the early 70's the goondas, while they did fight among themselves and terrorise the people in their areas behaved submissively when confronted by a policeman. This is no longer so. A lone policeman dare not tackle a goonda for fear of being assaulted and cases of policemen who become victims of injuries, fatal or otherwise, during the performance of their duties are increasing. The following table gives the number ,of policemen killed and injured while on duty, in the previous years :—

Policemen killed/injured on duty

Year	Number of Policemen	
	Killed	Injured
1956	72	2272
1957	67	1192
1958	56	1739
Av. 1956-58	65	1734
1966	95	3623
1967	137	4394
1968	100	4039
Av. 1966-68	107	4018
1976	138	1143

1977	204	2219
1978	461	4440

Maintenance of order

62 18 In the last year or so, the number of incidents in which firing had to be resorted to by the police has increased considerably. The use of fire-arms and explosives has also posed a serious problem to the police. In the face of declining authority, there is a growing feeling in some communities that the police do not protect them and therefore, they must organise for their own defence. At the same time the police are demoralised in some States, leadership is poor, and the resources available for dealing with unrest of a serious type are insufficient.

62 19 A large scale disturbance requires a combined effort on the part of the political and administrative wings, and may also in extreme cases require military assistance Secondly, there is need to regularly review intelligence. It has been our regret that we could not go into the whole subject in detail. It is vital, however, that regular targets should be set and frequent reviews made of the intelligence capability. Further a review also needs to be made from time to time of the state of discipline and preparedness of the police forces to deal with serious disturbances. What we need are alert officers, quick movement, reliable communications, a free hand to the men on the spot. In actual fact all disturbances turn out to be a test of administrative morale. If there is a strong political will and proper administrative direction, it should be possible to deal with any type of disturbances.

62.20 So far law and order problems have been an urban phenomenon. The last couple of years have shown that the awakening in the rural areas is leading to bitter and brutal caste and class conflicts. Thus we have seen the sad and cruel recurrence of raids by members of one caste on members of another caste resulting in numerous deaths. It is evident in the atmosphere of today that feudal practices of the past if attempted to be continued will only result in greater and greater violence and brutality. The second change in the rural areas has been an organised demand for more money for their produce. So far we have seen urban workers organising themselves into unions and striking work to demand better wages, better working conditions, better - living conditions for themselves. Now we see the agricultural community doing the same. When this ferment is viewed against the background that about 80% people live in the rural areas it is evident that the most serious threats to law and order will, in future, arise in the rural areas. In fact with all the vast social changes and transformations that are taking place, and with large scale unemployment and all the other difficulties that are likely to be accentuated owing to shortage of energy combined with pollution, we should expect a series of upheavals, particularly in the rural areas. The more serious of these are likely to occur in eastern India. The real test of democracy in India will be whether these upheavals can be dealt with correctly, and the required changes introduced by democratic methods. There is no doubt that the ballot box can save us from serious disorder, provided we do not shirk the election process, or allow it to get so vitiated that the will of the people is the wanted.

62.21 Satyagrah which originally was a device to evict the Britishers from India has ever since been used by numerous parties and organisations to obtain their

objectives While they may have achieved some redress of unnoticed grievances, and secured an improvement in the living conditions of industrial workers and government servants an imbalance in the wage structure has been created and, in addition, these movements have eroded the authority of the Government considerably. While, originally, satyagraha was meant to be a non-violent device to secure objectives a growing tendency now is for every form of protest and agitation to culminate in sporadic violence. The social pressures that generate disorder are mounting. In a sample study made at the instance of this commission of 52 such cases taken from the years 1971 to 1975 it was found that the causes of the disturbances were political (15 cases), economic (8 cases) labour (10 cases), students (8 cases) and miscellaneous (11 cases), and for dealing with these 52 disturbances the police had fired 893 rounds killing 62 and injuring 169. Again between June 1977 and October, 1978 the police opened fire on over 30 occasions resulting in the death of more than 100 persons. Violence starts in accordance with some typical patterns. A police party goes to arrest somebody but a mob, in order to prevent the arrest, starts throwing stones on the police party. Sometimes even firearms are used by such mobs. A large mob of as many as 3,000 people tries to, as part of its protest against rising prices, loot a grain godown or plunder private grain shops. The police use force to disperse the mob. A large mob of students tries to force its way into a hall where a cultural programme is being held and is resisted by police. In the scuffle 10 students sustain injuries. The next day students take out a procession against police 'brutality', go to the Kotwali, and throw stones at the residence of the Station House Officer and brickbats at a group of policemen in another place. Police open fire, one person is killed and another injured. Students agitating for location of a State Road Transport Corporation Office at a particular place loot some sheds and the canteen ; Police use lathis and then firearms to disperse them. All these examples are from actual cases. It is significant that almost all the judicial inquiries that follow police firing have found the firings justified. Obviously policemen are not going berserk; violence is in the air and its suppression requires counter-violence.

Organised crime

62.22 Organised crime has been in existence in the country for a long time. The thugs were an organised group of criminals. The slum lords are an organised group of criminals and so also those who commit the crimes of gambling, boot legging, smuggling and narcotics. Satta is a kind of gambling which is organised from one place and operated in cities and towns many many miles away. Bets are accepted and payments made without any receipts given or taken. Smuggling is very big business in the country and as yet no effective answer has been found to curb this criminal activity partly due to lack of will. Smuggling of narcotics is also on the increase and while there are some cells here and there at the Centre the awareness of this crime and the organisation to handle it is lacking in the districts.

Terrorism

62.23 Rural terrorism has been with us for quite some time. Dacoit gangs of the Chambal valley not merely kidnap people for ransom but also, through indiscriminate killing and torture, first create terror in a particular area and then collect money at regular intervals from farmers and businessmen without resorting to any overt crimes. Thus for collection of money they rely on terror. Although the motivation is political, another type of terrorism which, starting in 1967, spread in the rural areas is that of Naxalites. Their methods also are

as violent and cruel as those of any dacoit gang Only a little while ago it appeared that this type of terrorism had been wiped out but recent events show that while its earlier spread from West Bengal to Andhra Pradesh Kerala, Tamil Nadu, Bihar and Punjab had been reduced there is a recrudescence of it in Tamil Nadu, Andhra Pradesh and Bihar and Tripura, West Bengal, Orissa and Kerala are also affected. As many as 39 districts in these States are affected. The persistence of rural poverty and the existence of large masses of landless poor would continue to provide a good breeding ground for Naxalites, and therefore this type of terrorism may increase. While there is reason to believe that urban terrorism of the type that is plaguing some European countries, particularly Italy, France and West Germany, has not yet taken root here it is an ominous sign that some organised gangs of dacoits do not commit kidnappings themselves. In various cities and towns criminal elements kidnap people and then sell them to organised gangs at a price. While discussing dacoity we have mentioned this development in Chapter XXXVII of our Fifth Report. In large cities gangs of toughs can be hired to intervene in landlord-tenant disputes. We have also had a hijacking and other forms of terrorism will also appear.

Trends in the criminogenic factors

What the criminogenic factors are is still a matter for debate. The means of mass communication for example are, by some, considered a factor that causes crime. In a sense criminalization also causes crime. Crime increases when more and more of the human conduct is categorised as criminal. Here, however, the concern is only with those factors that are visibly and indubitably related to crime and disorder. The first and most important is population

Population

Crime rises with population. For a population of 50 crores in 1967 total cognizable crime was 8,81,981 ; for a population of 60 crores in 1975 total cognizable crime was 11,60,520 ; and for a population of 62.6 crores in 1977 total cognizable crime was 12,67,004 At the time of 1971 census the population of the country was 54.81 crores showing an increase of 24.8% over the figures of 1961 census.' The population as on March 1, 1978 was estimated at 63.83 crores and the provisional figure for 1981 is 68.4 crores. Future projections of population for the period about 2000 AD range from 91.4 crores to 112.8 crores but we can work on the assumption of about 96 crores.

Some demographic features of the estimated population of about 96 crores are also of relevance for police planning. Population in the age group 15—34 will continue to increase up to the year 1996 which means that we will have very large numbers of young people in the year 2000. The number of children (age group 0—14) is expected to decline but even so it would be sizeable. By about 2000 AD the number of children in India would be more than 28 crores, that is, it would exceed the total population of India of 27.9 crores in 1931. Those in the age group 15—29 will be about 25 crores as compared to 14 crores in 1971

All the demographic projections for the future, forecast an increase in the number of urban centres and the urban population. At present there are 189 Class I urban centres, 259 Class II urban centres, and 514 Class III urban centres. This number is likely to be 327 Class I centres, 399 Class II centres and 236 Class III centres, according to the Town and Country Planning Organisation. The 1971 census found the urban population of the country at 19.9% of the total population. 148 urban agglomerations had a population of about 1 lakh and 9 had a population over 10 lakh. It is estimated that the urban population around 2000 AD could be anywhere between 200 to 500 million, depending on the pattern of industrial development. Most of our big cities as well as medium and small urban centres are growing in a haphazard

manner. Even the cities within town planning centres have been violating the master plans in a big way. Most of our towns and cities are in a chaotic state and they are likely to get worse. The civic amenities are under tremendous pressure because the services have not kept pace with the tremendous increase in population. Thus problems of water supply, power, sanitation, housing, transport are becoming more and more acute. With the deterioration in the quality of life in our towns and cities the problems of the police are bound to get more acute. Because of the tremendous increase in the cost of land and housing in the urban areas the rents have registered a phenomenal increase. They are likely to increase much further in the coming years. According to a study even now a person, in the lower brackets has to spend as much as 70% of his income on housing alone, if he has to have a reasonable place to live. For obvious reasons he just cannot do that. His survival depends more on food which also demands 60% to 70% of his income. This has resulted in encroachment on public land and emergence of slums. The majority of people in large cities are likely to live in "uncontrolled settlements" which means slums. Slums give rise to slum lords whose criminal activities enlarge from year to year. They also give rise to goondaism and some particular types of crime such as bootlegging- within the slums and thefts, housebreaking and robberies in the nearby colonies. The masses of unanchored people, a large commuting population and the existence of a very large male population mean more crimes, particularly more crimes of violence and property crimes, because much movable property is available in various shapes.

62.29 The over-crowding in urban areas throws heterogeneous people into close proximity with one another and generates a state of tension which often explodes. The spark is provided by what appears a minor incident but the cause- is the latent tension heightened by inadequate jobs and services. As we have already several sources of social tensions such as conflict between peoples of different religious communities, castes, sub-castes, haves and have-nots, etc. the manifestations of this tension are aggressive groups laying emphasis on sons of the soil concept and resisting outsiders. The phenomenon has been visible in Bombay, Assam, West Bengal and may by 2000 spread to several other cities. Yet internal migration will continue to take place, particularly for job opportunities.

62.30 Our industrialisation has not kept pace with the increasing availability of skilled and unskilled manpower seeking work. According to one projection for 2000 AD about 55% to 60% of the total population at that time would be in the working age group of 18—60. The agricultural sector is already saturated with as much manpower as it can absorb. Rapid growth of the industrial sector which alone can absorb more and more of the working population has yet to come about. Already unemployment is very sizeable and if it continues to increase the emerging phenomenon of educated unemployed or under-employed youth taking a life of crime may become about the most intractable police problem of the future.

62.31 The present situation is not very bright. At present 48.13% of our population lives below the poverty line and of this 50.82% are in the rural areas and 38.19% in the urban area. The average growth in our GNP during 1950-1975 has been 3.1%. If this rate of growth obtains in the future there should be no change in the extent of poverty by 2000. Even if the Planning Commission projection up to 1985 of an average annual compound rate of growth of 5.0% continues till 2000, India compared to developed nations would be poorer in 2000 AD than it is today. It has been found that to break the poverty barrier our GNP must grow at an annual compound rate of about 13.8%. While this estimate may be too high a successful check on the growth of population to bring it to something less than 96 crores by 2000 AD, say about 86 crores may help reduce economic disparities. Nevertheless the shortage of basic

services and facilities would continue. At present about 65% of the people do not get safe piped water for drinking and personal hygiene. In 79,000 villages drinking water is not available and has to be fetched from some distance. Even in urban areas those who have storage facility can secure 300 gallons per person per day whereas those in the slums, about 35% of the urban population, can hardly manage 5 gallons per person per day. That is why fights over a solitary water tap are common in slums. This situation is not likely to change much by 2000 AD. The general forecasts for 2000 AD are not favourable. The Global 2000 Studies made in the USA between 1977 and 1980 found that the population growth will not slow down appreciably. The rate of growth in 1975 was 1.8% and the projected rate for 2000 is 1.7%. 92% of this growth will occur in the less developed countries rather than in the industrialised countries thus increasing the less developed countries share of the world's population from 72% in 1975 to 79% by 2000 AD. For both the developed and developing countries the rates of growth in GNP are projected to decelerate after 1975. And for every one dollar increase in GNP per capita in the less developed countries a \$20 increase is projected for the industrialised countries

62.32 The problems of police in 2000 AD are not likely to be uniform all over the country. Even as several centuries can be seen to exist on our roads bullock-carts, horse drawn carriages, cycles, cycle rickshaws, mopeds, motor-cycles, motor-rickshaws, the latest Mercedes and, occasionally, a jet screaming overhead, the various parts of the country are facing various kinds of police problems in varying degrees. The problems faced by the police in Bombay today may be faced by Delhi in another five years, and by Bangalore, Hyderabad, Lucknow in another fifteen years. The problems faced by cities like Lucknow, Allahabad, Tiruchirapalli today may be faced by numerous smaller cities by 2000 AD. Accordingly no single model can be applicable to the whole country although certain essential features would have to be common all over the country because of improved means of transport and communication available to criminals. In the responses required to deal effectively with the developing situation of crime and disorder we have tried to concentrate on the basic features only.

THE RESPONSES REQUIRED

The Response of the People

62.33 As the situation of crime and disorder develops it is evident that a primary need of the future would be self-policing. By self-policing we mean (1) taking adequate preventive measures to protect life and property ; (2) resisting an attempt on life and/or property, should it take place in spite of preventive measures undertaken by exercising the right of private defence ; and (3) active involvement in the processes of the criminal justice system.

62.34 Most people do not take adequate preventive measures to safeguard their lives and properties. For example, proper locks are not used. A list of property in the house together with identification marks is seldom available so that when a theft takes place it takes a long time to find out what has been lost and how can it be identified Often large amounts of jewellery and cash are kept at home instead of in the lockers and banks. Good extra locks in automobiles can prevent their thefts but many people do not go in for this precaution. And one should, to the extent possible, avoid exposing oneself to any physical danger. If in spite of the precautions

undertaken a threat to life and property develops then it should be possible for the people to make use of the provisions in the Indian Penal Code for the right of private defence. These are given in Sections 96 to 106. It might, however, be mentioned that hitherto these sections have not been very helpful in practice. The present practice discourages the exercise by the people of the right of private defence. Except for cases like villagers killing dacoits, by and large the police arrest the person, prosecute him in a court of law, and only if he is able to establish his right of private defence in the court may he be freed from the rigours of the criminal justice system. A person who kills another person in cold blood and a person who kills another person in self defence, both have to undergo the same harassment, humiliation and prosecution at the hands of the police and the law courts. Both run somewhat similar risks. Even in cases of genuine self defence when the right of self defence is pleaded a person who had really acted in the right of private defence may find himself convicted by a lower court and his plea of self-defence accepted only by a higher court. Under these circumstances many people find it less troublesome to let go their property and even suffer some injury than to do something which would take them to a court as an accused. To illustrate in *Nanhu Kahar, Appellant vs. the State of Bihar, Respondent* (Criminal Appeal No. 268 of 1968. D. 3-3-1971 AIR 1971 Supreme Court 2143 V. 58 C 449) the Supreme Court held that in the circumstances of the case serious injuries inflicted on the deceased were not necessary for protecting property from him etc. and held that the right of private defence was exceeded. The Appellant was convicted. In another case (*Vidhya Singh, Appellant V. the state of Madhya Pradesh, Respondent* AIR 1971 Supreme Court 1857 V. 58 C.386), the Appellant killed one person and wounded three and was convicted by the High Court but acquitted of the charge of murder by the Supreme Court which stated : "Right of self-defence is a very valuable right. It has a social purpose. That right should not be construed narrowly". We also are of the view that it is a very important right and is the cornerstone of the concept of self-policing. And self-policing is going to be more and more important in the future. The present indications are that the people are becoming aware of their role in this regard. It is usual now to see thieves and dacoits being beaten to death by enraged villagers. The fact is that as people get more and more exasperated by the inability of the police to secure punishment for criminals they will take the law, into their hands. Accordingly revitalization of the criminal justice system is a pressing necessity.

The response of the police

62.40 As the entire work of this Commission has been about the response of the police in the preceding chapters of our various reports we already have suggested how the Police is to be prepared for the problems and challenges it is facing and will have to face. -

62.41 Over the last 75 years, since the Indian Police Commission 1902-03 made its recommendations, the public expectations from the Police have undergone a sea-change. The role of the police needed to be redefined. We have tried to redefine it in our Second Report and have laid a great emphasis on service-oriented functions in disaster situations and a role has been assigned to police to counsel and dissolve conflicts and promote amity. The police, as we envisage, is no more the coercive arm of the administration. It has a direct accountability to law and has to be freed from day-to-day interference in the discharge of its duty by various pressure groups.

62.42 While our constant endeavour has been to prepare the police for the new challenges **and** tasks, factors having a bearing on crime and disorder are complex and any inflexible planning for the future is neither advisable nor possible. There are innumerable variables and imponderables. Accordingly we suggest that the Bureau of Police Research and Development and the State Research units must make a periodical analysis of the police problems and the police performance. Such an analysis should take into consideration the projections which had been made in the past and see to what extent they proved to be accurate. If they went awry, what were the reasons for it ? Having done so, they would be in a position to say, with an amount of accuracy, about the future. The Central Police Committee and the State Security Commissions that we have recommended in our Reports will naturally have a significant role to play in this make false statements in courts of law in order to secure conviction of those against whom they prefer charges. 'He is even forced by his calling to be a professional witness and his familiarity with the witness box breeds in him a contempt for its obligations . A temptation to lie deliberately becomes irresistible to a policeman who has spent days and weeks to detect an offence and knows at last that he has got the right man and is then faced in court with the frustrating task of having to prove beyond reasonable doubt 'the links of his case', says a judge. Perjury in our courts of law is a common offence which is committed by all kinds of witnesses including policemen. The gladiatorial contests in a court of law combined with the entire burden of proof on police handicapped by laws which distrust them do not promote the ends of the criminal justice system.

62.37 As regards the judicial hostility to what policemen say in courts of law a Judge has very rightly pointed out that the real trouble lies elsewhere. The police are viewed with distrust by courts because the law which the courts administer views them with distrust. Some of the provisions of the Indian Evidence Act and the Criminal Procedure Code appear to raise statutory presumption against the credibility of police officers Section 25 of the Evidence Act renders inadmissible in evidence any confession made by an accused person to a police officer. There are at present several offences created by a multitude of statutes which are investigated by agencies other than the police such as Excise officials, Customs officials. Tax officials, Food Inspectors, Drug Inspectors and so on. None of them suffers from any such disability., The police officer alone is picked out—or rather he was picked out a century ago for this disability, at a time | where there were practically no statutory offences outside the Penal Code and no I investigating agencies other than the police. So many investigating agencies have since been created but stigma is made to stick only to the police.

62.38 It is only under section 27 of the Indian Evidence Act that the evidence of policemen becomes admissible but that is strictly circumscribed. It is again common knowledge that policemen always try to discover something in consequence of information furnished by the accused in order to make the statement made by the accused person admissible in evidence. Fake recovery has been intermittently condemned by courts of law and in fact a large number of cases are acquitted because the seizure memo prepared of such recovery is vigorously attacked by defence lawyers and the normal presumption is that all recoveries are fake unless proved otherwise. It has rightly been concluded by a learned Judge that such discoveries will continue until such time as Section 25 and 27 of the Evidence Act are removed from the statute. Following such removal adequate safeguards can be built into the legal framework. Several legal provisions are simply the result of

inertia and the fear of the unknown, the usual stumbling blocks to any meaningful change in any organisation. As things are in a court of law an accused person is adjudged guilty or not guilty on the basis of the evidence produced before the court. Skies therefore are not likely to fall if the statements recorded by the police during the course of investigation are made admissible both for corroboration and for contradiction by the defence and the prosecution. The only objective of this section is to further strengthen suspicion of the police. The requirements of section 100 can also not be met in any real situation. This is well known to all. Yet the situation continues as it is.

62,39 Some half-hearted efforts have been made so far. The Law Commission devoted its Fourteenth Report to the Reform of Judicial Administration but nothing has come of it. The starting point of any such reform has to be the reform of laws and the process of regulation. Law reform means repeal of obsolete laws and revision of laws to make them more enforceable and to make such changes as may make them so. In addition to swift disposal of cases alternatives to imprisonment in jails have also to be found. We feel that the Criminal Justice System as a whole needs immediate attention. The faith of the people in criminal justice has been steadily eroded over the years till it has now reached a state of near total distrust in Bihar and to a lesser extent in other States. This was dramatised in a remarkable manner in the blindings of several criminals in Bhagalpur in the second half of 1980 followed by similar blindings in West Bengal and there were a few isolated instances also in U.P. The people took the law in their own hands even in the past but this has never been done in such a horrendous manner.

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CHAPTER LXIII

POLICE ACT

63.1 We have in our Reports recommended certain basic reforms for the effective functioning of the police to enable it to promote the dynamic rule of law and to render impartial service to the people. This presupposes a professionally competent and attitudinally impartial police force. For the incorporation of our new recommendations, it is necessary to replace the existing, outmoded Police Act of 1861.

63.2 We have, therefore, drafted a new Police Act incorporating our recommendations. The same is at Appendix I.

63.3 In Chapter LVIII of our Seventh Report, we have recommended a role to the Central Government in the policing of the country. We have recommended the constitution of an expert high powered Central Police Committee. The role and functions of this Committee are delineated in detail in para 58.14 of our Seventh Report. We recommend that the Central Government may enact the necessary legislation for the constitution of this Committee, define its role and functions and detail the procedure therefore.

Questionnaire

64.6 Since our terms of reference were very broad based and covered the whole range

of police tasks and responsibilities in a variety of situations, we felt it would be advisable to draw up our questionnaire after we had had a preliminary round of tours in some States and gathered some specific ideas and suggestions regarding police reform so that the questionnaire could be elaborately devised to draw a pointed and precise response to such specific suggestions. A detailed questionnaire thus evolved was issued in December, 1978, with 14,000 copies printed and distributed among a wide cross section of public services as well as representative sections of the general public- including Members of Parliament, Members of State Legislatures, Judges of the Supreme Court and High Courts, Bar Councils and Bar Associations, Vice Chancellors, Chambers of Commerce and Industries, Editors of widely circulated newspapers and periodicals political parties, senior members of public services in the States, recognised service associations, senior officers, in the Central Government and some retired senior administrators. A copy of the questionnaire may be seen in Appendix I of our First Report The feed back we got on this questionnaire helped us to appreciate the views of different sections of the public on several important police matters which impact the public in their day-to-day life.

Expert Committees

64.7 as we progressed with our work we felt the need for studies in depth on certain important subjects by expert groups. The following committees were then constituted to make such studies :—

- (i) A committee under the chairmanship of Shri Ashwini Kumar, Director-General, Border Security Force, to study the comprehensive arrangements required for ensuring adequate welfare measures for the police families (ii) A committee under the chairmanship of Shri S. Tandon, Director, Bureau of

Police Research and Development, to study the subject of maintenance of crime records.

- (iii) A committee under the chairmanship of Prof. S. Sampath, Member, Union Public Service Commission, to study the needs of modernising the police (iv) A committee under the chairmanship of Shri N. Krishnaswamy, Director of Vigilance and Anti-Corruption, Tamil Nadu to study the problem of reconstructing the police hierarchy (v) A committee under the chairmanship of Shri R. D. Singh, Director, National Police Academy, to study the reorganisation of Railway Police (vi) A committee under the chairmanship of Shri P. M. Pant, former Inspector General of Police, Gujarat, to study the problem of enforcement of prohibition.

Detailed composition of the above Committees is furnished in Appendix IV. We are deeply grateful to the Chairmen and members of these committees for their invaluable help in furnishing us with well documented study reports which provided adequate and reliable material to evolve our own views and recommendations on connected matters.

Research studies

6464.8 We also got research studies done on some selected subjects by the organisations mentioned below:—

- (i) A study on the socio-economic and working conditions of Police Constables in Uttar Pradesh and Delhi conducted by the National Council of Applied Economic Research, Delhi (ii) A study on the socio-economic and

working conditions of Police Constables in Maharashtra by the Tata Institute of Social Sciences, Bombay (iii) A study on "The image of the police in India" by the Indian Institute of Public Opinion, Delhi.

(iv). A study on "Reconstructing the police hierarchy" by the Administrative Staff College of India, Hyderabad.

The reports of the above studies were duly taken into consideration by us in assessing the needs of reform in connected matters.

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CHAPTER LXIV

EPILOGUE

Commission's task

64.1 We have now come to the end of our exercise — an exercise that has spanned about 3^{1/2} years and taken us through analytical studies and research on a variety of subjects combined with a careful and close assessment and appreciation of actual field conditions in relation to all facets of the Indian Police system. We had commenced our task with very wide ranging terms of reference, practically covering the entire gamut of police functions which required us to identify the basic reforms in the structure, organisation and administration of the police to make it function as a truthful and impartial agent of law in serving the cause of peace and order in a free society Under the compulsion of events in history, the police in India had developed as a sharp instrument to enforce the writ and will of a foreign power that ruled the country. As the first National Police Commission constituted after the country gained independence we were aware of the immensity of the task involved in radically changing such a police system to suit the requirements of an independent developing democratic welfare State. We, therefore, decided to organise our work in a manner which would facilitate our interaction with a wide variety of people among the public as well as within the services including the police and would also involve representative groups of well informed and experienced public men in different States in a joint exercise to identify the important and basic needs of police reform.

Study groups

64.2 In December, 1977 we requested the State Governments and Union Territory Administrations to set up study groups consisting of prominent public men, senior administrators, police officers and eminent academicians for examining some important issues arising from our terms of reference and evolving their views and recommendations thereon. A copy of the Commission's letter dated 28th December, 1977 to the State Governments in this regard furnishing guidelines for the State study groups and recommending some specific issues for their study is furnished in Appendix II. The composition of the study groups in different States and Union Territories is furnished in Appendix III.

64.3 Within about a year we received detailed reports of study groups from the States

of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal and the Union Territories of Pondicherry and Andaman and Nicobar Islands. We were greatly benefitted by the analyses and recommendations made in these reports, and a number of our own recommendations are based on the material projected by these study groups.

Seminars

64.4 With the cooperation of local bodies and voluntary organisations like Universities, Institutes of Public Administration, etc., and with the active assistance of the Inspectors-General of Police in different States, several seminars were organised to promote and activate collective thinking on police problems and elicit views and suggestions from different sections of the public like lawyers, businessmen, trade unionists, academicians, etc. Deliberations at such seminars held in Karnataka, Andhra Pradesh, Kerala, Tamil Nadu, Maharashtra, Madhya Pradesh, Gujarat, Uttar Pradesh and Delhi helped us to appreciate the expectations of the public in regard to some aspects of police reform.

Press note

64.5 We also received several suggestions from individual members of the public in response to a press note issued in January, 1978.5A-214 covering different groups of subjects successively. In this arrangement, each report of the Commission was conclusive and final as far as the subjects covered by that report were concerned, and it was hoped that this arrangement would facilitate quick analysis and follow up action by the Central Government and State Governments on each report as and when it was submitted. In this scheme of work, the First Report was submitted by the Commission in February, 1979 which was followed by Seven more reports at intervals of a few months each, including this eighth and concluding report. The subjects dealt with in the eight reports are listed and furnished in Appendix V, for easy reference.

Publication of reports

64.16 We deeply regret to observe that excepting the First Report of February, 1979 which the Government released for publication closely following the incidents of police unrest in some States in May, 1979, none of the other reports has till now been authorised for publication. Our recommendations in these reports cover several basic needs of police reform. In the context of fast changing conditions of the present day society and the innumerable problems of stress, strain and public order that are thrown up by a variety of factors that operate at a furious pace on the national scene, we consider it imperative that all the reports are published immediately to gauge public reaction and response thereto which would help early implementation of the urgently needed reforms, before the credibility of the police system gets badly eroded beyond repair.

64.17 In their letter No. F. 15/16/81-NPC(SU) dated 3rd March, 1981 the Ministry of Home Affairs desired that the Commission should conclude its work by 31st May, 1981. In the closing stages of our work we had brought to the notice of the Ministry of Home Affairs in our letter No. 24/66/80-NPC dated 13th May, 1981 that we considered it necessary to study the following important subjects and make our recommendations thereon:—

- (i) Terrorism
- (ii) Intelligence

- (iii) State Criminal Investigation Departments
- (iv) Criminal Justice System
- (v) Government Railway Police

Since the Commission is being wound up by 31st May, 1981, we have not been able to make our detailed recommendations on the above mentioned subjects.

Modalities for implementing recommendations

- 64.18 We would reiterate the importance and urgency of examining the recommendations in our eight reports and taking concrete steps for their early implementation. We would strongly deprecate and caution against any view that might be entertained and projected in Government circles or elsewhere to relegate the task of police reform to the background on the specious plea that police reform cannot have priority in a welfare State. We would like to observe that a State must first exist as a State with assurance of security and public order to its free citizens before they can be enthused to join in the march towards the ideal welfare State. The urgent needs of police reform as outlined in our recommendations are meant to secure a measure of the minimum desired levels of public order and security for the common citizen. We would, therefore, recommend that soon after the publication of all the eight reports submitted by the Commission, the Union Home Minister may call for a conference of Chief Ministers of all States and Union Territories to evolve a consensus on the modalities for examining and implementing the recommendations. This may be appropriately followed by another conference of Chief Secretaries and Inspectors-General of Police from the States and Union Territories to go further into details and constitute a standing committee for ensuring early and effective follow up action and monitoring its progress from time to time.

Central financial help to States

- 64.19 The question of financial resources would naturally come up while examining some of the recommendations. For the reasons mentioned in foregoing paragraph we would reiterate that financial difficulties should not unduly deter the Government from

Research papers

- 64.9 Apart from the reports of the expert committees and the study reports from the above organizations, we have been greatly assisted by the research papers on certain selected subjects prepared by the Bureau of Police Research and Development, Institute of Criminology and Forensic Science and the Syndicate groups in the National Police Academy, Shri P. V. Venkateswaran, D.S.P. in the Police Research Centre, Madras rendered considerable assistance with detailed analytical reports on certain subjects marked to him.

Tours in States — Visits to police stations

- 64.10 We, as a Commission, toured the States of Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh Maharashtra, Manipur, Meghalaya, Nagaland, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal, besides the Union Territories of Goa, Pondicherry, Andaman and Nicobar Islands and Delhi. During these tours in States we held group discussions separately with senior administrators in Government, police officers, members of the Judiciary members of the Bar, representative sections

from Trade and Commerce and labour leaders. In each State we visited a number of police stations in the rural as well as urban areas and had interaction with a large number of Police Constables and the middle level officers. These station visits were very helpful in generating a free and frank exchange of views and ideas between the Commission and the rank and file of the police. Some members of the Commission and the research staff attached to the Commission individually -visited Gujarat, Orissa and Rajasthan and held local discussions.

Discussions with Governors and Chief Ministers

- 64.11 In many of these States we were able to have pointed discussions with the Governors and Chief Ministers whose free and frank views on several aspects of police administration helped us greatly to clarify our own thinking in connected matters.

Conference of Inspectors-General of Police

- 64.12 Our discussions with the State Inspectors-General of Police at the time of their annual conference in Delhi in May, 1978 helped in ascertaining their general views and reactions to some specific ideas on certain important aspects of police reform.

Meeting with Heads of Central Police Organisations and Service Associations

- 64.13 In July, 1979, we held group discussions with the Director of Intelligence Bureau Director of Research and Analysis wing of the Cabinet Secretariat, Director of Central Bureau of Investigation, Director General of Border Security Force, Director General of Central Reserve Police and Director of the Bureau of Police Research and Development and ascertained their views on some of the proposed reforms. We also met representatives from the Indian Civil and Administrative Service Association and the Indian Police Service Association and took note of their views on service problems affecting the police.

Record of Commission's deliberations

- 64.14 The Commission held 43 sittings, and the deliberations at each sitting were with reference to the detailed research papers, study reports and a digest of ideas and suggestions received from several quarters on different subjects from time to time. The Commission's Secretariat has maintained a detailed record of the deliberations of the Commission at each of its sittings. Three sets of copies of these proceedings along with the connected Agenda papers including research notes and other relevant material have been prepared, one to be given to the Bureau of Police Research and Development in the Ministry of Home Affairs for retention in the Bureau's library, another to the National Police Academy for its library and the third to be given to the Ministry of Home Affairs for being lodged in the National Archives.

Commission's Reports

- 64.15 In the early sittings of the Commission it was decided to identify the various subjects to be covered by different chapters in the Commission's report and then group them in such a way as to facilitate the submission of separate report by the Commission
- 64.23 We would specially like to record our grateful thanks to the Director General Border Security Force, and his officers for all the assistance rendered during our

tours in the interior in some States **The Secretariat Staff**

- 64.24 Shri C. V. Narasimhan, former Director of Central Bureau of Investigation, functioned as Member Secretary of the Commission from its inception till 19th April, 1980 when he left to take a posting in his parent cadre in Tamil Nadu on replacement of his services from the Central Government to the State Government. He had brought to bear on his work as Member Secretary his wide experience and deep knowledge in the handling of a variety of situations concerning the police at the Centre as well as in the State. His intimate knowledge of the ground situation in police work was of immense help in analysing the problems of the police in their proper perspective. An efficient and compact administrative set up for the Commission, identification of different subjects for studies relevant to our wide ranging terms of reference, involvement of Study Groups in States and other experienced administrators and publicmen in examining police problems and evolving new ideas and suggestions on police reform interaction with the rank and file of the police to ascertain their expectations and views regarding performance of police duties in the field, arrangements for studies of certain subjects by expert committees and specialised organisations, etc., were all brought about on the initiative and personal efforts, of Shri Narasimhan. He was a source of great inspiration and valuable guidance to the research staff of the Commission in the preparation of several important papers which helped the Commission to concretise its views and recommendations. The Commission submitted four Reports to the Government while Shri Narasimhan held office as Member-Secretary. We wish to record our deeply grateful appreciation of the highly dedicated work put in by Shri Narasimhan in organising the Commission's work in its several details which greatly helped the completion of our task on the programmed lines.
- 64.25 After the departure of Shri Narasimhan, Shri M. D. Dikshit, Principal Director of Research, functioned as the Secretary Incharge. We very much appreciate the dedicated analytical work put in by him. He got together all the relevant material on different subjects for Commission's consideration from time to time.
- 64.26 Enthusiastic projection of ideas and suggestions by Shri Kailash Prakash, Joint Secretary and a practical analysis of the points that arose for consideration, by Shri Ved Marwah, Joint Secretary were of considerable help to the Commission.
- 64.27 Shri D. Ramachandran and S. N. Mishra, as Directors of research, were of immense assistance to the Commission with their well prepared analytical notes on several police problems and their well reasoned arguments and clarification of the points involved during the Commission's sittings. Similar contributions made by the other Directors of Research S/Shri V. N. Channa, M. Mukherjee and R. Srinivasan, Assistant Directors of Research S/Shri N. C. Padhi, R. C. Sharma, J. C. Madan, P. C. Kannan and H. S. Sachdeva deserve special mention and the Commission gratefully acknowledges and appreciates their work.
- 64.28 **On** the administration side our Under Secretary Shri Hari Chand and his Section Officer, Shri Har Gopal went about their task systematically with meticulous attention to details right from the beginning and ensured most satisfactory arrangements all round. We have great pleasure in acknowledging their role in the Commission's work.
- 64.29 Shri Satya Paul, as Private Secretary to Chairman, did commendable work in compiling exhaustive and accurate tour notes during Commission's tours. S/Shri

R Natarajan and I. J. Mittal, who had successively functioned as Private Secretary to Member-Secretary cheerfully bore the brunt of stenographical work involved in the preparation of the Commission's reports, besides coordinating the compilation of papers for all meetings of the Commission. While Shri. Natarajan attended to the First and Second reports, the remaining six reports were all handled by Shri I. J. Mittal. Their dedication, enthusiasm and excellence in handling this work neatly and expeditiously have been highly praiseworthy.

64.30 In the last, but not the least, we would like to place on record our appreciation of the hard and willing work put in by all other members of the secretariat staff whose names figure in Appendix VII quickly implementing the recommendations if they are accepted as necessary in the interests of security and public order among the people. Having regard to the significance of police reform from the overall national security and solidarity point of view we would strongly recommend that the Central Government should take a leading hand in offering financial assistance to the States for the implementation of these recommendations. In this context we wish to draw attention to the financial help extended by the Central Government for implementing the recommendations of the University Grants Commission for the upward revision of the scales of pay of the academic staff of Universities and Colleges in the States. In November, 1974 the Central Government came forward to assist the States for that purpose to the extent of meeting 80% of the additional expenditure for a period of five years and leaving it to the State Governments to bear the full responsibility thereafter. A copy of Government of India, Ministry of Education and Social Welfare (Department of Education) letter No. F.1-40/74-U.I, dated 2nd November, 1974 (without its enclosures) addressed to all State Governments is furnished in Appendix VI. We would strongly recommend the adoption of a similar scheme of financial assistance from the Central Government to the State Governments for implementing our recommendations.

Accommodation

64.20 Though the constitution of the Commission was announced in November, 1977, it took some time to get the full complement of the Commission's Secretariat staff in position. The Commission commenced functioning from the accommodation allotted to it in the first floor of Vigyan Bhavan Annexe from April, 1978, and just when the Commission had settled down to its work in good speed, it was asked to shift to a new building in Lok Nayak Bhavan since Vigyan Bhavan Annexe was required for an international conference. Some construction work in the nature of partitions and other fittings had to be completed in the new accommodation in Lok Nayak Bhavan before it could become functionally operative. This process again took some time and the Commission settled down to resume its work from Lok Nayak Bhavan from March, 1979.

Commission's secretariat

64.21 At the peak of its work the Commission's Secretariat staff comprised the

Principal Director of Research and Joint Secretary	3
Director of Research ...	5
Assistant Director of Research	8
Deputy Superintendents of Police	2
Under Secretary ...	1
Section Officer ..	1
Private Secretary	4
Personal Assistants and Stenographers ...	20
Assistants	13
Upper Division Clerks	7
Lower Division Clerks	14

The nominal roll of the Secretariat staff is furnished in Appendix VII.

Appreciation and thanks

64.22 The Commission could not have accomplished its stupendous task but for the whole hearted cooperation, active support and assistance rendered to it by the Ministry of Home Affairs in the Central Government and all the State Governments and Union Territory administrations. The Chief Secretaries and Inspectors-General of Police in all the States and Union Territories were most helpful during our tours and we would like to record our very grateful appreciation of the valuable assistance rendered by. During such inspections, the inspecting officers should devote special care to scrutinise and review the overall pattern of complaints that are received. If a particular nature of complaint is repeated or frequent complaints are noticed from a particular areas, the inspecting officer should investigate the causes. Selective inspections should be carried out so that the complaints as well as the results thereof could be ascertained.

(Para 61.17)

65.7 The responsibility should be squarely fixed on the officers of the level of SP and above to carefully watch the reputation of SHOs and take appropriate measures wherever warranted. Any failure on their part in this regard should be seriously viewed In those circumstances where the supervisory officer may either fail to assess the reputation of the SHO or fail to take appropriate action in a particular instance, the people have a right to petition to the State Security Commission. In the event of such complaints, the State Security

Commission should gauge the reputation of the SHO concerned and take such action as may be required.

(Para 61.18)

65.8 When the Range DIG or SP of the District feels that the particular station house or other operational level is not providing necessary satisfaction to the people, he should go into the causes in depth and try to remove the same. If the attitude of a particular SHO or his method of functioning is not in the interest of the people of the locality the higher officer should not hesitate to shift the officer from that particular area and to take corrective or disciplinary action against him to mend his attitude and behaviour.

(Para 61.20)

65.9 Section 132 and Section 197 of the Cr.P.C. 1973 provides protection to various categories of public servants against any prosecution brought against them relating to performance of official duties. The protection available to the police officers under these sections should be withdrawn so that the private complainant is free to press his complaint against police official for a judicial pronouncement without there being a provision to obtain prior permission of the competent authority for such prosecution. However the police officer against whom a complaint is brought in a court of law should be defended at the cost of the Government. Officers of and above the rank of Superintendent of Police should be authorised to order defence of their subordinates. An order from the State Government should be necessary in these cases when a complaint is filed against the police officer of the rank of IGP or DGP and also in case the complaint against the police officer is of rape, or murder. Such defence at the Government's cost should extend upto the appellate stage. In those cases where the court comes to the finding that the case is unfounded, it should by law be empowered to take the explanation of the complainant, and if the explanation is unsatisfactory, to inflict suitable punishment on the complainant. Suitable amendment should be made in this respect in the law. High Courts may impress upon subordinate courts that such complaints against police officials should be disposed of on priority basis. The High Court may further draw the attention of the lower courts to the provisions of 202 Cr.P.C. and advise them generally to ask for a report from the District Superintendent of Police on the complaint filed before them. It would be the responsibility of the District SP to either make an inquiry himself or have it made by a sufficiently senior officer and submit a factual report to the court before the latter decides to proceed further with the case. On mere filing of a complaint, unless there is a prima facie case and justification for the same, transfer of the concerned official should not be ordered.

(Paras 61.26 to 61.36)

65 10 The following yard-sticks should be adopted by the State Police Organisations for evaluating group-performance of the police at various levels :—

(1) *Prevention of Crime* :

- (i) Sense of security prevailing in the community.
- (ii) People's willing cooperation and participation secured by the Police in* preventing crime.

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CHAPTER LXV

SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

Accountability of police performance

65.1 Accountability is liability to account for proper performance of assigned task. In a democratic society, the police is accountable for its performance to the people. Then all activities of the police are governed by various provisions of law and each action of the police is to conform to the law of the land. So the police has an accountability to law. Finally, the police functionaries are accountable for their performance to the organisation.

(Paras 61.4, 61.5 and 61.6)

65.2 The departmental instructions regarding stay in the rural areas for 90 days in a year must be strictly complied with by all officers of the level of SDPO & SP. Such stays would help them to come in close contact with the common people, know their problems in detail, and seek their cooperation in various police-activities.

(Para 61.9)

65.3 An important aspect of inspections carried out by supervisory officers is to assess the qualitative performance of policing, its impact in that area on citizens and feeling of security prevailing in the community. The Inspecting Officer should not take inspections as a routine drill but they should introduce inter-action with the people which will enable them to elicit the maximum information regarding the views of the people in regard to the functioning of the officials in the area.

(Para 61.10)

65.4 Among the various sources which would aid the State Security Commission to have an objective evaluation, one would be the Annual Administration Report submitted by the Chief of Police every year. Besides, the State Security Commission should have under it an independent Cell to evaluate police performance. This Cell should function outside the State police organisation and may have experts from various fields according for the need. The State Security Commission would also be receiving the assessment report regarding the state of policing from the Central Police Committee recommended by us in the Seventh Report. These three reports emanating from different channels will provide a reliable base to enable the State Security Commission to assess the police performance in an objective manner. Based on these reports, the State Security Commission should prepare a final report on the performance of the State police to be placed before the State Legislature.

(Para 61.12)

65.5 Although a totally direct accountability of the police to the people is beset with various difficulties, it is not impossible to introduce a near-direct accountability of the police to the people. This would involve among other things creation of awareness in the police functionaries at various levels regarding accountability to the people. The police functionaries individually as well as in groups should be sensitized to the idea of accountability to the people.

(Paras 61.14 and 61.15)

During the inspections, inspecting officers should seek out people in order to get the necessary feed-back to assess the functioning of operational level policing. During such inspections, the inspecting officers should call meetings of cross-section of people and discuss their problems. At the district level, they should hold meetings not only with the cross-section of people but also with the representatives of the people in the Municipality and Zila Parishad and with the MLAs and MPs of the constituency.

(Para 16.16)

65.14 So far organised crime has grown almost unchecked. The police will have to develop special expertise to tackle it. Another such crime is terrorism the spectrum of which embraces the rural terrorism of dacoits and Naxalites, kidnapping in urban areas and hijacking of aircrafts.

(Para 62.23)

^{65.15} The factors that cause crime are increasing in strength and intensity. Some of these factors are population, internal migration, urbanisation and development of slums combined with increasing unemployment and iniquitous distribution of wealth. Our cities and towns are in a chaotic state and the services, particularly the civic amenities have been unable to keep pace with the constantly increasing urban population. Thus problems of water supply, power, sanitation, housing, transport are becoming more and more acute. With the deterioration in the quality of life in our towns and cities, the problems of police are bound to become more acute.

(Paras 62.25 to 62.28)

65.16 The agricultural sector is already saturated with as much manpower as it can absorb. Rapid growth of the industrial sector which alone can absorb more and more of the working population has yet to come about. Already unemployment is very sizeable and if it continues to increase the emerging phenomenon of educated unemployed or under-employed youth taking to a life of crime may become about the most intractable police problem of the future.

(Para 62.30)

65.17 The problems of police in 2000 AD are not likely to be uniform all over the country. Even as several centuries can be seen to exist on our roads—bullock-carts horse-drawn carriages, cycles, cycle rickshaws, mopeds, motor-cycles, motor-rickshaws the latest Mercedes and, occasionally, a jet screaming overhead—the various parts of the country are facing various kinds of police problems in varying degrees. The problems faced by the police, in Bombay today may be faced by Delhi in another five years and by Bangalore, Hyderabad, Lucknow in another fifteen years. The problems faced by cities like Lucknow, Allahabad, Tiruchirapalli today may be faced by numerous smaller cities by 2000 AD. Accordingly, no single model can be applicable to the whole country although certain essential features would have to be common all over the country because of improved means of transport and communication available to criminals.

(Para 62.32)

65.18 Of the answers to the police problems that are developing the most important is self-policing. Self-policing means (1) taking adequate preventive measures to protect life and

property ; (2) resisting an attempt on life and/or property, should it take place in spite of preventive measures undertaken by exercising the right of private defence and (3) active involvement in the processes of the criminal justice system. The present practice of police, however, is a hindrance to self-policing in the sense that the right of private defence cannot be exercised by a person without running the risk of prosecution by police and conviction by a court of law.

(Paras 62.33 and 62.34)

65.19 The various sub-systems of the criminal justice system have to be harmonised structurally so that they may work together for the common objective of protecting society from such acts of individuals or groups of individuals as can damage it. At present the sub-systems are at cross-purpose and a frequently visible posture is confrontation.

(Paras 62.35 and 62.39)

65.20 - As the entire work of the Commission has been about the response of the police in the preceding chapters of various reports it has already been suggested how the Police is to be prepared for the problems and challenges it is facing and will have to face.

(i) Extent to which law and order is maintained taking into account the forces which promote lawlessness.

(ii) The manner in which law and order is maintained. Two factors have to be judged — (a) People's cooperation, (b) Use of force.

(4) *Traffic Management:*

1 (i) Smooth flow of traffic in urban areas and control of fatal and seriousness accidents by prosecution of persistent offenders.

(5) *Service:*

(i) General spirit of service, especially to weaker sections, physically handicapped women and children.

(ii) Quality of service rendered in a distress situations like cyclone-havoc, flood-damage, famine etc.

(hi) Specific instances of service-oriented functions performed by the Police which drew special appreciation and gratitude from the public.

(6) Reputation of *integrity and courtesy* :

(i) General reputation.

(ii) Police collusion with criminals organising illicit distillation, gambling economic crimes, prostitution etc.

(iii) Reputation for courteous behaviour (iv) Prompt and satisfactory enquiry into complaints against policemen.

(Para 61.42)

Functionaries in the department at each level should be held accountable only 65.11 *with* respect to the functions and duties assigned to him and accountability should not extend to duties over which he has no direct control. Therefore, police functionaries from SHO to that of Chief of Police cannot be held accountable for each isolated incident in a particular region in their respective jurisdiction, however serious it may be unless it is proved that the particular incident occurred because of act of omission or commission on the part of the police functionary or such incidents have been

widespread and the official has failed to react adequately.

(Para 61.43)

The sanction of fixing unreasonable or impossible targets which cannot be achieved except through illegal or irregular means should be effectively discouraged (Para 61.44)

Looking ahead

65.12 The object of looking ahead is to determine what the police **organisation has to do** now *and* from now on to adequately discharge its responsibilities.

(Para 62.1)

65 13 So far law and order problem has been an urban phenomenon, but the last couple of years have shown that the awakening in the rural areas is leading to bitter and brutal caste and class conflicts. In addition unrest emerging from organised demand in the rural areas also for more money for what they produce is another emerging factor of importance. Hitherto this phenomenon was confined to the urban workers only. When this ferment is viewed against the background that about 80% people live in the rural areas it is evident that the most serious threats to law and order will in

future arise in the rural areas.

(Para 62.20)

65.21 While the constant endeavour has been to prepare the police for the new challenges and tasks, factors having a bearing on crime and disorder are complex and any inflexible planning for the future is neither advisable nor possible. Accordingly it is suggested that the Bureau of Police Research and Development and the State Research units must make a periodical analysis of the police problems and the police performance. Such an analysis should take into consideration the projections which had been made in the past and see to what extent they proved to be accurate. If they went awry,

what were the reasons for it ? Having done so, they would be in a position to say with an amount of accuracy, about the future. The Central Police Committee and the

State Security Commissions that have been recommended in earlier Reports will naturally have a significant role to play in this.

(Para 62.42)

Police Act

65.22 For the incorporation of our new recommendations, it is necessary to replace the existing, outmoded Police Act of 1861. A draft new Act has been given as an Appendix.

(Paras 63.1 and 63.2)

65.23 We recommend that the Central Government may enact the necessary legislation for the constitution of a Central Police Committee, define its role and functions, and such other details in terms of our recommendations delineated in detail in paragraph 58.14 of our Seventh Report.

(Para 63.3)

Sd./- DHARMA VIRA)

(Sd./- K. F. RUSTAMJI)

(Sd./- M. S. GORE)

(Sd./- N. KRISHNASWAMY REDDY) (Sd./- N. S. SAKSENA)

new delhi *May* 31, 1981.

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(Para 63.2, Chapter LXIII)

POLICE ACT

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POLICE BILL

Preamble 1

A Bill to consolidate and amend the law for the regulation of the Police.

whereas the Nation's founding faith is the primacy of the rule of law and the police must be organised to promote the dynamic rule of law and render impartial service to people;

and whereas the police has a paramount obligation and duty to function according to the requirements of the Constitution, law and the democratic

aspirations of the people;

and whereas such functioning of the police requires it to be professional and service oriented, and free from extraneous influences and yet accountable to the people;

and whereas it is expedient to redefine the police role, duties and responsibilities;

and whereas it is necessary to provide the police with the appropriate , powers to ensure its functioning as an efficient and effective agency for the above purposes;

and whereas it is necessary to consolidate and amend the law relating to the regulation of the police and exercise of powers and performance of functions by policemen for the investigation and prevention of crimes, maintenance of public order and security of State;

and whereas it is necessary to provide for certain other purposes, hereinafter appearing; it is hereby enacted as follows:—

POLICE ACT

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the _____ Police Act.

(2) It extends to the whole of the _____.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, specify in this behalf

Definition

3. In this Act, unless the context otherwise requires :—

(a) 'cattle' include elephants, camels, horses, asses, mules, sheep, goats and swine;

(b) 'commission' means the State Security Commission constituted under section 29;

(c) 'competent authority' when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means—

(i) in relation to areas for which a Commissioner of Police is appointed under section 9, the Commissioner or the Additional Commissioner when specially empowered in that behalf by the State Government.

(ii) in relation to the areas other than those referred to in clause (i), the Superintendent or any other police officer specially empowered in that behalf by the State Government.

(d) 'corporation' means a municipal corporation constituted under the _____ Act _____.

(e) Director General, Inspector: General, Special Inspector General, Additional Inspector General, Commissioner, Additional Commissioner, Deputy Inspector General, Deputy

Commissioner, Assistant Commissioner, Superintendent, Additional Superintendent, Assistant Superintendent and Deputy Superintendent means respectively the Director, Inspector General of Police, a Special Inspector General of Police, an Additional Inspector General of Police, a Commissioner of Police, an Additional Commissioner of Police, a Deputy Inspector General of Police, including the Director of Police Wireless and Deputy Inspector General of Police appointed under section 13, a Deputy Commissioner of Police, a Superintendent of Police including a Superintendent of Police appointed under section 13 or 28, and Additional Superintendent of Police, an Assistant Superintendent of Police, and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act.

- (f) 'district' means the territorial area declared under section 10 to be a district.
- (g) 'eating house' means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in or managing, such place and includes —
 - (i) a refreshment room, boarding house or coffee house, or
 - (ii) a shop where any kind of food or drink is supplied to the public for consumption on or near such shop, but does not include a place of public entertainment;
- (h), 'Municipality' means a municipality or municipal borough established under any law for the time being in force in or any part of the State but does not include a municipal corporation.
- (i). 'place' includes —
 - (i) any building, tent, booth or other erection, whether permanent or temporary, and (ii), any area, whether enclosed or open.
- (j) 'Police' or 'Police Force' means the police force referred to in section 3 and includes —
 - (I) all persons appointed as special police officers under subsection (1) of section 26 and additional police officers under section 27; and
 - (ii) all other persons, by whatever name known, who exercise any police function in any part of the State of _____.
- (k) 'place of public amusement' means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard or bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;
- (l) 'place of public entertainmenf means a lodging house, boarding and lodging house or residential hotel, and includes any eating house in which any kind of liquor or intoxicating drug is supplied (such as a tavern, a wine shop, a beer shop or a spirit, arrack, toddy, ganja, bhang or opium shop) to the public for consumption in or near such place;
- (m) 'police officer' means any member of, the police ;
- (n) 'prescribed' means prescribed by rules;
- .(o). 'public place' means any place to which the public have access, whether as of right or

not, and includes —

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(p) 'regulations' means regulations made under this Act;

(q) 'rules' means rules made under this Act;

(r) 'street' includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare ;

(s) 'subordinate ranks'⁷ means members of the police force of any below the rank of the Inspector;

(t) 'vehicle' means any carriage, cart, van, dray, truck, handcart or other conveyance or any conveyance of any description and includes a bicycle, tricycle, a rickshaw, a motor vehicle, a vessel or an aeroplane;

CHAPTER II

ORGANISATION OF THE POLICE FORCE

One police force for the

3. There shall be one Police Force for the _____ and all members of the police force shall be liable for posting to any Branch of the force including the Armed Police/Armed Police Battalions.

Constitution of Police Force.

4. Subject to the provisions of this Act —

(a) the Police Force shall consist of such number in the several ranks and have such organisation and such powers, functions and duties as the State Government may by general or special order determine ;

(b) the recruitment to and the pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order;

Provided that nothing in clause (b) shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police Service.

Director/Inspector General/ Additional and Deputy Inspector General.

5. (1) For the direction and supervision of the Police Force, the State Government shall* in the manner prescribed, appoint a Director General/Inspector General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or rules made

thereunder.

(2) (a) The State Government may appoint one or more Inspector General or one or more Special Inspector General, one or more Additional Inspector General and one or more Deputy Inspector General of Police.

(b) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Director General/Inspector General may be exercised performed or discharged, as the case may be, by an Inspector General, a Special Inspector General or an Additional Inspector General or a Deputy Inspector General.

*Note :— The selection of the Chief of Police is required to be made in terms of the recommendations contained in para 15.35 of the Report. This section enables the State Government to frame rules to implement the recommendations of the Commission in this regard. (Viz. the Constitution of the Committee, appointment of members, their terms etc.) Provided that no such order shall deprive the Director General/Inspector General of Police of his overall charge of any branch of the Police Force, so that the unity of command is not disrupted or damaged.

(c) The State Government may also by a general or special order direct that an Inspector General/Special Inspector General or an Additional Inspector General or a Deputy Inspector General shall assist and aid the Director General/Inspector General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Appointment of Director of Prosecutions

6. The State Government shall appoint a Director of Prosecutions, to assist and aid the Director General/Inspector General of Police.

Appointment of Financial Adviser etc.

7. The State Government may appoint a Personnel Adviser, a Financial Adviser, and a Police Welfare Adviser to assist and aid the Director General/ Inspector General of Police.

8. The term of office of Director General/Inspector General of Police appointed under the Act shall be four years from the date of his appointment.

Provided that the Director General/Inspector General of Police may be removed from his post before the expiry of., the tenure period, with the approval of the Commission or when the removal is consequent on ~

- (i) a punishment of dismissal/removal/compulsory retirement from service or reduction to a lower post, awarded under the provisions of All India Services (Discipline and Appeal), Rules; or
- (ii) suspension ordered under the provisions of the above said Rules; or {iii} retirement from service on superannuation in the normal course; or
- (iv) promotion to a higher ranking post either under the State Government or the Central Government, provided the officer had given his consent to the posting on promotion.

(2), An officer who has functioned as the Director General/Inspector General of Police, after

his retirement from service, shall not be eligible for any employment under the Government of India or under the State Government or in any public undertaking in which Government of India or the State Government have a financial interest. •

The Commissioner of Police

9. (1) The State Government may appoint a Police Officer to be the Commissioner of Police for any area comprising a city or town specified in a notification issued by the State Government in this behalf and published in the Official Gazette.

(2) The State Government may also appoint one or more Additional Commissioner of Police for the areas specified in clause (1).

(3) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or rules made thereunder.

Provided that any of the powers, functions, duties, responsibilities, or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Director General/, the Inspector General.

(4) The State Government may, by general or Special order, empower an Additional Commissioner to exercise and perform in the areas for which a Commissioner is[appointed under subsection (1) all or any of the powers, functions or duties to be exercised or performed by a Commissioner under this Act or under any law for the time being in force.

10. (1) The State Government may by notification declare that as from such date as may be specified in the notification, any area in the State shall be a district for the purposes of this Act.

(2) The State Government may appoint for each District a Superintendent of Police and one or more Additional, Assistant and Deputy Superintendents of Police as it may think expedient.

(3) The State Government may, by a general or special order, empower, an additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a Superintendent under this Act or under any law for the time being in force.

(4) The Superintendent may, with the previous permission of the Director General/Inspector General of Police, delegate any of the powers (except the power to make regulations) and functions conferred on him by or under this. Act to an Assistant or Deputy Superintendent.

Administration of District Police

11. The administration of the police throughout a district, or part thereof, shall be vested in the Superintendent of Police appointed under section 10.

Coordination of District Administration

12. (1) For the purpose of efficiency in the general administration of the district it shall be lawful for the district officer, by whatever name he is called in the different States, to coordinate functioning of the police with other agencies of the district administration in respect of the following:—

- (a) in matters relating to the promotion of land reforms and the settlement of land disputes;
- (b) in matters relating to the extensive disturbance of the public peace and tranquillity in the district;
- (c) in matters relating to the conduct of elections to any public body;
- (d) in matters relating to the handling of natural calamities, and the rehabilitation of the persons affected thereby ;
- (e) in matters relating to situations arising out of any external aggression; and
- (f) in any similar matter, not within the purview of any one department. and affecting the general welfare of the people of the district.

(2) For the purpose of such coordination, the district officer, by whatever name he is called, may •

- (a) call for information of a general or special nature, as and when required, from the police, and any other agency connected with the general administration of the district;
- (b) call for a report regarding the steps taken by the police or other agency to deal with the situation ; arid
- (c) give such directions in respect of the matter, as are considered necessary by him to the police and the concerned agency.

(3) The Superintendent of Police or the head of the agency mentioned in subsection (2) above, shall render assistance to the authority specified in subsection (1) for the purpose of coordination, as specified above.

Explanation :

For the purposes of this section, coordination means to combine or integrate harmoniously.

13 (1) The State Government may appoint For the whole of the State or for any part thereof —

- (i) one or more Directors of Police Wireless and Deputy InspectorGeneral of Police for Police Wireless System hereinafter referred to as the Director of Police Wireless as it thinks fit, and
 - (ii) One or more Superintendents of Police, and Assistant and Deputy Superintendents of Police as it thinks fit —
 - (a) for the Police Wireless Systems;
 - (b) for the Police Motor Transport system ; or
 - (c) for the performance of such specific duties as the State Government may from time to time determine in this behalf.

(2) Any Director of Police Wireless and Superintendent so appointed shall exercise such powers and perform such functions as the State Government may from time to time assign to each of them. The Director may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to a Superintendent or to an Assistant or Deputy Superintendent, and the Superintendent may, subject to the like previous permission, delegate such powers and functions to an Assistant or Deputy Superintendent:

Provided that, the powers and functions aforesaid shall be exercised or performed by the Director, Superintendent or Assistant or Deputy Superintendent, subject to the control of the Director General/Inspector General of Police.

Organisation of Common Services

14. The State Government may provide towards the provision or maintenance of, forensic science laboratories and such other organisation and services as it may consider necessary or expedient for promoting of the efficiency of the police.

15. The State Government may set up such bodies and take such other steps as appears it to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police.

Appointment of Principals of Police Training Institutions

16. (1) The State Government may appoint any Police Officer not below the rank of Superintendent to be the Principal of the Police Training College established by it. The State Government may assign to each. of the Principals aforesaid such powers, functions and duties as it may think fit.

(2) The State Government may appoint any Police Officer not below the rank of an Assistant or Deputy Superintendents to be the Principal of any Police Training School established by it. An officer not below the rank of a Deputy Inspector General authorised by the State Government in that behalf may, subject to the control of the State Government, assign to each Principal so appointed such powers, functions and duties as he may think fit.

Deputies to Commissioner

17.(1) The State Government may appoint one or more Deputy Commissioners of Police in any area in which a Commissioner has been appointed under subsection (1) of section 9.

(2) Every such Deputy Commissioner shall under the orders of the Commissioner, exercise and perform any of the powers (except the power to make regulations) functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf.

18. (1) The State Government may appoint for any area for which a Commissioner of Police has been appointed under section 9 such number of Assistant Commissioners of Police as it may think expedient.

(2) An Assistant Commissioner appointed under subsection (1) shall exercise such powers (except the power to make regulations) and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government.

19. (1) Subject to the control of the State Government, the Commissioner, for *the* area for which he is appointed and the Director General /Inspector General of Police for other areas, shall,

(a) constitute within the area under his charge, Police divisions,

(b) subdivide the same into sections, and

(c) define the limits and* extent of such divisions and sections.

(2) Each such division shall be in charge of an officer of a rank not below that of an Assistant Commissioner or Deputy Superintendent of Police, as the case may be, and each section shall be in charge of an officer of a Tank not below that of an Inspector of Police.

Inspectors

20. Subject to the general or special orders of the State Government, the Commissioner, for the area for which he is appointed and the Director General/Inspector General for other areas shall appoint Inspectors.

21. Every member of the Police Force enrolled under this Act shall, on appointment, make and subscribe before the Superintendent of Police or Commissioner as the case may be or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in Schedule II.

22. (1) Every Police Officer of the grade of Inspector or below, shall on appointment receive a certificate in form provided in Schedule III. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period, within which such person is suspended from such force.

Effect of suspension of Police Officer

23. The powers, functions and privileges vested in a police officer shall remain suspended whilst such Police Officer is under suspension from office :

Provided that notwithstanding such suspension such person shall not cease to be a Police Officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General Powers of Commissioner and Superintendent

24. The Commissioner or the Superintendent, subject to the orders of the Director General/Inspector General, shall, within their respective spheres of authority direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Power of DGP/IGP and Commissioner to investigate and regulate matters of accounts

25. The Director General/Inspector General, throughout the State and the Commissioner in the area for which he is appointed, shall have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

Special Police Officers

26. (1) The Commissioner or the Superintendent of Police, specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any ablebodied male person between the age of 18 and 50, whom he considers fit to be a Special Police Officer to assist the Police Force.

(2) Every special Police Officer so appointed shall, on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf;

(b); have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police Officer.

(3) If any person, being appointed a special police officer as aforesaid, without sufficient excuse, neglects or refuses to serve as such or to obey such lawful order or direction as *may* be given to him for the performance of his duties, he 'shall be liable, upon conviction before a Magistrate, to fine not exceeding five hundred rupees for such neglect, refusal or disobedience.

Appointment of Additional Police

27. (1) Additional Police Officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(2) Every additional Police Officer appointed, shall on appointment —

(a) receive a certificate in a form approved by the State Government in this behalf;

(b) be vested with all of such of the powers, privileges and duties of a Police Officer as are specially mentioned in the certificate ; and

(c) be subject to the orders of the Commissioner or the Superintendent as the case may be.

(3) The employment or deputation of such additional Police Officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

Appointment of Railway Police

28. (1) The State Government may, by notification in the Official Gazette, Create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police one or more Assistant and Deputy Superintendent and such other Police Officers for each such special district as it may think fit

(2) Subject to the control of the DirectorGeneral/InspectorGeneral, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.

(3) Any member of the said Police Force whom the State Government shall generally or specially empower to act under this subsection may, subject to any orders which that Government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer in charge of a police station in that district, and when so exercising such powers shall, subject to any such order as aforesaid, be deemed to be an officer in charge of the police station discharging the functions of such officer within the limits of his station.

(4). Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of 'the State with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

(5) The Superintendent of Police may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act, to an Assistant or Deputy Superintendent.

CHAPTER III

THE STATE SECURITY COMMISSION

Establishment and constitution of state security commission

'29. (1) The State Government, shall, as soon as may be, by notification in the official Gazette, establish a commission to be called the State Security Commission for the purpose of exercising such functions and discharging such duties as may be assigned to the commission by or under this Act.

(2) The Commission shall consist of the following members, namely:— (I) the Minister incharge of Police, who shall be the Chairman, exofficio ;

(ii) two members of the State Legislature one from the ruling party and another from the opposition parties preferably .from the recognised or main opposition party, to be nominated by the State Government on the advice. of the speaker of the State Legislature :

(iii) four members to be nominated by the chief Minister of the State after approval by the State Legislature, as far as possible one each from among retired judges of the High Court, retired Government servants who had functioned in senior positions in the Government while in service, social scientists or academicians of public standing and eminence.

(3) The Director General/Inspector General of Police, exofficio, shall be the Secretary of the Commission.

(4) The names of the members nominated to the Commission shall be notified by the State Government in the Official Gazette and the nomination shall take effect with effect from the date of such notification.

(5) Every member nominated under clauses (ii) and (iii) of subsection (2) above, shall unless their seats become vacant earlier by resignation, death or otherwise, hold office for a period of three years from the date on which the nomination of such member is notified and shall be eligible for renomination.

Superintendence of Police Force

30. (1) The Superintendence of the police force throughout the state shall vest in the State Government and shall be exercised through its commission constituted under this Act.

(2) The power of superintendence of the State Government over the police shall be limited for the purpose of ensuring that police performance is in strict accordance with law.

Functions of the Commission

31. The functions of the Commission shall include matters relating to —

(i) laying down broad policy guidelines and directions for the performance of preventive tasks and service oriented functions by the police ;

(ii) evaluation of the performance of the State Police; —

(iii) functioning as a forum of appeal for disposing of representations from any police officer of the rank of Superintendent of Police and above, regarding his being subjected to illegal or irregular orders in the performance of his duties ;

(iv) functioning as a forum of appeal for disposing of representations from police officers regarding promotions to the rank of Superintendent of Police and above; and

(v) generally keeping in review the functioning of the police in the State.

32. The functions of the Commission may be exercised notwithstanding any vacancy therein.

Removal from the office of the member

33. The State Government may, at any time, for sufficient cause, remove from office any member of the commission after giving him a reasonable opportunity of showing cause against proposed removal.

Disqualifications

34. The fees and other allowances payable to members for the attendance at meetings of the Commission or of *any* Committee thereof shall be such as may be specified by the State Government by regulations made in consultation with the Commission.

35. No person shall be eligible to be a member of the Commission or any Committee thereof who —

(a) is of unsound mind and stands so declared by a competent Court; or

(b) is or has been convicted of an offence which, in the opinion of the State Government involves moral turpitude.

Vacation of seats of members

36. (1) If a member of the Commission —

(a) becomes subject to any disqualifications specified in Section 35 ; or

(b) in the case of member nominated under clause (ii) of subsection (2) of Section 29, ceases to be member of the State Legislature, his seat shall thereupon fall vacant; or

(c) in the case of a member nominated under subclause (iii) of subsection (2) of Section 29, joins a political party after being appointed to the Commission, his seat shall thereupon fall vacant.

(2) If any question arises as to whether a member of the Commission has become subject to any disqualification specified in Section 35, the question shall be referred for the decision of the Chairman of the Commission and his decision shall be final:

Provided that before giving decision on any such question, the Chairman of the Commission shall give the member concerned a reasonable opportunity of being heard.

(3) If a member of the Commission, is absent without sufficient, cause for more than three consecutive meetings thereof, the Chairman of the Commission may, by order, remove such member from the membership of the Commission :

Provided that no member shall be removed under the provisions of this subsection except after giving him a reasonable opportunity of showing cause against such removal.

(4) Any member of the Commission, may resign his office by giving notice, in writing, of his intention so to do, to the authority which nominated him, and on such resignation being accepted he shall be deemed to have vacated his office.

Procedure for Commission

37 The Commission shall regulate its own procedure and the conduct of the business to

be transacted by it.

Appointment of Director/Principle Director of Inspection

- 38.** (1) The State Government may appoint one or more police officer as Director of Inspection as the State Government may in consultation with the Commission determine and of the persons so appointed one may be appointed as Principal Director of Inspection.
- (2) It shall be the duty of the Directors of Inspection to evaluate the overall performance of all police forces constituted under Section 3 of this Act, and report to the Commission thereon.
- (3) The Directors of Inspection shall carry out such other duties for the purpose of furthering police efficiency as the Commission may from time to time direct.
- (4) The Principal Director of Inspection shall in each year submit to the Commission a report in such form as the Commission may direct.
- (5) The Directors of Inspection shall be paid such salary and allowances as the State Government may with the approval of the Commission determine.
- The expenses of the Commission
- 39.** The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of members or staff of the Commission shall be charged on the consolidated fund of the State.

Annual Report of the Commission

- 40.** The Commission, shall, within 3 months after the end of each year submit to the State Government annual report .on the performance of the Police in the State and the work done by the Commission.
- (2) The State Government shall, as soon as may be possible but not later than 3 months after the receipt of such report (unless the Legislature is not in Session) cause such report to be laid before the Legislature of the State.

Powers to make regulation

41. The State Government may by regulations made in consultation with the Commission make provision with respect to the number of members of the staff of the Commission and their conditions of service.

Powers of the State Government

42. Notwithstanding anything contained in Section 30 the State Government may in any emergency directly issue a policy directive or guidelines in regard to a specific situation but such direction or guidelines, shall as soon as possible be brought before the Commission for ratification and be subject to such modifications as the Commission might decide.

CHAPTER IV

DUTIES, POWERS AND RESPONSIBILITIES OF THE POLICE

Duties of a Police Officer

- 43.** It shall be duty of every police officer to—
- (i) promote and preserve public order ;
 - (ii) investigate crimes, and where appropriate to apprehend the offenders and participate

- in subsequent legal proceedings connected therewith;
- (iii) identify problems and situations that are likely to result in commission of crimes;
- (iv) reduce the opportunities for the commission of crimes through preventive patrol and other prescribed police measures ;
- (v) aid and cooperate with other relevant agencies in implementing the prescribed measures for prevention of crimes ;
- (vi) aid individuals who are in danger of physical harm ;
- (vii) create and maintain a feeling of security in the community;
- (viii) facilitate orderly movement of people and vehicles ;
- (ix) counsel and resolve conflicts and promote amity;
- (x) provide necessary services and afford relief to people in distress situations ;
- (xi) collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and » security ; and
- (xii) perform such other duties as may be enjoined on them by law for the time being in force

Duties of Police Officers towards weaker sections, poor persons and public

44. It shall be the duty of every police officer to—

- (1) register all cognizable offences brought to his notice by a complainant in person or by post or from his knowledge and take prompt steps to acknowledge registration of such offences where necessary and proceed with such investigation as is prescribed by law ;
- (2) aid and cooperate with other agencies for the prevention of all offences and all wanton destruction of public property by violence, fire and accidents ;
- (3) prevent such conduct in public places as would prove 'to be dangerous for the persons indulging in such acts like overloading of boats during river crossing or spirited youngsters driving dangerously and recklessly ;
- (4) guide and assist members of the public particularly the poor and indigent, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places ;
- (5) take charge of intoxicated persons and lunatic at large who in their ignorance may cause harm to themselves or other members of the. public and their property;
- (6) assist in preventing the poor and indigent persons from exploitation by any organised group;
- (7) prevent harassment of women and children in public places ;
- (8) behave with" all members of the public with due decorum and courtesy particularly so in dealing with women and children where strict regard should be paid to decency and reasonable gentleness;
- (9) refrain from needless inconvenience to the members of the public in the discharge of his duties;
- (1.0) while taking a person into custody to ensure that he is not denied his rights and privileges and in particular ensuring that an arrested person in custody is able to inform a person of his choice the fact of his detention
- (11) arrange for legally permissible sustenance and shelter to every person in custody and making known to poor persons in custody provisions of legal aid schemes being enforced in the State and also inform the authority concerned to provide such aid ;
- (12) provide every kind of assistance to victims of road accidents and in particular

- ensuring that they are given prompt medical aid without waiting for formalities;
- (13) assist accident victims or their heirs or their dependents where applicable with such information and documents as would facilitate their compensation claims and making the victims of road accidents aware of their rights and privileges; and
 - (14) show by personal conduct that it is in the general interest of the society to abide by the law in operation.

Powers of Police Officers while regulating traffic etc.

45. It shall be duty of every police officer —

- (i) to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his ability, to prevent the contravention of any rule, regulation or order made under this Act or any other law in force for observance by the public in or near the streets;
- (h) to keep order in the streets and at and within public bathing and washing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship ;
- (iii) to regulate resort to public bathing and washing places and, all other places of public resort, to prevent overcrowding in such places and to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such place ; and
- (iv) to prevent to the best of his ability the commission of public nuisances.

Duties of Police officers to enforce provisions of the Act

46. (1) It shall be, the duty of every police officer to ensure compliance with the provisions of this Act or any rule, regulation or order made thereunder and for that purpose such police officer may —

- (a) warn persons who from ignorance fail to comply with any provision of this Act or any rule, regulation or order made thereunder;
- (b) require any person acting or about to act contrary to any provision of this Act or rule, regulation or order made thereunder, to desist from so doing;
- (c) subject to the provisions of subsection (2) and (3), arrest any person contravening any¹ provision of this Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act; and .
- (d) seize any object used, or about to be used, in contravening, or in contravention of the provisions of this Act, or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act.

(2) A Police officer shall not arrest any person under Clause '(c) of subsection (1), without a warrant issued by Magistrate, unless such person

- (a) has contravened any regulation made for regulating traffic and for preservation of order in public places under section 61 of this Act;
- (b) Has contravened any order or notification made under section. 62 or under section 63, section 65 or section 79;
- (c) commits in the presence of such police officer offences punishable under section 107, subsection (1) of section 118, Clause (a), (b) or (c) of section 119, or subsection (2) of section 122, in respect of contravention of any order made under

sections 66 or 67;

(d) commits in his presence in any street or public place any noncognizable offence punishable under this Act or any rule or regulation made thereunder if such person

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- (i) after being warned by the police officer persist in committing such offence ; or
- (ii) refuses to accompanying the police officer to a police station on being required so to do.

(3) The Commissioner or Superintendent of Police or any other police officer specially empowered in this behalf by the Director General/Inspector General of Police may arrest without warrant by a magistrate any person who has committed an offence under section 100.

Powers to enter places of public resort

47 Subject to the provisions of this Act and the rules, regulations and orders made thereunder, every police officer may, for the purpose of discharging any of the duties referred to in sections 43, 44, 45 & 46 enter without a warrant and inspect any place of public resort which he has reason to believe is used as place for the storing, sale or consumption of intoxicating drinks or narcotics or a place for resort of loose and disorderly characters.

Power to search suspected persons in streets etc.

48. When in a street or a place of public resort a person is in possession or suspected to be in possession of any article which a police officer in good faith suspects to be stolen property, such police officer may search such person and if the account given by the possessor be manifestly false" or suspicious, may detain such article after giving a receipt in the prescribed form and report the facts to a Magistrate, having jurisdiction in the case who shall thereupon proceed according to the provisions of sections 457, 458 and 459 of the Code of Criminal Procedure, 1973.

Emergency duties of police

49. (1) The State Government, may by notification in the official gazette, declare any specified service to be an essential service to the community.

(2) A declaration made under subsection (1) shall remain in force for one month in the first instance, but' may be extended from time to time by a notification,

(3) Upon a declaration being made under subsection (1) and so long as it remains in force, it shall be the duty of every police officer to obey any order given by any superior officer in relation to any employment in connection with the service specified in the declaration*

Superior police officer may himself perform duties imposed on a subordinate officer.

50. A police officer of a rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

Persons bound to comply with reasonable directions of police officers

51. (1) All persons shall be bound to comply with the reasonable directions given by a police officer in the discharge of his duties under this Act.

(2) Where any person resists, refuses or fails to. comply with any direction referred to in subsection (1), a police officer may, without prejudice to any other action that he may take

under any other provision of this Act or any other law for the time being in force, remove such person and either produce him before the nearest Magistrate or, in trivial cases, release him when the occasion which necessitated the removal has ceased to exist:

Provided that the person so removed shall in all cases be produced before the nearest Magistrate or released, as the case may be, within a period of twenty-four hours of such removal.

CHAPTER V

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE

Framing of rules for administration of police

52. Subject to the orders of the State Government, the Director General/ Inspector General may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

- (a) for the prevention and investigation of crime ;
- '(b) for the maintenance of law and order;
- (c) regulating the inspection of the police force by his subordinates ;
- (d) determining the description and quantity of arms accoutrements, clothing and other necessaries to be furnished to the Police ;
- (e) prescribing the places of residence of members of the Police Force;
- (f) for the institution, management and regulation of any Police fund for any purpose connected with Police administration ;
- ' (g) regulating, the distribution, movements and location of the Police;
- (h) assigning duties to Police Officers of all ranks and grades and prescribing
 - (i) the manner in which, and
 - (ii) the conditions subject to which they shall exercise and perform their respective powers and duties ;
- (I) regulating the collection and communication by the Police of intelligence and information ; '
- (j) prescribing the books and registers to be maintained and the returns to be submitted by Police Officers ; and
- (k) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

Disciplinary penalties

53. (1) Subject to the provisions of Article 311 of the Constitution and the rules, the Director General/Inspector General, Deputy Inspector General, Assistant Inspector General of Police, Commissioner of Police, Superintendent of Police, Principal of the Police Training College or the Police Training School or any other officer of equivalent rank, may award to any police officer of subordinate rank any of the following punishments, namely —

- (a) dismissal;
- (b) removal from service;
- (c) reduction in rank;
- (d) forfeiture of approved service ;

- (e) reduction in pay ;
- (f) withholding of increment;
- (g) withholding of promotion ; and
- (h) fine not exceeding one month's

(2) Subject to the rules —

- (a) any police officer specified in subsection (1) may award the punishment of reprimand or censure to any police officer of subordinate rank ;
- (b) the. Assistant Superintendent of Police or any other officer of equivalent rank, may award the punishment of reprimand or censure to police officers of or below the rank of Sub Inspectors of Police ; and
- (c) any police officer of and above the rank of Inspector may award punishment drill, extraguard, fatigue or other punitive duty, not exceeding fifteen days, with or without confinement to quarter guard to Constables and Head Constables.

(3) Nothing in subsection (1) or subsection (2) shall affect any Police officers liability for prosecution and punishment for any offence committed by him.

Suspension

54. (1) The Director General/Inspector General of Police, Superintendent of Police, Commissioner of Police or any other officer of equivalent rank may place a police officer under suspension—

- (a) Where a disciplinary proceedings against him is contemplated or is pending ; or
- (b) Where in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest or the security of the State ; or
- (c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial and in the opinion of the authority aforesaid there is a prima facie case.

(2) An order of suspension made under this Section shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(3) Where a Police Officer is suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the police officer shall continue to be under suspension until the termination of all or any such proceedings.

(4.) An order of suspension made may at any time be modified or revoked by the authority which made the order or by any authority to which that authority is subordinate.

Procedure for awarding punishments

55. When any officer passes an order of awarding a punishment of dismissal, removal from service, reduction in rank, forfeiture of approved service, reduction in pay, withholding of increments, withholding of promotions, or fine, he shall record such order or cause the same to be recorded together with the reasons thereof, in accordance with the rules.

Appeals from orders of punishment

56. An appeal against any order of punishment passed against a police officer under section 53 or the rules thereunder (not being an order of punishment drill, extraguard, fatigue or other

punitive duty, not exceeding fifteen days with or without confinement to quarter guard to Constables and Head Constables under clause (c) of subsection (2) of that section) shall lie :—

- (a) where the order is passed by the Director General/Inspector General of Police to the State Government;
- (b) where the order is passed by a Deputy Inspector General or Commissioner of Police to the Director General/Inspector of Police ;

(c) where the order is passed by a Superintendent of Police, Deputy Commissioner of Police, Principal of the Police Training College or School or any other officer of equivalent rank, to the Deputy Inspector General/ Commissioner of Police of the area as the case may be.

57. Subject to the provisions of section 50, transfer or suspension orders of different ranks of subordinate officers of the force shall be made only by the appointing authority or the authority prescribed in Schedule IV.

Police officers always on duty

58. Every police officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be employed as police officer in any part of the State.

59. No police officer shall resign his office or withdrawn himself from the duties thereof, unless expressly allowed to do so in writing by the Director General/Inspector General of Police or by such other officer as may be authorised by the Director General/Inspector General of Police to grant such permission or unless he shall have given to his superior officer, notice in writing for a period not less than two months of his intention to do so.

Explanation :

A police officer who, being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed within the, meaning of this section, to withdraw himself from the duties of his office.

60. No police officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Director General/Inspector General of Police or by some other authorised officer.

CHAPTER VI

POLICE REGULATIONS

Power to make regulations for regulating traffic and for preservation of order in public place

61. The Commissioner or Superintendent, as the case may be, *with* respect to any of the matters specified in this subsection, in areas under their respective charges or any part thereof, may .by notification in the official gazette make regulations to provide for all or any of the following matters, namely —

- (a) regulating traffic of all kinds in streets and other public places, and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, , so as to prevent danger, obstruction or inconvenience to the public;

- (b) regulating the conditions under which vehicles may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;
 - (c) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;
 - (d) licensing, controlling or prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisement, which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as may be specified in the regulations, having regard to the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction, or causing obstruction, to such traffic
 - (e) specifying certain hours of the day during which cattle shall not be driven, or as the case may be, driven only in accordance with such regulations, along the streets, or along certain specified streets ;
 - (f) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;
- (g) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;
- (h) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;
- (i) prohibiting except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases,, the carcasses of animals or parts of such carcasses or corpses of persons deceased ;
- (j) specifying certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations ;
- (k) setting apart places for slaughtering animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and. for obeying calls or nature;
- (l) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Government, with a view to prevent the disease or check the spread thereof;
- (m). directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water and providing against pollution of the same or of the Water therein ;
- (n) licensing, controlling or in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tomtoms or other instruments and the blowing or sounding of/horns or other . noisy instruments or in near streets or other public places ;
- (o) regulating the conduct of or Behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which, the order in which, and the times at which, the same may pass;

- (p) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection of structure so as to obstruct traffic or the free access of light and air;
- (q) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any horse or other, animals in any street or public place;
- (r) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting — \
 - (i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Corporation or other Municipal Officers duly authorised in that behalf ;
 - (ii) the blasting of, rock or making excavations in or near streets or public places;
 - (iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;
- (s) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;
- (t) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;
- (u) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a firearm or airgun, or letting off or throwing a fire work or, sending up a fire baloon or rocket in or upon a street or within fifty feet of a street or building or/ the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in. this behalf;
- (v) regulating the hours during which and the manner in which any place for the disposal of the dead, any *dharmashala*, village gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantage and accommodation and to maintain orderly conduct amongst those who resort thereto;
- (w) (i) licensing or controlling places or public amusement or public entertainment;
- (ii) prohibiting the keeping of places of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity ; and
- (iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance thereat;
- (x) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such' exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas ;
- (ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of the artists and the conduct of the artists and the audience at such performance;
- (iii) prior scrutiny of such performance and of the scripts in respect thereof, if any, and granting of suitability certificate therefor subject to conditions, if any, by a Board appointed by the State Government for the purpose, either for the whole of the State or for the area concerned or by an Advisory Committee constituted by the Director

General/Inspector General of Police (the members of the Board 03: the Advisory Committee being persons who in the opinion of the State Government, or, as the case may be the Director General/Inspector General of Police,, possess knowledge of, or experience in literature, the theatre and other" matters relevant to such scrutiny), provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees (whether in the form of court fee stamps or otherwise) to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals and any such performances and of the scripts in respect thereof granted suitability certificate by State shall be exempted from this section ;

(iv) regulating the hours during which and the places at which such performances may be given ;

(y) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;

(z) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house, and annual renewal of such registration within a specified period

(za) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for and fixing the fees to be charged for any such licence or permission.

Provided that nothing in this section and no licence or certificate or registration granted under any regulation made thereunder shall authorise any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit pass or authorisation is required under any law relating to prohibition which is for the time being in force.

(2) The power to make regulations under clause (b) of subsection (1) shall be subject to the control of the State Government and the power to make regulations under the other clauses of that subsection shall be subject to the previous sanctions of the State Government.

(3) The power of making regulations under this section shall be subject to the condition of the regulations being made, after previous publication and for the purposes of section 23 of the General Clauses Act, 1897 such regulations shall be deemed to be rules; and every regulation made, under this section, shall also be published in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same *in* such 'local newspapers as the Commissioner or Superintendent of Police may deem fit, or **by** any two or more of these means, or by any other means he may think suitable ;

Provided that any such regulation may be made without previous publication if the Commissioner or Superintendent of Police is satisfied that circumstances exist which render it necessary that such regulation, should be brought into force at once

(4) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bylaw of the Corporation or of any other municipal or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bylaw.

Power to give direction to the general public

62. In areas under the respective charges the commissioner and subject to his orders, every police officer not below the rank of an Inspector and the Superintendent and subject to his orders any police officer not lower than such rank as may be specified by the State Government in that behalf, may from time to time as occasion may arise but not so as to contravene any regulation made under section 61 or any law, or byelaw — referred to in subsection (4) of that section, give all such orders either orally or in writing as may be necessary to :

- (a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along streets;
- (b) specify the routes by which and the times at which any such processions may pass or shall not pass;
- (c) prevent obstructions —
 - (i) on the occasion of all processions and assemblies;
 - (ii) in the neighbourhood of all places of worship during the time > of worship ; and
 - (iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;
- (d) *keep order on*, and in all streets, and at, and within, public bathing and washing places, fairs, temples, mosques, gurdwaras, churches and all other places of public resort or public worship ;
- (e) regulate and control the playing of music, singing or the beating of drums, tomtoms and other instruments and the blowing or sounding of horns or other noisy instruments in, and near, any street or public place
- (f) regulate and/ control the use of loudspeakers in residential areas, streets, near any public "places and places of public amusement or public entertainment ; or
- (g) make reasonable orders consequential to, and in furtherance of, any order made under this section.

Power to prohibit certain acts for prevention of disorder .

63. The Commissioner or the Superintendent of Police in areas under their respective charges, may whenever and for such time as he shall consider necessary for the preservation of public peace or public safety, by notification publicly promulgated or addressed" to individuals ; prohibit at any town, village, or place —

- (a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence ;
- (b) the carrying of any corrosive substance or explosives ;
- (c) the carrying, collection or preparation of stones or other' missiles of instruments or means of casting or impelling missiles ;
- (d^) the exhibition of persons or corpses ;
- (e) the public utterance of cries, singing of songs, or playing of music'; or
- (f) the delivery of harangues, the use of gestures of mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other subject or thing which may in the opinion of the Commissioner of Police

or Superintendent of Police, as the case may be, offend against decency or morality or undermine the security of the State.

(2) If any person goes armed with any such articles as is referred to in clause (a) of subsection (1) or carries any corrosive substance or explosive or missile or instrument in contravention of any prohibition under the subsection, the article, corrosive substance or explosive or missile shall be liable to be seized from him by any police officer.,

(3) The Commissioner or Superintendent of Police, as the case may be, by notification publicly promulgated prohibit any assembly or procession whenever and for such time as he considers such prohibition to be necessary for the preservation of the public order.

(4) No notification promulgated under subsection (3) shall remain in force for more than fifteen days from the promulgation thereof :

provided that if the State Government consider it necessary so to do .for the preservation of the public order, it may, by order published in the Official Gazette, direct that such notification shall remain in force for such further period not exceeding six months from the date on which it would have, but for such order, expired as it may specify in the said order.

[Power to provide against disorder etc.at places of public amusement or public assembly or meeting](#)

64. (1) For the purpose of preventing, serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or. meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant SubInspector and above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations and orders as may have been lawfully made. give such reasonable directions as to the mode of admission of the public to, and for securing, the peaceful and lawful conduct of the proceedings and the maintenance of the public safety, at, such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every, such reasonable direction. .

(2) Every police officer shall have free .access to every place of public amusement assembly or meeting for the purpose of giving effect to the provisions 'of subsection (1) and to any direction made thereunder.

[Power to prohibit etc. continuance of music,sound or noise](#)

65. If the Commissioner or the Superintendent of Police in areas under their respective charges, is satisfied from the report of an officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury, to the public or to any person who dwells, or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(a) the incidence or continuance in any street, open space' or any other premises of—

(i) any vocal instrumental music;

(ii) sounds caused by the playing, beating, clashing, blowing or use in any matter whatsoever of any instrument, appliance or apparatus or contrivance which is

capable of producing or reproducing sound;

- (iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volumes as may cause disturbance to others; or
- (b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise ;

Provided that no direction shall be issued to any persons under clause (b) without giving to such person an opportunity *of* being heard in the matter.

(2) The Commissioner or Superintendent of Police may, either on his own motion or on the application of any person aggrieved by an order made under subsection (1), either rescind, modify or alter .any such order •

Provided that before any such application is disposed of, the Commissioner or Superintendent of Police shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

Issue of order for prevention of riots etc.

66. In order to prevent or suppress any riot of grave disturbance of peace, the Commissioner or Superintendent of Police may temporarily close or take possession of any building or other place and may exclude all or any persons therefrom, or may allow access thereto such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner or Superintendent of Police may make and notify in exercise of his powers under this Section.

Maintenance of order at religious or ceremonial display etc.

67. In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of, or participation in, which, it shall appear to the competent authority that a dispute or contention exists, which is likely to lead to grave disturbance of the peace, the competent authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested and all persons concerned shall obey such orders.

Commissioner or SP may take special measure to prevent outbreak of epidemic disease at fairs etc

68. (1) Whenever it shall appear to the Commissioner or Superintendent of Police that any place in the area under their respective charges (being a place where on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble) is visited or likely to be visited with an outbreak of any epidemic disease, he may in consultation with the Corporation or municipality or local authority within the local limits of the jurisdiction whereof such place is situated take such special measures and may by a public notice prescribe such regulations to be observed by residents of the said place and persons present thereat or repairing thereto or returning therefrom as he deems necessary to prevent; the outbreak of such disease or the spread thereof.

(2) The expenses incurred by the Commissioner or Superintendent of Police in respect of the arrangement for sanitation and the preservation of order at or about the place of assembly referred to in subsection (1) may be recovered from the Corporation or the 'municipality concerned.

[Power to reserve street or other public places for public purpose and power to authorise erecting of barriers in streets](#)

69(1) The Commissioner or Superintendent of Police in areas under their respective charges may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified by him.

(2) The Commissioner or Superintendent of Police in areas under their respective charges may, whenever in his opinion such action is necessary —

- (a) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle; and
- (b) make such orders as he deems fit for regulating the use of such barriers.

[Power to make regulations prohibiting disposal of dead except at places set apart](#)

70. (1) The Commissioner or Superintendent of Police in areas under their respective charges may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart:

Provided further that the Commissioner or Superintendent of Police or any officer authorised by him in this behalf may, in his discretion, on an application made to him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any regulations made under subsection (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such regulations shall be deemed to be rules for the purposes of section 23 of the General Clauses Act, 1897 and shall be subject to the conditions of previous publication and the date to be specified under clause (3) of that section shall not be earlier than two months from the date on which the draft of the proposed regulations is published.

CHAPTER VII

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY OF STATE

[Employment of Additional police to keep peace](#)

71. (1) The Commissioner or Superintendent of Police, as the case may be, may, on the application of any person, depute any additional number of police to keep the peace, to preserve order, to enforce any of the provisions of this Act or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the police at any place in the area under his charge. .

(2) Such additional police shall be employed by the cost (which shall be determined by the Commissioner or Superintendent of Police in accordance with Act rules made in this behalf) of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Commissioner or Superintendent of Police considers necessary.

(3) If the person upon whose application such additional police are employed shall at any time make a written requisition to the Commissioner or Superintendent of Police for the withdrawal of the said police he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the Commissioner or Superintendent of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the Commissioner or Superintendent of Police, as the case may be, shall, on an application made in that behalf by the aggrieved party, refer the matter to the State Government or any authority nominated by the State Government whose decision thereon shall be final.

Employment of Additional Police in cases special danger to to public peace

72. (1) If in the opinion of the State Government any area in the State is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily additional police in the area, it may, by notification in the Official Gazette, specify the area (hereafter in this section referred to' as the disturbed area) in which, and the period for which, the additional police shall be employed and thereupon the Commissioner or Superintendent of Police shall depute such number of additional police officers **as** he considers necessary in the disturbed area:

Provided that the period so specified may be extended by the State Government from time to time, if in its opinion it is necessary so to do in the interests of the public.

(2) On the issue of a notification under subsection (1), the State Government may require the District Collector or any other authority specified by the State Government, to recover, whether in whole or in part, the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class of such persons, and in such proportion as the State Government may direct.

(3) It shall be lawful for the State Government to exempt, by order in writing, and for sufficient reasons, any person from liability to bear any portion of the cost of such additional police.

Explanation:

In this section and in section 74 the expression "Inhabitants, when used in relation to any disturbed area, includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupants of land in such area .notwithstanding that they do not actually reside therein.

Employment of Additional Police at large work and when apprehension regarding

behaviour of employees exists

73. (1) Whenever it appears to the State Government or to the competent authority that:

(a) any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people; or

(b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern, under construction or in operation at any *place* necessitates the employment of additional police at such place, the State Government, or the competent authority, as the case may be, may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the State Government or the competent authority to continue.

(2) Such additional police shall be employed at the cost of the person by whom the work, public amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the Government or the competent authority, as the case may be, shall from time to time require.

Compensation for injury caused by unlawful assembly how recoverable

74. (1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the official Gazette, specify the area (hereafter in this section called the "disturbed area") in which, and the date on which or the period during which, such unlawful assembly in its opinion, took place.

(2) On the issue of a notification under subsection (1), the State Government or any authority nominated by the State Government may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of the compensation shall be deemed to be a fine imposed under this section, and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the State Government or any authority nominated by the State Government* to exempt by order in writing and for sufficient reasons, any persons from liability to pay any portion of the compensation amount.

Dispute in regard to cost of deputing additional compensation under sections 72 to 74.

75. In the event of any dispute relating to the cost payable under section 72 or section 73 or the compensation determined under section 74 or the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation should be paid the matter shall be referred by the State Government or any authority nominated by the State Government or the competent authority, as the case may be, on an application made in that behalf by the aggrieved party, to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate as the case may be, whose decision thereof shall be final.

Recovery of amount payable under sections

76. Any amount payable under section 71, section 72, section 73 or section 74 shall be recovered in the same manner as if it were an arrear of land revenue.

State Government or any nominated authority to award compensation

77. (1) Amounts payable under section 71, section 72, section 73 or section 74 shall, when recovered, be credited to the State Government.

(2) The State Government or any authority nominated by the State Government shall pay, from the amount recovered by him as compensation payable under section 74, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this section, except when a claim has been made therefor within forty-five days from the date of the notification referred to in subsection (1) of section 74, and the State Government or any authority nominated by the State Government is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt, or the" deceased, where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death. ^

(4) The compensation payable to any person under subsection (2) shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than 'the person entitled to it by operation of law. nor shall any claim be set off against the same.

(5) No civil suit shall be maintainable in respect of any loss, damage or grievous hurt for which compensation has been granted under this section.

Recovery of amounts payable under section 72 & 73 (2 of 1974)

78. Without prejudice to the provisions contained in section 76, all amounts payable under section 72 or section 73 shall be recoverable in the manner provided in sections 421 and' 422 of the Code of Criminal Procedure, 1973, as if each such amount were a fine imposed on any offender by a Court.

Control of Camps parades etc.

79. (1) If the State Government is satisfied that is necessary in the interest of maintenance of public order so to do, it may by general or special order prohibit or restrict throughout the State or any part thereof all meetings and assemblies of persons for the purpose of training or drilling themselves or being trained or drilled to the use of arms or for the purpose of practicing military exercise, movements, or evolutions, or for the purpose aforesaid of attending or holding or taking any part in any camp, parade or procession.

Banning of use of dress etc. resembling uniform of armed forces

(2) If the State Government is satisfied that the wearing in public, by any member of any body, or association or organisation, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or Toy a

member of any police force or of any force constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, it may, by a general or special order, prohibit or restrict the wearing, or display, in public of any such dress or article of apparel by any member of such body or association or organisation.

(3) Every general or special order under subsection (1) and (2) shall be published in the manner prescribed for the publication of a public notice under section 147.

Explanation:

For the purposes of subsection (2) a dress or article of apparel shall be deemed worn or displayed in public if it is worn or displayed in any place to which the public have access.

Constitution of Defence Societies

80. (1) For the protection of persons, the security of property and the public safety in any locality, the Commissioner or Superintendent of Police, as the case may be, may constitute voluntary bodies (hereafter in this section referred to as Defence Societies) in the prescribed manner.

(2) The Commissioner or Superintendent of Police or any officer of a Defence Society may at any time call up officers subordinate to him or any member of a Defence Society for training or to discharge any of the duties under this Act assigned to them.

(3) Every officer or member of a Defence Society shall on appointment receive a certificate in such form as may be specified or approved by the State Government in this behalf,

CHAPTER VIII

POWERS OF COMMISSIONER AND SUPERINTENDENT OF POLICE UNDER OTHER ACTS

Power of State Govt to authorise Commissioner, SP and certain other officers to exercise power of District Magistrate and Executive Magistrates under the Cr. P C

81. (1) The State Government may, by notification in the official gazette and ¹ subject to such conditions and limitations as may be specified therein, empower

(a) the Commissioner and the Superintendent of Police to exercise and perform in areas under their respective charges, the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure 1973 (2 of 1974), as may be specified in the notification;

(b) any officer subordinate to the Commissioner or Superintendent of Police (not being an officer below the rank of an Assistant Commissioner or Assistant Superintendent or Deputy Superintendent of Police) to exercise and perform in relation to such areas as may be specified in the notification the powers and duties of an executive Magistrate under such of the provisions of the said Code as may be specified in the notification.

(2) Every officer subordinate to the Commissioner/Superintendent of Police, shall in the exercise and performance of any powers and duties which he is empowered to exercise or perform under subsection (1), be subject to the general control of the Commissioner/Superintendent of Police in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that section.

(3) The Commissioner, Superintendent of Police or any officer subordinate to him shall not

be subject in the exercise and performance of any powers and duties which he is empowered to exercise and perform under subsection (1), to the general control of District Magistrate appointed under Section 20 of the said Code.

(4) The provisions of this section shall have effect notwithstanding anything contained in the said Code.

Notification under section 81 to be laid before Legislature

82. Every notification made by the State Government under Section 81 shall be laid, as soon as it is made, before the State Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive session aforesaid, the State Legislative Assembly agrees in making any modification in the notification or the State Legislative Assembly agrees that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Powers of Commissioners and Superintendent of Police under other Acts

83. (1) The Commissioner and Superintendent of Police shall exercise all powers and discharge all functions which may be exercised or discharged by a District Magistrate under the Acts mentioned in Sch. V including the rules made thereunder.

(2) The Commissioner or Superintendent of Police as the case may be, may authorise any Additional Commissioner of Police, Deputy Commissioner of Police or Additional Deputy Commissioner of Police or Additional Superintendent of Police or Assistant Superintendent of Police or Deputy Superintendent of Police to exercise any of the powers or discharge any of the functions of the Commissioner or Superintendent of Police mentioned in subsection (1) in accordance with the general or special orders of the State Government.

CHAPTER IX

POWERS OF POLICE IN RELATION TO UNCLAIMED PROPERTY

Police in charge of unclaimed property

84. (1) It shall be the duty of every police officer to take temporary charge—

(a) of all unclaimed property found by, or made over to him ; and

(b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove "the same, refuses or fails to do so.

(2) The police officer taking charge of the property under subsection (1) shall furnish an inventory thereof to the Commissioner or Superintendent of Police as the case may be.

Procedure for disposal of property taken charge of under section 84

85. (1) Where any property has been taken charge of under subsection (1) of section 84, the Commissioner or Superintendent of Police, as the case may be, . shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorises in his; behalf and establish his claim within six months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of less than one hundred rupees, it may forthwith be sold, by auction under the orders of the Commissioner or Superintendent of Police, as the case may be, and the net proceeds of such sale shall be dealt with in the

same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation under subsection (1) to appear before the other officer authorised by the Commissioner or Superintendent of Police in that behalf and establish his claim, such officer shall forward the record of the proceedings before him with his findings thereon to the Commissioner or Superintendent of Police, as the case may be.

Delivery of property to person entitled

86. (1) The Commissioner or Superintendent of Police in areas under their respective charges on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under subsection (1) of section 85 order the same to be delivered to him, after deduction or payment of the expenses incurred in the seizure and detention thereof.

(2) The Commissioner or Superintendent of Police, as the case may be, may, at his discretion, before making any order under subsection (1), take such security as he may think proper from the person to whom the said property is to be delivered and nothing herein before contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of Govt

87. (1) If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under subsection (2) of section 85, shall be at the disposal of the State Government and such property may be sold by auction under the orders of the Commissioner or Superintendent of Police as the case may be, and the proceeds thereof shall be credited to the Government.

(2) If any claim is made to any proceeds credited under subsection (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the prescribed authority, the Government shall pay to the claimant the amount determined in that behalf by the prescribed authority.

(3) The form and manner in which claims may be made under subsection (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

CHAPTER X

OFFENCES AND PUNISHMENTS

Disregarding the Rules of the Road

88. No person shall —

- (a) when driving a vehicle along a street (except in cases of actual necessity or of some other sufficient reason for deviation) fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle ; or
- (b) leave in any street or public place insufficiently tended or secured any animal or vehicle.

Causing obstruction of mischief by animal

89. No person shall cause obstruction, damage, injury, danger, alarm or mischief in

- any street or public place —
- (i) by misbehaviour, negligence or illusage in the driving, management, treatment or care of any animal or vehicle ; or
 - (ii) by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf.

Exposing animal for hire, sale etc.

90 No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal except at such times and places as the competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle, or carry on therein any manufacture or operation so as to be a serious impediment to traffic or serious annoyance to residents in the vicinity or to the public.

Causing any Obstruction in the Street

91. No person shall cause obstruction in any street or public place —

- (a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand, in the street or the, public place longer than may be necessary for such purpose; or
- (b) by leaving any vehicle standing or fastening any cattle in the street or the public place; **or**
- (c) by using any part of a street or, public place as a halting place for vehicles or cattle; or
- (d) by leaving any box, bale, package or other things whatsoever in or upon a street, for an unreasonable length of time or contrary to any regulation; **or**
- (e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

Obstructing a footway

92. No person shall drive, ride, load, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal in such a way that the animal can stand across or upon such footway.

Causing obstruction and annoyance by performance etc.

93. No person shall, in contravention of any regulation made by the Commissioner or Superintendent of Police, as the case may be —

- (a) exhibit any mimetic, musical or other performances of such a nature as may attract crowds; or
- (b) carry or place bulky advertisements, pictures, figures or emblems in any street or public place;

whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned.

Doing Offensive Acts in or near a street or public place

94. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place, except at a place set apart for the purpose, so as to cause annoyance to the neighbouring residents or to passersby.

Letting loose horse etc. and suffering ferocious dogs to be at large

95. No person shall in any street or public place —

- (a) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance; or
- (b) suffer a ferocious dog to be at large without a muzzle ; or
- (c) set on or *urge* a dog or other animal to attack, worry or put in fear any person or horse or other animal.

Bathing or washing in places not set apart for those purposes

96. No person shall bathe or wash in, or by the side of, a public well, tank or reservoir not set apart for such purpose by order of the competent authority, or in, or by the side of, any pond, pool, aqueduct, part of a river, stream, nullah or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority.

Defiling water in public wells etc.

97. No person shall defile or cause to be defiled the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same unfit for any purpose for which it is set apart by the order of the competent authority.

Obstructing Bathers

98. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 96 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

Behaving indecently in the public

99. No person shall wilfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from,, any street or public place or place of public resort, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any public office, police station or station house.

Obstructing or annoying passengers in street

100. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening any animal or otherwise, disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace

101. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kite etc.

102. No person shall fly a kite or any other thing as to cause danger, injury or alarm to

persons, animals or property.

Committing nuisance in or around near street etc.

103. No person shall in or near to any street, public place or place of public resort —

- (a) commit a nuisance by easing himself; or
- (b) having the care or custody of any child under seven years of age, suffer such child to commit a. nuisance as aforesaid; or
- (c) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passerby.

Drunkardness in a street etc.

104. No person shall be so drunk and incapable of taking care of himself in a street or place of public resort.

Affixing notice etc. upon public property without consent of authority

105. No person shall without the consent of the government or public authority concerned affix or cause to be affixed any bill, notice or other paper upon any lamppost, tree, letterbox, transformer, street or any other property belonging to Government or any public authority or write upon or deface or mark or cause to be written upon or defaced or marked on any such lamppost, tree, letter box, transformer, street or other property.

Disregard of notice in public building

106. No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, smoke or spit in contravention of a notice, by the competent authority in charge of such place, displayed in such court, police station, police office or building.

Penalties for offences U/S 88 to 106

107. Any person who contravenes' any of the provisions of sections 88 to 106 (both inclusive) shall, on conviction, be punished with. fine which may extend to five hundred rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding fifteen days.

Penalty for failure to keep in confinement cattle etc

108. (1) Whoever allows any cattle which are his property or in his charge to stray in any street or 'to trespass upon any public or private property shall on conviction be punished —

- (a) for the first offence, with imprisonment for a term which may extend to one month with fine which may extend to three hundred rupees, or with both ; and

(b) for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

(2) The Magistrate trying an offence under subsection (1) may order that the accused shall pay such compensation not exceeding two hundred and fifty rupees as such Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or the produce of his land l3y the cattle under the control of the accused trespassing on his land.

(3) Any compensation awarded under subsection (2) may be recovered as if it were a fine imposed under this section.

(4) It shall be the duty of every police officer and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.

(5) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under this Section shall be cognizable.

Punishment to cruelty to animals

109. Whoever in any place cruelly beats, goads, overworks, illtreats or tortures or causes/or procures to be cruelly beaten, goaded, overworked, illtreated or tortured, any animal shall, on conviction; be punished with imprisonment which may extend to 15 days, or with fine which may extend to five hundred rupees, or with both.

Wilful trespass

110. Whoever without sufficient cause wilfully enters or remains in or upon any dwelling house or premises or land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or used for public purposes, or on any vehicle, shall, on conviction, whether he causes any actual damage or not, be punished with imprisonment which may extend to fifteen days or with fine which may extend to five hundred rupees, or with both.

False alarm of fire or damage to fire brigade

111. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the Government or the Corporation or a municipality or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise, or with intent to give such false alarm wilfully breaks the glass of, or otherwise damages a street fire alarm, shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both.

Being found under suspicious circumstances between sunset and sunrise

112. Whoever is found between sunset and sunrise —

(a) armed with any dangerous instrument with intent to commit an offence ;

or

(b) in any dwellinghouse or other building, or on any vehicle, without being able to account satisfactorily for his presence there ; or

(c) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself; or

(d) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking,

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Possession of property of which no satisfactory account can be given

113. Whoever has in his possession or conveys in any manner, or offers to transfer by sale or otherwise, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or conveyance or offers

for sale or otherwise to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Ommission by pawn-brokers, etc. to report to police possession or tender of property suspected to be stolen

114. Whoever being a pawnbroker, dealer in second hand property, or worker in metals, or reasonably believed to be such a person by the Commissioner or Superintendent of Police in the areas under their respective charges, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code or by any offence punishable under section 417, section 418, section 419 or section 420 of the said Code, is found in possession, or after the receipt of such information, comes into possession or has an offer, either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless —

- (i) he forthwith gives information to the Commissioner or Superintendent of Police as the case may be, or at a police station of such possession or offers and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or
- (ii) the property, being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given and has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting etc. of property referred to in sec 114

115. Whoever having received such information as is referred to in section 114 alters, melts, defaces or puts away or causes or suffers to be altered, melted defaced or put away, without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section* 410 of the Indian Penal Code or property in respect of which any offence punishable under section 417, section 418, section 419 or section 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine, or with both.

Taking pledge from child

116. Whoever takes from any child, not appearing to be above the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to five hundred rupees.

Suffering disorderly conduct at places of public amusement etc.

117. Whoever, being the keeper of any place of public amusement or public entertainment, knowingly permits or suffers drunkenness or other disorderly behaviour or any gambling whatsoever, in such place, shall, on conviction, be punished with fine which may extend to five hundred rupees.

Cheating at games and gambling in street

118. (1) Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game or in taking part in the stakes or wagers, or in betting on the sides or hands of the 'players, or in wagering on the event of any game, sports, pastime or exercise, wins from any other person, for himself or any other or others any sum of money or valuable thing, shall be deemed to have committed the offence of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly.

(2) Whoever assembles with others, or joins any assembly, in a street assembled for the purpose of gambling or wagering shall, on conviction, be punished with fine which may extend to five hundred rupees.

Penalty for contravening regulations etc. under sec. 40

119. Except as provided in section 121, whoever contravenes or abets the contravention of, any regulation made under section 61 or any of the conditions of a licence issued under⁴ such regulation shall, on conviction, be punished '—

(a) if the regulation was made under clause (a) of subsection (1) of section 61 providing for the prohibition of the sale or exposure for sale, of any

goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public —

(i) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both ; and

(ii) for any subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees.

(b) if the regulation was made under clause (c), (g), (h) or (i), subclause (i) or (ii) of clause (r) or clause (u) of subsection (1) of section 61 with ' imprisonment for a term which may extend to seven days, or with 'fine which may extend to two Hundred rupees or with both ;

(c) if the regulation was made under clause (n) or (o) of subsection (1) of section 61 with fine which may extend to five hundred rupees; and

(d) if the regulation was made under any clause of subsection (1) of section 61 and for the contravention of which no penalty is provided under clause (a), (b) or (c) of this section, with fine which may extend to two hundred rupees.

Liability of licensee of place of public amusement or entertainment for acts of servants

120. The holder of a licence granted under this Act in respect of a place of public amusement or public entertainment shall be responsible, as well as the primary offender for any offence under section 119 committed by his servant or other agent acting with his express or implied permission on his behalf as if he himself had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

Penalties for not obtaining license in respect of place of public entertainment or certificate of registration in respect of eating house or for not renewing such license or certificate within prescribed period

121. (1) Whoever fails to obtain a licence under this Act in respect of a place of public entertainment or a certificate of registration thereunder in respect of any eating house, or to renew the licence or the certificate, as the case may be, within the

prescribed period shall on conviction, be punished with fine which may extend to two hundred rupees.

(2) Any court trying any such offence shall, in addition, direct that the person keeping the place of public entertainment, or the eating house in respect of which the offence has been committed shall close such place, or eating house until he obtains a licence or fresh licence, or a certificate of registration or fresh certificate of registration, as the case may be, in respect of thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction, he shall, on conviction, be punished with imprisonment for a term which may extend to one month *or with fine which may extend to five hundred rupees or with both.

(4) Without prejudice to any action taken under subsection (3), on the failure of such person to comply with the direction of the court, any police officer authorised by the Commissioner or Superintendent of Police as the case may be, by an order in writing, may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the court's direction.

Penalties for contravention of orders etc. under sections 62 to 67

122. (1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 62 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever contravenes a notification or an order made under section 63, section 65, section 66, or section 67 or abets the contravention thereof, shall, on conviction, be punished —

- (a) if the said notification or order was made under subsection p) of section 63, or under section 66 or section 67, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine ;

Provided that the court may, for adequate and sufficient reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than four months;

- (b) if the said order was made under subsection (2) of section 63 with imprisonment for a "term which may extend to one month, or with fine which may extend to one thousand rupees, or with both;
- (c) if the¹ said notification was made under subsection (3) of section 63 with fine which, may extend to five hundred rupees; or
- (d) if the said order was made under section 65 *with* imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(3.) Whoever opposes or fails to conform to any direction given by a police officer under section 64 shall, on conviction, be punished with fine which may 'extend to one thousand rupees.

Penalties for contravention of orders etc. under sections 68 to 70

123. Whoever contravenes, or abets the contravention of, any regulation, notice or order made under section 68, section 69 or section. 70 shall, on conviction be punished with imprisonment which may extend to three months, or with fine which may extend to one thousand, rupees, or with both.

Penalties for contravention of orders etc. under sections 79

124. Whoever contravenes any order made under section 79 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Penalties for opposing or not complying with the direction given under clause(b) of sub. sec. (1) of sec. 46

125. Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of subsection (1) of sec. 46 or abets the opposition thereto or failure to comply" therewith, shall on conviction, be ^ punished with imprisonment for a term which shall not be less than four months but which may extend to one year and shall also be liable to fine :

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

Penalties for contravening directions under section 51

126. Whoever opposes or fails to conform to any direction given by any police officer under section 51 or abets the opposition or failure to conform to such direction shall, on conviction, be punished with fine which may extend to two hundred rupees.

Dangerous Performance

127 (1) No person shall without the previous permission of the Commissioner or Superintendent of Police as the case may be, and except in accordance with any conditions subject to which such permission is: granted hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself under ground or seals himself in any room or receptacle or other thing, in such manner as to prevent all access of air to him and for such time as could ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of subsection (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under this section shall be cognizable.

Penalties for making false or misleading statement etc. and for misconduct of police officers

128. (a) Any person who makes a false statement or a statement which, is misleading in a material particulars or uses a false document for the purpose of obtaining employment or release from employment as a police officer, or

(b) any police officer who (i) is guilty of cowardice, or

(ii) being a police officer of subordinate rank, resigns his office or withdraws himself from duties thereof in contravention of Sec. 38; or

(iii) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey; or

(iv) is guilty of any violation of duty for which no punishment is expressly ^ provided by any other law in force; or

- (v) being in a state of intoxication, while on duty;
- (vi) malingering or feigning or voluntarily causing, hurt to himself with the intention to render himself unfit for the service, or
- (vii) being grossly insubordinate to his superior officers or using criminal force against superior officer; or
- (viii) engage himself or participate in any demonstration, procession or strike or resort to o^" in any way abet any form of strike or coercion or physical duress to force any authority to concede anything,

shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine' which may extend to five hundred rupees, or with both.

Explanation :

A Police Officer who being absent on leave fails without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of subclause (ii) of clause (b) be deemed to withdraw himself from the duties of his office within the meaning of section 59.

Vexatious entry, search, arrest etc. by Police Officers

129. Any Police Officer who

- (a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or
- (b) vexatiously and unnecessarily seizes the property of any person; or
- (c) vexatiously and unnecessarily detains, searches or arrests any person; or
- (d) offers any unnecessarily personnel violence to any person in his custody ;
- or**
- (e) holds out any threat or promise not warranted by law,

shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Penalties for vexatious delays in forwarding a person arrested

130. Any police officer who vexatiously and unnecessarily delays the forwarding of any .person arrested to a Magistrate or to any other authority to whom a he 4 legally bound to forward such person, shall, on conviction, be punished with ' ' imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Penalties for unauthorised use of police uniform

131. If any person not being a member of the State Police wears, without the permission of an officer authorised by the State Government in this behalf by general or special order, the uniform of the State Police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two hundred rupees. '

Prosecution of Police Officers

132. (1) No court shall take cognizance of any offence under this Act when 3. the accused person or any one of the accused is. a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of an officer authorised by the

State Government in this behalf.

(2) No court below that of an Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act when the accused person or any one of the accused person is a police officer.

Powers to make regulations regarding carrying weapons without authority

133. (1) The Commissioner or Superintendent of Police in the areas under their respective charges may, by notification in the official gazette, make regulations to provide that no person, other than a member of the armed forces of the Union acting as such or a police officer, shall go armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by such authority as may be specified in such regulations.

(2) Any regulation made under subsection (1) may provide that any police officer may seize any weapon or firearm carried in contravention of such regulation and the weapon or substance so¹ seized shall be forfeited to the Government, unless redeemed within two months by payment of such fine, not exceeding five hundred rupees, as the Commissioner 61 Police or Superintendent of Police, as the case may be, imposes.

Prosecution for offences under other enactments not effected

134. Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other law for anything made punishable by this Act or from being prosecuted and punished under this Act for anything made punishable under any other law.

Prosecution for certain offences against this Act to be in the discretion of police

135. It shall not, except in obedience to a rule, regulation or order made by State Government or by the Director General/Inspector General of Police, be incumbent on the Police to prosecute for an offence punishable under section 107, section 114, subsection (1) of section 122, section 123, section 126 when such offence has not occasioned serious mischief and has been promptly desisted from on a warning being given.

Power to Compound certain Offences

136. An offence punishable under section 107 or under clause (a), (b) or (c) of section 119 may be compounded, if the offender pays, on .the spot or at a designated place on demand by a Police Officer ^f such. rank as the State Government may, by notification in the official gazette prescribe, such amount as may be prescribed for the offence by the State Government.

Summary disposal of certain cases

137. (1) A court taking cognizance of an offence punishable under section 107 or under clause (a), (b) or (c) of section 119 may state upon the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to 'the court such sum not exceeding five hundred rupees in the case of an offence punishable under section 107 and In any other case rupees two hundred, as the court may specify.

(2) Where an accused person pleads, guilty and remits the sum specified in the summons, under subsection (1), no further proceedings in respect of the offence / shall be taken against him'

Offences by Companies

138. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence

(2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

For the purposes of this section a "company" means a body corporate, and includes a firm or other association of individuals ; and. "director", in relation to a firm, means a partner in the firm.

CHAPTER XI

MISCELLANEOUS

Disposal of fees, rewards etc.

139. All fees paid for licenses ,or written permissions issued under this Act and all sums paid for the service of processes by Police Officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police Officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority; be credited to the State Government:

Provided that with the/ sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such rewards, forfeiture or penalty may for special services be paid to a Police Officer, or be divided amongst two or more Police Officers.

Method of Proving orders and notifications

140. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

Rules and order not invalidated by defect of form or irregularity in procedure

141. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made, under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

Officers holding charge of, or succeeding to, vacancies competent to exercise

powers

142. Whenever in consequence of the Office of a Commissioner, or Police Officer becoming vacant, any officer holds charge of the post of such Commissioner, or Police Officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties ' respectively conferred and imposed by this Act on such Commissioner, Magistrate or Police Officer, as the case may be.

143. No Police Officer shall be liable to any penalty or to payment of damages on account of an act done. in good faith in. pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act/ or any other law for the time being in force or. any rule, order or direction made or given therein.

No public servant is liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority

144. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed if not instituted within the prescribed period

145. (1) In any case of alleged offence by a Police Officer, or other person, or of a wrong alleged to have been done' by a Police Officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein, it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not "be entertained, or shall be dismissed if instituted, more than 3 months after the date of the act complained of.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's nt)nce at least of the intended suit with sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid »has been served on the defendant and the date of such service, and shall state whether any and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration' by the plaintiff of the time and manner of service thereof.

License and written permissions to specify conditions etc. and to be signed

146. (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the. same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule^f under this Act in that behalf. .

Revocation of licenses etc.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority if any of its conditions or restrictions is infringed or evaded, by the person to whom it has been granted, or if Such person is convicted of any offence in any matter to which such licence or permission relate

(3) When any such licence or written permission is, suspended or revoked, or when

the period for which the same was granted has expired, the person to .. whom the same was granted shall, for all purposes of this Act, deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

Grantee to produce licence etc. when required

(4) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same if so required by a Police Officer.

Explanation :

For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission, has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted

Public notices how to be given

147. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers, — in regional languages and English or Hindi — as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable,

Consent etc. of a competent authority may be proved by writing under his signature

148. Whenever under this Act, the doing or the omitting to do any thing or the validity of anything depends upon the consent, approval, declaration, opinion^e or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

Signature on notices etc. may be stamped

149. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner or the Superintendent of Police, as the case may be, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

Persons interested may apply to state Govt. to annul, reverse or alter any rule or order

150. (1) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it, shall be competent to" any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereof

published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal, and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Power to make Rules

151. (1) The State Government may make rules for carrying out the purposes of this Act,

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) recruitment to and the pay, allowances and other conditions of service of the members of the State Police under section 4;

(b) the manner of selection and appointment of Director General/Inspector General of Police under section 5 ;

(c) the manner of publication, under subsection (2) of section 26, by the Commissioner or the Superintendent of Police, of the names of special police officers appointed under that section ;

(d) matters that may be prescribed under section 43 ;

(e) form of receipt to be given in respect of any article detained under section 48

(f) awarding of any of the punishments referred to in subsection (1) or subsection (2) of Section 53 to any police officer of subordinate rank;

(g) procedure for awarding punishments under section 55;

(h) determination of the cost of employing additional police under subsection (2) of section 71;

(i) manner of constituting defence societies under subsection (1) of section 80;

(j) the authority to whose satisfaction claims are to be established under subsection (2) of section 8i and the , form and the manner in which claims may be made under that subsection; the procedure for dealing with such claims and all other matters connected therewith under that section;

(k) prescribing the ranks of police officers and the fines referred to in section 136 ;

(l) payment to any police officer or division among two or more police officers the whole or any portion of any reward, forfeiture or penalty, under the proviso to section 139; and

(m) any other matter which has been or may be, prescribed or provided for by rules, under this Act.

Notification of rules and regulations in the official Gazette and laying of rules and regulations

152. (1) Every rule and regulation made under this Act shall be made by notification in the official Gazette.

(2) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made before the State Legislature, while it is in session, for a total, period of thirty days

which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature, agree in making any modification in the rule or regulation as the case may be, or the State Legislature agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Repeals and savings

153. (1.) The enactments specified in Part I of Schedule I are hereby repealed:

Provided that —

(i) all rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively ' prescribed, made conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder;

(ii) all reference made in any enactment to any of the enactments so ceasing to be in force shall be construed as references to the corresponding provision of this Act.

(2) Nothing in subsection (1) shall be deemed to affect —

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions / of this Act come into force in such area;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of ' any act before such date;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(e) any legal proceeding pending in any court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings, and any such proceeding or any appeal or revisional^s proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not been enacted.

Existing Police Force deemed to be constituted under this Act

154. Without prejudice to the provisions contained in Section 153, the Police o Force functioning in the State of immediately before the commencement of this Act, shall on such commencement, be deemed to be Police Force constituted under this Act.

155. Saving of laws relating to village and Armed Police — (To be drafted by each State Government).

Power to remove difficulties

156. (1) If any difficulty arises in giving effect to the provisions of this Act in

consequence of the transition to the said provisions from the provisions of the enactments mentioned in Schedule I, the State Government may, by notification in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty

Provided that no such notification shall be issued after the expiry of two years from the commencement of this Act.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the State Legislative Assembly.

SCHEDULE I (See Section 153)

Year	No.	Short Title
1861	V	The Police Act, 1861 (note:—Such other Acts which are in force are also to be included).

SCHEDULE II (See Section 21)

Form of oath or affirmation by members of Police Force

I, do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established; that as a member of the police in the State of I will honestly, impartially and truly serve the people without favour or affection, malice or illwill; that I will to the best of my ability, skill and knowledge discharge, according to law, such functions and duties as may be entrusted to me as a police officer, and in such a manner as to uphold and protect the dignity and rights of the citizens as proclaimed in the Constitution.

SCHEDULE III (See

Section 22) SEAL

- (Photograph to be affixed in the , case of Inspectors and SubInspectors)

CERTIFICATE OF APPOINTMENT IN THE POLICE FORCE No.

.....

Certificate of Appointment issued under the Police Act Mr. has been appointed as and is invested with the powers, functions, and privileges of a Police Officer under the Police Act of In the District Police/Railway Police/Area under the charge of the Commissioner for on the day of 19

Signature ...

Designation

SCHEDULE IV (See Section 57)

Authorities competent to order suspension

SNo	Rank of the officer on whom suspension order is to be made	Authority Competent to issue order
1	Insp., SI, ASI and officers of corresponding ranks	Officer of the rank Superintendent of Police
2	Head Constables, Constables & officers of corresponding ranks	Officer of the rank Superintendent of Police

Authorities competent to order transfer

SNo	Rank of the officer on whom suspension order is to be made	Authority Competent to issue order
1	Insp., SI and officers of corresponding ranks	Officer of the rank of Superintendent of Police
2	ASI, Head Constables, Constables & officers of corresponding ranks	Officer of the rank of Assistant Superintendent of Police or Dy. SP

SCHEDULE V (See Section 83)

PART J *Central Acts*

1. The Press and Registration of Books Act, 1867.
2. The Indian Explosives Act, 1884.
3. The Indian Lunacy Act, 1912.
4. The Poisons Act, 1919.
5. The Police (Incitement to Disaffection) Act, 1922.
6. The Cinematograph Act, 1952.
7. The Suppression ^of Immoral Traffic in Women and Girls Act, 1956.
8. The Arms Act, 1959.

PART II Note

(The State Acts as may be included under this section are to be specified under this part. Such of the State Acts which regulate Habitual Offenders, Gambling, Begging, Dramatic performances etc., may be specified under this part.)

Appendix II (Para •64.2, Chapter LXIV)

D.O. No. 1/77/NPCSG Government of
India Ministry of Home Affairs

C. V. Narasimhan

Member Secretary

/

1977.

National Police Commission, New Delhi 28th December,

Dear Sir,

The National Police Commission constituted by the Government of India in Ministry of Home Affairs Resolution No. VI24021/36/77GPA.I dated the 15th November, 1977 (copy enclosed for ready reference — Annexure I) held its first meeting on 22nd December, 1977, and observed, *inter alia*, that it would greatly facilitate the work of the Commission if the various issues arising from the terms of reference are examined in the first instance by a Study Group in each State and its assessment report is made available to the Commission. I am to request that a Study Group may kindly be set up accordingly in your State, keeping in view the following, guidelines :—

- (i) The chairman of the Study Group may be a prominent person with a background of wide experience in administration and/or having association with social work or public welfare activities of a nonpolitical nature.
- (ii) One or two senior retired officers of Chief Secretary or Inspector's General rank may be included among the members.
- (iii) Two or three members could be drawn from nonofficials in the political or academic or administrative fields.
- (iv) A senior serving police officer of the rank of D.I.G. or above may function as the Convenor of the Study Group. It would be helpful if the , Inspector General of Police himself could kindly take up this function, having regard to the importance of the proposed exercise.
- (v) Membership of the Study Group including the chairman and the Convenor may not exceed seven. Others may be coopted as Advisers to examine any specific issue as and when .necessary. .

2. The Study Group may be requested to examine the terms" of reference of the Commission and identify the related subjects for study. Some subjects that could be taken up by the Study Group straight away are furnished in Annexure II. Additional subjects considered relevant by the Study Group may also be gone into and covered in their final report.

3. Some senior officers with administrative experience in certain Government Departments like law, labour, jails, correctional services, local administration and education, may be associated with the Group for studying certain selected items like Sl. Nos. 4, 14, 15, 21, 24, 25 and 35 in the list at Annexure II.

4. While making studies the Group may take due note of the actual ground position in the districts, particularly at the village, taluk and police station level.

5. In selected districts it may be of advantage to form small Study Groups comprising taluk/police station level officers also to secure response from their level to some of the

pressing issues. The views of these Groups may then be taken into account before the State level Study Group evolves its recommendations. Some examples of subjects that could be considered by taluk/police station level Study Groups are Sl. Nos. 6, 7, 13, 14, 15, 16, 17, 20, 21, 28, 30 and 33 in the list at Annexure II.

S. The names of the Chairman, Convenor and other members of the Study Group may please be intimated very early to the undersigned.

7. A copy of this letter is being marked to your Inspector General of Police so that he may identify and earmark suitable senior police officers to assist the Study Group as the work progresses.

8. It is clarified that the views and suggestions of the Study Group will be that of the Group only and will not be taken to reflect the State Government's views on any issue or commit the State Government to any related matter.

9. I shall be grateful if arrangements are made for the Study Group in your State to start its work immediately and plan its deliberations in such a manner as to send us its report with recommendations before the 31st March, 1978.

10. A brief conference of the Convenors of Study Groups in different regions is proposed to be held in February, 1978 at convenient regional centres to assess the progress, of studies and clarify matters for their expeditious completion.

Yours faithfully,

Sd./**(C. V. NARASIMHAN)**

End: As above

To the Chief Secretaries (as per list attached)

Annexure I

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS (GRIH MANTRALAYA)

New Delhi 110001, the 15th November, 1977

RESOLUTION

No. VI24021/36/77GPA. I—Far reaching changes have taken place in the country after the enactment of the Indian Police Act, 1861 and the setting up of the second Police Commission of 1902, particularly during the last thirty years of Independence. Though a number of States have appointed Police Commissions after Independence to study the problems of the Police in their respective States, there has been no comprehensive review at the national level of the police system after Independence despite radical changes in the political, social and economic situation in the country. A fresh examination is necessary of the role and performance of the Police—both as a law enforcement agency, and as an institution to protect the rights of the citizens enshrined in the Constitution. The Government of India have, therefore, decided to appoint a National Police Commission composed of the following :—

- | | |
|--|---|
| 1. Shri Dharma Vira | Chairman (retired Governor) |
| 2. Shri N. K. Reddy | Member (retired Judge, Madras High Court) |
| 3. Shri K. F. Rustamji | Member (exIGP, Madhya Pradesh and exSpecial Secretary, Home Ministry) |
| 4. Shri N. S. Saksena | Member |
| 5. Prof. M. S. Gore, | (Professor, Tata Institute of Social Sciences, Bombay) |
| 6. Shri C. V; Narasimhan (presently Director, CBI) | (exIGP UP and exDG CRP and at present, Member, UPSC); Member |

fulltime Member Secretary of the Commission (on relief from his present post.)

2. The following will be the terms of reference of the Commission :—

- (1) Redefine the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order.
- (2) Examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the system, identify the basic weaknesses or inadequacies, and suggest appropriate changes in the system and the basic laws governing the system.
- (3) Examine, if any changes are necessary in the existing method of administration, disciplinary control and accountability.
- (4) Inquire into the system of investigation and prosecution, the reasons for delay and failure ; the use of improper methods, and the extent of their prevalence ; and suggest how the system may be modified or changed, and made efficient, scientific and consistent with human dignity ; and how the related laws may be suitably amended.
- (5) Examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic.
- (6) Review policing in rural areas, evaluate any new arrangements that have been made, and recommend changes that are necessary.
- (7) Examine the system of policing required in nonrural and urbanised areas including metropolitan areas, and suggest the pattern that would be the most suitable.
- (8) Examine the steps taken for modernising law enforcement, evaluate the work of police communications, the computer network, scientific laboratories and agencies for research and development, and examine whether modernisation can be speeded up; examine to what extent, as a result of the modernisation of Police forces, streamlining of its functions and its restructuring, it would be possible to economise in the manpower in the various areas of its activities.
- (9) Examine the nature and extent of the special responsibilities of the Police towards the weaker sections of the community and suggest steps to ensure prompt action on their

complaints for the safeguard of their rights and interests.

(10) Recommend measures and institutional arrangements :—

- (i) to prevent misuse of powers by the police, and to examine whether police behaviour, outlook, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;
- (ii) to prevent misuse of the Police by administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law;
- (iii) for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers;
- (iv) for the quick redressal of grievances of police personnel and to look after their morale and welfare ; and
- (v) for a periodic objective evaluation of police performance in a metropolitan area/District/State in a manner which will carry credibility before the public.

(11) Examine the manner and extent to which police can enlist ready and willing cooperation of the public in the discharge of their social defence and law enforcement duties and suggest measures regarding the institutional arrangements to secure such cooperation and measures for the growth of healthy and friendly public police relationship.

(12) Examine the methods of police training; development, and career planning of officers and recommend any changes that are required at any time in their service, to modernise the outlook, and to make the leadership of the force effective and morally strong.

(13) Examine the nature of the problems that the police will have to face in the future, and suggest the measures necessary for dealing with them, and for keeping them under continuous study and appraisal.

(14) Consider and make recommendations and suggestions regarding any other matter which the Government may refer to the Commission ; and

(15) Any other matter of relevance or importance having an impact on the subject.

3. The Headquarters of the Commission will be at Delhi.

4. The Commission will devise its own procedure and may consult such advisers as it may consider necessary for any particular purpose. It may call for such information and take such evidence as it may consider necessary. Ministries and Departments of the Government of India will furnish such information and documents and other assistance as may be required by the Commission. The Government of India trust that the State Government, Union Territories Administrations, Service Associations and others concerned will extend to the Commission their fullest cooperation and assistance.

5. The Commission will make its recommendations as soon as practicable.

ORDER

ORDERED that a copy of the Resolution be communicated to all State Governments, Administrations of Union Territories and Ministries/Departments of the Government of India, Planning Commission, Cabinet Secretariat, Prime Minister's Office, Lok Sabha and Rajya Sabha Secretariats.

2. ORDERED also that the Resolution be published in the Gazette of India for general information.

Sd./ (T.C.A. SRINIVASAVARADAH) Secretary i@ the
Government of India.

Annexure II

SOME SUBJECTS THAT COULD BE TAKEN UP FOR EXAMINATION BY STUDY GROUPS

Quantitative increase and qualitative change in the duties the police are now being called upon to perform, in the context of the vast changes (social, economic and political) that have come about in our country after Independence. The increasing variety and complexity of duties the police are required/expected to discharge for "maintenance of public order" may also be analysed.

What are the existing provisions in law which define the role, duties, powers and responsibilities of the police in regard to —

- (i) Prevention and control of crime, and
- (ii) maintenance of public order.

Are any modifications called for in this regard ? If so, for what reasons ?

What can reasonably be laid down as the responsibility of the citizen in regard to—

- (I) prevention and control of crime, and
- (ii) maintenance of public order'

To what extent can his, responsibility be spelt out statutorily ? Existing provisions of law on this aspect may be analysed.

. To what extent can nonpolice agencies be . associated with prevention of crime ? What are the practical steps for coordinating the preventive functions of several other departments like courts, jails, correctional services, corporations, municipalities and other local bodies in regard to several factors which induce or facilitate the commission of crime ?

Section 23 of the Police Act (Act V of 1861) refers to the responsibility of police for collecting and communicating intelligence affecting the public peace only. In actual practice, police are required/expected to collect intelligence regarding a variety of matters like corruption in public services, economic offences like hoarding and blackmarketing, etc., and also regarding some matters having a bearing on national security. It may be determined what kind of intelligence duties can be legitimately performed by police in a socialist, democratic, free society as ours.

What are the merits and demerits in the existing policing system including the method of magisterial supervision in addition to the departmental supervision within the police hierarchy?

What are the existing provisions in law which spell out the supervisory responsibility of the magistrate in regard to maintenance of law and order and control of crime ? What are the merits and demerits in this system ?

What institutional arrangement can be devised to bring about certain measure of accountability of the performance of the district police to the district public themselves ? In what precise manner can representative sections of the public be associated with this exercise of calling the district police to account for their actions ?

The Police Act of 1861 envisages only a few ranks in the police hierarchy. In the course of years, several additional ranks have come into being in the Supervisory command structure from the Constable upwards. Can a yardstick be evolved to determine the size of the supervisory structure at different levels having regard to —

- (i) the need for adequate manpower for performance of duties, and
- (ii) the need for adequate career prospects by way of promotion and placement in the hierarchy ?

Are any changes necessary in the existing method of administrative and disciplinary control and accountability ?

Having regard to the importance of discipline in an organisation like the police, is there a case for exempting police personnel from the operation of Art. 311 of the Constitution ? Can some arrangement be devised for summary dismissal in appropriate cases of extreme misconduct where the formal processes of securing and recording evidence may present practical difficulties

What is the existing ratio of the armed police to the unarmed police in the districts and the State as a whole ? Is there scope for reducing the holding of arms by police ?

The role of homeguards in rendering assistance to police in various situations including those of a nonemergency nature.

What are generally the causes of delays in investigations and prosecutions, including court trials ? What are the areas in which there is scope for minimizing delays at different stages even in the existing system? What are the possible modifications in laws, rules, regulations and procedures which could eliminate these delays ?

Are there any provisions in law which spell out unrealistic requirements of evidence in certain situations ? Do these provisions induce the introduction of falsehood in the police record of investigation ? What are the records that are usually fudged or padded up ? What are the possible remedial measures?

What are the factors which induce the adoption of third degree methods during investigations ? What remedial measures can be suggested to eliminate them?

What are the factors which induce certain acts of police misconduct/negligence which cause acute dissatisfaction to the public ? Examples: Failure to register .cases of complaints received at the police station, failure to visit scene of crime promptly, fake encounters, citizens fear of getting themselves involved in a crime on reporting it to the police or being witness to it, etc.

Are any changes called for in the policing of rural areas ? Have any new experiments been tried in the States in this matter ? If so, with what results?

To what extent can rural home guards be associated with police functions in daily life?

Can Section 17 of the Police Act be suitably amended to enlarge the concept of special police officers to cover ordinary crime situations also, particularly in rural areas ?

Is there any State legislation which confers powers on village officers to dispose of petty crimes ? How is it working in actual practice ? Can the provisions of such an Act be further

enlarged to confer similar powers on panchayats and other local bodies to deal with a larger volume of ordinary crimes at their level without involving elaborate processes before a magistrate/judge as such ?

What special policing arrangements are required in metropolitan areas as different from rural areas ? What is the pattern that would be most suitable, having regard to the experience of the Commissioner system that now prevails in certain metropolitan towns
Scope for modernising law enforcement, particularly in regard to transport/communications/forensic laboratories/agencies for research and development, etc. Scope for economising on manpower by increased modernisation of methods of work.

What are the special arrangements in the State for protecting the interests of weaker sections and ensuring for them —

- (a) prompt investigation of crimes against them,
- (b) adequate employment in the reserved quota, and
- (c) social equality and justice in daily life.

What has been the practical effect of the enforcement of the provisions of the Protection of Civil Rights Act, 1955 (previously, the Untouchability (Offences) Act)

What are the various situations in which there is scope for misuse of powers by police and what are the remedial measures to eliminate this scope ?

What are the defects in the existing recruitment procedures which result in the induction of personnel with improper behaviour, outlook and responsiveness into the police community at various levels ? What are the special measures that can be introduced during training, both initial as also the later inservice training to inculcate in a police officer the proper attitudes to his work and conduct towards the public ?

What is the existing scope for misuse of police by the higher levels in administration including the political leadership ? Can an assessment be made of the quantum of existing misuse of this type ? What practical measures can be suggested to insulate the police from political or other pressures which demand compliance of oral orders of an unjust or irregular or illegal nature ?

What mechanism can be suggested for quick and impartial enquiries into public complaints of police misconduct ?

What arrangements can be devised within the police for quick redressal of grievances of police personnel and maintenance of their welfare and morale ?

What mechanism can be suggested for evaluation of police performance in a metropolitan area/district/State ? To what extent can some nonofficials be associated with this process of evaluation ?

What special measures can be devised to deal effectively with corruption in police at various levels ?

What are the practical methods of securing public cooperation and assistance in the discharge of police functions, generally, in daily life and in particular, in regard to investigation of crime and maintenance of order ? , What is the possible role of the press in this matter and how to secure it ?

What aspects of service conditions in the Indian Police Service affect the morale of police leadership ? What are the necessary remedial measures

What is the likely pattern of problems that the police will have to face in future on account of —

- (i) population increases;
- (ii) growing percentage of people below poverty line ;
- (iii) student behaviour in schools and colleges ;
- (iv) industrial urban labour activity ;
- (v) rural peasant labour activity ;
- (vi) increase in stress and strain in the life of slum dwellers and crowded habitations in metropolitan areas ;
- (vii) growing influx of people from rural tracts to urban areas ;
- (viii) growing industrialisation ;
- (ix) increased use of science and technology in the modus operandi of the criminals themselves;
- (x) growth of organised crime by Mafia gangs ;
- (xi) guerilla activities;
- (xii) situation in border areas, particularly in Northeastern region;
- (xiii) infiltration of political elements into police ranks.

Can some mechanism be suggested for a continuous study and appraisal of the above problems from time to time, so that the police can be quickly and easily restructured and readjusted to meet these problems squarely.

Any other matter of relevance or importance, having a bearing or impact on any of the above subjects.

FRONT PAGE

Appendix iii

(Paras 64.2, Chapter LXIV)

COMPOSITION OF STUDY GROUPS IN THE STATES AND UNION TERRITORIES

STATES

ANDHRA PRADESH

- | | |
|---|--------------|
| 1. Sri Akbar Ali Khan, Baratlaw (ExGovernor) | Chairman |
| 2. Sri O. Pulla Reddy, ICS (Retd.) (ExChief Secretary to Government of Andhra Pradesh and ExDefence Secretary to Govt. of India). | ViceChairman |
| 3. Sri V. K. Rao, ICS (Retd.) (ExChief Secretary to Government of Andhra Pradesh). | Member |
| 4. Sri M. Krishna Rao (Retired Judge, Andhra Pradesh High Court). | Member |
| 5. Sri Shiv Kumar Lal, IPS (Retd.) (ExInspector General of Police of Andhra Pradesh). | Member |
| 6. Shri Atma Jayaram, IPS (Retd.) | Member |

(ExInspector General of Police of Andhra Pradesh).

- | | |
|--|--------|
| 7. Prof. G. Ram Reddy, ViceChancellor,
Osmania University, Hyderabad. | Member |
| 8.Sri M. Satyanarayana Rao, MP, Karimnagar. | Member |
| 9 Sri A. Bhagawanth Rao, MLA Sri V. Srikrishna, MLA | Member |
| 10.Sri Gora Sastry, Editor, Andhra Bhoomi and
Deccan Chronicle, Secunderabad. | Member |
| 12. Sri K. Ramchandra Reddy, IPS, Inspector General of Police. | Member |

The following officers were also associated with the study group :

- | | |
|---|--------|
| 1. Sri V. V. V. Satyanarayana, Secretary to Govern
ment, Law Department. | Member |
| 2. Sri M. B. Balraj, IAS, Commissioner of Labour | Member |
| 3. Shri T. S. Rao, IPS Inspector General of Police
and Director of Correctional Services. | Member |
| 4. Sri K. L. N. Reddy, Deputy Inspector General,
Prisons. | Member |
| 5. Sri N. Raghava IAS, Secretary to Government,
Services, Training and Administrative Reforms. | Member |
| 6. Sri V. Ramachandran, Director, Higher Edu
cation. | Member |

ASSAM

- | | |
|--|----------|
| 1. Shri B. N. Sarma, Retired Justice, Gauhati High
Court. | Chairman |
| 2. Dr. R. Kj. Goswami, ExMLA, Tezpur. | Member |
| 3. Shri R. C. Dutta, IPS (Retired), Solapur, Gau
hati781008. | Member |
| 4. Dr. H. K. Barpuzari, Professor and Head of the
* Department of History, Uzan Bazar, Gauhati—1. | Member |
| 5. Shri Bijoy Rr. Das, Advocate, Birubari, Gau
hati16. | Member |
| 6. Shri B. C. Sarma, IPS, Director, Bureau Invest!
gation, (Economic Offences), Rehabri, Gauhati. | Convenor |

BIHAR

- | | |
|---|----------|
| 1. Shri Ram Sewak Mandal, ExChief Secretary,
B144, Bouring Canal Road, East Budha Colony, Patna. | Chairman |
| 2. Shri Rajeshwar Lal, Inspector General of Police, | Member |

Patna, Bihar.

3. Shri Sharda Prasad Verma, ExDirector, Central Bureau of Investigation, 232, Patliputra Colony, Patna. Member
4. *Shti* Brahm Deve Sharma Purunindra, 112, Sri Krishan Nagar, Road No. 7, Patna—1. Member
5. Shri Jagdish Poddar, Vill. & P.O. Severain, Via Bathan, Darbhanga. Member
6. Dr. Sachidanand, Director, Anugarh Narain Smaj Adhyayan Institute, Patna. Member
7. Shri S. K. Ghosh, Patrakar Nagar, Patna. Member
8. Shri J. M. Prasad, Dy. Inspector General of Police, Patna, Bihar. Member
9. Shri Jagadanand, Dy. Inspector General of Police, Patna, Bihar. Member
10. Shri Harihar Prasad Singh, Dy. Inspector General of Police, Patna. Member
11. Shri Dineshnandan Sahay, DIG, CID, Bihar, Patna. Member
12. Shri B. N. Sinha, DIG, Bihar, Patna. Member
13. Shri Narendra Narain Singh, DIG, Patna. Member

GUJARAT

1. Shri Tribhuvandas K. Patel, Anand. Chairman
2. Shri L. R. Dalal, ICS (Retired), ExChief Secretary to Government of Gujarat. Member
3. Shri P. M. Pant, Inspector General of Police, Member Gujarat State.
4. Prof. P. G. Mavalankar, Member of Parliament. Member
5. Shri Raghavjibhai T. Leuva, M.L.A. Member
6. Shri Chandrakant T. Daru, Advocate, High Court. Member

HARYANA

1. Shri E. N. Mangat Rai, former Chief Secretary, Punjab and J&K. Chairman
2. Shri A. Banerji, Home Secretary, Government of Haryana. Member
3. Shri P. A. Rosha, Inspector General of Police, Haryana. Member-Secretary
4. Shri Harphool Singh, former Chairman, Haryana Public Service Commission; Member
5. Shri Pritam Singh Jain, Advocate and former District & Sessions Judge. Member
6. Shri Janak Raj, retired S.P. Member

7. Principal, Law College, Kurukshetra University. Member

HIMACHAL PRADESH

1. Shri Inder Singh, Retired IG of Police, Himachal Pradesh. Chairman Pradesh.
2. Shri Harish Chander, Retired IAS Officer from Himachal Pradesh. Member
3. Shri L. R. Malhotra, Retired DIG of Police, Punjab. Member
4. Assistant Inspector General of Police (Head quarters), Simla. Convenor

JAMMU & KASHMIR

1. Shri Kanwar Randip Singh, Adviser, Home. Chairman
2. Shri P. N. Kaul, ExChief Secretary, (Presently Member, Public Service Commission). Member
3. Shri L. D. Thakur, Retired Inspector General of Police, (Presently Chairman, AntiCorruption Tribunal). Member
4. Shri Ghulam Ahmed Tak, Retired Sessions Judge, (Presently Advocate, Jammu). Member
5. Miss Mehmooda Ahmed Alt, Retired Principal Government Women's College, Srinagar. Member
6. Shri Ghulam Mohiuddin Shah, Advocate, Srinagar, Presently at Jammu. Member
7. Shri M. S. Faroqui, D.I.G. of Police (Admn.). Member

KARNATAKA

1. Shri Justice T. K. Tukol. Chairman
2. Shri K. Balasubramaniam. Member
3. Shri C. V. S. Rao (Retd. Inspector General of Police). Member
4. Shri Balakrishna Shetty, (Retired Inspector General of Police). Member
5. Smt. Sudha Reddy, (Social Worker). Member
6. Shri V. Hanumanthappa, I.A.S. (Retired). Member
7. Shri T. Albert Manoraj, (Inspector General of Police) Member.

KERALA

1. Shri M. M. Philip, ICS (Retired Secretary to the Govt. of India, Civil Aviation).

- Chairman
2. Shri George Jacob, (Retired ViceChancellor, Kerala University). Member
 3. Shri M. P. Manmadhan, Retired College Principal and Sarvodaya worker. Member
 4. ShrL Sankaradasan Thampi, Principal, Law College, Trivandrum. Member
 5. Shri M. Krishna Menon, IP (Retd.), (Retired Inspector General) Member
 6. Shri IM. Chandrabhanu, IAS (Retd.), Member
(Retired Chief Secretary to the Government of India).
 7. Shri V. N. Rajan, Inspector General of Police. Convenor

MADHYA PRADESH

1. Shri R. P. Naronha, Retired Chief Secretary, Government of Madhya Pradesh.
Chairman
2. Shri M. S. Choudhary, Retired Chief Secretary, Government of Madhya Pradesh.
Member
3. Shri B. A. Sharma, Retired inspector General of Police, Madhya Pradesh. Member
4. Shri J. S. Kukreja, Commandant General, Home Guards, Madhya Pradesh.
Member
5. Shri Naresh Johri, Member, Legislative Assembly, M.P. Member
6. Shri Dharam Swaroop Saxena, Member, Legislative Assembly, Madhya Pradesh.
Member
7. Shri K. S. Dhillon, Deputy Inspector General of Police, Gwalior, Madhya Pradesh.
Member-convenor

MEGHALAYA

1. Shri A. Rahman, IPS, Inspector General of Police, MegTialaya, Shillong.
Convenor
2. Shri G. Hamilton. Member
3. Lt. Col. (Retd.) C. Bareh. Member
4. Shri S. N. Phukan, Secretary, Law Department. Member
5. Shri Ganoid S. Massar. Member
6. Prof. Kenneth Momin. Member
7. Smt. E. N. Shullai, Director, Institute of Art and Culture. Member
8. Miss Marion Pugh, Officer on Special Duty, Member
Historical and Antiquarian Studies,

MAHARASHTRA

- 1 Shri Abasaheb Deshmukh Parwekar Chairman
- 2 Shri H. Nonjundiah Member
- 3 Shri M. G. Mugve Member
- 4 Shri N. S. Pardasni Member
- 5 Prof. Arun Kamble Member
- 6 Shri S. V. Tankhiwale Convenor

MANIPUR

- 1 Shri M. K. Priyabrata Singh, Ex. CM Manipur Chairman

- 2 Shri K. C. Johorey, IAS Member
- 3 Shri N Bhdhachandra Singh, District & Session Judge, Manipur, Imphal Member
- 4 Shri G. S. Pandher, IPS, DIG, Manipur Member-Secretary
- 5 Dr. M. Taraniya, Head of English Deptt, JNU Centre, Imphal Member
- 6 Shri B. Lal, IGP Manipur Convenor
7. Dr. Priyananda Singh, Advocate, Imphal. Member
8. Dr. Asharam Member
- 9 Shri P C Misao, Advocate Member
10. Shri K S Subramaniam, DIG, CID, Manipur Member

ORISSA

- 1 Justice Sh. Abhimanyu Mishra, Retired Judge of Orissa High Court Chairman
- 2 Shri B. B. Mishra, IP Retired Member
- 3 Shri D. Chhotrai, IPS Retired Member
- 4 Shri Dinabandhu Sahu, Advocate Member
- 5 Dr. Sadasiva Misra Member
- 6 Shri P. N. Mohanty, IAS, Retired Member
- 7 Shri S. S. Padhi, IPS, Addl. IGP Convenor

PUNJAB

- 1 Dr Baldev Prakash, Member, Parliament Chairman
- 2 Shri P S Shukla, IPS, DIG Member-Secretary
- 3 Dr. M S Randhawa, ICS Retired Member
- 4 Sardar Gian Singh Kahlon, ICS, former Chief Sec. Punjab Member
- 5 Sardar Gurdial Singh, IPS Member
- 6 Shri R C Kapila, IAS Member
- 7 Sardar Parkash Singh Majithia Member
8. Shri Ramesh Chander, M.L.A. Member
9. Sardar Charanjit Singh, M.L.A., Ludhiana. Member

RAJASTHAN

1. Shri R. D. Mathur, Retired Chief Secretary, Rajasthan Government. Chairman
2. One Member Parliament. Member
3. Shri Mathura Das Mathur, Member, Legislative Council, Rajasthan. Member
4. Shri Sardari Lal Kakkar, Retired I.A.S. Member
5. Shri Hanuman Sharma, Retired I.G.P. Member
6. Shri S. C. Misr^, Retired I.G.P. Member
7. Shri P. D. Sharma, Rajasthan University. Member
8. I.G.P. Rajasthan, Jaipur. Convenor

TAMIL NADU

1. Tr. P. T. Raman Nair, ICS (Retd.), Retired Chief Justice of the Kerala High Court.
Chairman
2. Tr. Kl. N. George, Director. Madras School of Social Work, Madras. Member
3. Tr. N. T. Vanamamalai, Advocate. Member
4. Tr. S. E. Govindarajan, Rotary Governor and Educationist. Member
5. Tr. L. M. Menezes, IAS, Member Secretary, Madras Metropolitan Development Authority. Member
6. Tr. K. K. Swaminath, Consultant, Administrative Staff College of India, Madras Regional Office. Member
7. Tr. S. M. Diaz, Retd. Director, SVP, National Police Academy, Hyderabad. Member
8. Tr. N. Krishnaswamy, M.Sc., IPS, Director, Vigilance and Anti Corruption, Madras. Member
9. Tr. E. L. Stracey, I.G.P., Tamil Nadu. Convenor

TRIPURA

1. Shri T. S. Murty, Chief Secretary, Tripura. Chairman
2. Shri Ajit Bhattacharjee. Member
3. Shri S. B. Basu, I.P.S., Inspector General of Police. Member-Secretary

UTTAR PRADESH

1. Shri Vishwa Nath Lahiri, ExIGP, U.P., and ExState Scouts Commissioner.
Chairman
2. Shri Bharat Singh Yadav, ExInspector General of Police, Himachal Pradesh.
Member
3. Dr. Anand Swarup Gupta, ExDirector BPR&D, Government of India. Member
4. Shri Girjapati Mukerji, ExHome Secretary, U.P. Member.
5. Dr. Sushil Kumar, Director, Institute of Social Science, Agra. Member
6. Himanyu Kumarkar, Deputy Inspector General of Police (Ex), U.P. Member
7. Shri Vasudeva Panjani, DIG, CID, U.P. Convenor

WEST BENGAL

1. Shri R. Gupta, ICS (Retd.), Formerly Chief Secretary to the Government of West Bengal. Chairman
2. Shri M. A. H. Maswood, IP, former Additional Inspector General of Police, West Bengal. Member
3. Shri Srikanta Ghosh, IPS (Retd.), Formerly Inspector General of Police; **Orissa.**
Member
4. Shri S. M. Bhattacharyya, IAS, (Retd.) Formerly Chairman, PSC, West Bengal.
Member

5. Shri R. K. Bhattacharyya, IPS, Deputy Inspector General of Police, Training.
Member-Convenor

UNION TERRITORIES

ANDAMAN AND NICOBAR ISLANDS

- | | |
|---|----------|
| 1. Shri Govind Rajulu. | Chairman |
| 2. Shri S. K. Saxena, IGP, A&N Islands, Port Blair. | Convenor |
| 3. Dr. A. V. V. Iyer, Principal, Govt. College, Port Blair. | Member |
| 4. Shri A. A. Khan. | Member |
| 5. Shri Bakhtawar Singh. | Member |

ARUNACHAL PRADESH

- | | |
|---|------------------|
| 1. Shri Wangpha Lowang, ExMinister t (Education), Arunachal Pradesh. | Chairman |
| 2. Shri I. P. Gupta, Chief Secretary, Govt. of Arunachal Pradesh. | Member |
| 3. Shri R. K. Patir, Revenue Commissioner. | Member |
| 4. Shri J. M. Srivastava, Secretary (Law). | Member |
| 5. Shri B. Das Sastri, Retired Director of Research, Arunachal Pradesh. | Member |
| 6. Shri K. P. Srivastava, IGP, Arunachal Pradesh. | Member-Secretary |

PONDICHERRY

- | | |
|----------------------------|----------|
| 1. Shri N. Krishnadattan. | Chairman |
| 2. Shri T. R. Kakkar. | Convenor |
| 3. Shri N. Sivapragasam | Member |
| 4. Smt. Velon. | Member |
| 5. Prof. Ambady Narayanan. | Member |
| 6. Shri A. Gandhiraj | Member |

Appendix IV

(Para 64.7, Chapter LXIV)

The Committee for studying arrangements for police families welfare

- | | |
|---|---------------------|
| 1. Shri Ashwini Kumar, D.G. , B.S.F. | Chairman |
| 2. Shri K. C. Gopal, D.G. , C.R.P.F. | Member |
| 3. Shri P. A. Rosha, I.G.P., Haryana. | Member ^f |
| 4. Shri T. Al'bert Manoraj, I.G.P., Karnataka. | Member |
| 5. Shri N. Krishnaswamy, Director of Vigilance &
. AntiCorruption, Tamil Nadu/ | Member |
| 6. Shri T. A. Chart, Director, Police Computers,
Ministry of Home Affairs. | Member |
| 7. Shri D. Ramachandran, Additional
Commissioner of Police, Bombay. | Member |
| 8. Shri K. Ramamurti, I.G. (HQ), B.S.F. | Convenor |

The Committee for studying the maintenance Crime records

1. Shri S. Tandon, Director, Bureau of Police Research and Development.
Chairman
2. Shri N. Krishnaswamy, Director, Vigilance and AntiCorruption, Tamil Nadu.
Member-Convenor
3. Shri P. C. Nawani, DIG, CID (Intt.), Gujarat. Member
4. Shri Bhattacharya, **DIG, CID** (Crime) West Bengal. Member
5. Shri V. D. Mehta, DIG, CID, Madhya Pradesh Member.
6. Shri B. B. Upadhyaya, Deputy Director, C.B.I., New Delhi Member
7. Shri Lala Prasad, Director, Central Finger Print Bureau. Member
8. Shri T. Anantha Chari, Director of Coordination, Police Computers, Member
Ministry of Home Affairs, New Delhi.

The Committee for studying the needs of modernising the police

1. Prof. S. Sampath, Member, U.P.S.C., New Delhi. Chairman
2. Shri C. P. Joshi, Director, Police Telecommunications and Member-Convenor
IG (Communications), BSF, New Delhi.
3. , Shri N. Krishnaswamy, Director of Vigilance and , AntiCorruption, Madras.
Member
- 4 Dr. S. N. Mitra, Chief Engineer, AIR, New Delhi. Member
5. v Dr. H. L. Bami, Director, Central Forensic Science Laboratory, C.B.I., New
Delhi. Member
6. Shri T. Ananthachari, Director of Coordination, Police Computers, New Delhi
Member
7. Shri M. L. Mehta, Secretary to Chief Minister,, Government of Rajasthan, Jaipur
Member
8. Shri S. S. Ahluwalia, Director (P), ' Ministry of Home Affairs.
Member
9. Shri V. N. Channa, Director, National Police Commission, New Delhi. Member

The Committee for studying the restructuring of police hierarchy

1. Shri N. Krishnaswamy, IPS (Retd.) Tamil Nadu Chairman
2. Shri G. C. Singhvi, I.P.S. Member
3. Sbri H. C. Chitharanjan, IPS, DIG of Police, Shillong, Meghalaya. Member
4. Shri Rathinaranath Roy, Senior Technologist, Murugappa Chettiar Research Centre,
Madras. Member
5. Shri M. D. Dikshit, I.P.S. Member

The Committee for studying the. reorganisation of Railway Police

1. Shri R. D. Singh, IPS (Bihar). Chairman
2. Shri B. C. Misra, IPS (Retd.). Member
3. Shri Kailash Prakash, Officer on Special Duty, National Police Commission.
Member

The Committee for studying the enforcement of prohibition

1. Shri P. M. Pant, I.G.P., Gujarat, (Retired). Chairman
2. Shri P. G. Navani, DIG of Police, Gujarat. Member
3. Shri K. V. Subramaniam, DIG (Prohibition Enforcement), Tamil Nadu. Member
4. Shri P. R. Parthasarthy, Additional Commissioner of Police (Crime), Bombay. Member
5. Shri S. N. Misra, Director, National Police Commission. New Delhi. Member

1. *A Report on the Image of Police in India* by, Indian Institute of Public Opinion, New Delhi.
2. *A study of Police Constables in U.P. and Delhi* — National Council of Applied Economic Research, New Delhi.
3. *A study of Police Constables in Maharashtra* Sciences, Bombay. Tata Institute of Social Sciences
4. *Report on restructuring of the Civil Police* (Computerised analysis)—Director, Administrative Staff College of India, Consulting and Applied Research Division, Hyderabad.

The following studies were conducted at the instance of National Police Commission by Police Research Centre, Tamil Nadu Police, Madras.

1. A survey on "Public needs and expectations on matters relating to arrest and bail under IPC Offences in Tamilnadu". (1978).
2. A study on cases compounded in 1978 in criminal courts and the time gap between the date of charge sheet and compounding of cases in selected districts in Tamilnadu (1979).
3. A Report of views, suggestions and recommendations that emerged out of eleven seminars conducted in Tamilnadu in February and March, 1978, on subjects suggested by the National Police Commission.
4. A study on the victims of noncognizable offences and their resort to criminal justice system.
5. A study on totality in criminal justice system, extent of work load and cost involved in criminal justice system during the past 15 years 1963-77.
6. Study of analysis of types of persons involved in trivial offences and detained in central prison, Madras and four sub-jails in Chenglepattu (E).

The following study was conducted at the instance of National Police Commission by Bureau of Police Research and Development.

- Release of arrested persons on bail and misuse of the system. (1980)

Research Centres of three States who were requested to take up study on "scriptory work".

1. Tamil Nadu (Report received)
2. Delhi (Report received)
3. Uttar Pradesh (Report received) /

States who conducted Urban Policing studies — Uttar Praderii, Madhya Pradesh, Delhi, Andhra Pradesh, Karnataka and Kerala.**FRONT PAGE**

Appendix V

(Para 64.15, Chapter LXIV)

SUBJECTS DEALT WITH IN THE EIGHT REPORTS OF THE COMMISSION

FIRST REPORT

1. The Constabulary.
2. Pay structure. 3/ Housing.
4. Supply of essential commodities. /
5. Orderly system.
6. Machinery for redressal of grievances of police personnel.
7. Recruitment, Training and Career planning.
8. Modalities for inquiry into complaints against police.
9. Financial implications.

SECOND REPORT

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1. Welfare measures for police families.
2. Police role, duties, powers and responsibilities.
3. Interference with and misuse of police by illegal or .improper orders or pressure from political, executive or other extraneous sources — remedial measures.
4. Gram Nyayalayas.\
5. Maintenance of crime records and statistics.

THIRD REPORT

1. Police and the weaker sections of society.
2. Village police.
3. Special law for dealing with serious and widespread breaches of public peace or disturbance of public order.
4. Corruption in police.
5. Economic offences.

6. Modernisation of law enforcement.
7. Scriptory work in police.

FOURTH REPORT

1. Investigation.
2. Court trial.
3. Prosecuting agency.
4. Industrial disputes.
5. Agrarian problems.
6. Social legislation.
7. Prohibition.

FIFTH REPORT

1. Recruitment of Constables and SubInspectors.
2. Training of personnel in the civil police in the rank of Constables, SubInspectors, Inspectors and Deputy Superintendents of Police with focus on implementation of the Committee on 'Police Trainings Report, 1973,
3. Dacoities.
4. Arms Act.
5. District police and the executive magistracy.
6. Code of behaviour for police officers.
7. Police public relations.
8. Women police

SIXTH REPORT .

1. Police leadership—The Indian Police Service.
2. Training of Indian Police Service officers.
3. Police and students.
4. Communal riots.
5. Urban policing.

SEVENTH REPORT

1. Organisation and structure of police.
2. State armed police battalions and district armed reserve.
3. Delegation of financial powers to police officers.
4. Traffic regulation.
5. The ministerial staff and administrative work in the police department.
6. Auxiliary to police — Home Guards.
7. Performance appraisal of police personnel.
8. Disciplinary control
9. Role of the Centre in planning, evaluation and coordination.
10. Policing in the NorthEast.

EIGHTH REPORT

1. Accountability of police performance.
2. Looking forward.
3. Police Act.
4. Epilogue.

FRONT PAGE

Appendix VI

(Para 64.19, Chapter LXIV) No. F. 140/74U. 1 Government of India
Ministry of Education & Social Welfare (Department of Education)

New Delhi, dated the 2nd November, 1974.

Subject:—Revision of salary scales of University and College Teachers.

Sir,

I am directed to invite a reference to Union Education Minister's letter dated March, 30, 1974 (Appendix I) to Education Minister on the subject mentioned above, and to state that the Government of India have decided 'to implement the scheme of the revised pay scales of University and College teachers in the Central Universities and other Institutes fully financed by the Central Government, with effect from January 1, 1973. A copy of the letter addressed to the University Grants Commission together with its enclosure, is attached (Appendix II).

2. The Government of India would be prepared to assist the State Governments, who wish to adopt the revised scales of pay for University and College teachers in the States similar to those approved by the Central Government for Central Universities, to the extent indicated in para 3 below. The State Governments, after taking local conditions into consideration, may also decide in their discretion to introduce new scales of pay different from those adopted by the Central Universities from January 1, 1973 or a later date. In that case full details of the proposed scheme and pay scales as also 'the manner and conditions of implementation, financial implications, etc., may kindly be furnished to the Government of India to enable them to examine the proposals with a view to conveying their concurrence as may be called for, in consultation, as necessary," with the University Grants Commission. The pattern of Central assistance and conditions for meeting the balance of expenditure and taking over the entire responsibility for maintaining such revised pay scales with effect from April 1, 1979 will, however, remain the same as indicated in para 3 below.

3. In case the State Governments are willing to adopt the revised scales of pay in their Universities and Colleges (including Government colleges) as indicated in col. 3 of the statement at Appendix III, assistance to the extent of 80% of the additional expenditure involved in giving effect to the revised scales of pay, will be made available by the Government of India, subject to the following conditions :

(i) Central assistance to this extent will be available for the period January 1, 1973 to March 31, 1979;

(ii) the State Governments will bear the entire balance of expenditure and will not pass on the liability for any portion of it to the Universities or the Managements of private colleges; and

(iii) the State Governments will take over the entire responsibility for maintaining the revised scales with effect from April 1, 1979.

The revision of pay scales, as suggested and payment of Central Assistance will be further subject to the conditions stipulated in Appendix TV.

Posts created after the date of implementation and pay scales higher than those adopted for Central Universities will not be eligible for Central assistance.

4. I am to request that necessary action to introduce the revised pay scales in Universities and Colleges in your State may kindly be taken at a very early date and proposals submitted to the Government to enable them to release their share of Central assistance.

5. The Government of India have also accepted the recommendation of the University Grants Commission regarding Professors of Eminence. Separate Instructions on this subject with issue later.

6. The question of revision of scales of pay of Librarians and Directors/Instructors of Physical Education is still under consideration and a separate communication will follow.

7. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd./ (R. S. CHITKARA)
DIRECTOR.

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