

DJR2A - POLICE ADMINISTRATION

Unit-I: Basics of Police administration

History of Indian Police – Policing in Ancient, Medieval and Modern India- Police Act of 1861- National Police Commission recommendations (NPC), 1979.

Unit-II: Structure of Indian Police

Structure of State Police – District Police – City Police. Central Police Organizations - CBI, CISF, CRPF, RPF etc. Police research and Crime Statistics Organizations – BPR&D, NCRB. Village police, Railway and Armed Police.

Unit-III: Processes

Recruitment and training of constables, Sub-inspectors, Deputy Superintendents of police; Law and order Maintenance and detection of crimes

Unit-IV: State Police organizations

Tamil Nadu Special Investigation team, Special Branch, Q Branch, Crime Branch, Anti-Dacoity cell, Video Piracy Cell, Narcotic Intelligence Bureau, Idol wing and Economic Offences wing

Unit-V: Police Duties and Powers

Arrest, search, locking up and remand of suspected and accused persons. Conducting various types of raids – Prohibition, gambling, Narcotics and PITA – Procedure to be followed and precautions to be taken while suspected hide outs of Criminals/ Terrorists.

RECOMMENDED READINGS

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12. Venugopal Rao S., (1991), *Criminal Justice – Problems and Perspectives in India*, Konark Publishers Pvt. Ltd., New Delhi.
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Unit – I

HISTORY OF INDIAN POLICE

Throughout all of Indian history, even into the present time, one can discern two distinct police systems: a rural village-based system and a system emanating from the dominant section of the society closer to power at the moment. In fact, Indian police history can be written largely in terms of attempts to create an imperial system linking the indigenous fragmented system to an organized one for efficiency and responsiveness. It is not surprising that the basic unit of the traditional police system is the village. Responsibility of policing rested with the headman who was usually assisted by a watchman and sometimes by a special police helper (e.g., the 'Patel' of western India).

For giving a chronological account of Police in India, the period can be divided, for convenience sake, into five periods.

- I. Police in ancient India
 - a) Pre – Aryan phase
 - b) Vedic – phase
 - c) Post Vedic or pre-mauryan phase
 - d) Under Guptas
 - e) Sangam age
- II. Police under Mughals
- III. Police under East Indian Company
- IV. Police under British Crown
- V. Police after Independence -present

I. POLICE IN ANCIENT INDIA:

a) The Pre-Aryan Phase:

According to archaeologists, some excavated buildings at Mohenjadaro, look like guardhouses or watchmen's quarters. It is interpreted that the highly urbanized Indus-Valley people must have maintained a police force.

b) The Vedic Phase:

The origin of police in India can be traced to the earliest Vedic period in Indian History. The two Vedas, the *Rig Veda and Atharvana veda* mention certain kinds of punishments known to Vedic India, Manu, the first law giver talks about the art of secret intelligence practiced in his time for the prevention and detection of crime. Village headman (Gramani) was the nominee of the King. Collective village responsibility was existed for prevention and detection of crime.

In the 'Lanka land' of *Valmiki's* Ramayana there is a graphic description of 'Dandayavadha Dharakas', parading the streets of little kingdom of *Ravan* when Hanuman was engaged in espionage there. Armed with 'lathis', these policemen of the demon king can be compared with the police constables on patrol duty today. The Sanskrit dramas like *Mricha Katikam* (the little clay cart) by *Sudrak* and *Shakuntalam* by *Kalidas*, give some vivid pictures of police force in an ancient Indian city during the first few centuries after Christ.

c) Post-Vedic - Pre-Mauryan Phase:

There exist detailed and authentic accounts of Police organization and activities during Mauryan and Gupta periods of Indian History. *Kautalya's Arthasasthra* written around 310 B.C is a monumental work and yields systematic information about investigation techniques and agencies, punishment to the guilty and vice control activities. *Kautilya* classifies spies into nine distinct categories including women spies and talks about spies who belonged to good families, and were loyal, reliable and well trained in the art of disguise. Thus *Arthasastra* is not only a fascinating boom of Historical interest but also a testimony to the nature of police work which was done in India 2300 years ago.

- 1.) Mauryan Empire was divided into provinces and districts. District officer, exercised revenue collection, judicial and general executive authority (*Rajuka*).
- 2.) Police headquarters existed in all principal centres, where there were also law courts. (i) Every stranger had to report and get registered;
(ii) Movement of people forbidden and restricted at night;
(iii) Use of spies and informers to get information and to cross check and get feed back.
- 3.) Police function was entrusted to some officers called the 'city perfect' (*Nagar adtyaksha*) and 'warden of fort' (*Durgapal*). Collective responsibility of village existed for prevention and detection of crime. There was a village headman "*Gramika*".

d) Under the Guptas:

District officer - (*Vishayapati*), Commissioner of police - (*Nagararikshaka*) and Village headman (*Gramika*) were responsible for revenue collection and maintenance of law and order. There was collective responsibility of village for Prevention and detection of crime in South India (under Satavahanas, Pallavas, Chalukyas, Rashtrakutas).

Common features:

1. Policing in villages was the collective responsibility of the villagers, working directly under the village headman.
2. Towns had separate administrative units.

e) Sangam Age:

Sangam age is from 3 B.C. to 3 A.D. *Thirukkural* a great monumental work gives five essential requirements for a country: 1. Freedom from disease, 2. Economic stability 3. Wealth, 4. Surplus agricultural production, 5. Protection for person and property. The last one is the primary concern for the police. It can be called otherwise by the handy but hackneyed term 'Maintenance of Law and order'. Of course the police have an important part to play in other conditions also. So the presence of police is necessary both in times of tranquillity and trouble and that is why *Thirukkural* places so much stress on this aspect of administration in its recital of qualifications of good State. *Thiruvalluvar* also gives 10 *kurals* under the *adhikaram* 'Ortradal'. It gives a brief description of how a spy should be and qualities and functions of spies.

The systems of town watch and village watch were in existence in the old days is apparent from a verse of *Silappadikaram*. It also suggests that the king went out at nights in disguise to check the patrols and ascertain the grievance of the people, a method made popular in later times by the *Caliph Haroun al Rashid*.

In *Pathupattu (Maduraikanchi 631-653)* a Tamil classic of second century AD there is a description of a dark rainy night. Darkness is thick and black as an elephant's skin. The thieves, dressed in black and armed with sharp knives and implements of house breaking and collapsible ladders of rope wound round their waists, lurk in darkness. Unmindful of pouring rain, the patrolmen, renowned for their mastery of the ways of thieves, their leonine courage, indefatigable energy and relentless vigil, pursues these nocturnal hawks like prowling tigers ready to spring upon wild elephants.

In the latter classics also we come across such descriptions of night watches who played no less a vital role in the prevention of crime and protection of property. In *Pandi Kovai* of the 7th Century A.D. we are introduced to robust youths who keep vigil over Madurai, the Pandyan Capital.

Manimekalai (7:68-9) refers to the men who patrol the highways and by-lands in the town alerting the citizens with their rattles. In *Pura Nanaru (37)* there is a poetic fancy, which brings to our knowledge, the crocodiles hurrying up in the river to catch the bright reflected image of the lanterns carried by the city night patrols which appear to them as some kind of prey.

II. POLICE UNDER THE MUGHALS:

1) Empire was divided into Provinces (Subas) and districts (Sarkars). The two functionaries at provincial level were

- a) Subadar (or Nazim) was responsible for military and general administration.
- b) Diwan was responsible for revenue collection and civil justice.

2) For the law and order purposes, districts were divided into thanas under 'Thanadars.' Thanadars responsibility were to i) Guard roads, ii) Prevent manufacture of firearms by blacksmiths, iii) Intervening with armed gangs to crush disorder.

The Thanadars were subordinate to the Faujdar. The Faujdar represented the executive authority of the government within the limits of a rural district. He was principally a military officer but also functioned as the chief police officer for the area under his command. The Faujdar were assisted by Zamindars, who had appropriated the police functions of the village headman because they paid and controlled the village headman.

3) In towns, an officer performed police duties and was called the 'Kotwal'. His main duties were to,

- a) Do watch and ward of streets at night and at all places of public gathering;
- b) Keep watch on travellers alighting at Sarais;
- c) Apprehend thieves and restore stolen property or make up the loss himself;
- d) Control of prostitutes, distillation of liquors and sale of intoxicants;
- e) Maintain spies and informers to collect intelligence.

4) In villages, prevention and detection of crime became the responsibility of the Zamindars.

III. POLICE UNDER THE BRITISH EAST INDIA COMPANY (1785-1858)

1) In Bengal (1765) Lord Clive obtained Diwani of Bengal for East India Company.

2) In 1788, Lord Cornwallis set up Darogah, or Thanadari Police.

3) Police was brought under exclusive charge of European officers of the East Indian Company and police powers were removed from Zamindars.

4) Police in each district was placed under the control of the Judge- Magistrate (1793). 1793 Regulation XXII of 1793 was issued.

Salient Features of Thanadari Police:

- a) Districts divided into police jurisdictions (thanas) not exceeding 2 square miles.
- b) Thanas (police stations) placed under darogahs.
- c) Judge-Magistrate appointed the darogahs, but the Governor General could dismiss them.
- d) Crimes were to be reported to the darogah.
- e) Darogahs could not impose any fine or punishment.
- f) Darogah to apprehend accused and send him to the Magistrate within 24 hours.
- g) Village chowkidars placed were under the control of the darogah.

- h) Towns divided into wards, each ward placed under a darogah and the darogahs placed under the immediate control of the Kotwal.
- i) Darogah received a commission of ten per cent on the value of property recovered and rupees ten per dacoit arrested.
- j) Usual strength of a police station (thana): Under *Darogah* was one
- k) Writer, one *Jamadar* and *Burkandazes* (Lightning throwers) number according to circumstances even up to 10.

5) **1808** - For supervision and coordination of anti-dacoity measures, a superintendent of police was appointed in the divisions of Kolkatta, Dacca and Murshidabad. This was the first attempt to introduce special and expert control over the police. His jurisdiction extended to Patna division (1810). Another S.P. was appointed for Benares/Bareilly division in 1810. In 1814 the company abolished darogah system and returned to the traditional system of village policing. In 1829 the office of the S.P. was abolished and his duties were transferred to Commissioners of Revenue and Circuit.

6) a. In the first four decades of the 19th Century, enquiries into functioning and efficiency of the Thanadari police were held, as follows:

- By Lord Moira (Marques of Hastings) Governor General (**1815**)
- By a Select Committee, appointed by the British Parliament (**1832**)
- By the Bird Committee, appointed by the Governor General (**1838**)

b. Each enquiry found the police administration corrupt and inefficient. The reason was inadequate supervision over darogahs. To overcome these problems Control of police was removed from District Judge and given to the Collector of the District designated as Collector-Magistrate.

7) **1839** - Control of police taken away from Collector and given, not to the District Judge but to a new official, the District Magistrate, who was placed in charge of police and the administration of lower criminal justice.

8) **1840** - As per the recommendation of the Bird Committee, a Superintendent of Police was appointed in every district. District Magistrate continued to be in overall charge of police and lower criminal justice in district.

9) **1843** – The territory of Sind was conquered by the company lead by *Sir Charles Napier*. In Sind, there was neither a village police system nor a revenue system and it offered him an opportunity to invent an altogether new police system for sind. He followed the Royal Irish Constabulary Model for policing in Sind, which was made, by *Sir Robert Peel* with the help of

two joint commissioners *Sir Richard maine and Sir Charles Rowan*. *Sir Charles Napier* created a separate police organization that was totally directed by its own officers. The IG was responsible for Law and Order in the whole of Sind, whereas the SP who looked after each district was placed under the control of IG. The IG was under the control of the Collector. Thus, the Government of Sind maintained law and order through the collector but the organisation and discipline of the police was entrusted to a new and separate department.

IV. POLICE UNDER THE BRITISH CROWN:

1) **1860** – In 1860 the All India Police Commission was set up and it looked up into the problems of police administration suggest ways and means for an increase in police efficiency and suggest ways to reduce the expenditure on the police force. The Government, which was under the direct control of the Queen, accepted the recommendations of the police commission and a bill was passed. The bill was passed on March 16, 1861 and it came into force from 22nd of the same month as the Indian police act, 1861 after receiving assent from the Governor General. The Major recommendations were incorporated into the police act of 1861. The Police act introduced a uniform system of police in British India. It brought organisational changes in police but failed to change the nature and mode of functioning of police.

2) **1902-03** – The Indian Police Commission of 1902-03 is a significant landmark in police history. The commission brought some organisational changes- envisaging establishment of a criminal investigation department, railway police, enhancement of pay and the provision of armed reserve force at district level. British left the same system when they left India.

V. POLICE AFTER INDEPENDENCE – PRESENT:

The Constitution of India came into operation on January 26, 1950. The Constitution of India provides 'Police' as a state subject according to article 246. There have been additions in police organization at national level, after the independence but no change in its structure or work patterns.

The CRPF was created in 1947, CBI was created in 1963, CISF in 1964 and BSF in 1965. Except CBI others are paramilitary, but police organizations. Except CBI others have no investigative functions and no public orientation.

In 1979, National Police commission was formed under the chairmanship of *Dharamvira* and it laid 8 reports in the table of parliament in 1981 but still no government have accepted the recommendations of NPC and still we are following the age old Indian police act which is now outmoded.

POLICE ADMINISTRATION CONCEPTS:

The basic principles of Police organization are given below:

- A) Hierarchy;
- B) Delegation of Authority;
- C) The principle of Accountability;
- D) The principle of Unity of Command;
- E) The principle of Span of Control

A) Hierarchy:

Any organization in which someone has authority over someone else is a hierarchy. Most organizations are hierarchical in some respects or the other, some are more hierarchical than others. The elements of hierarchy are;

1. Superior – subordinate
2. Rights and responsibilities to command.
3. The right and responsibility to make decisions and take actions.
4. If the superior has the power to command the subordinate, it follows that the superior has the rights as well as the responsibility to command the subordinate and also the right to make decisions and take actions. For ex. The SHO, who has the responsibility of marching beats, can decide and take action to change the area of the beat and command the constable to do so. The constable has to get the approval of the SI to leave an assigned beat duty.

B) Delegation of Authority:

When the work of an executive increases so much in volume that he cannot cope with it, he has to divide it among his subordinates. In doing this, he naturally expects that each subordinate will do the job as he himself would have done. This process of dividing the job is referred to as delegation. To delegate means to entrust authority to a deputy so as to enable him to accomplish the task assigned to him. In the words of Louis A. Allen "*It is the ability to get result through others*".

The ultimate authority in a police department lies with the DGP, who must wisely delegate the authority to other officers so that decisions can be made and tasks performed. The authority is the legitimised or legal power to make decisions to perform tasks. Although authority may be delegated, responsibility may not. Responsibility is the obligation to make decisions, to perform tasks, and to use the authority prudently. In a law and order situation, as per law the man on the spot is the best judge and has to take stock of the situation and act as per law. In a highly

hierarchical police department, it may so happen, some chiefs to please the political boss, whom he would have promised to ensure no opening of fire, would give instructions to get his clearance even in grave situations. A faithful following may be disastrous.

To quell communal strife, there are humpty numbers of Government of India directions to nip it in the bud. Notwithstanding such specific executive directions, which are not contradictory to the law of the land, the Government which comprises of several political parties, in order to please one of the coalition partner or with the eye on vote bank, may orally ask DGP to ensure no opening of fire on a particular sect though they would come to streets without getting license from police and indulge in lawlessness. DGP in turn directs his SP and range DIG not to carry firearms while handling law and order situations that might arise during the unauthorized agitation. The order of political boss and that of DGP are outright illegal.

District SP and Range DIG and deputies of DGP, namely ADGP / IGP, who are all IPS officers blindly follow the oral directions of DGP and also initiate departmental action against one Inspector for opening fire to quell an unruly mob, which otherwise would have caused tremendous damages to properties of local populace, then morale of the officers who follow the Rule of Law will go down and it will reflect on the law and order situations.

The delegation of authority must be consistent with the constitution and statutes. In the example given above, the orders are not only inconsistent but also outright illegal. The entire process of delegation of authority in writing is carried out in actual practice through Standing Orders regulations of the concerned State police.

The delegation of authority is never permanent and all must understand this. Reorganization of the department, reassignment of duties change in departmental objectives, policies and programmes may change the delegation of authority.

C) The Principle of Accountability:

Accountability means fulfilment in entirety the tasks entrusted. The principle of accountability means that all individuals to whom the authority has been delegated must be held accountable for its use. If such delegated authority is exercised improperly or irresponsibly, it will attract some disciplinary action – mild to harsh depending upon the situation and degree of misuse and the climate of the organization. Some bosses follow *carrot and stick policy* of rewarding for following the delegated authority scrupulously and taking the concerned to tasks for any deviation.

D) The principle of Unity of Command:

The unity of command principle stipulates that each subordinate is responsible to only one superior. It insists that the reporting relationship between subordinate and superior be on a one to one basis. A subordinate should not be expected to report to more than one superior or to take orders from more than one superior. If it is done, there will be utter confusion. If there are two or more superiors as regards any employee, it will only undermine authority, endanger discipline and disturb order and stability.

If a subordinate is made to follow the orders from more than one boss, he will be in a perpetual dilemma not knowing whose orders should be carried out first, how to allocate his time between different bosses such that he satisfies them all and displeases none and what to do in case of conflicting orders. According to *Fayol*, awkward situations will be difficult to avoid if two superiors with same powers and authority are allowed to control the same subordinate. To avoid the undesirable consequences of such quality of command it is essential that relationships in the organisation structure are clearly defined and functions of different departments are clearly laid down.

E) The Principle of Span of Control:

The span of control refers to number of subordinates a manager can manage effectively. According to *Brech*, “*Span refers to the number of persons, themselves carry managerial and supervisor responsibilities for whom the senior manager retains his over-embracing responsibility of direction and planning, coordination, motivation and control*”. The span of control is an organizational supervisory tool, which, if used with care and revised through experience, can contribute it significantly to organizational solidarity and effectiveness. The greater the degree of authority and responsibility, the span of control will be narrow. Thus, a DGP has a smallest span of control. In police department, an officer – DGP or DIG or SP or SHO, who is not confident of himself will not delegate and allow his subordinates to decide and solve the problem. It will not only increase the workload of that officer but also frustrate the subordinates. Moreover, if it is continued, the subordinates will lose interest and initiative resulting in delayed responses, which in turn, will get a bad name for the entire department.

RECRUITMENT & TRAINING:

RECRUITMENT:

1. Meaning:

Recruitment refers to the process of attracting a large number of candidates by inviting applications through different sources while the selection refers to the actual process of selecting suitable candidate for any post from among the applicants based on the predetermined criteria.

2. Levels of Recruitment:

Recruitment and selection to the police is presently made at the levels of

- a) Constable;
- b) Asst. Sub-Inspector (in some states), sub-Inspector,
- c) Dy.S.P. and
- d) The Indian Police Service (IPS).

3. Standardisation:

a) The significance of standardized, well laid out Recruitment & Selection procedures need not be over-emphasized. This is reflected in the observations of the Gore Committee on Police Training 1973:

“The nature of the police role in a democracy requires that the members should be selected impartially; they should be administratively competent, politically neutral, and imbued with spirit of selfless service. A police officer enjoys vast powers under the law and expertise wide discretion. The recruitment procedures should, therefore, be so devised that they are free from political, personal or corruptive influences. The need for objectivity in selection cannot be overemphasized”.

- b) The recruitment procedures adopted presently are different for different States.
- c) The Standardization in recruitment and selection procedures by minimizing the discretion of the selection authorities and by introducing as much transparency as possible in the selection process will reduce or eliminate influence of extraneous considerations including the political interference, corruption, nepotism etc., to a great extent.
- d) These standard procedures need to be given adequate publicity with a view to create wide spread public awareness, which alone, in the ultimate analysis will be able to counter the extraneous influences.
- e) The mass media should be effectively utilized for this purpose. A time-bound cyclic recruitment schedules carried out every year once or twice will improve public confidence in police

recruitment and selection apart from helping the organization to manage its human resources properly.

What is training?

1. Training is a planned activity deliberately set to contribute to the learning necessary for competent job performance. Learning is a permanent change in behaviour, which occurs as a result of training, while training is a planned activity, which involves learning in the process.
2. The purpose and mission of Training is reflected in the words of Shri.K.F.Rustamji, when he said: “Training is not mere drill or only health and endurance. It is not the mere ability to shoot accurately or even the parrot-like recitation of law. Training means the right attitude to work, the rich knowledge of duties and the right desire to do the job effectively and in a manner which is compatible with public interest”.
3. Policing is a profession. A basic ingredient of professionalism is that one must have, before entering the profession, acquired some substantial professional qualification.
4. Training as an instrument of change. Basically three types of skills are required by policemen.

Skills:

- A) Technical skills, which are more in focus at the Constabulary level.
- B) Human relations skills which are more needed at the middle level i.e. Sub-Inspectors and above, and
- C) Conceptual skills, which are required at top, level i.e. Superintendents of Police and above.

	Technical	Human relations	Conceptual
Top Level Skills [S.Ps. & above)	Some	Medium	> More Conceptual
Middle Level [SIs & above)	Medium	> More Human Relations Skills	Some
Lower Level [Constabulary)	> More Tech,Skills	Medium	Little

d) Training as a continuous process.

Kinds of Training Institutions engaged in the task of Training Police Personnel in India:

1. National Level Institutions like SVP National Police Academy, Hyderabad, and Institute of Criminology and Forensic Science, New Delhi for training of IPS Officers and other senior level officers.
2. Training Institutions of Central Police Organisations such as Internal Security Academy, Mount Abu, BSF Academy, Tekanpur (MO) and others for training of Central Police Organisational Personnel.
3. State Police Training Colleges for the Training of Dy.Suptds. of Police, Inspectors and Sub-Inspectors of Police.
4. Police Training Schools for training of Head Constables and Constables.
5. Armed Police Training Centres for the training of Junior Members of the Armed Police Bus.
6. Specialised training institutions like Central Detective Training Schools and North-Eastern Police Academy, Shillong.

Police Training Courses offered by Various Institutions:

1. Basic Course for various ranks on their first appointment.
2. Refresher courses for various ranks;
3. Promotional courses for various ranks;
4. Specialised courses/Thematic courses on crime investigation, crime prevention, traffic control, police community relations, commando training, economic crimes, Cyber Crimes etc.
5. Management and Leadership Development Courses for senior police officers;
6. Vertical interaction programmes for IPS officers.

Need for Re-defining Training Objectives:

To Develop among Police Officers

- proper norms of accountability, responsibility with moral and ethical obligations towards the police and nation;
- awareness of the political, social, legal and economic environment
- secular outlook and positive attitude of dedication and commitments
- Scientific temper and willingness to utilize latest technology.
- Receptive to new ideas and the ability to anticipate situations and innovate.
- Total personality in order to achieve maximum human resource.

- police-public relationship personality to become “People’s-Police”

Suggestions for the improvement of Training:

- Police Training should make “People’s Police and bridge the existing gap between the role enactment, role expectation and the idealized role of the police.
- Identification of Training needs should be done by Bureau of Police Research and Development wing.
- Training must become an integral part of the Government `s policy.

A module for ‘Organisation of Training’ should be developed containing: a) Staff of Training Institutions; b) Training Programme and Syllabi; c) Financial allocation; d) Evaluation and feedback; e) Training Material; f) Research and Training; g) Support for Training.

THE POLICE ACT OF 1861:

- A study of the history, of the Police Act of 1861 reveals that close on the heels of police mutiny in 1857, the Commission was appointed in 1860 to examine all systems of police then existing in India and to draft proposals for making a comprehensive system suitable to the then British Government.
- On the basis of the recommendations of the Commission, the Police Act of 1861 was formulated for re-organising the police and for making it a more efficient instrument for the prevention and detection of crime.
- The Police Act of 1861 instituted the system of police, which is still in force in India.
- It has been amended and repealed in part by the Central Acts of 1871, 1874, 1882, 1888, 1895, 1903, 1904, 1914, and 1920.
- It was adapted by the Adaptation of Laws Orders of 1937, 1948 and 1950.
- The following Central Acts were enacted to achieve the object of the Police Act of 1861 more effectively.
 - The Police Act (iii) of 1888 was enacted for relaxing those provisions of Acts for which restricted the employment of police officers to the Presidency, State or place or of the Police establishment of which they were members.
 - The Police (incitement to Disaffection) Act, (XXII) of 1922 was enacted to provide a penalty for spreading disaffection among the police and for kindred offences.
 - The Police Act (LXIV) of 1949 was enacted to provide for the constitution of a general police district for two or more Union Territories and for establishment of a police force therefore.

(iv) The Police Force (Restriction of Fights) Act (NO.XXXIII of 1966 was enacted to provide for the restriction of certain rights conferred by part III of the Constitution in their application to the members of the Forces charged with the maintenance of public order so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

G) Commissioners of Police are posted in various big cities, to most of these places the system of Commissioner of Police was extended in the post-Independent era. In Tamil Nadu: (i) Chennai (ii) Madurai (iii) Coimbatore (iv) Trichy (v) Salem (vi) Tirunelveli has this system. The working of the Commissioners of Police is governed by special local legislations. The Police Act of 1861, however, is not having provisions for commissioners so now it may be repealed to include commissioners of police.

SALIENT FEATURES OF INDIAN POLICE ACT 1861:

The preamble declared the intention of the act as “to re-organise the police and make it more efficient instrument for the prevention and detection of crime”.

- Section 2 provided the constitution of the force, including its strength and pay etc for the members would be ordered by the local government.
- Section 3 vested its superintendence in the local government, subject to the latter’s “general control”.
- Section 4 provided that the administration of the police of a province be vested on an Inspector General of police and Deputy and Assistant IG and that of a district in a SP and ASP under the “general control and Direction” of the District Magistrate.
- The act gave police powers District Magistrate and gave magisterial powers to IG and made provisions for departmental and Judicial Punishment.
- Section 5 provides magisterial powers to IG.
- Section 6 gives magisterial powers to DIGs,.AIGs, SPs, ASPs, and DsPs.
- Section 7 and 29 made provision for the infliction of departmental and judicial punishments respectively on police officers.
- Section 13 and 14 provided for the supply of additional police at the cost of individuals.
- Section 17 provided for the appointment of ‘*residents of the neighbourhood*’ as special police officers ‘when any unlawful assembly or riot or disturbance has taken place’.
- Section 19 for the award of punishment to persons refusing to serve as special police officers.
- Section 22 says that every police officer is taken as to be in office at 24 hours.

➤ Section 23 provides the role, duties, powers and responsibilities as spelt out in the police act of 1861 (sec.23):

- a. Prevent the commission of offences and public nuisances;
- b. Detect and bring offenders to justice;
- c. Apprehend all persons whom the police are legally authorized to apprehend.;
- d. Collect and communicate intelligence affecting the public peace;
- e. Obey and execute all orders and warrants lawfully issued to the Police by any competent authority;
- f. Take charge of unclaimed property and furnish an inventory thereof to the Magistrate of the District, and be guided by his orders regarding their disposal;
- g. Keep order on the Public roads, Thoroughfares, Ghats, Landing places and at all other places of Public Resort; and
- h. Prevent obstructions on the occasions of assemblies and processions on the public roads.

➤ Section gives provision to grant licence for assemblies and processions by SP and ASPs.

➤ Section 33 for the general control of the magistrate.

➤ Section 42 says if a case is not filed in court within 3 months (90 days) of reporting the court will not accept the case.

➤ Section 44 says that all complaints and charges should be accorded in General Diary, names of person arrested and names of witness etc.

Drawbacks of the Police Act 1861:

1) The police were totally subordinate to the executive government in the discharge of its duties. No reference was made at all to the role of police as a servant of the law as such.

2) The Indian Police Act, 1861, was enacted soon after on the model of the Madras Act, formalizing the present organizational set up and making the police at the district level function under the control and direction of the chief executive of the district, namely, the District Magistrate. The police force has since then remained an instrument in the hands of the State Government,

3) This position is very clearly reflected in the manner in whom police role, duties, powers and responsibilities have been spelt out in the Police Act of 1861.

4) Police, being engaged in doing something that intimately affects the public interest is supposed to be a social service, which is expected to make use of law for establishing social order. But in the Police Act of 1861, there is no reflection of this aspect.

- 5) Some Outdated Provisions in the Police Act 1861 relating to appointment of special police officers (sections 17,18 and 19) have become obsolete because in the situation envisioned by the Act, the volunteers of home Guards (Statutorily constituted) are deployed in all States.
- 6) It is not understood why the Police Act of 1861 should be burdened with sections 24 to 27, and also 34 of the Act. The former four sections conceivably belong to the realm of the Code of Criminal Procedure and the latter one section to that of the Indian Penal Code.
- 7) A lot of urbanization has taken place in the country. There is then an unmistakable trend towards further urbanization in evidence. Even despite that, section 31 of the Police Act of 1861 talks of public roads, public streets, thorough fares, ghats and landing places but not specifically of air ports, sea ports, railway stations, bus stands, shopping centres, cinema houses etc.
- 8) A policeman being, continually vulnerable to attacks for the manner in which he chooses to exercise this discretion needs protection from malicious and vexatious prosecution. Unfortunately, section 42 of the Police Act of 1861 miserably fails to provide adequate protection.
- 9) Section 7 of the Police Act of 1861 provides for the award of punishment to erring police officer. While the punishments comprise fine, deprivation of good conduct pay and removal from office of distinction or special emoluments continue to adorn the Act, purposeful punishments like removal from service, withholding of increments or promotion etc. are not there.
- 10) Collection and communication of criminal intelligence are not there.
- 11) The Police Act of 1861 has nowhere provided for the manner in which police officers are supposed to deal with citizens. It should have been laid down that it should be the duty of every police officer always to combine courtesy with firmness in his dealings with citizens.
- 12) Certain provisions have been more honoured in breach than in the observance. First, the pay and allowances and other conditions of service of Deputy Superintendents of Police are to be such as may be determined by the Union Government. However, all State Governments have taken these powers.

In conclusion, it can be stated that a re-conceived, re-oriented, re-structured consolidated and updated Police Act as envisaged by National Police Commission will positively have an edge over the archaic and outdated Police Act of 1861 and when inducted on to the Statute Book predictably serve as an effective change agent for internal police administration. And since answers to many police problems seem to lie in the continued improvement of internal police administration, the proposed new Police Act will pave way for better policing.

POLICE REFORMS with special reference to the National Police Commission Recommendations (NPC)

Grievances redressal in police - Restrictions on police:

Constitution authorizes Parliament to restrict the Fundamental Rights of Armed Forces and Forces charged with the maintenance of Public Order (Article 33). In addition there are special Acts, which do restrict the Police.

i] The Police (Incitement to Disaffection) Act, 1922 place restrictions against inciting disaffection in the police forces.

ii] The Police Forces (Restriction of Rights) Act, 1966 does not outright prohibit a police union/association but stipulates mandatory sanction of appropriate government.

Police, by the very nature of their job, cannot resort to any agitation for redressal of their grievances without seriously jeopardising public order. As they cannot air their grievances in public, there is need for an efficient, inbuilt system of grievance redressal in police. Absence or failure of such system has lead to strikes or revolts.

Machinery for grievance redressal and its drawbacks:

Sammelan / Durbar and Orderly Room and the two existing machineries. Both were part of colonial legacy and lack audit in addition, both have very formal affairs and lack in privacy. Quite naturally, there is hesitation of subordinate ranks for fear of causing annoyance to their superiors. Further more, duty load does not facilitate full attendance.

There are quite a few grievances that cannot be settled immediately and locally and undue delay in getting suitable reply from Head Quarters put the officers conducting durbars / Orderly Rooms to embarrassment.

Police Revolts – P.A.C. revolt in U.P. a case study

Rajya Police Karmachari Parishad: a] The union was formed by subordinates in UP in March 1973; b] In April,1973 a PAC contingent refused to fall in parade preparatory to a VVIP duty; c] And in May, 1973 PAC men on examination duty in Lucknow University joined by students indulged in slogan raising and Army was called in; d] PAC men were disarmed, and to quell the riotous Police men army action saw killing of 34 and arrest of 380 Police men. e] Apart from the action against the police, President's rule had to be imposed in U.P.

In 1967, there was organized strike in Delhi. Earlier, to that strike, only anonymous activities, which were not preplanned but impulsively spurred by a particular act of injustice or grievance, had come to notice. There were a series of police agitations in quite a few States in

1979. An analysis of all these strikes point out the lack of a machinery for redressal of grievances of the men.

Grievances:

Some of the specific grievances aired by Policemen are:

- i) A heavy work load which necessitated (unduly Armed Police (Battalions) and Armed Police (armed unit in each district) men and officers are deployed continuously. Therefore, they are unable to meet their family.
- ii) Lack of attractive monetary compensation for work.
- iii) Lack of housing facilities,
- iv) Lack of adequate welfare measures including hospitals,
- v) Lack of sympathetic attitude of superior officers,
- vi) Lack of favourable service conditions,
- vii) Lack of physical facilities at Police Stations,
- viii) Uninteresting work

Recommendation of National Police Commission - Machinery for redressal of grievances.

1. Urgent need for devising a satisfactory system for effective voicing of grievances, and finding solutions with a proper understanding and assessment of the issues involved

2. While the right of police personnel to form associations is already recognized in law, subject to prescribed rules and regulations it is necessary to lay down some general principles to govern the formation and working of such associations so that the activities of association do not prejudice the proper discharge of duties by policemen and maintenance of discipline among them.

3. The guidelines suggested to be kept in view for grant of recognition of Policemen's Associations are - (1) Membership to be restricted to serving policemen only: and no retired and no outsider (2) Members not to have any right to strike work or withhold their services or otherwise delay the performance of their duties in any manner (3) The Association to not to resort to any coercive method or agitation for obtaining redressal of grievances (4) The Association not to do anything affecting the efficiency of the force or undermine its discipline (5) The Association to be absolutely, non-political in character and not to be connected directly or indirectly with political activity of any kind.

4. It is desirable to have the stipulations embodied in the Memorandum of Associations of these bodies before they are recognized.

5. Recommended four categories of policemen's associations -- (1) to cover constables and Head Constables and equivalent ranks (2) to cover AS1s, SIs and Inspectors and equivalent ranks (3) to cover all State Police Service Officers of and above the rank of Dy.S.P. (4) existing IPS Association to cover all IPS Officers.

6. Associations covering the ranks of PC/HC, ASI/SI/Inspector may be formed on District basis. Representatives of the District Associations may constitute State Level Associations. The Association of State Police Service Officers may be organized on State Basis.

7. Police Associations may only facilitate collective articulation of grievances but that by itself would not help in evolving practicable, solutions. The existing system does not provide an adequate sense of participation for all members of the Police force particularly at the lower levels, in the evolution of professional norms and techniques for handling police problems and for removal of grievances, which stand in the way of efficient performance of duties.

8. Recommended the immediate formation of a Joint Consultative Machinery (JCM) in the shape of Staff Councils for the Police Personnel at the district level and the State level to provide such a forum and also a scheme for compulsory arbitration.

9. The Staff Councils would be constituted at District and State Level with the following composition:

District	State _____
S.P. -1 (Ex-officio Chairman) D.G. & I.G.P. - 1 (ex-off. Chair.)	
Dy.S.P. -1 (Member Secretary)	I.G.P.(Wel) - 1 (Ex.off. Mem)
Inspector -1 (Member)	AIG(Admn)- 1 (Ex.off.MemSec)
S.I./ASI- 2 (Members)	S.P./ASP -2 (Members)
HC/PC - 4 (Members)	Dy.S.P. -2 (Members)
Inspector's - 2 (Members)	
	SI/ASI - 4 (Members)
	HC/PC -8 (Members)
<hr/>	
Total 9	Total 21

10. The Staff Council namely, District Police Staff Council, (DPSC) will meet once in three months and State Police Staff Council (SPSC) will meet once in six months and discuss all matters pertaining to morale, welfare and other allied establishment problems which fall within the administrative purview of the State Government. However, they shall be precluded from discussing individual cases of disciplinary proceedings, postings, transfers, or similar

establishment problems. The DPSC shall dispose of all matters having remedial measures at the District Level. Other matters will be sent upwards to SPSC.

11. There shall be a Joint Consultative Council (JCC) at the State Hqrs. Which will deal with matters which requires consideration and decision at Government level. The JCC shall consist of an official side and a staff side. The official side consists of Chief Secretary, Home Secretary, Finance Secretary and Personnel Secretary and others up to 7. The entire body of the SPSC shall constitute the staff side of the JCC. The Home -Minister shall be the Chairman of the JCC.

12. The scope of the JCC to include all matters relating to conditions of service and work, welfare of the police personnel and improvement of efficiency and standards of work, provided, however, that (i) in regard to recruitment, promotion, and discipline, consultation will be limited to matters of general principle, and (ii) individual cases shall not be considered.

13. The official side shall conclude matters at meetings of the Council and shall not reserve them for later decision by the Government. If there is no agreement between the two sides, the matter may be transmitted to a Committee of the JCC for further examination and report. But, if a final disagreement is recorded, and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration , if so desired by either side. In other-cases the Government will take action according to its own judgement.

14. Arbitration shall be limited to (i) pay and allowances; (ii) leave; (iii) any other matter that the SPSC and the State Government mutually agree to refer to arbitration. Individual cases shall not be subjected to arbitration. On final disagreement being recorded being mentioned above, the state government shall appoint a Board of Arbitration as soon as possible, in any case not later than one month from the date of record of disagreement. The Board shall consist of three members, one drawn from a panel of five submitted by official side, and another from a similar panel submitted by the staff side and a Chairman who shall be an independent person, preferably a retired/serving Judge of High Court. The Members and the chairman will be selected by the Minister in charge of the Police.

15. Subject to the overriding authority of the State Legislative Assembly, recommendations of the Board of Arbitration shall be binding on both sides.

16. If for any reasons to be recorded in writing, the State Government is of the opinion, that all or any, of the recommendations of the Board of Arbitration should be modified on grounds of National economy and social justice, the Government shall, lay before the State Legislative Assembly the report of the Board containing such recommendations together with the modifications proposed for a decision of modification.

17. It is recommended by the National Police commission that these Staff Councils and Joint Consultative Council as detailed be brought into the first instance through administrative orders. After gaining practical experience in working the scheme for sometime, they may be given a statutory cover by appropriate modifications and additions to the Police Forces (Restriction of Rights) Act, 1966 and the rules framed there under.

18. The NPC further recommended for amending this Act straightaway to (i) to enable the Government to impose conditions for proper discharge of duties and maintenance of discipline before granting sanction to any proposed Association. (ii) to enable formation of Associations to cover more than one rank as indicated above. (iii) impose the same obligations on members of the families of the Policemen as applicable to policemen themselves in regard to their membership or other links with such associations.

NATIONAL POLICE COMMISSION RECOMMENDATIONS (1977-1981):

Introduction:

With a view of revitalising police force and suggest measures of reforms in the working of police the Government of India appointed a National Police Commission on 15th November 1977, under the chairmanship of Mr. *Dharamvira, N.K. Reddy, K.F. Rustamji, N.S. Saxena, M.S. Gore and C.V. Narasimhan* as member Secretary. The commission submitted eight reports in all the last being in May 1981.

- I Report – February 1979
- II Report – August 1979
- III Report – January 1980
- IV Report - June 1980
- V Report - November 1980
- VI Report – March 1981
- VII Report – May 1981
- VIII Report – May 1981.

The terms of reference of the commission are,

- a) To redefine the role of police and review its powers and responsibilities in the changed context as a machinery for maintaining public order and prevention of crime.
- b) To review the working of the police and suggest concrete measure for reform
- c) To suggest remedial measures for eliminating delays in investigation and prosecution of cases

- d) To examine the existing methods and sources of preparing crime statistics and suggest ways and means for working out a uniform pattern of crime indices.
- e) To review the system of policing in non-rural areas
- f) To examine the scope of utilisation of scientific devices in police work
- g) To suggest adequate training and development programmes for police personnel.
- h) To pay special attention towards the responsibility of police in bringing about welfare schemes for the people and speedier disposal of their grievances
- i) To explore areas of greater police public participation.
- j) Any other matter related to police set up or police work.

SALIENT FEATURES OF NPC'S RECOMMENDATIONS

I Report

The first report was submitted in February 1979. The first report consists of

1. Preamble:

Preamble says that the basic and fundamental problem regarding police is to make them function as an efficient and impartial law enforcement agency, fully motivated and guided by the objectives of the service to the public at large upholding constitutional rights to the people.

2. Constabulary:

- a) Since the constable forms the cutting edge of police administration there is a need to restructure constabulary.
- b) They are no longer mechanical as by the police commission 1902-03. They should be recruited well and be able to assist the SI in inquiries and investigational work.
- c) There should be promotional structure for constabulary to raise promotion to higher ranks even highest.
- d) The crux of efficient policing in NPC view is the effective and amicable presence of a well-qualified and trained constable.

3. Pay Structure:

- a) Constables are very less paid. But they work in holidays when other enjoy holidays. So their pay structure should be raised.
- b) A Special pay should be paid to constables who possess proficiency in driving, handling wireless, computers and a higher degree like criminology and forensic science which will professionalise him
- c) There should be a facility of encashment leave

d) Conveyance allowance and washing allowance paid to constable are very low. So Rs. 10/- per month should be increased.

4. **Housing:**

i) Minimum living accommodation for constabulary (i.e) Head Constable and Constable should consist of two rooms, a kitchen and a bathroom.

ii) After retirement special loans should be given so that he may have his own house or for buying house in quarters.

5. **Supply of essential commodities:**

For this the scheme adopted in West Bengal should be adopted.

6. **Orderly system:**

i) Orderly system should be abolished

ii) The officers may keep a private person of his choice to keep his uniform and to keep his room neat.

7. **Machinery for redressal of grievances:**

i) For this a Police association can be formed but it should be of non-political of character. Members should be only of policemen.

ii) There may be four associations. a) Constables and Head Constables, b) ASI and Sub Inspectors, c) Officers of State police (DSPs), d) All IPS officers.

iii) Associations covering the ranks of PC/HC, ASI/SI/Inspector may be formed on District basis. Representatives of the District Associations may constitute State Level Associations. The Association of State Police Service Officers may be organized on State Basis.

iv) Police Associations may only facilitate collective articulation of grievances but that by itself would not help in evolving practicable, solutions. The existing system does not provide an adequate sense of participation for all members of the Police force particularly at the lower levels, in the evolution of professional norms and techniques for handling police problems and for removal of grievances, which stand in the way of efficient performance of duties.

v) Recommended the immediate formation of a Joint Consultative Machinery (JCM) in the shape of Staff Councils for the Police Personnel at the district level and the State level to provide such a forum and also a scheme for compulsory arbitration.

vi) The Staff Councils would be constituted at District and State Level with the following composition:

District

State

S.P. -1 (Ex-officio Chairman) D.G. & I.G.P. - 1 (ex-off. Chair.)

Dy.S.P. -1 (Member Secretary) I.G.P.(Wel) - 1 (Ex.off. Mem)

Inspector -1 (Member)		AIG(Admn)- 1 (Ex.off.MemSec)	
S.I./ASI- 2 (Members)		S.P./ASP -2 (Members)	
HC/PC - 4 (Members)		Dy.S.P. -2 (Members)	
Inspector's - 2 (Members)			
		SI/ASI - 4 (Members)	
		HC/PC -8 (Members)	
Total	9	Total	21

8. Recruitment, Training and Career Planning for constables:

i) SSLC/ Matric minimum but later the constable should get higher degree.

9. Modalities for inquiry into complaints against police:

i) Inquires should be conducted by

For Constable, Head Constable - Inspector

For SI and Inspector – DSP, SP and above

ii) In alleged rape, death in police custody Judicial Custody of the police constable/SI is mandatory.

iii) Corruption by Vigilance and anti-corruption department.

II Report

The Second report was submitted in August 1979. It consists of

1. Welfare measures for police families:

i) Wives of police personnel may play a significant role in encouraging collective involvement in welfare work in different kinds.

ii) Financial and deceased gratuity, monthly pension and Ex-gratia grant of Rs.10,000

iii) Policemen children should get free education upto high school standard.

iv) The retiring Policemen should be assisted in matter of securing of land for cultivation and facilities for self employment.

2. Police role, duties, powers and responsibilities :

i) Comprehensive reform in procedure laws relating to investigation and trial should be done.

ii) The New police act may spell out duties and responsibilities of police

iii) Licensing should be there for private detective agencies because of their mushrooming.

3. Remedial measure for political interference:

A state security commission should be formed. It should bear its members mostly from the police force.

4. Gram Nyalayas:

- i) It should consist of 3 members presiding judge appointed by district judge and 2 ordinary members
- ii) It will have exclusive jurisdiction
- iii) Punishment will be fine and imprisonment.

5. Maintenance of crime records and statistics:

- i) Computerization
- ii) Transfer of finger print bureau to join with NCRB
- iii) Government of India should continue financial aid for computerisation.

III Report

The third report consists of

1. Police and weaker sections:

- i) State governments may set-up special courts under section 15 A(1) of the Protection of civil rights act
- ii) Special cells of police to monitor the progress of investigation in cases under PCR Act.

2. Village Police:

The village chowkidari system should be modified.

3. Corruption in police:

- i) Surprise checks and sudden inspection
- ii) Constant interaction and exchange of intelligence between chief of police and head of state anticorruption bureau.
- iii) Sections 2 c and 2 I should be amended to remove emphasis in arrest in the definition of cognisable and non-cognisable offences.

4. Economic offences:

- i) Separate economic offences wing should be set up.
- ii) Training course in Economic offences for Economic offences wing staff
- iii) The state security commission will oversee the working of Economic offences wing.

5. Modernisation of Police:

- i) Independent multi channels for communication through VHF and Microwave
- ii) Teleprinter links and cryptographic machine to each districts

iii) Portable pocket sets for patrol officers.

6. Writing work in Police:

- i) Adequate staff should be sanctioned for writing work.
- ii) Repeated inspections by higher officers regarding writing work should be done.

IV report

It consists of

1. Investigation:

- i) Amendment of section 154 Crpc
- ii) Cadre of investigators should be increased
- iii) Amendment of 172, 100-102 and 167 Crpc

2. Court Trial:

- i) Amendment of 173, 291,293, 296 Crpc
- ii) Large number of magistrates should be incorporated
- iii) Juvenile crime squads establishment.

3. Prosecuting agency:

- i) Post of Director of Prosecution should be created
- ii) Public prosecutor should be provided with office accommodation, Library and small ministerial staff.

4. Industrial Disputes:

- i) Collection of Intelligence
- ii) Preventive action against organisers of strikes
- iii) Protection of loyal workers

5. Special legislations:

- i) Five groups of police for special legislation
- ii) Amendments in social legislation

6. Prohibition:

- i) Amendment in prohibition laws
- ii) Government should review its prohibition policy.

V Report

It consists of

1. Recruitment process:

- i) In future only two levels of recruitment a) Constables b) IPS

- ii) Police cadet corps in schools
- iii) Chairman of SSB assisted by IG, Criminologists and sociologists etc.

2. Training:

- i) Posting in training institutions should carry attractive pay and other amenities
- ii) Courts for SI to Inspector for 6 weeks
- iii) Directly recruited DSPs should be given IPS training in NPA.

3. Arms Act:

- i) New arms act should be implemented
- ii) Special task forces for unearthing illicit arms
- iii) Punishment should be enhanced to 7 years, which was 6 months and 3 months formerly.

4. Co-ordination in District Administration with executive magistracy:

- i) Amendment in section 4 of 1861 act.
- ii) The administration of police throughout a district or part shall be vested in the SP.
- iii) Co-ordination in district administration.

5. Code of behaviour for police officers:

- a) Neglect of duty
- b) Disobedience of orders
- c) Discreditable conducts
- d) Misconduct towards member of police force
- e) Anti-national conduct
- f) Drunkenness.

6. Police-Public relations:

- i) Introduction of Junior Police Call (JPC) for youth
- ii) Coordination with people and press.

VI Report

It deals with

1. Police Leadership (IPS):

- i) IPS should be made equal to IAS
- ii) IPS pay should be equal to IAS
- iii) Age limit for IPS selection should be 21-24

2. Training and career development of IPS:

IPS course should be increased from 12 months to 59 1/2 months.

3. Police and Students:

A protection force should be formed for student confrontation

4. Communal riots:

Special investigation squads should be set up to investigate communal riots

5. Urban Policing:

- i) Provision of scene of crime vehicles
- ii) Provision of single digit bureau
- iii) Control rooms must be located within the office of chief of police
- iv) Special squad like Homicide squad, Burglary squad, Economic offences and forgery quad, Robbery and dacoity squad, Kidnapping person's squad, Automobile theft squad should be formed.

VII report

1. Organisation and structure of police:

- i) Urban areas should have exclusive Police stations.
- ii) Police station surrounding should be neat

2. State Armed police and district armed reserve:

- i) A battalion should also have Deputy commandant to assist the commandant
- ii) Shortages in equipments which affect the efficiency of the force need to be investigated periodically and removed.

3. Delegation of financial powers of police:

- i) Full powers in respect of purchase of furniture should be delegated to the chief of state police
- ii) The chief of state police should be given financial powers similar to the DG BSF and DG CRPF.

4. Traffic regulation:

- i) Traffic Education in school curriculum
- ii) Computerisation of traffic signals
- iii) Road safety cell headed by an engineer should be made.

5. Ministerial staff and Administrative work in the police department

- i) Ministerial staff should be brought under the police act
- ii) Use of computers by ministerial staff

VIII Report

1. Accountability of police performance:

i) Yardsticks in evaluation of group performance:

- a) Prevention of crime
- b) Investigation of crime
- c) Law and order
- d) Traffic management
- e) Service
- f) Reputation of integrity and courtesy.

2. New Police Act:

A model police act was given by the NPC but still it is not utilised.

Conclusion:

The NPC recommendation is considered to be a bible for police reforms in India. Any new commission or committee for police reforms is formed in Government of India or states; they surely look into the recommendations of NPC and incorporate those recommendations in their report. It is awful on the part of the governments that they never took any steps for the fullest implementation of NPC's recommendations. Fortunately some of the states in our country have taken the NPC's recommendations seriously and they have implemented some of the reforms. But, still there is a long way to go for the fullest implementation of the NPC recommendations and the incorporation of new police act.

Unit – II

ORGANISATIONAL SET UP OF INDIAN POLICE:

The Indian Police system is horizontally stratified. Like Military forces, the police are organized into cadres depending upon rank. There is the officer cadre, known as the Indian Police Service (IPS), and they are recruited through civil service exams. IPS are recruited, organized, trained and disciplined according to national legislation. IPS is the leader of the police force. Next comes the State DSP level SI and constable level.

Superintendence, control and organization and management of police:

Section 3 of the Police Act 1861 lays down that the Superintendence of the Police throughout the State shall vest in the State Government. In all the States, Police departments are located in the Departments of Home, usually presided over by the Chief Minister (as in Tamil Nadu) or some very senior member of the State Cabinet (as in Karnataka). The Home Secretary or the Home Commissioner assists the concerned Minister in the overall supervision and control over the Department and in taking decisions regarding Police Administration. Generally, a senior IAS officer will be the Home Secretary and in some states like Andhra Pradesh, a senior IPS officer is the Home Secretary.

POLICE ORGANIZATION OR STRUCTURE OF STATE POLICE OR HIERARCHY:

Inspector General of Police:

The Inspector – General of Police is the highest official at the apex of the organizational pyramid of Police Department. In most States the Inspectors General of Police are holding the rank of Director General and are designated as the Director General and Inspector General of Police i.e. the D.G. & I.G.P. on the recommendation of V Pay Commission, another rank Addl. DGP has been added to the hierarchy. The D.G. & I.G.P. may have one or more ADGP, IGP, DIG and SP (designated as AIG) as Staff Officers to assist him in his office work. These officers are designated as ADGP (Administration) and IG (Administration), DIG (Administration), AIG etc. In addition, for provisioning, one officer either in the rank of ADGP or IGP will assist. There are quite a few states, an officer either in the rank of ADGP or IGP to assist in Headquarters.

In several states the Departments of Anti-Corruptions, Home Guards etc. are headed by police officers of the rank of Director General of Police / ADGP. These officers look after their respective branches and are directly accountable to the home Department of the State.

Inspector General of Police (Zones)

The DG & IGP carries out his supervisory functions with the help of several Is.G.P. (Zones). The some states like Tamil Nadu and Bihar are divided into Zones each under an IGP. In addition, the D.G. & I.G.P may have one or more ADGP or Is.G.P. to look after functional responsibilities of specialized nature, designated as I.G. CID (Crime & Railways), I.G, CID (Intelligence), I.G. (Law and Order) I.G. (Armed Units), I.G. (Training and Welfare) and so on.

Deputy Inspector General of Police:

The Zones are divided into ranges, and in those states where Zonal system does not exist, the State is directly divided into ranges each under a Deputy Inspector General of Police. Some States like Karnataka and Maharashtra, IGP heads the Zones. The D.G. & I.G.P. and the Zonal Is. G.P. carry out the supervisory functions of the district police with the help of Range D.Is.G. In addition there may be D.I.G. CID (Crime), DIG (Railways) DIG (Wireless), DIG (Intelligence), DIG (Armed Units) DIG (Computer), DIG (Welfare) and so on.

Superintendent of Police:

Each range consists of more than one district each with its own Superintendent of Police. In heavier districts he may have one or more Superintendents of Police (Junior to Senior S.P.) or Additional Superintendents of Police to assist him. There are Superintendents of Police, CID (Crime), CID (Intelligence), Wireless, Computer and so on. The Railway Police is a separate organization with one or more Superintendents of Police.

Commissioner of Police:

Several metropolitan cities like Kolkata, Mumbai, Chennai, Delhi, Hyderabad, Ahmedabad and many others are under Commissioners of Police, who are of the rank of DGP / ADGP. Madurai, Coimbatore, Trichy, Salem and Tirunelveli are cities where the Commissioners of Police are of the rank of IGP / DIG. There may be one or more officers known as Additional / Joint Commissioner of Police who are of the rank of D.I.G.P. The Additional Commissioner of Police / Joint Commissioner of Police may assist the Commissioner of Police in particular functions such as Administration, law and order etc. In such cases they will be designated as Additional Commissioner of Police (Adm), Additional Commissioner of Police (Law and Order) etc. The distribution of duties among the Deputy Commissioner of Police, who are of the rank of Superintendent of Police, may be on functional basis or jurisdictional basis. Thus we may have DCP (Control Room) DCP (Traffic), DCP (Crime), DCP (Special Branch) or DCP (Zones). Some

of the D.Cs.P function under the direct supervision of Commissioner of Police and others under Additional Commissioner of Police depending upon the duties they perform.

Under Deputy Commissioners come Assistant Commissioners (of the rank of Deputy Superintendent of Police) in charge of particular areas or performing specific functions. The smallest unit of Administration remains the Police Station as in the case of the rest of the State. An Officer of the rank of Inspector of Police is in-charge of a Police Station and is assisted by number of Sub-Inspectors, A.S.Is., Head Constables, and Constables.

Training Institutions:

Every State has its Police Training Academy or College (PTC) for Deputy Superintendents of Police and Sub-Inspectors. There may be Training Centres variously called Police Training School or Police Recruit School for Constables and Head Constables either attached to the Academy / PTC or separately to a Superintendent of Police or a DIG is usually in charge of such Training Institutions or in some with district SP or range DIG.

Armed Battalions:

Reserves of the State are formed into Battalions with a commandant of the rank of a Superintendent of Police for each. Under him are Assistant Commandants, Company Commanders, Platoon Commanders and so on. One State may have 3 to 15 or more such Battalions. The head of the armed Battalion may be in the rank of ADGP or IGP. The organization of these Battalions will be dealt with in details later on.

Miscellaneous:

In some States the Fire Services come under the Police, while in other States have subsidiary organizations like the Home Guards to help the Police. The Village Police, though organized under the magistracy, is an important branch of the criminal administration for the prevention of crime and surveillance of criminals.

District Police Organisation:

The Superintendent of Police (SP) is the head of the District Police. Under SP comes Sub-Inspectors in-charge of Police Stations. There are also out-posts under Sub-Inspectors or Head Constables forming part of the jurisdiction of the Police Station, to which they belong. The Police Station, which is the smallest administrative unit, may have one or more Sub-Inspectors depending on the volume of work.

EXECUTIVE POWERS AND DUTIES OF POLICE OFFICERS:

Distribution of Functions - The Director General and Inspector General of Police:

The command of the Police forces of bigger states where the magnitude of crime reported and investigated is heavy or the strength of the force is large necessitating the presence of more than one IG., territorial or functional is entrusted to a Director General of Police. He is the Chief of Police force of the State.

Section 4 of the Police Act 1861 makes the IGP (now known as Director General and Inspector General of Police in bigger States) responsible for the administration of the police throughout a general police district. Each State of the Indian Union constitutes a single general police district embracing the entire state (as per the Interpretation clause given in Section 1 of the same Police Act) with the exception of West Bengal where General Police District does not include Kolkata. A Commissioner of Police, who is independent and directly responsible to State Government, administers Kolkata under the Calcutta Police Act. Thus it will be seen that each State has only one D.G. & I.G.P. assisted by one or more Is.G.P.

Duties of the D.G. & I.G.P.:

1) The Chief administrative function of the D.G. & I.G.P. is to maintain the efficiency of the Police Organisation by constant supervision so that it can efficiently discharge its two main duties.

- Prevention and detection of crime;
- Maintenance of Law and Order.

2) DGP is also responsible for the internal economy of the Police department in a State, the annual expenditure of which runs into several crores of rupees. This huge amount is required for the employment thousands of men, their accommodation, equipments and transport, purchase of various types of stores required by the Police and the need for establishment of a network of wireless and telephone communications.

3) D.G.P., being the head of the police department of a State acts as the principal adviser to the State Government in all matters pertaining to the Police Administration.

4) Administrative Responsibilities:

In order to maintain the efficiency of the police force under him the D.G.P. has to take the following actions:

- To keep a constant eye on the adequacy of personnel and equipments including transport sanctioned for various types of work performed by the Police to move the Government for augmentation of manpower and / or equipments if he considers it necessary for maintaining efficiency.
- To ensure that all vacancies are promptly filled up by recruitment of the right type of persons and they are given proper training.
- To arrange for speedy procurement of equipments, arms and ammunition, transport and stores such as clothing, tents etc. requirement or sanctioned scale.
- To arrange for adequate accommodation for men, officers and stores by (a) hiring buildings, (b) undertaking (c) carrying out repairs, additions alterations etc. to existing building.
- To ensure adequate communication devices such as telephones and wireless equipments.
- To ensure the maintenance of strict discipline among members of the force and to look after their welfare in order to keep up the morale.
- To under take periodical inspection of subordinate police offices to ensure that they are running properly and rules and orders are being properly observed.

i) Subject to the approval of the State Government to frame such rules and provisions of Section 12 of the Police Act of 1861, which he may consider necessary for the efficiency of the Police Force in the discharge of its duties.

5) Internal Economy

The D.G.P. is responsible for the internal economy of the police department and his financial duties are as follows:

- He has to plan the expenditure carefully and prepare the annual budget.
- He has to make proper and adequate allotments of financial grants to subordinate offices.
- He has to ensure observance of financial rules while incurring expenditure and avoidance of unnecessary and wasteful expenditure.

6) Relations with the State Government

The D.G.P. is the link between the Government and the Police Department. As the principal adviser to the State Government he has the following obligations:

- He is responsible to the Government for proper collection and communication of intelligence. In this work he is assisted by the D.I.G., Intelligence Branch. The D.G.P. has to keep his Government informed of the political situation and all other important developments, which may affect law and order i.e. industrial troubles, communal excitement, agrarian unrest etc.
- To keep the Government informed of the State of Crime in the State and of any special features of crime, which may assume seriousness. In this he is assisted by the D.I.G., CID.
- To advise the Government on all matters affecting the security of the State and himself take all possible measures to counteract any threat to it.
- To advise the Government on all matters affecting the security of the visiting heads of other Governments e.g. the Head of foreign Governments; the President, the Prime Minister and the Union Ministers of the Government of India; and the Governors and ministers of other State Governments who are on a visit and he has also to make adequate arrangements for their protection. He is also responsible for the protection of the Governor, the Chief Minister and other Ministers of his own State.
- To pass on to the Government any news of serious disasters or natural calamities which may be received by him such as train, steamer or air accidents, fires, floods, storms, earth-quakes etc. He should also ensure Police Co-operation in undertaking remedial and relief measures.
- To advise the Government and to assume control of State-wide operations necessitating deployment of Police Force throughout the State such as in time of General Elections, widespread disturbances the visit of world renowned VIPs to several places within the State.

Range Level – Deputy Inspector General of Police (IGP in Karnataka, Maharashtra)

The Deputy Inspector General of Police is placed in charge of the Police administration of a range.

Range:

A range consists of two to six administrative districts depending on their size and importance. The number of such Police Ranges in a State varies from three to any number. Kerala has only three ranges and Tamil Nadu, has eleven Ranges.

Duties of the D.I.G.

(a) As his designation indicates, the D.I.G. may perform within his Range or Department, such duties of the D.G. & I.G.P., which may be delegated to him by the DG/IGP or the Government or the State Police Manual.

(b) He is responsible for maintaining the efficiency of the force under his command by periodical inspections, frequent consultations with SPs./ Commandants, etc. and issue of instructions on Report and Returns submitted to him by subordinate offices.

(c) He is responsible for maintaining the strictest discipline in the force under his command by scrutinizing disposal of departmental proceedings, adequacy of the punishments awarded, etc.

(d) He scrutinizes and controls expenditure of funds by the Superintendents of Police or their equivalents in his Range/Departments.

(e) He has to look after the Police accommodation of his Range/Department.

(f) He should keep the D.G. & I.G.P. informed of all-important developments in his Range/department.

(g) In a Range, it is the duty of the Range D.I.G. to supervise measures taken by S.Ps. for prevention and detection of Crime. He scrutinizes the Special Reports/Grave Crime Reports submitted periodically by the S.Ps. on each case of certain types of heinous offences such as dacoity, murder, etc. from the time of Report till the completion of investigation.

(h) The Range D.I.G. is also responsible for ensuring inter-district co-operation in taking action against crime and criminals.

Duties of the Superintendent of Police:

The Superintendent of Police is in-charge of the Police Administration of an administrative district. Subject to the general control of the District Magistrate he is responsible for Law and Order and the criminal administration of the district. It is also one of his important duties to ensure the collection of intelligence and its proper communication to his superiors. He is also responsible for the internal economy and efficiency, discipline and welfare of the Force under him. Regulation and control of traffic in town areas is another important number of other important administrative functions.

A) Maintenance of Law and Order:

The SP must keep himself informed of all-important developments, which may affect law and order. Whenever there is any apprehension of breach of peace he should take all possible measures for its prevention such as action u/s 107 Cr.P.C. or preventive detention, etc. He may also request the District Magistrate to issue prohibitory orders u/s 144 Cr. P.C. He should also make adequate Police arrangements to cope with the situation if any actual breach of peace takes

place. Similarly if any during important fairs and festivals or on important religious occasions the S.P. should personally supervise the Police arrangements of the crowd control measures. S.P. must take special precautions during such religious celebrations, which may offend the religious susceptibilities of another community as Kurbani during Bakra-Id or sprinkling of colour water during Holi.

B) Crime:

The S.P. is ultimately responsible for the prevention and detection of crime in his district. In order to control crime –

(a) He has to ensure that town areas and crime effected rural areas are effectively patrolled and therefore he has to perform certain number of night rounds himself.

(b) He has to supervise the investigation of as many cases of grave crimes or Special Report Cases as possible. Those cases, which he cannot supervise himself, he should depute another Gazetted Officer. The supervision includes a visit to the scene of crime soon after the occurrence. He should also supervise a certain number of non-S.R. cases such as burglary and important cases of thefts.

(c) He should make sure that all criminals operating in the District are known and kept under effective surveillance.

C) Collection and communication of intelligence:

He should supervise the work of the District Intelligence Branch or Special Branch. It is the responsibility of the Superintendent of Police to ensure that all information of political activities, of matters affecting the security of the State or of any VIP and of other developments, to the District Magistrate, Range D.I.G., D.I.G. – I.B., an D.G. & I.G.P.

D) Discipline and Welfare

The Superintendent of Police is responsible for the discipline and welfare of the police Force.

- He should attend at least one parade a week on a fixed day in the Headquarter. The S.P's Parade is known as Master Parade. After the Master Parade he should hold the Orderly Room. In the Orderly Room he deals with cases of petty misconduct, which call for minor punishments. He also gives a hearing to his subordinates in the Orderly Room and takes action to redress genuine grievances.

- In all cases of serious delinquencies, calling for major punishments, the Superintendent of police orders the drawing up of proceedings and nominates an enquiring officer. The final order of punishment up to the rank of A.S.Is. and in some States up to the rank of S.Is. has to be passed by him after due scrutiny.

E) Internal Economy:

The Superintendent of police is the Head of Office and as such, he has some financial powers. He is responsible for the correctness of cash accounts and store accounts. It is his duty to ensure that financial rules are properly observed and the expenditure is kept within the budget limits as far as possible.

F) Efficiency of the Organisation:

The Superintendent of police is responsible for the efficiency of the force.-

- He has to inspect all units under him at least once a year.
- He has to see that the men are properly equipped to perform their duties.
- Whenever he feels that the sanctioned strength of men or the sanctioned scale of equipments or the sanctioned number of vehicles and other transports or the existing facilities for inter-communication or the existing accommodation available for men and offices are not adequate for the efficient performance of duties, he should bring it to the notice of his superiors and submit a proposal with full financial implications and giving full reasons why the existing resources are not considered sufficient and why the increase is recommended.

G) Police – Public Relations:

The Superintendent of police is responsible for maintaining harmonious relations between the Police and the public and he should enlist the co-operation of the public in fighting against crime and criminals. He should therefore, undertake extensive tours which should also cover the interior areas of the district in order to ascertain the view of the people on the work of the Local Police and to organize them into well-knit Defence Parties or Resistance Groups.

H) Accommodation:

The Superintendent of police has to look after matters relating to the accommodation of the Police Force, both residential and office. He must see that the buildings in possession of the Police Department are kept in proper state of repairs. He should also ensure that rents for hired

buildings are paid regularly. If he feels that accommodation is insufficient he should arrange to hire buildings or if that is not possible or convenient, he should submit proposals either for additions and alterations to existing buildings or for construction of new buildings.

D) Traffic:

He is responsible for road safety, control and regulation of traffic in town areas and enforcement of traffic rules.

J) Administration

He should attend the Police Office on all working days when in Headquarters. He should supervise its work to ensure that there is prompt disposal of business and reports, returns and statements due to higher authorities are submitted within the due dates.

Sub-Divisional Police Officers (S.D.P.Os.)

Assistant / Deputy Superintendents of police are usually placed in charge of the Police Administration are known as Sub-Divisional Police Officers.

A) Function of the S.D.P.O.:

The Sub-Divisional Police Officer's functions within his jurisdiction are similar to those of Superintendent of police. He is, however, subject to the control of the Superintendent of police in all matters:-

- The Sub-divisional Police Officer's Office does not have much cash or store transactions and therefore, his financial obligations are of a very limited nature.
- The Sub-divisional Police Officer can be nominated to enquire into proceedings but he cannot pass final orders.
- There is no branch of the D.I.B., or S.B. at his disposal.

B) Duties of the S.D.P.O.:

His main duties are. (i) Maintenance of Law and Order, (ii) Crime Control and Supervision of Special Report Cases, (iii) Extensive touring and frequent night rounds, (iv) Inspection of Circle Inspector's Office, Police Stations and Outposts, (v) Collection and communication of intelligence (there is no branch of the D.I.B. at his disposal), (vi) Maintenance of good relations between the Police and the Public, (vii) Submission of Reports, returns and statements within due dates.

C) Duties of A.S.P. / Dy. S.P. at headquarters

An A.S.P. / Dy. S.P. when not posted in charge of sub-division, may be posted at District Headquarters to assist the Superintendent of police. When posted at Headquarters he performs those functions of the Superintendent of police, which are delegated to him, and assists him in crime control, efficient running force. He also holds temporary charge of the district if no officer, superior to him, is present in the district.

Auxiliary Units under the control of Superintendent of police:

Reserve Police Line:

The district HQs is provided with Armed Reserve (AR). They perform (1) Security and guard duties (2) Escort duties (3) Acts as a ready reserve in dealing with sudden outbreak of violence.

District Crime Records Bureau:

In Tamil Nadu it is headed by Additional Superintendent of police or in some states it is in the rank of DSP or Inspector. It collects and disseminates information on criminals and maintains various maps and charts on criminal. It also maintains modus operandi charts of criminals. It keeps a watch on foreign national.

District Special Branch (Local Intelligence Unit)

It is under the charge of either Inspector or Dy. Superintendent of police. It is responsible for collection and transmission of political intelligence, having an immediate bearing in life. It maintains records in political activities of political parties / org/ & cards on office bearers.

Forensic Section

It is the form of mobile / field units. The team comprises FP experts, photographer, Scientific Asst.

Photographic Section

Covers scenes of crime. Maintains photo albums of various categories of offences based on Modus operandi.

Finger Print Section

Comprise one Finger Print expert with all equipment's, maintains records, correspondence with State FP Bureau.

Duties of the Commissioner of Police:

The cities of Kolkata, Mumbai, Chennai, Hyderabad, Bangalore, Delhi, Ahmedabad, Nagpur and Poona are administrated by commissioners of Police, who are officers of the rank of Dy. Inspector General of Police with somewhat higher status. There are no District Magistrates in these cities and the Police Act of 1861 is also not in force. The cities are governed by their own city Police Acts that define the duties of the Commissioner of Police:-

- The Commissioner of Police is solely responsible for the maintenance of Law and order and the control of crime in the city.
- He exercises many of the functions of the District Magistrate in matters relating to Arms Act, M.V. Act, Lunacy Act,; the Explosive substances Act etc.
- In the city of Kolkata, which is an independent Police District, the C.P. combines the major functions of the D.G. & I.G.P., the Dy. Inspector General of police and the District Magistrate. In the other cities the Commissioner of Police combines the functions of the Dy. Inspector General of Police and the District Magistrate.

Duties of the Dy. Commissioners of Police:

They exercise the functions of the Superintendent of police within their jurisdiction subject to the control divided into a number of districts, each in charge of a Deputy Commissioner of Police. Various branches of the City Police such as Law and Order, Special Branch, Traffic, Crime Branch, City Armed Reserve etc. are also placed in charge of a Dy. Commissioner of Police. Thus there is a functional division of duties among the D.C.P.

Assistant Commissioners of Police:

The A.C.P. correspond to the rank of Dy.S.P. and their functions are similar. A district under Dy. Commissioner of Police may be further sub-divided and Asst. Commissioners of Police may be placed in charge of such Sub-divisions. They may also be posted to the different branches of the city police to assist DCP. Each ACP will have several Inspectors under them to assist them in discharging their duties in that particular branch. In some states Inspectors are of gazetted ranks. They also act as S.H.Os of important Police Stations.

Note:

(The duties of Commissioner of Police, otherwise can be discussed under various heading as that of a district SP. Commissioner has magisterial powers also and there is no Collector or DM in that set up. If a separate question is asked, as far as duties give different headings as in the case of SP).

CENTRAL POLICE ORGANIZATION:

1. Criminal Investigation Department Crime Branch:

It is a State level investigating agency for specialised crimes like counterfeiting, organised cheating and fraud professional poisoning/ kidnapping, theft of government arms and ammunition and illicit traffic thereof, copper-wire, theft, important cases involving foreigners, important cases of murder, dacoity, house-breaking by organized gangs, important cases of misappropriation of public funds, drug crime, cases of conspiracy, cases having inter-district or inter-State ramifications, and serious crimes having political overtones.

Cases are referred to the C.I.D. either on request from below by a district Superintendent of Police, or from above under the orders of the Government/D.G.P. The Crime Branch also acts as a nodal agency for collection and dissemination of criminal intelligence. It assists/associates with the district police or takes over the investigation of a case completely. Normally it takes over the investigation of a case initially registered at a Police Station, though in some States provision exists for even registration of a case in the Crime Branch, which is given the status of a Police Station. The Crime Branch has its own prosecutorial staff. The Tamil Nadu Crime branch CID brings monthly Journal "CID Review" for the dissemination of knowledge among the Police Personnel

The Crime Branch also has the State M.O.B. (Modus Operandi Bureau) for systematised collection, classification and dissemination of criminal intelligence with regard to selected crime and criminals. The system of maintaining Modus Operandi cards facilitates correct identification of a criminal by the process of elimination on the basis of the trademark of each crime and each criminal. The success of the State M.O.B. depends on the information given to it and updating of various registers of its records like physical peculiarities/transport index, jail release register and photographs of crime.

In certain States, Forensic Science Laboratories/Scientific Aids Section form part of the Crime Branch, while in other States they form part of the Technical Services Wing, clubbed with others like Computer Section, Fire Services Unit, Motor Transport Organisation, Police network, etc. The Finger Print Bureau is an inseparable unit of the Crime Branch, which helps in establishing the

identity of criminals, trace previous convictions of a criminal identifying wanted criminals, etc. Police Dog Units are also a part of the State crime Branch. These are used for tracking the criminals, guarding/patrolling vital installations, as well as identifying explosive substances and narcotic drugs.

Anti-Corruption Bureau and Economic Offences Wing are specialised units of the Crime Branch in some States. Special Cells are created like Co-operative Cell, Agricultural Cell to deal with large number of cases of mostly misappropriation of public funds. In Tamil Nadu, Economic Offences Wing is a separate wing independent of Crime Branch.

2. Intelligence Department/Special Branch:

The Special Branch/Intelligence Department feeds the Government/D.G.P. with information on political developments including those of political parties, students, communal and labour organisations; agrarian matters, having a bearing on law and order. This Branch also keeps a watch on the activities of foreigners and undesirable activities of those organisations whose loyalties lie outside the country. It also looks after matters connected with security of V. I. Ps.

The State Intelligence Department/Special Branch has its staff spread thinly in the districts with some regional officer to assist the headquarters. Each district has a Local Intelligence Unit Functioning 'under the Superintendent of Police. While the Special Branch/Intelligence Department covers covert activities in general, the district Local Intelligence Unit covers overt activities in particular.

3. Special Armed Police:

Every State has few battalions of Special Armed Police, variously called as A.P.S..P. (A.P), P.A.C. (U.P), B.I.I.P. (Bihar), P.A.P. (Punjab) etc. All these Special Armed Police units are constituted under separate Acts under the control of the State Government. Some of these were initially raised in the States as Indian Reserve Battalions to help out the Government of India whenever needed for deployment outside the State of origin.

The Special Armed Police Battalions are meant to tackle extreme situations like major anti-dacoity operations, serious disturbances of law and order, large scale terrorist/extremist violence, organised insurgency, serious civil disorders, elections, natural disasters, bandobust duties at big festivals/melas/fairs etc. District Armed Reserve is meant to take care of the routine duties to supplement the civil police at the local level. The Special Armed Police units are requisitioned by the district Superintendent of Police in times of need and allotted by Range D.I.G./Zonal I.G. from out of their reserves, and, if needed, by the D.G.P. at the State level. Special Armed Police

battalions are broadly organised on the lines of an Infantry Battalion of the Army. Most States have an I.G.P./D.G.P. heading the organisation with I.G./D.I.G. looking after the Zones/Sectors, the Commandant heads each battalion, assisted by a Deputy Commandant in some cases, but mostly by Assistant Commandants, one of whom is an Adjutant and another a Quarter Master.

The Headquarters of each battalion has units like Transport, Communication Stores, Training, etc. Each battalion is divided into Company, Platoon and Sections, headed respectively by an Inspector, Sub-Inspector and Head Constable. Since for the best part of the year, Companies are continuously deployed on duties, training of Special Armed Policemen is one area, which is sadly neglected. Each Company has about 6 heavy vehicles/buses. While Company Commanders carry revolvers, Platoon weapon is L.M.G., and Section weapon is Sten. All Constables carry 303 rifles/lathis. Each Company has also a Tear-Smoke Squad/two-inch mortar weaponry. Each Company is connected to Battalion Headquarters through wireless network, and it carries its own Mess wherever deployed. Battalion Headquarters have medical facilities as well as centres for welfare of men and their families. While stores for clothing and equipment are located at Battalion headquarters, facilities for sports like Volleyball exist even while the men are away from headquarters.

4. Railway Police:

The Railway Police, known as Government Railway Police (G.R.P) in some States, is part of the State police and is to be distinguished from Railway Protection Force (R.P.F.), which is a Central Armed Force. The G.R.P. jurisdiction is within the railway limits, i.e., the premises of a Railway Station between the outer signals as well as grounds within the railway boundaries of a station. The jurisdiction of G.R.P. also extends to crime committed on running trains, while the jurisdiction of district police would cover the track outside the outer signal of a railway station. The functions of Railway Protection Force basically include watch and ward duties pertaining to the running stock of the railways including the goods yard.

The organisation of the G.R.P. is similar to that of a district police set up. A police station of G.R.P. is located at important junctions with outposts located at less important railway stations. An Inspector/Sub-Inspector is in-charge of police station depending on its importance, While a Sub-Inspector/Head Constable is in-charge of an outpost. Police lines are also attached at the headquarters under a S.P., G.R.P. The G.R.P. also performs escort duties on running trains to prevent crime as well as perform escort duties to VIPs. They also have an Intelligence unit at the headquarters. It performs law and order duties on platforms and policing duties within the Station

premises. The investigation of crimes committed in the jurisdiction of a Railway Police Station rests with Inspector/Sub-Inspector attached to the Railway Police Station. Other duties of G.R.P. includes checking pulling, safety of railway track and to tackle railway strikes/demonstrations on rail platform. The need for cooperation between G.R.P. and district police is obvious considering the co-terminus nature of the functions to be performed by both.

5. Police Wireless:

To facilitate quick communication between various formations within the State and between the States in the interest of maintenance of law and order, there is a Police Wireless Grid. At the national level Inter-State Police Wireless (ISPW) was created under the Ministry of Home affairs (M.H.A.) which not only coordinates inter-State communication but also lays down norms for procuring equipment and for establishing radio procedure through allotment of frequencies, At the State level, the Police Radio set up is headed by an officer of the rank of I.G./D.I.G. in the rank of Director. An officer of the rank of D.I.G./S.P./Dy. S.P. with Inspector/S.I. level officers being kept in-charge at the district level assists him. The wireless operators are generally of the rank of Head Constables/Constables.

The communication network operates round the clock and as such at the operational level, the duties are performed in shifts. The communication network operates at pre-determined time-schedule but in emergencies it works round the clock.

Bigger cities have City Control Rooms while at each district headquarters, there is a district control room linking up all the police stations in a district. At the State level, the Radio Headquarters connects all the districts on one hand, and is linked to inter-State Police Wireless Grid through Delhi for inter-State communication on the other.

6. Police Transport:

The effectiveness of a police organisation is judged by its mobility. The Police Transport Organisation provides mobility to the force facilitating quicker movements of force in times of need in policing, while it is reinforced by hired/requisitioned transport in times of emergencies like communal riots, large scale strikes, etc. Every district is provided with various types of motor vehicles depending upon its size, need, etc.

At the State level, the Motor Transport Organisation is headed by an officer of the rank of S.P., supervising the purchase of vehicles and the maintenance of the fleet through workshops located at different places in the States. At the district level, usually the M.T. Section is looked after by an

Inspector/Sub-Inspector. The drivers are generally in the rank of Constables/Head Constables. In smaller districts the in-charge of M.T can also be in the rank of Head Constable.

7. Public Relations Organisation:

In most States, the public relations set up in the police force is headed by an Officer from the State Information/Public Relations Department or a departmental Dy. Superintendent of Police attached to the D.G.P's headquarters. There is no public relations unit as such at the Zonal/Range level. Even at the district level, this work is entrusted on an ad hoc basis to a Sub-Inspector. In the recent past, States have attempted to improve their public relations through media campaigns through formal allocation of budgetary funds for the purpose.

8. Mounted Police:

Mounted Police, so important and useful in regular policing is now gradually losing its importance for reasons of economy and speedy mobilisation. However, their importance in crowd control is unquestioned, particularly in the context of fairs and festivals, riots, etc.

Most Mounted Police Units are confined to important cities and Police Training institutions. An officer of the rank of Inspector/Sub- Inspector heads them usually. The savars are generally in the rank of Constables/Head Constables.

The duties of the Mounted Police are performed best in crowd control, traffic control, ceremonial guard/escort duties, patrolling, training, transportation of stores and arms, ceremonial occasions, like parades, processions, etc.

9. Computers Branch:

The Computers Unit at the State level in the State Crime Records Bureau (SCRB) is usually under the charge of an officer of the rank of I.G.P./D.I.G./S.P. attached to the Technical Services Wing or CB, CID of the State Police. This Branch is entrusted with the task of compilation of crime statistics, personal data pertaining to police personnel, provisioning and logistics, etc. At the district level, the S.Ps are also being provided computer facilities in a phased manner to facilitate work in crime investigation, grievance redressal, etc. Supervisory officers like Range D.I.Gs /Zonal I.G.s. are also given the aid of computers in a phased manner to help perform their function in a systematic fashion. Eventually, computer connectivity is planned up to Police Station level.

Rural Police:

Police system in villages in India depended on the principle of joint responsibility of the village, enforced through an elected or hereditary headman who was assisted by one or more watchmen remunerated suitably. This practice continued during the British rule. The Police Commissions of 1860 and 1902-03 criticised this system as ineffective but suggested no change for financial constraint. The introduction of Panchayat Raj in the country after Independence had upset traditional village hierarchy. Village policing however, continued under the control of the DM /Collector and worked Officer-in –charge of the PS in whose jurisdiction the village lies.

Village administrative officer (VAO) and Headmen are the village police and they are under the control of the collector. The Revenue inspector and Tahsildar supervise the village police. They help the regular police. Regular police coverage to the villages is provided through beat patrolling system of the PS concerned by constables and supplemented by voluntary village defence societies for preventing organised property offences in the villages based on the principle of local responsibility or self-help, especially to fight crime like dacoity, cattle theft and crop cutting. Village touring by senior officers during inspection visits is helpful because with the simultaneous scrutiny of police station records, public-police relations can also be improved.

Bureau of police Research and Development

Evolution of BPRD

CREATION

1. The Government of India vied Resolution No.8/136/68-P.I (Pers.I) dated 28.08.1970 formally established the Bureau of Police Research and Development (BPR&D), under the Ministry of Home Affairs giving a new orientation to then existing PoliceResearch and Advisory Council (1966) for the following reasons and with the primary objective of modernization of police force:

- To take direct and active interest in the issues
- To promote a speedy and systematic study of the police problems,
- To apply science and technology in the methods and techniques used by police.

In addition and as a secondary, the Resolution mandated an advisory role also for the Bureau.

2. The Bureau was established with the following two divisions initially with a well laid out charter of duties

- Research, Statistics and Publication
- Development.

3. Training is a vital and growing requirement to improve the competency of police forces in the country. The Gore-Committee (1971) set up by the Government of India studied the training

aspects of police and gave several recommendations. The government of India in accepting its recommendations created a Training Division (1973) in addition to the two divisions already existing to function under the Bureau.

4. The forensic science services uncompromising & Geese under the Development Division grew over a period and a separate Directorate of Forensic Sciences under the BPR&D came into existence in 1983.

5. Further in 1995 Government of India decided to entrust issues relating to Correctional Administration Work to the BPR&D so that problems relating to prisons and implementation of deemed prison reforms can be taken up by the Bureau in a cohesive manner. This set up is operating out of the existing manpower resources.

6. During the year 2008, the Government of India further decided to create National Police Mission under the administrative control of BPR&D to transform the police forces in the country into effective instrument for maintenance of internal security and facing the challenges in future, by equipping them with the necessary material, intellectual and organizational resources.

SEPARATION

1. Though the Institute of Criminology and Forensic Science (ICFS) was established under the overall supervision and guidance of BPR&D as part of the same exercise, it was allowed to function as a separate entity in 1976: since the ultimate objective of setting up the Institute was to develop a full-fledged academic institution for furthering studies in Criminology and forensic science. The same which has been re-christened in the year 1991 is now functioning as LNJN Lok Nayak Jai Parkash Narayan, National Institute of Criminology and Forensic Science from 1982. The institute provides training courses for officers of the criminal justice system in the two subjects i.e. Criminology and Forensic Science and carries out research.

2. Growth dynamics took over and the need to specialize in each area arose. The National Police Commission (1977) also recommended certain measures requiring implementation. Simultaneously, technological innovations Particularlyly computers held promises of support to many areas of crime control and crime detection besides processing statistical data for the purpose of analysis. The Government of India, therefore, decided to establish a National Crime Records Bureau in 1986 vide another Resolution and entrusted statistics and publications work of the Research Division to the newly constituted Bureau along with the plans for their computerization.

3. In an identical move brought about by compulsions of growth, the Government of India decided to give an independent status to the Forensic Science Division by creating a Forensic

Science Directorate having an autonomous status under the direct control of the Ministry of Home Affairs.

Division & Responsibilities

RESEARCH & CORRECTIONAL DIVISION

RESEARCH DIVISION

1. Analysis and study of crime and problems of general nature affecting the police, e.g.,

- Trends and causes of crime,
- Prevention of crime - preventive measures, their effectiveness and relationship with crime.
- Organization, strength, administration, methods; procedures and techniques of the police forces and their modernisation; Police Act and manuals
- Improvements in methods of investigation, utility and results of introducing scientific aids and punishment;
- Inadequacy of laws,
- Juvenile delinquency;
- Police Uniform, badges, medals, decorations, colours and flags, police drill, warrant of procedure etc

2. Assistance of Police Research programmes in States, processing and coordination of research projects; sponsoring extra-mural research.

3. Work relating to Standing Committee on Police Research.

4. Police Science Congress & other conferences and seminars relating to study of police problems.

5. Participation in social defence and crime prevention programmes.

6. Participation in the work of the United Nations in the field of prevention of Crime and treatment of offenders.

CORRECTIONAL ADMINISTRATION

1. Analysis and study of prison statistics and problems of general nature affecting Prison Administration.

2. Assimilation and dissemination of relevant information to the States in the field of Correctional Administration.

3. Coordination of Research Studies conducted by RICAs and other Academic/Research Institutes in Correctional Administration and to frame guidelines for conduct of research studies/surveys in consultation with State Governments.

4. To review training programmes keeping in, view the changing social conditions, introduction of new scientific techniques and other related aspects.
5. To prepare uniform Training Module including course, syllabi, . curriculum, etc. For providing training at various levels to the Prison staff in the field of Correctional Administration.
6. Publication of reports, newsletters, bulletins and preparation of Audio Visual aids, etc. in the field of Correctional Administration.
7. To set up an Advisory Committee to guide the work relating to Correctional Administration.

Development Division

1. Review of the performance of various types of equipment used by the police forces in India and development of new equipment in the following fields:

- Arms and Ammunition;
- Riot Control Equipment;
- Traffic Control Equipment;
- Police Transport and
- Miscellaneous scientific equipment and scientific aids to investigation.

2. Liaison with the National laboratories , various scientific organisations and institutions and public and private sector undertakings in the above fields; coordination of development programmes and stimulating indigenous production of police equipment.

3. Application of computer technology in various fields of police work.

TRAINING DIVISION

1. To review from time to time the arrangements for Police training and the needs of the country in this field in the changing social conditions and the introduction of scientific techniques in training and in police work and to formulate and coordinate training policies and programmes in the field of police administration and management.

2. To supervise the working of three central detective training schools, situated at Chandigarh, Kolkata and Hyderabad.

3. To evaluate training programmes with a view to securing such standardisation and uniformity in the training arrangements including courses, syllabi and curricula for various ranks in the States/Union Territories as may be desirable and to suggest modifications and improvements that may be considered necessary from time to time to meet new challenges and problems.

4. To help devise new refresher, promotion, specialist and orientation courses considered necessary for the different grades and kinds of police officers.

5. To prepare, in coordination with the police training institutions, standard manuals, textbooks, pamphlets, lecture notes, case studies, practical exercises and other educative literature for use in these institutions.
6. To distribute relevant literature to inspectors General/DIG (Training) in the States for circulation to officers in order to familiarise them with training concepts and to strengthen training consciousness among the higher ranks.
7. To standardise equipment for training and training aids and to arrange for their production and supply to the various training institutions.
8. To create and maintain a circulating library of films for the use of various police training institutions.
9. To assist in the training of police officers of various ranks at appropriate non-police institutions inside and outside the country.
10. To organise the annual Symposium of the Heads of Police Training Institutions and short Seminars on various aspects of Police training.
11. To suggest the establishment of new training institutions under the Centre as necessary from time to time.
12. To act as a clearing house for information relating to Syllabi, methods of training, teaching aids, training programmes and literature on various aspects of police work etc from India and abroad.
13. To help in the development of libraries in the Central and State Police training institutions.
14. To liaise with the Directorate of Training of the Department of Personnel in relations inter-alia to training aids projects and fellowships under the UNDP, UNESCO & Colombo Plan etc.

Administration Division

The Administration Division of BPR&D looks after the following activities:

1. All personnel matters of Officers and staff in the HQs and outlying units;
2. All financial powers/matters being exercised by the Head of the Department are processed in admin division;
3. All accounts/budgets related matters;
4. Administrative matters of the Central Detective Training Schools, Chandigarh, Kolkata and Hyderabad;
5. Procurement of equipment and financial sanctions of all the Divisions of BPR&D and outlying units, which are sanctioned under the powers of the Head of Department;
6. Welfare of the staff of BPR&D HQs/outlying units;

7. House keeping of the premises;
8. Coordination between all the Divisions of BPR&D.

NPM DIVISION

An officer-oriented Mission directorate is under making, as part of the BPR&D, in order to co-ordinate the activities of the MMs and translate their Action Plans into projects. The Posts sanctioned are being filled up.

NPM shall equip the police to think creatively and help it to transform itself from a reactive to a proactive organization. The responsibilities of the Mission are as under:-

Responsibilities

1. The mission will pay special attention to empowering the police force at all levels; to appropriate decentralization and delegation of powers; to enhancing the skills and competency levels.
2. The mission will seek to transform the police forces in the country into effective instruments for maintenance of internal security and facing the challenges of the next century, by equipping them with the necessary material, intellectual and organizational resources.
3. "Police" and "Law & Order" being State subjects, as per the Constitution of India, the needed police reforms and transformations have to be undertaken primarily by the State and U.T. Governments. As such, the NPM will strive, in consultation with the State Governments, to bring about the desired results.
4. The Mission shall lay down road map for bringing in sensitivity among police personnel towards concerns of vulnerable and weaker sections of the society.
5. The Mission shall promote networking of police organizations with educational and industrial forums for taking up studies for bettering the policing methodology.
6. The NPM shall endeavor to ensure uniformity in police rules and regulations, as far as possible, in the different State and Union Territories, which is necessitated by growing movement of men and material from State to State.
7. The Mission shall focus both on the special requirements of the mega/metropolitan policing, and systems to strengthen policing in rural areas.
8. The NPM shall also effectively utilize fora that have been set up to standardize police training in the States, and to establish specialized police training centers as Centers of Excellence.

CRIME STATISTICS ORGANISATIONS IN INDIA

NATIONAL CRIME RECORDS BUREAU (NCRB)

Origin of NCRB:

Background

Priorities of the Police have changed to maintenance of law and order, check of Militant and Organised Criminal Gangs, maintenance of VIP Security and Handle Dharna and Rallies by Trade Union and Political Party. Rate of Crime have increased and activities of Criminal has widened due to use of better communication system and transport. There are neither staffs nor time for maintenance of Crime Records manually. Harnessing and exchange of Information on Criminal operating in neighbouring Police Stations, Districts and State has become next to impossible. The need was felt to do away this manual maintenance of records and manual sharing of information on the Crime & Criminal of Inter-District and Inter-State nature. The computerization and computer network of Crime Criminal records and the Police Computer Network was considered only viable alternative.

Crime records play a vital role in the scheme of police working for prevention and detection of crime. The Indian Police, over the years, have sought to improve the efficiency of the crime records systems to discharge their responsibilities with greater efficiency and effectiveness. Though, police is a State subject under the Indian constitution, the Central Government through the Ministry of Home Affairs has been assisting and aiding the States in the modernization of the State Police Forces with the financial aid and through the constitution of Study Groups, Committees and formation of central organizations to help States fight the menace of crime more effectively. Some of the important milestones towards this directions are:

INDIAN POLICE COMMISSION - 1902. This Commission, for the first time, introduced standard police forms and registers for information documentation at the level of Police Station and District which were uniformly adopted throughout the country.

CENTRAL FINGER PRINT BUREAU, CALCUTTA - 1956. This Bureau used to maintain finger print slips of convicted criminals of all the States to facilitate exchange of information on inter-state criminals on the basis of finger print records.

INTER-STATE CRIME RECORDS DIVISION IN CBI - 1964. Apart from maintaining conviction records of criminals in the CFPB, a new set up was made responsible for collection and dissemination of information on selected crime and criminals having inter-state ramifications.

DIG, CID Conference - 1970. A sub-committee was set up by this Conference to look into the feasibility of computerization of crime records in view of the growing volume of information

collected at various centers. The sub committee recommended computerization of crime records with detailed modalities thereof.

HOME MINISTRY'S SCHEME FOR MODERNISATION OF STATE POLICE FORCES - 1970. The Ministry of Home Affairs formulated a Rs. 100 crores scheme for rendering financial aid to the States for modernization of police forces. Under this scheme Rs. 10 crores were to be disbursed to all the States annually on pro-rata basis, of which 50% was a grant and 50% loan recoverable in easy installments. Modernisation of crime records through computerization based on the recommendations of the DIGs CID Conference was included in this scheme in the year 1975-76. This scheme was extended by another 10 years period.

SUB COMMITTEE ON COMPUTERISATION OF FINGER PRINTS - 1972. The sub-committee analysed the process of finger print classification, evolved a new system of classification so as to admit of computerization of finger print records and made recommendations for adoption of this strategy for computerization of fingerprints.

DIRECTORATE OF COORDINATION POLICE COMPUTERS (DCPC) - 1976. In order to implement the modernisation scheme in respect of crime and finger print records in the States, this organization was set up to introduce computer based systems in the States and assist the States in procurement and installation of computers and implementation of Crime-Criminals Information System.

STUDY GROUP ON COMPUTERISATION OF CRIME RECORDS - 1976. The study group was set up to make recommendations for appropriate strategies and modalities of computerizations of crime records keeping in view the latest technological developments in the field of Electronic Data Processing and telecommunications.

NATIONAL POLICE COMMISSION - 1977. The Commission was set up to look into all aspects of policing in the country and make recommendations with a view to bring about the required organizational, procedural and cultural changes in the State Police to bring it in tune with the national aspirations of a democratic and welfare State.

COMMITTEE ON CRIME RECORDS - 1978. The Committee was set up to review the existing crime records and associated procedures and to recommend changes with a view to enable the police forces to meet the present day requirements of crime and criminal information.

Accepting the recommendations of the National Police Commission - 1977, the Ministry of Home Affairs constituted a Task Force in 1985 to work out the modalities for setting up of the National Crime Records Bureau (NCRB). The Government accepted the recommendations of the Task Force and constituted the NCRB with headquarters at New Delhi in January, 1986.

As per the government Resolution dated 11.3.1986 the following objectives were set for the NCRB:

- To function as a clearing house of information on crime and criminals including those operating at National and International levels so as to assist the investigators, and others in linking crimes to their perpetrators.
- To store, coordinate and disseminate information on inter-state and international criminals from and to respective States, national investigating agencies, courts and prosecutors in India without having to refer to the Police Station records.
- To collect and process crime statistics at the National level.
- To receive from and supply data to penal and correctional agencies for their tasks of rehabilitation of criminals, their remand, parole, premature release etc.
- To coordinate, guide and assist the functioning of the State Crime Records Bureaux
- To provide training facilities to personnel of the Crime Records bureaux, and
- To evaluate, develop and modernise crime Records Bureaux
- Executive and develop computer based systems for the Central Police Organisations - and also cater to their data processing and training needs for computerization.
- To function as the National storehouse of fingerprint (FP) records of convicted persons including FP records of foreign criminals.
- To help trace inter-state criminals by fingerprint search.
- To advise Central and State Governments on matters related to fingerprints and footprints, and to conduct training courses for finger print experts.

As a first step towards streamlining of the system of crime-criminal information management at the Centre, the Ministry of Home Affairs merged the following crime records establishments of various Central Police Organisations with the NCRB:

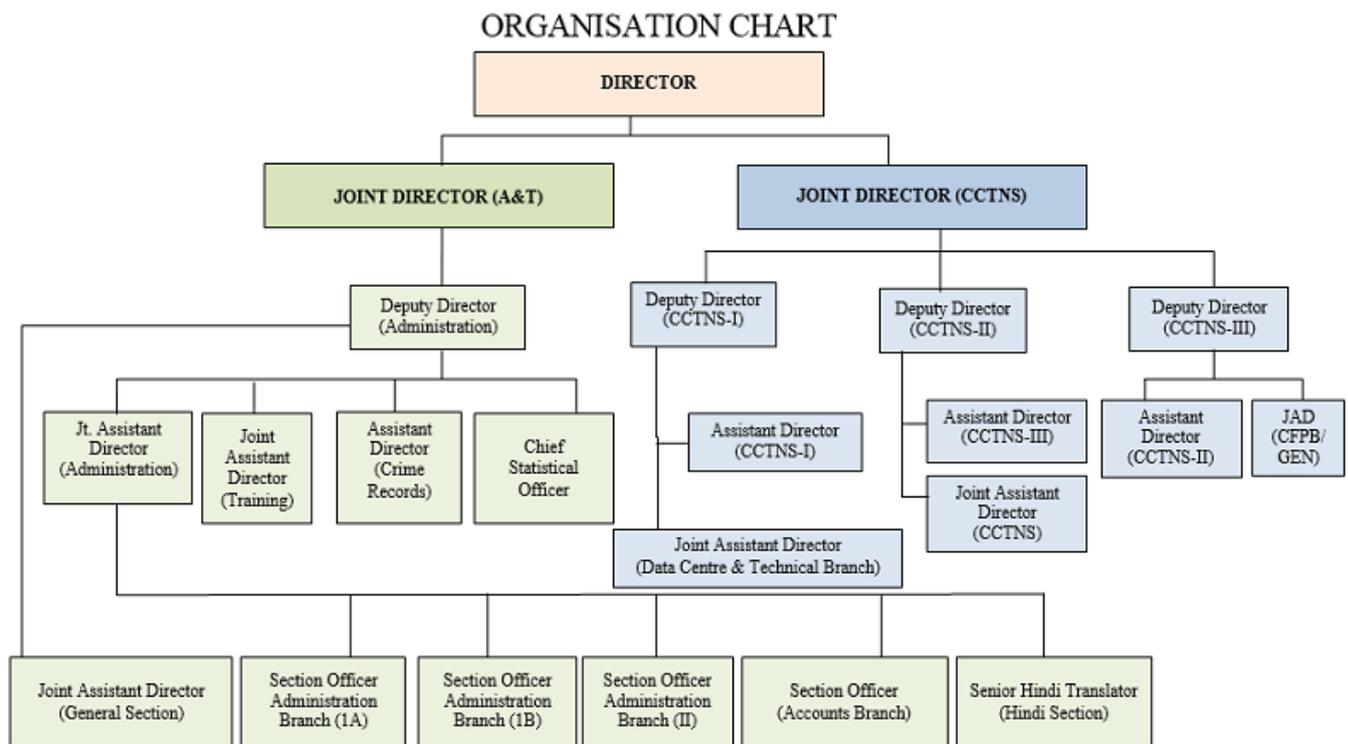
- Directorate of Coordination Police Computers (MHA)
- Inter-State Criminals Data set up of the Central Bureau of Investigation.
- Crime Statistics set up of the Bureau of Police Research and Development
- Central Finger Print Bureau, Calcutta of the Central Bureau of Investigation.

Further on the recommendations of the Director, NCRB, the Government sanctioned 316 posts of various levels and approved in principle procurement of Computer Systems at a cost of Rs. 2 crores approx. for the NCRB. The NCRB really started work according to its new charter with the posting of a Director along with a token supporting staff of 5 personnel in January, 1986. While the NCRB was taking shape with the merger of various crime record establishments between

February 1986 and April, 1988, a comprehensive proposal of the NCRB for manpower and equipment was finally approved by the Ministry in August, 1987. NCRB has a total sanctioned strength of 451, as on date. The Crime and Criminal Tracking Network & Systems (CCTNS) is a plan scheme conceived in the light of experience of an earlier scheme namely - Common Integrated Police Application (CIPA).

The NCRB, at present, functions through:

- CCTNS
- Crime Records Branch
- Central Finger Print Bureau
- Statistical Branch
- Training Branch
- Data Centre and Technical Branch



Citizen Services offered by NCRB

Motor Vehicle Enquiry

National Crime Records Bureau has introduced Motor Vehicle Enquiry Service for general public. The general public can avail this service to know the status of a motor vehicle

- Whether the vehicle has been recovered (in case it is reported as stolen by police)?
- Whether the vehicle has been reported as stolen by police?

NCRB is providing this facility through post, through motor vehicle verification counter, and through online portal. The general public may avail the services as per their preferred mode. However, they are encouraged to use online mode.

At Motor Vehicle Enquiry Counter

A Motor Vehicle Enquiry Counter is functional at NCRB headquarter at New Delhi since 05.01.2001. An individual can avail the service of this counter on all working days (Monday to Friday) from 10:00 Hrs. to 12:30 Hrs. by paying a nominal fee of Rs.10/-. The individual is required to fill the application form (available at counter) and enclose the legible copy of following documents :

- i Identity proof
- ii Registration certificate of vehicle
- iii FIR (to know the recovered status of vehicle already reported stolen by police)

Only one application is accepted from an individual.

The individual may also approach motor vehicle enquiry counters run by various States/UTs.

The complete list is given below:

Arunachal Pradesh: Itanagar, Twang

UT of Chandigarh: Chandigarh

Gujarat: Rajkot

Himanchal Pradesh: Bilaspur, Chamba, Hamirpur, Kangra, Kinnaur, Kullu, Mandi, Shimla, Sirmla, Solan Una.

J & K: Jammu

Karnataka: Bijapur, Chikmagalur, Hassan, Koppal

Punjab: Bhatinda, SAS Nagar, Faridkot, Ludhiana, Monga, Rupnagar (Ropar).

Through Post

An individual can send motor vehicle enquiry application through post also. The applicant must ensure to enclose following with the application:

- i. Indian Postal Order on Demand draft of a bank for Rs. 10/- in favour of Director, NCRB
- ii. Complete detail of motor vehicle, i.e. Registration Number, Engine Number, Chassis Number, Type, Make, Manufacturing year of the vehicle.
- iii. Complete postal address of the applicant.

- iv. Legible copy of FIR (to know the recovered status of vehicle already reported stolen by police)
- v. Legible copy of registration certificate

Only one application is accepted from an individual. The incomplete application shall not be entertained and no correspondence shall be made in this regard. The replies are intimated by ordinary post only.

Online motor vehicle enquiry

The motor vehicle enquiry service is also available online, which is free of cost and no documentation is required. The individual may visit http://ncrb.gov.in/VahanSamanvay/Motor_Vehicle.htm page. The individual is now required to select “General Public” option and fill the particulars to get the result

UNIT – III

RECRUITMENT AND TRAINING

For the selection of 4000 Men Police Constables, the process of recruitment commenced in April 2000. The viva-voce has been taken up from 06.08.2001 onwards. Recruitment of 3500 Police Constables which has been notified is to be held in 15 centres during the year 2001-2002.

Training:

The Police Training College, Chennai, is imparting basic training to the Police personnel. A Hi-Tech Computer Centre at the Police Training College was inaugurated in 2001. For the first time in the country, the Police Training College, Ashok Nagar, Chennai, is forging Higher Education Links with the National Police College, Bramshill, UK. The scheme (sponsored by the British Council faculty) envisages exchange visit by members of the two institutions for three years from 2001 to 2003. This step is expected to impact in a big way the quality of Police training in the State.

Gender Sensitization

In this International Year of Women Empowerment, the entire department is to go through a special course on gender sensitization at an estimated cost of Rs.2.3 crores. The programme will draw on experts in the field and would be of high standard. It is hoped that the course will help a great deal in handling crimes against women. Subjects related to use of force by the Police, gender sensitisation, human rights etc. will be mainstreamed into the syllabus and all the future courses will essentially cover these subjects. To ensure dedicated, capable and committed trainers, the posts of Trainers in the Police Training College and Police Recruit Schools will be made more attractive by additional allowances and facilities, as given to those serving The Sardar Vallabhbhai Patel National Police Academy (SVPNPA), Hyderabad and The Lal Bahadur Sastry National Academy of Administration (LBSNAA), Mussoorie. Posting of officers at higher levels in the PTC and PRSs will also be providing for some of the best officers to be there, so that the entire Police Force will benefit from their inputs.

Recruitment

All recruitments at the level of Sub-Inspectors and Police Constables are done by Tamil Nadu Uniformed Services Recruitment Board.

ORGANISATION

The Tamilnadu Uniformed Service Recruitment Board was constituted to select suitable personnel in various categories for the following departments:-

i)	Police Department	:	a) Sub-Inspectors of Police (Men & Women) b) Grade II Police Constables (Men & Women) c) Sub Inspectors (Technical) (Men & Women)
ii)	Fire & Rescue Services	:	Firemen
iii)	Prison Department	:	Jail Warders (Men & Women)

2. The Government constituted the TNUSRB with the following composition:-

i)	Chairman	:	A Police Officer in the rank of DGP either serving or retired
ii)	Member	:	A serving or retired Police Officer in the rank of ADGP
iii)	Member Secretary	:	A Police Officer in the rank of IG of Police

The Board is manned by a Superintendent of Police, a Deputy Superintendent of Police and a team of ministerial staff.

ESTIMATE OF VACANCIES

The Heads of the Departments of Police, Fire and Rescue Services and Prison will intimate the estimated number of vacancies to the Government in the respective categories by September every year for which recruitment has to be conducted for next year by the Tamil Nadu Uniformed Services Recruitment Board on the orders of the Government.

NOTIFICATION OF VACANCIES

The TNUSRB will release notification calling for applications from the eligible candidates and the notification may be prepared in consultation with the Heads of Departments concerned. In the notification the methodology of selection, the pre-requisite condition of age and educational qualification will be mentioned.

Training (Tamil Nadu)

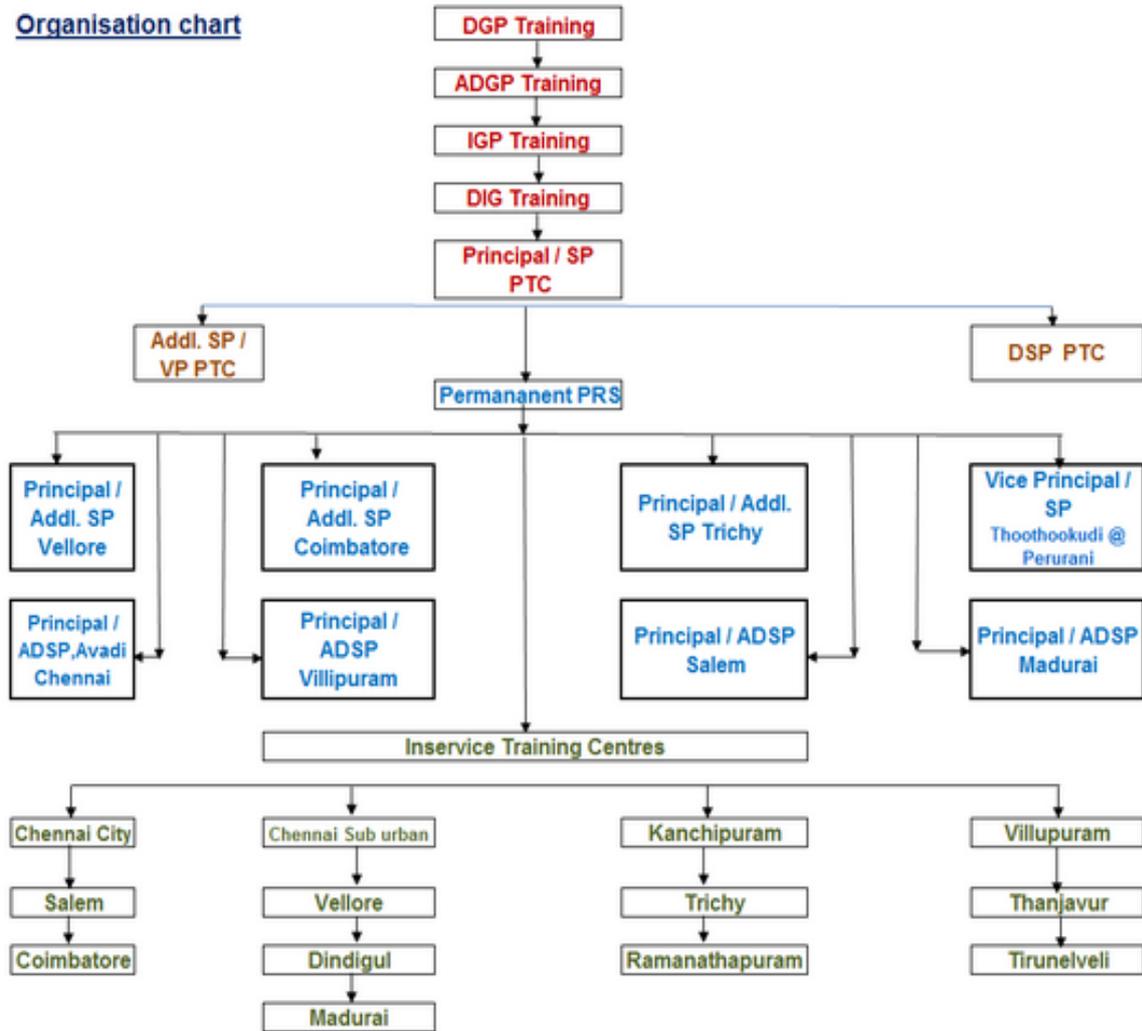
Police training college:

History:

In the Year 1896, on the suggestion of the Inspector General of Police the Government ordered the opening of a Training School at Vellore in North Arcot District. It initially conducted training course for Inspectors for 3 months. In the Year 1898, a combined training School for Police Inspectors and Station House Officers was formed. In October 1905, the training School was made a permanent institution. Then the Courses for Inspectors were abolished and new courses for Sub-Inspectors were opened. A Training School for recruit constables was also opened in Vellore in April 1908. Both the Police Recruits School and the Police Training College for Officers of and above the rank of Sub-Inspectors were functioning together in Vellore under the charge of Principal, Police Training College, who was of the rank of Superintendent of Police.

The Police Training College at Ashok Nagar, Chennai-83 is functioning now in a multistoried building since **1976**, which was constructed and equipped at a cost of Rs.66 lakhs. The Offices of the *DGP/Trg*, *ADGP/Trg*, *IGP/Trg*, *DIG/Trg*, and *SP/Trg* are housed in Police Training College building. The Campus of Police Training College, Ashok Nagar consists of well-maintained Parade ground, four class-rooms (Cauvery, Gangai, Narmadha and Vaigai), seven dormitories, Cowie Library, conference hall, Seminar Halls (Siruvani, Silver Jubilee and Training of Trainers centre) and a Gymnasium. A well-furnished Officers' Mess is functioning in this Campus.

Organisation chart



Tamil Nadu Police Academy:

VISION

Tamil Nadu Police Academy, an ISO 9002-2001 certified institution, is dedicated to being a world-class police training institution encouraging the highest standards of performance, adopting the latest training technologies, employing best practices in policing and enhancing the quality of training to achieve excellence in both substance and methods of delivery.

MISSION

- To train police personnel with the highest level of professional standards and to provide the state of Tamil Nadu with skilled police officers who are conscientious, knowledgeable, competent and responsive to the needs of the public.
- To promote a learning environment of mutual respect, support and trust, which ensures that the police personnel strive towards building a safe, just, humane and progressive society.

OBJECTIVES

To impart training to

- ✚ Probationary IPS Officers
- ✚ Directly Recruited Deputy Superintendents of Police
- ✚ Directly recruited Sub Inspectors of Police
- ✚ Directly recruited Sub Inspectors of Police (Technical)

And to provide training inputs to all officers and men serving in the Tamil Nadu Police.

To impart knowledge on

Law, Constitutional and Human Rights, Theoretical and Practical Training on Police Functions. Scientific Methods of Investigation, Handling of Explosives and Weapons and Hi-Tech equipment.

To develop leadership qualities.

To cultivate and develop a respect for laws and rules and respect for human rights and sensitivity towards weaker sections of the society.

To promote physical and mental fitness through Sports and Outdoor Activities.

To provide the highest calibre of instruction so as to insure that the trainees leave the training College equipped with knowledge, skills ,abilities and sensitivity and sense of responsiveness which will enable them to serve the society in the manner expected by the society itself .

Tamil Nadu Police

Tamil Nadu Police Department is the primary law enforcement agency of the state of Tamil Nadu, India. It is over 150 years old and is the fifth largest state police force in India. Tamil Nadu has a police-population ratio of 1:632.

For administrative purposes, the state has been divided into four police zones – North, South, West and Central each headed by an Inspector General of Police.

North Zone

North Zone having jurisdiction over 6 Districts viz., Kancheepuram, Thiruvallur, Viluppuram, Cuddalore, Vellore and Thiruvannamalai.

West Zone

West Zone having jurisdiction over 8 districts(exclude Coimbatore City, Tiruppur City, Salem City) viz., Coimbatore Rural, Tiruppur Rural, Salem Rural, The Nilgiris, Erode, Dharmapuri, Krishnagiri and Namakkal.

Central Zone

Central Zone having jurisdiction over 8 Districts (excluding Tiruchirappalli City) viz., Thanjavur, Tiruchirappalli Rural, Perambalur, Ariyalur, Karur, Nagapattinam, Tiruvarur and Pudukottai.

South Zone

South Zone having jurisdiction over 9 Districts viz., Madurai Rural, Dindigul, Ramanathapuram, Sivagangai, Theni, Virudhunagar, Tuticorin, Tirunelveli Rural, Kanyakumari

Inspector-general of police will be assisted by a Deputy Inspector-General Of Police with jurisdiction of range comprising 2 or more districts.

Each district is headed by a Superintendent of Police, whereas major metropolitan cities such as Chennai is headed by the Commissioner of Police equivalent to the rank of Additional Director General of Police and Madurai, Tiruchirappalli, Salem, Tiruppur, Tirunelveli,Coimbatore are headed by a City Commissioner Of Police equivalent to the rank of Inspector-General of Police.

Role and Duties

- The Zonal Inspector General of Police will be responsible for all the Police functions including maintenance of Law and Order, crime control, internal security, civil defense, enforcement of all legislations including special laws empowering police force and various other public services in so far as his zone is concerned. He is also accountable for modernisation of police force and proposals should be routed through him as far as his zone is concerned.
- He is link in the chain of command between the Director General of Police and Range Deputy Inspector General of Police/District Superintendent of Police in his jurisdictions.
- He should endeavour by frequent personal inspections to establish and maintain efficiency and discipline, to ensure uniformity of procedure and practice and to secure cooperation between the police of his ranges/districts as well as harmonious working between the police, revenue and the judiciary.

- The Zonal Inspector General of Police will control, instruct and advise the range Deputy Inspectors General of Police/Commissioners of Police/Superintendents of Police while being careful not to supersede them in any of their proper functions or relations to their subordinates. He will not assume the role of Deputy Inspectors General of Police/Superintendents of Police in times of grave disorder, taking over full control of the situation. He will pay particular attention to the training of and the discipline in the Armed Reserve and also supervise the functioning of AWPS in his Zone, so that the highest possible standard of efficiency may be reached and maintained.
- The Zonal Inspector General of Police will conduct inspection of the districts units once in two years and inspection of range units once in a year, besides taking up of 1/7th of police stations, circle officers and sub divisions. The Zonal Inspector General of Police should avoid inspection wherever it is programmed to be inspected by the Range Deputy Inspectors of Police concerned in the particular year. The Zonal Inspector General of Police will send a copy of the inspection notes to the Director General of Police through Additional Director General of Police (Law & Order). The Zonal Inspector General of Police must also review the inspection notes of the Deputy Inspectors General of Police/Superintendents of Police.
- Copies of all weekly reports of Superintendents of Police/ Deputy Inspectors General of Police/ should be marked to the concerned zonal Inspector General of Police who shall review and send it up with his remarks.
- Fortnightly reports of Superintendents of Police/ Deputy Inspectors General of Police should be routed through the concerned zonal Inspector General of Police who shall review and send it up with his remarks wherever action is warranted.
- He shall conduct periodic reviews on all the aspects mentioned under par 3(i) above along with review of performance of Deputy Inspectors General of Police and Superintendents of Police in his jurisdiction. A monthly consolidated report reflecting the happenings in the zone should be sent by him to the Government through the Director General of Police not later than 7th day of the succeeding month and it shall reach the Government before the 15th day of the succeeding month with the remarks of the Director General of Police. A reporting format will be evolved and standardized by the Director General of Police under information to the Government.

- He will have powers of review over all the special units in his zone whose performance appraisal also has to be incorporated in the monthly performance review report prescribed above.

Administrative Powers:

Tamil Nadu Police head Quarters in Beach Road Chennai

- Transfer of personnel up to the rank of Inspector of Police within the zone. All inter Range transfers of personnel up to the rank of Inspector of Police including Inspector of Police (Armed Reserve) within the Zone will be decided by the Zonal Inspector General of Police. The Zonal Inspector General of Police will issue orders of transfers to Ranges/City in respect of Inspectors/ Sub-Inspector of Police and to the Districts/Cities in respect of constabulary within his zone. The concerned appointing authorities viz the Deputy Inspectors General of Police/Commissioners of Police in respect of Inspectors of Police/Sub Inspectors of Police and the Superintendent of Police/Deputy Commissioner of Police in respect of constabulary will issue necessary transfer and posting orders. All norms relating to transfers and postings prescribed in the Rules and Guidelines issued by the Government/Director General of Police should be followed. It should be ensured that the officer gets a chance to serve in different wings of the Department particularly the ones which are essential for promotion. It should be ensured that no one is transferred before completion of his tenure in the present station (except on adverse grounds). At the same time no one should be allowed to continue in the same police station after completion of 2 years in violation of G.O.Ms.No.661, Home (Police-I) Dept., dated.13.05.91. Those who have completed 2 years (or) will be completing 2 years on 1 April should be transferred out. In the case of pre-mature transfers on extra ordinary circumstances, Director General of Police shall be addressed explaining the necessity for orders and ratification obtained.
- Sanction of Casual Leave/Holiday Permission / Permission to leave Headquarters: The power of sanctioning Casual Leave/Holiday Permission/ Permission to leave headquarters to the district Superintendents of Police/Deputy Commissioners of Police, Range Deputy Inspectors General of Police and Commissioner of Police, hitherto exercised by the Director General of Police be now delegated to the Zonal Inspector General of Police.
- Sanction of MSEs up to the level of the Inspectors of Police. Now, this power has been vested with ADGP., (L&O), Chennai-04

Equipment

Majority of the equipment used by Tamil Nadu police are manufactured by Indian Ordnance Factories controlled by the Ordnance Factories Board, Ministry of Defence, Government of India. Tamil Nadu police are equipped with various weapons such as AK-47, Ishapore 2A1 rifle, Lee–Enfield rifle, INSAS rifle, FN FAL rifle, Glock handguns, shotguns and grenade launchers.

Special Units

The special units of Tamil Nadu Police headed by Additional Director General of Police/Inspector general of police which is also supervised overall by Director General of Police. These Special Units perform specific functions related to security, intelligence, criminal investigations and support services. They are as follows:

- Armed Police or Tamil Nadu Special Police
- Civil Defence and Home Guards
- Civil Supplies, CID
- Coastal Security Group (CSG)
- Crime Branch, CID
- Economic Offences Wing (EOW)
- Intelligence
- Operations – TN Commando Force & Commando School
- Prohibition Enforcement Wing
- Railway Police
- Social Justice and Human Rights
- Special Branch, CID including Security
- State Crime Record Bureau
- Technical Services
- TNEB Vigilance
- Tamil Nadu State Transport Corporation Vigilance
- Traffic Planning and Road Safety Cell
- Special Task Force (STF)
- Directorate Vigilance and Anti-Corruption

Honours:

Tamil Nadu police has the largest strength of women police personnel and women police stations in the country, the first women police battalion of special police and commando force, the first established finger print lab, the first integrated modern control room in the

country and has the greatest number of computers amongst police departments in the Country.

Prevention and Detection of Crime

Crime detection and its prevention is a very crucial aim of the police world wide. It involves not only the deployment of personnel on patrol duties but also to detect crime. The police is committed to explore all measures both proactive and reactive to ensure a safe and peaceful environment for all.

Objectives:

To inform and assure the public that police has a duty to perform to ensure a crime free society. To let the public also know that they have a role to play.

Definition

Crime prevention is a term describing techniques used for reducing crime and criminal activities as well as deterring crime and criminals. It is applied specifically to efforts made by governments to reduce crime, enforce the law, and maintain criminal justice.

From the perspective of society as a whole, the best and most useful activity that law enforcement agencies can carry out is crime prevention. If crimes are successfully (and justly) prevented before they occur, the societal costs and suffering associated with the effects of crime are completely avoided. Police carry part—but by no means all—of the responsibility for crime prevention:

Most crime prevention results from informal and formal practices and programs located in seven institutional settings. These institutions appear to be “interdependent” at the local level, in that events in one of these institutions can affect events in others that in turn can affect the local crime rate. These are communities, families, schools, labor markets, places, police, and criminal justice (Sherman et al., 1997, p. v).

Crime prevention activities are also one of the more controversial parts of police work. Because of their potential impact on a broad citizenry, such activities often raise civil liberty questions. In addition, the interdependence of all the institutions and activities that go into crime prevention make it difficult to unambiguously assess the effectiveness of any individual component. In spite of the difficulty in rigorously determining what prevents crime, several police activities are at least partially justified by the assumption that they contribute to crime prevention. Here, we discuss three such functions: surveillance, crime analysis, and offender tracking.

SURVEILLANCE

Police surveillance is one activity justified by its potential effect on crime prevention. Proponents of surveillance claim that it prevents crime by deterrence, especially when overt surveillance activities remind potential criminals of police presence and observation. Critics contend that surveillance may simply displace crime to unobserved locations, rather than prevent it. Regardless, it is the case that if an area under surveillance becomes a crime scene, the surveillance can both alert police to the need for an operational response and/or provide evidence for subsequent criminal investigation and prosecution. Because of the many factors involved in contact between police and private citizens, surveillance technology that transmits information to police may have significant advantages over eyewitness surveillance. Technology that records video or audio information may also be especially valuable for supporting investigation and enabling prosecution.

CRIME ANALYSIS

Analysis of crime data can reveal patterns that are helpful not only in preventing and operationally responding to crime but also in increasing accountability to police leadership and the public. Most departments do some type of crime analysis, most commonly preparation of crime statistics.

Although calculation of basic crime statistics is an important part of these analyses, their application to operational police work is somewhat limited. To truly provide leverage to police activities, such information on crime incidence must be represented geographically. This representation, which can be done as simply as placing pins in a map, is now often performed by sophisticated mapping software.

The technology for crime mapping and analysis is continually improving, and law enforcement agencies are learning better ways to use it:

Merging jurisdiction maps with crime and arrest data is transforming crime analysis from crime counts to assessments of types of crime in time and space.

With the new computer software, precinct- and street-level reporting are changing how police deal with crime. District commanders are required to use changing profiles of crime in their progress reports and strategic plans. Precinct captains and shift commanders are required to review and comment on the previous day's crime maps. For the first time, officers in each new shift, as they hit the streets, know what happened during the previous shift (O'Connell, 1998, p. 87).

Whether computerized or not, data geocoding and mapping is being done by many departments, especially those serving larger urban populations.

OFFENDER TRACKING

Interviewees and focus group participants supporting this study painted a pessimistic picture of offender-based tracking systems. Most such systems are between 20 and 30 years old and, like most legacy systems, are now difficult to use and maintain. It is relevant to note that this also represents a situation where public opinion and liability risk may represent a factor encouraging rather than discouraging technology adoption. Victims of crime perpetrated by offenders turned loose in communities without being adequately tracked are beginning to bring lawsuits against state agencies for not having or effectively providing information that could have potentially prevented crime.

MODUS OPERANDI

The term is often used in police work when discussing crime and addressing the methods employed by criminals. It is also used in criminal profiling, where it can help in finding clues to the offender's psychology. It largely consists of examining the actions used by the individuals to execute the crime, prevent its detection and facilitate escape. A suspect's modus operandi can assist in their identification, apprehension, or repression, and can also be used to determine links between crimes.

GENERAL PRINCIPLES OF INVESTIGATION:

- 1) **Meaning:** The word investigation is derived from Latin 'investigator' which means "to trace out or to search into" i.e., to probe into or finding out the truth.
- 2) **Cognisable offences to be investigated:** Section 4 of the Criminal procedure Code shows that all offences "shall be investigated, enquired into, tried and otherwise dealt with in accordance with the code".

When information of the commission of a cognisable offence is received or such commission is suspected, the appropriate police officer has the authority to enter on the investigation of the same unless it appears to him that there is not sufficient ground to do so.

But where the information relates to a non-cognisable offence, he shall not investigate it without the order of a competent magistrate.

Thus, according to the scheme of the Code, investigation is a normal preliminary one in which accused being put up for trial for a cognisable offence. Therefore, it is clear that prior investigation by the appropriate police officer is a normal preliminary to the trial in respect of cognisable offences.

Investigation usually starts on information relating to the commission of a cognisable offence a case under section 154 of the code.

If from information so received or otherwise, the officer – in charge of the Police station has reason to suspect the commission of a cognisable offence, he or some other subordinate officer deputed by him has to proceed to the spot to investigate the facts and circumstances of the case.

The objectives are:

- a) To establish the fundamental fact that a criminal offence has been committed;
- b) To identify the elements of the offence i.e. who is the victim, where did the offence take place, what was the time and object of attack etc;
- c) Detection and apprehension of the offender;
- d) Collection of evidence and its production in a court of Law.

3) Powers to the purpose of investigation: The investigating officer is given the power to require before himself the attendance of any person appearing to be acquainted with the circumstances of the case.

He has also the authority to examine such person orally either himself or by a person deputed by him. The officer examining any person in the course of investigation may reduce his statement into writing.

Under section 165, the officer-in-charge of a Police station has the power of making a search in any place for the seizure of anything believed to be necessary for the purpose of the investigation. The search has to be conducted by such officer in person.

The investigation officer has also the power to arrest the person or persons suspected of the commission of the offence under section 41 of the Code and pursue such person into any place in India.

A Police officer making an investigation is enjoined to enter his proceedings in a diary from day to day. Where such investigation cannot be completed within the period of 24 hours and the accused is in custody, he is required also to send a copy of the entries in the diary to the magistrate concerned, if further custody of the accused by the police is requested.

On the completion of the investigation, he has to submit a report to the magistrate under section 173 of the Code in the prescribed form if, upon the completion of the investigation, it appears to officer-in-charge of the Police station that there is no sufficient evidence or reasonable ground, he may decide to release the suspected accused, if in custody, on his executing a bond. However, if it appears to him that there is sufficient evidence or reasonable ground to place the accused on trial, he is to take the necessary steps therefore under section 170 of the Code.

4) Steps: Investigation consists generally of the following steps:

- i. Proceeding to the spot,

- ii. Ascertainment of the facts and circumstances of the Case,
- iii. Discovery and arrest of the suspected offender,
- iv. Collection of evidence relating to the commission of the offence which may consist of:
 - v. The examination of various persons (including the accused) and the reduction of their statements into writing, if the officer thinks fit,
 - vi. The search of places or seizure of things considered necessary for the investigation and to be produced at the trial, and
 - vii. Formation of opinion as to whether, on the material collected, there is a case to place the accused before a magistrate for trial and if so, taking the necessary steps for the same by the filling of a charge – sheet under section 173.

B) Deputing a Subordinate officer by SHO:

The scheme of the code also shows that while it is permissible for an officer-in-charge of a Police station to depute some subordinate officer to conduct some of these steps in the investigation, the responsibility for every one of these steps is that of the officer in-charge of the Police station as provided in section 168 Cr.P.C. that when a subordinate officer makes an investigation he should report the result to the officer – in charge of the Police station.

C) Final Decision – by SHO:

It is also clear that the final step in the investigation, viz., the formation of opinion as to whether or not there is a case to place the accused on trial, is to be that of the officer-in-charge of the Police station. There is no provision permitting delegation there of but only a provision entitling superior officers to supervise or participate under section 36 Cr.P.C.

D) Investigation by officer of higher rank than in-charge of a Police station:

When however, a statutory provision such as the Prevention of Corruption Act enjoins that the investigation shall be made by a police officer of not less than a certain rank (a Deputy Superintendent of Police in this case), unless specifically empowered by a competent magistrate, it is clearly implicit there in that the investigation (in the absence of such permission) should be conducted only by the officer of that rank.

Richard M. Ward says “The primary function of the criminal investigator is to gather information, determine the validity of the information, identify and locate the perpetrator of the crime and provide evidence of his guilt for a Court of Law. Inherent in this function is the responsibility to protect the innocent. He continues “The means by which the investigator carries out this function may be classified in to two ways: internal and external. Internal refers to the process of logic, expertise, intuition, experience and knowledge that he brings to the investigation.

External refers to the tools, scientific aids, additional personnel, and other resources that he brings to bear on the investigation.

Inspection Of Scene Of Crime:

Introduction:

Section 157 Cr.P.C. deals with the procedural aspects of investigation where cognisable offence is suspected and also states the circumstances where local investigation may be dispensed with or no investigation need be made at all. Sub Section (1) of Section 157 Cr.P.C. Reads:

“If from information received or otherwise, as officer – in – Charge of a Police station has reason to suspect the commission to an offence which he is empowered under section 156 to investigate, he shall forth with send a report of the same to a magistrate empowered to take cognisance of such offence upon a police report and shall proceed in person or shall depute one of his subordinate officers not being below such rank as the State Govt. may by general special or order, prescribe in this behalf, to proceed to the spot, to investigate the facts and circumstances of the case, and if necessary to take measures for the discovery and arrest of the offender...”

Thus we see the law (Sec. 157 Cr.P.C.) requires the Police officer to proceed to the spot (i.e. scene of crime) to investigate unless the situations are such as to fall under any of the provisos (a) and (b) of section 157(1) Cr.P.C. Examination of the crime scene is the most important aspect of crime investigation and it has also been made mandatory by law as discussed above.

Crime Scene inspection is vitally important because it is practically the basis of almost all-scientific investigation. Nothing can connect the criminal with the crime better than the scene itself. If thoroughly examined, it gives a clear picture of the modus operandi of the criminal and its comparison with the modus operandi of recorded criminals may result in the identification of the criminal responsible.

2) **Formalities before proceeding to the scene:** When a crime is reported to an office at a Police station, the complainant should be fully questioned and all details should be elicited from him and noted in the complaint together with a description of the offender, stolen property, etc., if the same are then known. In property offences he must arrange to circulate the description of the stolen property, or the accused are both, or the description of the missing kidnapped person or unidentified corpse in offence against body for the information of the neighbouring Police stations, districts, local crime records bureau and State Modus operandi Bureau.

The officer to whom the case is allotted for investigation should consult the Police station crime records, take the investigating officers outfit, necessary other records, and proceed to the scene of crime with suitable assistance as quickly as possible.

3) Clues left at the place of offence by the criminals: According to Locard's principle of Exchange, when one thing comes into contact with another, the former takes away some part of the latter and leaves something of itself behind. For Example when a person places his hand on a table, the hand receives some dust or other particles from the surface and in turn leaves behind sweat or secretions in the form of fingerprints or palm prints.

The clues left by a criminal maybe in the shape of something which he may have dropped, touched or scratched or it may be some personal deposit, such as hair, blood, a piece of skin or fibre from his clothes or a portion or mark of the tool he has used. Something may attach itself enroute to or from the scene or at the scene of crime to his clothing or skin or to his fingernails or even to the implements used for the crime.

In many cases other persons who reach the scene before the Investigating officer may destroy valuable traces. The officer who first arrives at the scene should take precautions to ensure that no unauthorized person approaches the scene, and he should preserve the clues. The people should also be educated, by extensive use of media regarding the desirability of not disturbing scene of occurrence before the arrival of an investigating officer.

On arrival, the investigating officer should patiently, systematically, carefully and thoroughly inspect the scene of offence and collect the available clues. A careful inspection of the scene also enables the investigating officer to reconstruct the crime and save time and energy by excluding irrelevant theories, test the accuracy of witnesses and arrive at a correct theory of his own.

After recording the FIR, and consulting the Police station records, the investigating officer should inspect the place of occurrence with the utmost promptness. The advantages are, firstly, that the chances of important clues being destroyed by the inmates of the house or curious visitors are diminished with the early arrival of the investigating officer, and secondly if he can examine the place in the condition in which it left by the criminal he can usually draw a correct inference about the mode of the commission of the crimes and even about its possible perpetrator. Besides a prompt visit to the scene of occurrence restores confidence in the mind of the aggrieved regarding police sincerity and efficiency. It may sometimes lead to the apprehension of offenders or saving of a dying man; at least his dying declaration could be recorded. The decision whether detective

dog can be used in the case or not, can also be made only if too much time has not been allowed to lapse.

The investigating officer should take with him, the scene of crime box, containing equipment necessary to take finger prints, footprints and collect specimens of the material, other clues like blood, hair, dust and fibre etc. he should also take with him, necessary forms, a camera, handcuffs scale, measuring tape and rope.

4) **Rule on arrival at the spot:** The investigating officer should contact the complainant and assure him of your sincere efforts to bring the offender to book. The investigating officer should verify dates from him.

The investigating officer should exclude unnecessary persons and post guards round the scene so that no one may tamper with it. No articles should be removed till the investigating officer is satisfied that it has nothing to do with the case. The investigating officer should survey the place and protect all visible clues.

He should ascertain whether crime scene is intact. He should never alter the position of, pick-up, or even touch any object before its position, condition and relevance to the crime has been noted in writing, and if possible, a photograph should be taken.

He should Commence minute and systematic inspection of the place of occurrence, seizure all material clues in the presence of witnesses under a seizure list and pack and seal the articles taken charge of.

The investigating officer should prepare a plan of the place of occurrence, including its general topography or lay out, routes of arrival and departure of the culprits, the position of bodies, injured persons, property tampered with and any other feature relevant to the case.

The investigating officer if possible take photographs from all relevant angles showing the general scene of crime and also close up showing particularly significant objects in details.

The investigating officer should examine the points of entrance and exit, route of approach, route of retreat, articles supposed to have been touched by the culprits, probable place of assembly of the culprits and the distribution of booty.

The investigating officer should note any peculiar conditions such as defecation or taking food or drink at the place of occurrence, note the condition of the weather, condition of ground, marks of walking etc; reconstruct the crime in the condition in which it was committed, if possible; Note everything down in the case diary. Brief his assistants and distribute duties.

5) **Methods of Inspection:** If it is a room or railway compartment, commence examination from the door, go along the wall anti-clock wise and complete the whole wall. Then the doors, windows, floor, roof, furniture and other articles should be examined.

If the scene is an open space, it should be divided into convenient number of areas for inspection by the investigating officer and his assistants.

In some states like Maharashtra, Gujarat and Rajasthan the description of the scene of offence is being written in the presence of witnesses and the documents so prepared is called the panchnama of the scene of offence.

Spot inspection should not be confined to the place of occurrence only; the surrounding area should also be inspected for footprints or any other kinds of evidence.

Consultation of Crime Records:

1) **Before Investigation:** Before an Investigating officer leaves the Police station for the scene of occurrence, he should acquaint himself with all information relating to similar past crimes in the area and its neighbourhood, the criminals concerned in those cases and the bad characters of the locality who may have had a hand in the case. This will help him to limit the earlier stages of investigation to the more obvious and appropriate lines. Such information is available in the records of the Police station. The Crime Map and the Crime Directory (Police station Crime history or village Crime Note Book) are the chief records he must turn to for this purpose. Other Police station records that prove useful are also given below.

2) **Crime Map:** The first record that should be referred to is the Police station crime Map. It gives at a glance the number and pattern of similar cases that have occurred in the Police station previously. Taking the modus operandi, time and place of the case under investigation the following useful points can be had from a study of the crime Map.

- i. Whether the crime was committed in a crime affected area;
- ii. Whether any bad characters reside in and around the place of occurrence;
- iii. Whether known criminals or gangs operate or have operated in the area in the Past;
- iv. Whether any crime of a similar modus operandi occurred or continues to occur in the locality and if so. At what distance and time.
- v. If the place of occurrence lies near the border of the Police station, whether similar crime has occurred in the neighbouring Police station as well;
- vi. The topography of the area where the crime has been committed and its special vulnerability.
- vii. The coincidence of crime with such occasions as fairs or festivals in the locality.

viii. The emergence of any new or special trend or feature. This can be seen by a comparison of the current year's crime Map with those of previous year.

3) **Crime Directory:** After studying the crime Map, and making notes about similar cases that occurred in the area, the crime Directory should be consulted. The Crime Register gives the details of crimes with their modus operandi and the persons suspected to be concerned and convicted or acquitted, either chronologically or village wise. The conviction Register shows which of the criminals are in jail and which outside. Consultation of these records with the aid of the Index would reveal the names of the criminals concerned in similar cases or of possible suspects whose movements are worth verifying.

4) **Dossiers or History Sheets:** (Part V of Police station permanent register) It should then be seen if the persons picked out from the crime Directory have history sheet or dossiers. If so, the history sheets should be consulted to ascertain the activities, modus operandi and associates of the persons concerned with a view to verifying their movements and present conduct.

5) **Surveillance Register or K.D. Check Register:** The surveillance Register should then be consulted to find out the whereabouts of the possible suspects i.e., whether present, in jail or out of view and whether those present were under surveillance on the night of occurrence. i.e., if anybody had checked them, and if so with what result. Further steps should be taken if necessary, to verify their movements at the time of the occurrence.

6) **Ex. Convict Check Register:** In some states there is a village wise Index of Ex-convicts (also called the Ex-convict check Register) listing all ex-convicts of the Police station and showing whether they are present or out of view. Those living close to the village of occurrence should be noted and their possible complicity verified during investigation.

7) **Duty Register and Beat (patrol) Book:** The Duty Register and Beat (patrol) Books will show which officers and men were deployed for patrol duty and for looking up bad characters in the area in which the crime was committed. A note should be taken about the exact nature of duty allotted to them. In due course they should be examined and the nature of duty performed by them in the area, any important observations made by them there, the time at which they looked up surveillance and if so, with what result, should all be ascertained. This would help in eliminating suspects or criminals who could not have been responsible for the crime.

SCIENTIFIC METHODS OF INVESTIGATION:

Introduction: There is no short cut to success. In the modern era, if a police officer still believes in short cut techniques like third degree methods for detection, it is only a matter of time that he may land in jail, thanks to the awareness created in the cross section of society as well to police officers. Science as aid to the process of investigation has come to stay. Nevertheless, it is only an aid to investigation process and is not a substitute for collection of evidence and investigation.

A person who has committed some offence either leaves something at the scene of crime or takes away something from the scene of crime or from the person of the victim according to **Locard's principle of exchange**. Therefore, it is possible that some scientific evidence will be available to prove the presence of the suspect at the scene of crime. If the material thus left at the scene is a rare one, then its evidentiary value is high.

“Circumstances cannot lie, witnesses can do”(Hans Gross). It is the watchword for the investigating police officer.

2) **UTILITY OF PHYSICAL EVIDENCE:** Examination of physical clues is useful in the following ways:

- a) To supply one or more links in a chain of evidence;
- b) To strengthen a weak link in a chain of evidence;
- c) To check the accuracy or otherwise of statements made either by a suspect, a victim or a witness.
- d) To provide a break-through where conventional methods of investigation have failed.

2) The most important physical clues are summarized as:

1. Marks – Fingerprints, footprints, tool marks, tyre marks, teeth marks, etc.
2. Documents - Handwriting, typewriting, signature, writing materials.
3. Fire Arms:- Fired, cartridge cases, spent bullets, wads, pellets, powder pattern, etc.
4. Soil, dust and debris.
5. Hairs, Fibres, Fabrics.
6. Stains – Blood, semen, saliva, and other biological fluids
7. Materials, such as paint, glass, wood, bones, etc.,

3) **INSPECTION OF CRIME SCENE:**

- a) Guarding the scene: If the investigating officer cannot proceed to the scene of crime, immediately, he should depute a constable with instructions to guard the scene. He should also

make arrangements to render all possible urgent help to injured victims in such a manner that the scene is not radically disturbed. In towns and district head-quarters, where Mobile Lab are available, he shall make a requisition the services for spot collection and examination of physical clues.

b) Recording of crime scene: On arrival at the crime scene the Investigating officer should make careful notes in writing of the scene and its condition, prepare a plan indicating location of important items and take photographs before anything is disturbed. In photographing the scene the aim should be to record the maximum useful information in series of photographs which enable the viewer to understand where and how the crime has been committed.

c) Reconstruction of crime scene: Before conducting a detailed examination, a general survey of the scene is essential. This survey along with a perusal of the FIR and questioning of necessary witnesses should enable the IO to mentally reconstruct the occurrence and visualize the possible contacts in the scene between the suspect and he victim. He should accordingly plan where to look for physical traces.

4) FACILITIES FOR EXPERT EXAMINATION: The services of the following can be utilized:

a) The Director of the Central and State Forensic Sciences Department is an officer with a very wide experience of all aspects of crime and can handle most of the problems expected during the investigation. He will also be in a position to advise whether help of some other experts is to be requisitioned on some specific points.

b) Medico-legal Expert including Forensic Pathologist: He is generally the local Medical Officer authorized to do medico-legal examination or Professor of Forensic Medicine in Medical Colleges. He will help in determining: -

- i. Identity of victim.
- ii. Murder, suicide or accident
- iii. Time of death / injury both post-mortem and ante-mortem
- iv. Cause of death
- v. Type of instrument used whether sharp or cutting or piercing or blunt
- vi. Whether the attack was made from the front of the victim or from behind, with right or left hand
- vii. Whether the wound is self-inflicted
- viii. Whether the assailant was injured or not
- ix. Sex, height, age, etc., in cases of decomposed human remains or mutilated bodies

- x. Age of victim in sexual assault offences
 - xi. Whether the alleged sex offence was committed on the victim and, if so, whether the suspect committed the alleged offence.
 - xii. Age of the injury
 - xiii. Nature of injury – simple or grievous or otherwise
 - xiv. Whether a particular weapon could have caused a particular injury
 - xv. Whether lunatic or otherwise
 - xvi. In case of gun shot wounds, the question whether an injury could have been caused by a particular weapon in a particular manner and from a particular range, etc.
- c) Forensic Serological examiner: The chemical examiner of the State or Serologist, Govt. of India, Kolkata or expert examiner of Central Forensic Science Laboratory will examine all samples referred to them for serological examination. They will indicate whether a stain is blood or not and whether the bloodstains are of human or animal origin; if of human origin, its group and, if of animal origin, the type of animal from which it came from. Semen, Saliva and Body tissues like flush, bones, etc can also be examined by them. Such examination can be useful in some cases of disputed parentage also.
- d) Biologists: The biologist in the Forensic Science Department can give an exhaustive analysis of biological stains such as blood, semen, saliva, sweat, urine, etc., animal and plant parasites, etc., and also on micro-organisms, grass and vegetation, and various biological fluids. Cases of human identification by skull superimposition of known photographs of victims can also be undertaken by him.
- e) Chemist Chemical Examiner: He can undertake the following types of examination:
- i. Identification and analysis of metals, alloys and compounds
 - ii. Paints
 - iii. Poisons etc
 - iv. Determination of alcohol
 - v. Concentration of alcohol in blood / urine in cases of drunkenness
 - vi. Examination of inks, paper, mineral oils, etc.
- f) Physicist: He does
- i. Examination of all materials, such as trace metals, ink residues, paper, paint, soil, glass, etc., in bulk or in traces by spectrographic and other instrumental methods
 - ii. Determination of physical properties of various materials

- iii. Identification and comparison of tool marks, tyre impression and skid marks, torn pieces of cloths and paper, broken ornaments and other objects, pieces of wire and metals cut with an instrument, microscopic examination of small particles and dust, dirt and debris, fragments of glass, paints, etc.
 - iv. Restoration or deciphering of erased and mutilated marks
- g) Ballistics Expert: He will do the following:
- i. Whether a bullet found at the scene of crime or taken from a victim's body or a cartridge case found at the scene of crime was fired from a particular weapon
 - ii. Identification of any given type of ammunition, bullet or shell case
 - iii. Identification of the type of weapon which had fired or ejected a given bullet or shell case
 - iv. Determination of range of firing i.e. the distance from which the bullet has been fired from shot and powder patterns
 - v. Whether a given firearm had been discharged recently.
 - vi. Certification of the fire-arm
- h) Document Expert: He gives opinion on all aspects of questioned documents pertaining to handwritten, typed and printed matter, He establishes the authorship of hand-written document and identifies the typewriter used. He can also detect and restore erasures decipher indented writings obliterated matter and charred documents, detect additions and alterations, identify pencils, pens, inks, indelible pencil and crayons and develop invisible writings.
- i) Finger and Foot Print Expert: They are available at the State Finger Print Bureau. They help in searching for chance fingerprints, which may be found at the scene of crime. Documents and portable exhibits containing finger prints as well as the specimen finger prints of suspects can be sent for comparison and identification by the State Finger Print Bureau or the State Forensic Science Laboratory for identification of foot and shoe prints.
- j) Deputy Chief Controller of Explosives: In cases where explosives including bombs, grenades and inflammable explosive material, etc., are found, the Investigating officer should contact through the SP.
- k) Coinage and Currency Experts: In cases where counterfeit coins are involved, services of an expert could be obtained from the Master of Mint at Kolkata/Mumbai/Hyderabad whichever is nearest. In cases of currency notes are involved, expert opinion could be obtained from the General Manager, Security Press, Nasik, Maharashtra.

- l) Divisional Engineer, telegraphs: For expert opinion as to the gauge and other specifications of the questioned and sample telegraph wires, the exhibits are to be referred to him. The advice can also be obtained from Central and State Forensic Science Laboratories concerned.
- m) Toxicologist, in case of use of toxic substances; Forensic Odontologist, in case of seizure of identification through dentition
- n) And other experts are Professor of Anatomy, Professor of Pharmacology; Drug Controller, Drug Inspector; Analyst, Guindy; Motor Vehicle Inspectors and Mechanical Engineers; Veterinary Surgeons; Entomologist; Chief Inspector of Electricity; Printing Technologist and Metallurgist

5) Some latest Instruments:

- a) Lie Detector: When a person tells a lie there occur some physiological changes, which, if correctly read, give an indication of his mind. Such changes may be reflected not only in the expression of his face but also in the variations of his respiration, blood pressure and skin-resistance. The lie detector merely records such physiological changes of the suspect with regard to some crucial and non-crucial questions and thereby gives the expert interpreter some data for drawing certain inferences with regard to statements made by a suspect during interrogation.
- b) Spectrograph: It is used to detect traces of inorganic substances and thus useful in detecting false insurance claims of loss of some materials. In one case a hefty amount was claimed for loss of groundnut from a go down. Subjecting ash obtained from the scene and the one obtained from groundnut to spectrographic examination exposed the differences.
- c) Spectrophotometer: It is capable of analysing micro-quantities of organic samples. Infrared spectrophotometer helps to identify an unknown chemical substance by recording structural characteristics. In identifying toxic substances it is of immense use.
- d) Gas Chromatograph: It finds its use in detecting substances, which are volatile, like organic solvents. Cases of homicidal burning by using inflammables like kerosene; petrol, etc. are of frequent occurrence.
- e) Electrophoresis: It is mainly used in examination of physiological fluids, separation of alkaloids, inks, dyes and such other materials that form charged ions or particles in solution. It is possible to identify menstrual blood from other blood by electrophoretic determinations of fibrinolytic activity in menstrual blood.
- f) X-ray Diffraction: In this analysis, the sample material remains intact. Where preservation is a must, this technique comes handy.
- g) Computer: The convergence of what used to be two independent technologies and processes viz. information and communication technologies, into a single and powerful

implementation in open networks, has brought with it significant cost and rich advantages. The biggest beneficial fall-out of this convergence is the Internet that has driven unprecedented paradigm shifts in the realms of business, commerce, governance, education, entertainment and knowledge. Unlike in USA and Western world, computer is not being so much widely used in India. The requirements of enhancing the efficacy of cryptographic systems, enlarging the horizons of implementation of cryptography driven processes and solutions and international cooperation, though wanting, slowly and steadily Cyber crime is assuming importance. The traditional crimes like pornography, are being done using computers. Moreover, military and government computers have become targets. Both in December 13, 2001 and September 11, 2001 attack by terrorists, computer has been used to store information and for communication purposes and in this context, it is cyber terrorism. Government of India have enacted Information Technology Act, 2000 and all metropolitan cities have formed cyber cells and trained officers to tackle the cyber crime. Educating the users to follow the certain norms scrupulously and encouraging the users to lodge complaints in case of misuse and abuse of computers for eve teasing or intimidation or hacking is a must. Government and the police on their part should not lag behind and should master the technology not only for the detection of the offences but also to prevent the offences.

UNIT – IV

STATE POLICE ORGANISATIONS:

Special Investigation Team

Fundamentalist militancy in the State continued to be effectively dealt with by the Special Investigation Team (SIT) during the year. All the 168 accused charge-sheeted in the Coimbatore serial bomb blast case continued to remain in judicial custody and also several others in other fundamentalist cases in the State. The bomb planting cases of the 30th May, 1999, which occurred in Chennai, Tiruchirappalli and Coimbatore were completely solved, with 21 accused arrested and a consolidated charge sheet laid. Other important fundamentalist crimes such as the Dr. Sridhar murder case and the grenade attack on Inspector Murali at Tiruchirappalli were also charge-sheeted, with all the accused concerned in the cases having been arrested.

Intelligence Wing

The Intelligence wing consists of Special Branch CID, Security Branch CID, 'Q' Branch CID and Special Division and is headed by an ADGP (Intelligence). The wing looks after the intelligence work relating to communal tension, caste tension, other general Law and Order matters, security of VIPs, extremists, Sri Lankan Tamil Militants and matters relating to religious fundamentalists.

Special Branch CID

The Special Branch CID looks after intelligence relating to tensions arising out of communal and caste-related issues and other general law and order matters.

Security Branch CID

The Security Branch looks after the security matters in respect of VIPs including foreign Heads of States, activities of foreigners, vital installations and passport matters. A special unit called "Core cell" was created to look after the security arrangements of the Chief Minister as well as to provide bomb detection facility during the visit of high dignitaries. The Commando Unit consisting of Police personnel drawn from the T.S.P is a part of the Security Branch and this provides Security Cover to persons who face high level threat.

'Q' Branch CID

The 'Q' Branch looks after intelligence relating to the left wing extremists and the Sri Lankan Tamil Militants. The 'Q' Branch also undertakes investigation of cases relating to the left wing extremists and the Sri Lankan Tamil Militants.

Special Division

The Special Division collects intelligence on religious fundamentalists and about the possibility of trouble during sensitive occasions and during VVIP visits. The Special Division has six units functioning at Chennai, Vellore, Tirunelveli, Coimbatore, Trichirappalli and Madurai. Each of these units is headed by a DSP.

Tamil Nadu Finger Print Bureau

At present 33 Single Digit Finger Print Bureaux are functioning in the State, apart from one Special Finger Print Bureau at the Directorate of Vigilance and Anti-corruption and another at the Commercial Crime Investigation Wing, CID. An Automated Finger Print Identification system called "Finger Print Analysis and Criminal Tracing System" (FACTS) has been installed and Finger Print Slips have been fed into the database of the FACTS System. So far 7,308 unidentified cases have been referred to the system for matching.

Police Computer Wing

The Tamil Nadu Police Computer Wing was established in 1971 as per G.O. Ms. No 3111, dated 16.11.1971 as part of the Government of India's "Modernisation of Police Forces" (MPF) scheme. The Police Computer Wing (PCW) is engaged in various types of activities including Talash, Portrait Building System, Crime Statistical Reports, Crime Criminal Information System(CCIS),Computer Training etc. The Police Computer Wing has also been bringing out the statistics of crime annually from 1998 onwards. The "Crime Bureau Tamil Nadu 2000" was published in May 2001. The programming Team has developed a web site on the Tamil Nadu Police in May 2001. Power Point presentation on Modernisation of Police Force (MP

F) Schemes and Computerisation of Tamil Nadu Police has been developed during 2001.

Anti-Dacoity Cell

The Anti Dacoity Cell which functions from Chennai, has State-wide jurisdiction and acts primarily as a Cell for the collection, collation and dissemination of data relating to dacoities and the accused concerned in dacoity cases, so that a systematic monitoring of the dacoity cases all over the State is exercised. This unit is presently functioning under the control of an Additional Director General of Police.

Video-Piracy Cell

Video piracy is a recent phenomenon and has assumed alarming proportions. The piracy of popular movies is being done mostly by persons having commercial links with Video Library Owners.

The Video Piracy Cell functions under the overall control of the Inspector General of Police, Special Investigation Team (SIT). To control piracy, the Cinematography Act, 1952, the Tamil Nadu Exhibition of Films on T.V. screen through V.C.R, the Cable T.V. Network (Regulation) Act, 1984 and the Copy- Rights Act, 1957 can be invoked. There are 6 units with head-quarters at Chennai, Coimbatore, Madurai, Salem, Trichy and Tirunelveli.

Narcotic Intelligence Bureau C.I.D

The Government of India enacted the Narcotic Drugs and Psychotropic Substances Act, 1985, for the control and regulation of operations relating to Narcotic drugs and Psychotropic Substances. The Government of India has also enacted another law, namely, Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, according to which the Central and State Governments have been empowered to detain persons engaged in illicit traffic in Narcotic Drugs and Psychotropic Substances for a minimum period of one year and a maximum period of two years from the date of detention. The State Narcotic Intelligence Bureau, CID, is headed by a Superintendent of Police and there are 12 Narcotic Intelligence Bureau CID units in the State stationed at Chennai, Madurai, Trichirappalli, Salem, Villupuram, Dindigul, Theni, Thuthukudi, Vellore, Coimbatore, Ramanathapuram and Nagapattinam which are declared as Police Stations.

Economic Offences Wing

The Economic Offences Wing is functioning under the control of an Additional Director General of Police and is divided into two wings EOW-I and EOW-II each headed by an Inspector General of Police.

Economic Offences Wing – I

The Economic Offences Wing-I consists of (1) Commercial Crime Investigation Wing (CCIW), (2) Idol Wing CID, each headed by a Superintendent of Police.

Commercial Crimes Investigation Wing CID

This Wing investigates the Co-operative defalcation cases in the Co-Operative organisations in 13 departments. All cases involving misappropriation of funds exceeding Rs.1,00,000/- are investigated by the CCIW. This wing is headed by one Superintendent of Police, who is assisted at the field level by five Deputy Superintendents of Police in five CCIW subdivisions supervising 26 district Units, each of which is headed by an Inspector of Police. Four Special Courts are located at Vellore, Madurai, Coimbatore, and Tirunelveli.

Idol Wing CID

This wing co-ordinates the investigation of important cases of theft of idols handled by the District Police, and collects intelligence about the nefarious activities of antique dealers. While prevention, detection and investigation of routine temple thefts are being handled by the District Police, cases where the value of the properties exceeds Rs.5 lakhs or cases of special importance or of sensational nature are entrusted to the Idol Wing by the Director General of Police, Chennai.

Economic Offences Wing –II (Financial Institutions)

A separate wing in the Police called the Economic Offences Wing-II, headed by an Inspector General of Police, for investigating cases against Non-banking Financial Companies and unincorporated Financial Institutions has been functioning. This wing is functioning under an Additional Superintendent of Police at the headquarters in Chennai and under a Deputy Superintendent of Police in all the other Police Districts. After formation of this unit, all cases pertaining to financial institutions were received on transfer from the districts and from Cities including Chennai City. New cases were also registered in the units of this wing.

Forensic Sciences Department

Forensic Sciences Department is the oldest institution of its kind in Asia, its nucleus having been established in Chennai prior to 1849. This Department offers forensic science service to various law enforcing agencies of the State and the Government of India. Besides offering forensic science service to the enforcing agencies, this Department also offers clinical

toxicology facility to save the victims of suspected poisoning admitted to the hospitals in and around the City of Chennai. A Paternity Testing Centre rendering social service, particularly to poor and helpless women, is being run by this Department from 1985 onwards.

UNIT-V

POLICE DUTIES AND POWER

ARREST (41 CRPC)

Arrest means apprehension of a person by legal authority resulting in deprivation of his liberty. When the police apprehends a pick pocket he is arresting that pick pocket, but when a decoit apprehends a person with a view to extract ransom, the decoit is not arresting that person but wrongfully confining him. Every compulsion or physical restraint is not arrest but when the restraint is total and deprivation of liberty is complete that would amount to arrest.

Power of Arrest

Chapter 5 of the Code of Criminal Procedures, 1973 deals with various provisions of arrest (Section 41 to 60). Police officers derive their powers of arrest without warrant from sections 41, 42, 43(2), 60, 129 and 151 CrPC. Provisions of sections 46, 47, 49, 50, 51, 56, 57, 167 and 169 of CrPC deal with various procedures and precautions during and after arrest.

The police under the above sections affect arrests without warrant; however, there are provisions when they are required to arrest persons with warrants. The arrest warrants are issued by the courts and there is no discretion available with the police for executing such warrants and these should be executed in accordance with the directions of the court.

Arrest Warrants

The warrants are eitherailable or non-ailable. In respect ofailable warrants the arrestee should be released on bail when he offers the required security and in respect on non-ailable warrants the police officer has no discretion, and the person must be produced before the concerned Court. Prompt execution of warrant is one of the foremost duties of the police and should receive high priority. The warrant must be executed by the officer to whom it is endorsed. If that officer wants warrant to be executed by his subordinate officer he must make endorsement by name accordingly.

Arrest Precautions

Articles 21 and 22 of the Constitution lay down that no one shall be deprived of his life or liberty except in accordance with procedure established by law and that arrested persons are entitled to know the grounds of their arrest and a right to consult and be defended by an Advocate of their choice and that every arrested person should be produced before a Magistrate within 24 hours. Arrest takes away the liberty of a person and should therefore be affected in strictly compliance of the law. Wherever it is warranted, it should be promptly carried out, but arrest, is not to be effected just because a police officer has the power. No

accurate account of all circumstances under which arrest without warrant can be made or should not be made can be detailed. A police officer should exercise due prudence and exercise his discretion in this regard in a judicious manner.

Conditions of Arrest

To infuse confidence among the terror stricken victims, particularly in grave offences like murder, dacoity, robbery, burglary, rape, organized crime, terrorist offences etc. and, in case where the accused is likely to abscond and evade the process of law, arrest should be affected. If the accused is given to violent behaviour and is likely to commit further offences unless his movements are brought under restraint, and if the accused is a habitual offender and unless kept in custody, he is likely to continue to commit similar offences, he should be arrested. Where it is necessary that his presence is required for the purpose of investigation, he should be arrested. Likewise, where accused is likely to tamper or intimidate or cause physical hurt to witnesses or destroy other evidence, he should be arrested.

Cautions, Precautions & Guidelines for Arrest

I. Police Officer making an arrest should record the reasons for making the arrest to justify it, if required. The Police Constables and Head Constables who make the arrest should submit a report detailing the circumstances of the arrest to the SHO or IO concerned who should incorporate the contents of such reports in the General Diary, Case Diary etc. All Police Constables, Head Constables and Sub- Inspectors working in the field and empowered under law to exercise the powers of arrest without warrant, should exercise their powers with prudence and be accountable for the arrest made in the discharge of their assigned tasks and duties.

II. In the light of these instructions, the action of Police Officers of all ranks in arresting persons, if not necessary and not arresting when it is necessary, will amount to misconduct, and may call for suitable disciplinary action. No arrest should be made in a routine manner simply because the law empowers the police officer to do so. The existence of the power to arrest is one thing, while justification for the exercise of power of arrest is quite another. The police officer may without arresting, keep a watch on a person and then arrest him, if subsequent events justify such action. No restraint can lawfully be exercised over a person so long as he is not arrested. The arrest should be avoided if the intention is only to verify the suspicion of involvement against a person. A police officer may under section 160 CrPC issue a notice to the suspected person to attend the police station and interrogate him. He should not be detained for long and more than necessary.

III. When a police officer proceeds to arrest a person and cannot identify him personally, he should secure the services of a person who knows the person to be arrested and should also provide himself, if available, with a photograph, a descriptive role and the marks of identification of that person. He should be sure of the identity of the person to be arrested.

IV. The police officer should be in uniform with his name and number if any, on the pocket, besides carrying his identity card, or, if in plain clothes, carry his identity card and should disclose his identity. He should arm himself with such firearms and accessories required for his defence, if the circumstances demand such a precaution.

V. Police parties engaged on anti-dacoity, terrorist operations or similar duties which are likely to lead to arrests of dangerous persons, should carry handcuffs and leading chains to secure the arrestees, to prevent their escape or violence.

VI. The person to be arrested with or without warrant should be informed of the grounds for making the arrest. The arrest should be affected without unnecessary violence or publicity.

VII. Section 46 of the CrPC lays down that the police officer making the arrest of a persons shall do so by actually touching or confining the body of the person to be arrested, unless there is submission to the custody by word or action. When a person is to be apprehended and if he resists by force or tries to evade, the arresting police officer may use necessary force to arrest him except causing death. But if the accused to be arrested is involved in an offence punishable with

death or imprisonment for life, the force can be even to the extent of causing death depending upon the circumstances.

VIII. When a person to be arrested is concealing himself in a closed place, the police officer has every right to enter such places even by force to affect the arrest. He can even arrest every one who obstructs him from discharging his duty. However, he must behave decently with women inmates. Police officer can exercise the right of private defence of his body and others while resisting arrest.

Supreme Court Observations on Arrests

I. The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

II. The Police Officer carrying out the arrest of a person shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either

member of the family of the arrestee or respectable person of the locality where the arrest is made. It shall also be countersigned by the arrestee and contain the time and date of arrest.

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

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

V. The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained. An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the Police Officials in whose custody the arrestee is.

VI. The arrestee should, where he so requests, be also examined at the time of his arrest about major or minor injuries, if any, present on his/her body. The "Inspection Memo" must be signed both by the arrestee and the Police Officer affecting the arrest and its copy provided to the arrestee.

VII. The arrestee should be subjected to medical examination every 48 hours during his detention in custody by a doctor from the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory, Director, Health Services should prepare such a panel for all Mandals and Districts as well.

VIII. Copies of all the documents including the memo of arrest, referred to above, should be sent to the jurisdictional Magistrate for his record. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

IX. A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and it should be displayed on a conspicuous police board at the police control room.

Search of the Arrested Person

Whenever a person is arrested and not released on bail by a police officer a thorough search of his clothes and belongings should be made before putting him in lockup. Articles found

upon him other than necessary wearing apparel should be placed in safe custody and if any articles are seized from his person, a receipt showing the articles taken possession by the Police Officer shall be given to such person. The personal articles of the person should be kept in safe custody in the Property Room (Malkhana) and entries made in concerned registers. If there are any incriminating articles or objects or materials, which might be necessary for investigation, they should be separated and the procedure for recording and despatch of case property to courts should be followed. The other property should be returned to him or his nearest kith or kin when he is remanded to custody.

Arrest of Female

Whenever it is necessary to cause a female to be searched, the search shall be made by a Woman Police Officer or another female with strict regard to decency. The officer or other person making any arrest, shall seize from the arrested person any offensive weapons, which he has on his person and shall deliver all weapons so taken to the court or officer before which or whom he is produced.

Treatment of the Arrested Persons

I. Whenever any person is arrested by a Police Officer or by a private person and is brought to the police station, the SHO shall examine the body of the arrested person and note whether he has any injuries over his body. If any, injuries are observed irrespective of their nature, he should forward the said person to the nearest Medical Officer of the Government Civil Hospital or other Hospitals of local bodies authorized for medico-legal work, for treatment and injury certificate. The Medical Officer should be requested to specify the age of each injury.

II. When any person with injuries in a serious condition or a drunken person in uncontrollable condition, who is unable to take care of himself, is brought to the police station, the SHO shall immediately forward such persons(s) to the Government Hospital. Any delay may cause death, in which case the police officer in-charge of the police station will be held responsible. The statement of the injured person should be recorded in the hospital and further action taken.

III. When an arrestee demands examination of his body, which will afford evidence to disprove the charge leveled against him and establish his innocence or evidence of an offence against his own body, the Police Officer should forward him to the Medical Officer of the Government Civil Hospital for the examination and injury certificate. Such a certificate shall be forwarded to the Magistrate concerned.

Right of Arrested Persons

The arrested persons have certain rights with which the Police Officers should be familiar. These are important from the human rights angle also besides being statutory provisions and should be respected. The important rights are -

- A. Right to be informed of the grounds of arrest
- B. Right to be produced before a Magistrate without unnecessary delay and within 24 hours
- C. Right to consult a legal practitioner or any one of his choice
- D. Right to be informed of right to bail
- E. Right of a person without means to free legal aid and to be informed about it
- F. Right to be examined by a Medical Officer

Arrest of Children and Women

I. The Juvenile Justice (Care and Protection of Children) Act 2000 prohibits lodging of children in police lock-ups or being brought to police stations after arrest. Alternatives are provided for lodging the delinquent juveniles. The procedure prescribed therein should be observed in respect of juveniles.

II. While making arrest of a woman submission to custody should be presumed unless circumstances to the contrary exist. There should be no occasion for a male Police Officer to touch her person. It is therefore advisable whenever it is proposed to arrest a female, women police should be employed.

III. Arrest of women should as far as possible during night times be avoided unless it is inevitable. When it is not possible to secure the services of women Police Officers, an officer of the rank of ASI or above should effect the arrests. Bail may be granted where the offence for which the arrest is made is not of a serious nature. The SHO may take exercise his discretion in non-bailable offences to release a woman arrestee on bail.

IV. Whenever a woman is arrested, the services of women Police Officers should be utilized for guarding and escorting her. If women Police Officers are not available in the Police Station, one of the relations of the arrested woman, of her choice can be permitted to remain with her. When interrogation of the arrested woman is done by a male Police Officer the relation or woman Police Officer should be present. If a Woman Police Officer herself is conducting the interrogation, the presence of a woman relative may not be necessary.

Arrest of Persons of Specific Categories

a. Arrest of Ordnance Factory Employees: Arrest of an employee of an ordnance factory owned or sponsored by the Government should be notified immediately to the General Manager or the officer in-charge of the factory.

b. Arrest of Central or State Government or Quasi-Government Employees: When a Central government employee of any department or a State Government employee or an employee of a quasi-Government Organization is to be arrested by the police, wherever it is practicable and desirable, prior intimation of the arrest of such an employee should be sent to his immediate superior officer or the officer in-charge of the institution or department. The prior intimation must be treated as secret. Whenever prior intimation is given by telephone it should be followed by a written intimation mentioning the time and date of such conversation. The fact of telephoning should be recorded in the General Diary if intimation is by SHO. If the intimation is by a superior officer he should make a record of it in the Telephone Register. After the arrest by the police, intimation of the arrest along with a copy of arrest memo should be sent immediately to the highest officer of the department available in the district to which the person belongs with a copy to the immediate superior officer (of the person) if, for any reason, prior intimation could not be given; and this should be followed by a detailed report of the offence committed together with an indication as to whether the arrested person is being released on bail or personal bond, by the police.

c. Arrest of Public Servants on Operational Duty: When a public servant on operational duty of a department of the Central or State Government, e.g., railway staff like station masters, assistant station masters, guards, drivers and train control staff; or electricity department staff like sub-station attendants, is to be arrested, prior intimation should be given to his immediate superior, as a rule, to facilitate them to make alternate arrangements. Departure from the procedure should be made only in very exceptional cases and even in such cases; intimation should be given to the superior officer immediately after the arrest of the public servant. "However, in respect of the operational staff of the trains, prior intimation should invariably be given to the Railway Divisional Authorities or where this is not possible, to the superior available at the Station where the arrest is made".

d. Arrest of Employees of Foreign Diplomatic/Consular Missions: In the event of the arrest of an Indian employee of a Foreign Diplomatic/Consular Mission, intimation should immediately be given to the Foreign Diplomatic/Consular Mission through the Government.

e. Arrest of Foreigners: When a foreigner is arrested, reports as required in Order 349 of Chapter 16 on Foreigners should be sent.

f. Arrest of Military Employees: The arrest of personnel of Armed Forces including Navy and Air Force charged with the commission of an offence should be intimated to the Commanding Officer to enable him to take appropriate measures for the defence of the personnel.

I. The persons so arrested shall be dealt with in all respects like any other person in the matter of the investigation of the offence in respect of which he is arrested. The question as to whether he is to be tried by a Court Martial or a Court functioning under the CrPC is a matter for decision between the Commanding Officer and the Magistrate before whom he is brought by the police, in accordance with the rules made by the Government of India under Section 475 CrPC.

II. When any investigation, search or arrest is contemplated within military lines (quarters), the Police Officers concerned should be in uniform and if in plain clothes should carry identity cards and, so far as circumstances permit, prior notice should be given confidentially to the Officer Commanding, Adjutant or Orderly Officer concerned.

g. Arrest of Indian Army Reservists: When a reservist of the Indian Army is arrested and remanded on a criminal charge, the facts of arrest and remand will at once be reported to the DGP with information to the Army unit to which the person arrested belongs. When the case is completed, its result and, in the event of conviction, the period spent in jail by the accused while under trial, prior to conviction and the sentence awarded shall be reported. The information so reported will be communicated by the DGP to the appropriate Army authority.

h. Arrest of Members of State and Union Legislatures:

I. All the rights that any arrested person has, are available to Members of Legislature and Parliament whenever they are arrested. All guidelines and instructions contained in this chapter apply to them. The procedure contained in this should be scrupulously observed whenever any Member of Legislative Assembly/Council or Parliament is arrested by the police.

II. Whenever a member of a State or the Union Legislature is arrested, he should immediately be produced before the Magistrate concerned and there should be absolutely no delay. The police will send information of the arrest through a telegram or Radio Message, to the Speaker of the Lok Sabha or the Legislative Assembly, as the case may be. Failure to send immediate intimation to the presiding officer of the Legislature concerned will constitute a breach of the privilege of the House.

III. If a member of the Union or a State Legislature is concerned in an unimportant case, he need not be arrested, except when it is really necessary. When arrest is made in a bailable offence, he member should be immediately released on his own recognizance. If the offence is a non-bailable one, the member should be immediately produced before the Magistrate. In any case the fact of arrest and release on bail or remand should be intimated to the Speaker.

Though the instructions are that the Magistrate should send intimation to the Presiding Officer of the Legislature concerned, prompt reporting by police is necessary.

IV. A report of the arrest (whether released on bail either by the Police or by the Magistrate) should be sent by the SP/CP in whose jurisdiction the arrest is effected to the Speaker of the Lok Sabha, the Chairman of the Rajya Sabha, the Speaker of the State Legislative Assembly or the Chairman of the Legislative Council, as the case may be, by telegram or Radiogram or automex or fax with a copy of confirmation dispatched simultaneously by speed post along with a copy of Arrest Memo.

V. The message should contain the information as furnished in the arrest memo sent to Magistrate and relatives. Thereafter a detailed report should be sent to the Presiding Officers concerned containing the following information: the place of custodian detention of the Member, when a Member, who is under detention or is undergoing, a sentence of imprisonment is transferred from one jail to another, the change in the place of detention or imprisonment and when a member is released from jail on any ground e.g., on bail pending appeal or on the sentence being set aside on appeal or on the remission of sentence by Government on completing the sentence or on the termination of preventive detention, such release.

VI. The SP/CP also should simultaneously report the arrest by telegram or radiogram to the DGP, to enable him to report it forthwith to the Government and the Secretary to the Legislature. The copies of such reports should also be sent to the superior police officers.

Direction to Subordinates to Arrest

I. A Police Officer in-charge of a police station, or any Police Officer making an investigation, under Section 55 of the CrPC depute any officer subordinate to him to arrest the person. He should give an order in writing specifying the person to be arrested and the offence or cause for which the arrest is to be made. The officer so authorized shall notify to the person to be arrested, the substance of the order and, if so required by such person, shall show him the order. This section, however, does not take away the statutory power vested in all Police Officers by Section 41 of the CrPC.

II. A Head Constable in-charge of an outpost or a beat area or check post, without the intervention of the SHO, may take action in offences under special and local enactments, which empower the Head Constable to take action. When a private person arrests any person who commits a non-bailable and cognizable offence in his view, he shall be taken to the nearest police station immediately and such person be re-arrested by the police.

Police Custody

I. A person who is arrested and not released on bail shall be detained in a secure area of the Police Station earmarked for such purposes, under constant watch. A prisoner whom the SHO considers being dangerous and is likely to escape should be kept in the lock-up under continuous and effective watch. This should be done only making a thorough search and necessary entries should be made in the prisoners search register and guard or watch sentry relief book.

II. A person called to a police station for questioning in order to verify his complicity in any offence shall not be kept in lock-up, without effecting arrest. Arrested persons who are known to be goondas, rowdies, dangerous criminals, members of organized gangs, terrorist groups, those likely to escape and charged in serious offences of murder, rape, kidnapping for ransom etc. should be kept in the lock up rooms.

III. A person in police custody shall not be permitted to leave the lock-up after sun set, except in special and emergent circumstances (and that too with adequate escort) which shall be recorded in the general diary and the Sentry Relief Book.

IV. A person in police custody prior to remand is entitled to see his relatives and an Advocate. He should not, however, be allowed to talk to members of the public. If the arrested person desires that one of his relatives may be permitted to remain with him, his request should be considered unless there are compelling security reasons. If the arrested person for health reasons prefers to get his food from his residence, he can be permitted, but the person bringing food to the police station should be made to eat samples of all the food items before serving to the person in custody. However, in normal course, the arrested persons should be fed at Government's cost as per the rates approved from time to time.

V. Whenever any punitive action is taken or contemplated against a foreigner, he should be provided with facilities, if he so desires, to communicate over the telephone or by a telegram or latter, with the Counsel, High Commissioner or other representative of his country, as the case may be.

Treatment of Persons in Custody

I. Once a person is in custody of the police, the responsibility for his life and safety will be totally on the police. The physical and psychological condition of every person in custody is a major factor that should determine the precautions, facilities and arrangements required to be made. The other factors such as the nature of the offence in which he is involved, the investigation required to be done, the antecedents, age, sex, ignorance and vulnerability are

all vital and crucial. While every case has its peculiar features and circumstances, certain important stipulations should be observed.

II. The first requirement is physical safety of the person in custody. This includes safety from injury and death, whether self inflicted or otherwise. As the psychological state of each individual cannot be accurately gauged, it is necessary to realize that the general mental state of a person arrested and brought to police station would be fear, shock, trauma, sense of guilt and shame etc. Suicidal tendencies therefore develop. Hence the place where he is lodged should not contain anything including his apparel or belongings that afford him any opportunity to attempt or commit suicide.

III. There should be a watch on the person all the time, at least by one policeman. The room or place where he is kept should be such as to afford a full view to the Police Officer posted to watch him and also to the Station Writer, HC or Duty officer. The place of work of these two should be so adjusted as to afford a complete view of the lock up rooms.

IV. Wherever any attempt or suspicious about the movements or action comes to notice, the lock up room should be opened and searched. There should be effective intervention to prevent attempt at suicide and injuries. The whole episode should be recorded in the station General Diary, Sentry Relief Book and the person should be sent for Medical examination with a report. The Magistrate and all other authorities to which the Form report is made should also be informed in writing.

V. Since the person is in custody, sometimes even self-inflicted injuries or suicides can be interpreted as those caused by police, hence effective and timely intervention, contemporaneous recording of events, reporting to all concerned of such attempts by persons in custody are important.

VI. No Police Officer or IO shall use any force or cause any physical injury during interrogation of the person in custody. If such injuries are caused and result in death of the person, the Police Officers concerned will be liable for prosecution for homicide and the burden of proof of their innocence lies on them.

VII. Two blankets and two dhurries for rural stations and four blankets and four dhurries for town police stations having lock-ups should be supplied for the use of persons in police custody for each lock-up. These should be always kept clean, washed and dried. These articles will be treated as station property and the officer in-charge of the station or Outpost will be responsible for their issue to such of the prisoners who do not provide themselves with their own bedding.

VIII. The police lock-up, if it contains a prisoner or prisoners shall be unlocked at daybreak. The bedding of the prisoners, shall be at once brought outside, well shaken and left for some hours in the sun. In lock-ups where toilet facilities are not provided, the night vessels, if any used, shall be removed and toilets shall be thoroughly cleaned. Wherever toilets are provided they should also be thoroughly cleaned.

IX. The persons in custody shall be taken to the latrine and shall be allowed to wash. They shall be given food daily at 10.00 am or earlier if necessary before he is taken to Court and again at 5 pm. If prisoners are not brought to the station before the hours prescribed for meals they should be given food as soon as possible after they are confined in the lock up rooms. They should be fed at government cost if food is not brought by their relatives.

X. Prisoners are not to be subjected to needless indignity or harsh treatment. At district Headquarters or at places where police vehicles are available, prisoners should be conveyed from jail to court and back in the police vehicles. Prisoners whose confessions are to be recorded should be taken to the Court from the jail in a police van, when available, escorted by warders as a special case. In places where there is no police van, but where public transport is available, under-trial prisoners should be conveyed by normal bus service, irrespective of the distance to be travelled, provided that the number of prisoners to be taken at a time is small and can be controlled easily and provided that their presence in the bus does not cause inconvenience or annoyance to members of the public using it. In places where none of the above modes of conveyance are available, under-trial prisoners who are persons of good social position, accustomed to use a conveyance, may be allowed a conveyance, provided their safe custody is not jeopardized. The same rule should be followed in the case of prisoners who are certified by a Medical Officer to be physically unfit to walk. In other cases, prisoners should go on foot except in the cases noted below, but no prisoner should be compelled to march on foot for long distances.

XI. When convicted prisoners are escorted along with under-trial prisoners, the former may be conveyed by the transport Bus in which the latter are conveyed, irrespective of the distance travelled, in order to avoid the inconvenience and expense of providing a separate escort for them.

XII. Whenever women prisoners have to be escorted by road, they should be provided with a conveyance, where the distance to be travelled by them exceeds 2 km. Conveyance may also be provided for shorter distances for reasons of health or custom or for other valid reason. Failure to make such provision would cause undue hardship to them.

Use of Handcuffs

The use of handcuffs or leg chains should be avoided and if at all, it should be resorted to strictly in accordance with the law mandated in judgment of the Supreme Court in Prem Shankar Shukla vs. Delhi Administration (1980, 3 SCC 526) and Citizen for Democracy vs State of Assam (1995, 3 SCC 743). The points to be observed in this regard are as follows:

a. When an accused is in Court during the trial, he must be held to be in the custody of the Court. If an accused is so dangerous that it is necessary to handcuff him, representation should be made to the Court, and the Court will issue appropriate instructions in the matter. Accused persons while in Court during trial should not be handcuffed except with the permission of the Court.

b. Under-trial prisoners and other accused persons shall not be handcuffed and chained without specific permission of the court and only if there is a reasonable apprehension, either due to heinous nature of the crimes with which they are charged or from their character or behaviour that such persons will use violence or will attempt to escape or that an attempt will be made to rescue them. The same principle shall be applied to convicts proceeding in public while in police custody. Whenever non-convicted accused persons are handcuffed with court's permission, the fact and the reasons for it shall be stated in the Station House general diary, the sentry relief book, and in the remand diary forwarded to the Magistrate.

c. The prisoners either convicted or under trial and confined in a sub-jail shall not be handcuffed, whenever they are taken out in the precincts of the sub-jail for food or other necessities, rather the entire guard including the guard commander shall be present. If there are more number of prisoners, the guard in-charge should inform the officer in-charge of the police station to send two or three constables to assist the sub-jail guard during the period when the prisoners are taken out. The officer in-charge of police station shall provide extra manpower as required by the guard in-charge.

d. Whenever, it is considered necessary to handcuff certain prisoners confined in sub-jail, while they are taken out, the written orders of the Magistrate should be obtained and the permission granted by him should be maintained in a book to be kept by the guard officer.

e. With regard to a refractory, violent or dangerous prisoner, the officer in-charge of the sub-jail guard or the senior Police officer present may control him only by utilizing more personnel and by such force as may be necessary, while rushing a messenger to the concerned court or Magistrate for permission to handcuff him.

f. Under-trial-prisoners or accused persons in Hospital should not be handcuffed without permission of the court. In no case should prisoners or accused persons who are aged and bed

ridden in hospital or women prisoners, juvenile prisoners or civil prisoners be handcuffed or fettered. If necessary extra guard should be provided. The restriction on use of handcuffs is not to place any embargo on use of minimum force to control a violent prisoner.

Sick Prisoners

I. When a prisoner, who arrives at a Police station, is seriously ill, medical aid should be provided. When not available, the prisoner should be sent by the quickest conveyance available, if his condition admits of it, to the nearest station where medical assistance can be procured.

II. Prisoners attacked by cholera or other infectious or communicable disease in a police station should be removed from the lock-up and placed in an airy part of the station and all possible treatment provided.

III. Whenever sick prisoners are brought from rural police stations to district headquarters hospitals and admitted as in-patients, the fact should be reported to the Superintendent of Police of the district or Dy. Superintendent of Police or the Inspector of the District Reserve Police in whose area the hospital is located, and an armed guard will be provided from the Reserve.

IV. In large hospitals in cities, where prisoner's wards are provided, the guard provided for the prisoner's ward should take charge of such prisoners brought from the districts. The guard in-charge of the district headquarters hospital or city hospital, should find out from the resident Medical Officer or in-charge Medical Officer of the ward about the probable date of discharge of the prisoner. The information about date of discharge should be furnished to the police station or district from which the prisoner was admitted to the hospital, so that the concerned police shall take back the prisoner.

V. Most of the District Headquarters Hospitals/General Hospitals are provided with prisoners' ward. If such provision is not available the SP or the CP should take up the matter with the concerned authority and ensure that the prisoner's ward as per the norms is provided. The prisoner irrespective of his status should be lodged in the prisoners' ward as to ensure their safety and enable the police to guard them effectively. This would also prevent inconvenience to other patients. Arrangements are to be made for their treatment in the prisoner's ward itself except where it is necessary to shift them in emergencies either to an operation theatre or to an Intensive Care Unit. The governments have issued instructions in this regard to the concerned authorities.

VI. In case of death of a prisoner admitted to the hospital, the officer in-charge of the police station in whose jurisdiction the hospital is situated shall register a case under section 174

CrPC and, inform the Executive Magistrate to hold inquest and make such other enquiries. Finally the dead body will be handed over to the relations through concerned police.

Confinement of Other Department Prisoners in Lockup

When any prisoner arrested and escorted by officers of other units such as police stations & CID, Exercise, Customs etc., are brought for confinement in the police station lock-up, a written requisition shall be given to the officer in-charge of the police station and the latter shall keep such prisoners in the lock-ups. The Officers of the other units will keep their subordinates besides police station guard. If there are no prisoners in the concerned police station lock-up, the key of the lock-up shall be given to the officers of other branches or units or departments and they will be responsible for the prisoners' safe custody. In the lock-up if there are already prisoners of the concerned police station, the key shall remain with the in-charge of the guard. In all circumstances, the duty of supplying the prisoners with food and guarding them, when taken outside the lock-up, shall lie with the outside officers.

Escape from Custody

In all cases of escape of prisoners from police custody including those from jails where police guards are posted, a report by Automax, Fax, Radio or Telephone shall immediately be sent by the Superintendent of Police or the Commissioner of Police as the case may be to the Director General of Police, Addl. DGsP L&O Intelligence, CID, and Zonal IG/DIGP who will communicate the information immediately to the government. The radio or telephonic report shall immediately be followed by a detailed report in triplicate furnishing the circumstances under which the person escaped, whether the escape of the prisoner was accidental or as a result of collusion or negligence, the action taken to apprehend him, the person or persons responsible for the escape, the exact quantum of responsibility to be attached to the Police personnel involved and the action taken against them, and other relevant particulars. These reports should be properly drafted and neatly typed with proper care.

Bail

Bail broadly means surety security for release of a person who is arrested. A person is released on bail with or without sureties. Offences are of two types as far as bail is concerned, bailable and non-bailable. When a person is arrested for a bailable offence, he is entitled to be released on bail either by the SHO or by court. In cases of arrests for non-bailable offences, bail is discretion.

(a) **Bail in Bailable offences:** The SHO is competent to release a person on bail when arrested for bailable offences. If the arresting police officer is not the SHO, the arrestee shall

be produced before the SHO with a written report for release on bail. If the accused jumps bail in a bailable offence and when he is arrested again, it should be treated as a non-bailable offence. In case bail is given by SHO in bailable offence the bond should be taken in the Form. The detailed addresses of the sureties have to be noted there in.

(b) **Bail in Non-Bailable Offences:** When a person is arrested for a non-bailable offence ordinarily he shall be produced before the court but the SHO may release on bail in exceptional cases covered by section 437(1) and (2) CrPC after obtaining express permission by SP/DCP/CP concerned.

Grounds for Opposing Bail

Important points for opposing bail in non-bailable offences are: likelihood of absconding, possibility of tampering with evidence, intimidation and threat to witnesses, likelihood of repeating the offence, nature of the offender and the seriousness of the offence, likelihood of breach of peace and tranquility in the locality, likelihood of retaliations by the victims' party.

Bailable Warrants: When a person is arrested under a bailable warrant, he should not be compelled to come to the police station to give bail. He should be given bail at the place of arrest if he offers security.

Anticipatory Bail: When a person apprehends arrest for a non-bailable offence on reasonable suspicion, he may apply to the High Court or Sessions court to give a direction to release him on bail in case he is arrested. In such cases the court gives notice to the P.P. with sufficient information to enable him to argue the case. In case the order is given in favour of the petitioner, the direction will be that he should be released on bail in case he is arrested on taking security as specified in that order. This clearly shows that the police officers are competent to arrest even if one gets such order. The only facility is that he should be released on bail in case of arrest without producing him in court. The court may be requested to impose appropriation conditions in case an order is given in his favour.

Remand of Arrested Accused

i. When a person is arrested during the course of investigation and if the investigation is not completed within 24 hours, the officer in charge of the police station shall forward the accused to the nearest judicial magistrate along with a remand report enclosed by the case diary written till that date.

ii. The accused will be remanded only when the investigation discloses some offence against him so far and further investigation is needed for completion. A remand at a time will be for a maximum period of 15 days. However in cases under A.P. Control of Organized Crimes Act 2001 and Prevention of Terrorism Act 2002, the police remand may be for 30 days. Further

remand if necessary is only by the jurisdictional magistrate. The police can seek remand for 60 days in ordinary cases where offences are punishable with imprisonment for less than 10 years and 90 days in cases punishable with death or life imprisonment or with imprisonment for not less than 10 years. If the charge sheet is not filed within that period, the accused shall be entitled for a bail even in a serious case like murder.

iii. No accused shall be remanded to judicial custody unless he is produced before Magistrate. But in Andhra Pradesh an accused can be remanded even from jail by means of video conferencing. An accused can be remanded separately for each and every case committed under different transactions. Remands always shall be given by the Judicial Magistrate, but in the absence of any Judicial Magistrate an executive magistrate on whom the powers of judicial Magistrate are conferred can give remand, if the arrested person is produced before him. In such cases the remand can be only for a maximum period of 7 days by executive magistrate. Beyond this, remand can be given only by the competent Judicial Magistrate.

Searches

Searches, personal and house, are important tools of investigation. Police Officers are empowered to conduct these searches as per the various provisions under CrPC. Personal search is conducted immediately after a person is arrested and taken under the custody.

House search can be conducted prior to arrest or after the arrest as per the needs and demands of the investigation.

Powers of Search

i. An Officer in charge of a Police Station or an Investigation Officer, having reasonable grounds for believing that anything necessary for the purpose of investigation, may be found in any place within the limits of the Police Station, and that such thing cannot in his opinion be otherwise obtained without undue delay, may search the place under Section 165 of the Code of Criminal Procedure. Before making the search, the Police Officer must record in writing the grounds of his belief, specifying therein the thing for which the search is made. If the Investigating Officer is unable to conduct the search in person, he may require any officer subordinate Police Officer so deputed should be given an order in writing specifying the place where and the thing for which the search is to be made. Copies of records made above should be sent to the nearest Magistrate empowered to take cognizance of the offence.

ii. When a search has to be conducted in the jurisdiction of another station, whether in the same or a different district, an officer in charge of a Police Station making an investigation may require under Sub-Section (1) of Section 166 of the Code of Criminal Procedure, the officer in charge of the former station to make a search or cause search to be made. But,

where there is reason to believe that the delay occasioned by such a procedure might result in evidence being concealed or destroyed, the Investigating Officer may, under Sub-Section (3) of Section 166 of the Code of Criminal Procedure, make the search himself or cause the search to be made, in which case, he shall forthwith send a notice of the search together with a copy of the list prepared under Section 100 of the Code of Criminal Procedure to the Officer in charge of the Police Station, within the limits of which the place searched is situated and to the nearest Magistrate empowered to take cognizance of the offence. When a search is made under Section 165 or Section 166 of the Code of Criminal Procedure, a copy of the list prepared under Section 100 of the Code of Criminal Procedure, signed by the witnesses, shall be delivered to the owner or occupier of the place searched.

iii. Under Section 165(2) of the Code of Criminal Procedure, the Station House Officer or Investigating Officer must, if practicable, perform the actual searching in person. If incapacitated from so doing he must comply with Sub-section (3) of that section and deliver to his subordinate the prescribed order in writing. A verbal order given on the spot will not fulfill the requirements of the section.

Procedure for Search

i. At least two respectable witnesses of the locality shall be asked to be present at a search. The search shall be conducted in their presence and the list of things seized should be signed by the witnesses. The occupant of the place or his representative shall be allowed to be present during the search and a copy of the search list signed by the witnesses shall be given to him.

ii. When any person is searched under sub-section (3) of Section 100 of the Code of Criminal Procedure, a copy of the list of things taken possession of shall be given to him. Before the commencement of the search, the person of the Police Officer and the witnesses should be searched, so that there may not be suspicion of something extraneous being planted in the house or the place to be searched.

iii. The law does not require a search under the Code of Criminal Procedure to be made only by daylight, but, normally, daylight should be awaited. If information is received after dusk necessitating the immediate search of a house and if it is apprehended that delay till daybreak might result in evidence being concealed or destroyed, the house should be sealed and guarded and if that is not possible, search should be conducted during the night itself. Before entering the premises to be searched, the exterior of the place shall be inspected to see whether facilities exist for introducing property from outside. Search must be systematic and

thorough. Women should be allowed to withdraw. Indiscriminate search and damage to property should be avoided.

iv. A search list shall be prepared on the completion of the search in quadruplicate, all the copies being signed by the Police Officer making the search and the witnesses to the search. One copy will be handed over to the owner or occupant of the house, the second copy should be sent to the Magistrate and the third copy should be sent with the case diary to the superior officer to whom case diaries are sent. The fourth copy will form the station record. If blank paper has unavoidably to be used, four copies of the list should be made and dealt with as above affixing the fourth copy to search list book, on return to the station.

Precautions for Conducting Searches

The following precautions should be taken while conducting searches:

i. Searches, as far as possible be conducted during daytime, except when circumstances otherwise warrant. Before proceeding to conduct a search, prepare a record indicating reasonable grounds for making the search, the place to be searched, the thing or things for which search is to be made, and why such thing or things cannot otherwise be obtained without undue delay.

ii. Search report and one copy of the record so prepared without delay should be sent to the Magistrate and duplicate copy to be submitted to the senior officer, and the third copy be kept in case diary file. The Panchas and witnesses should be respectable and inhabitants of the locality. When it is not practicable to do so and Panchas have to be selected from any other place, make a record of the reason in case diary. Avoid calling the same Panchas to witness several searches. If, for any reasons, the same Panchas have witnessed more than one search, make a record of those reasons in case diary. When the Panchas are selected, serve an order on each of them requesting them to attend and witness the search.

iii. Commence the search only after securing the presence of witnesses and explaining to them the object of the search and the articles for which it is made. Before commencing the search, call out the inmates and have their bodies searched observing due formalities. Before commencing the search, request the occupants of the place to be searched to be present and to attend the search. If the occupant is not willing or fails to be present to attend the search, make a record of it in the search list and the case diary.

iv. If there is reasonably apprehension that the delay caused in securing the attendance of the occupant frustrates the very object of search, proceed with the search in the presence of whosoever present on his behalf and record the reasons for so proceeding, in case diary and search list. Get yourself and the witnesses searched in the presence of the owner or occupier

or any other adult male member of the house, if available, before the commencement of the search. When once the search is started, do not allow persons inside the house to go out or those outside to come in. conduct the search in each room in the actual presence of the witnesses.

v. After the search is completed and the thing or things for which the search was conducted and any other incriminating articles are found or brought out, get yourself and the witnesses again searched and make a record of it in the search list. Mention clearly in the search list every item of property seized, the exact place where it was found and how and by what means it was taken out from that place. Note in the search list the descriptive particulars and identification marks of the incriminating articles recovered. Make out the search list on the spot even if no articles are seized. Record the number of the house and other particulars including the occupant's name, parentage and occupation.

vi. Recover documents, if any, to prove the ownership or occupancy of the person from the place where incriminating articles are recovered and record such recovery in the search list. Sign with date on all pages of all copies of the search list and obtain the signatures of the witnesses on all pages of all the copies. Give under acknowledgment a copy of the search list immediately to the occupant of the house searched.

vii. On completion of the proceedings send without delay one copy of the search list to the jurisdictional Magistrate, attach another copy to the case diary of the relevant date to be sent to your officer, file the third copy in your case diary file, and attach the fourth copy to the final report to be sent to the court.

Custody of Property

According to Section 541 of the Code of Criminal Procedure, when any property regarding which any offence appears to have been committed or which appears to have been used for the commission of any offence is produced before any criminal court during any inquiry or trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial. If the property is subject to speedy or natural decay or if it is otherwise expedient so to do, the court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. Thus, this section provides for the interim custody of property. The Magistrate, as a rule, will provide a place for the safe custody of property seized in cases. If however, he refuses to take charge of it, the police must be responsible for it. Such property should be kept under lock and key in a lock-up cell or in an iron clamped box in custody of the treasury or sub-jail guard.

Disposal of Property if Court Declines to Take Possession

When a court or a Magistrate refuses to receive any property from the police or to pass any order under Section 452 of the Code of Criminal Procedure regarding its disposal on the ground that he does not believe that an offence has been committed in regard to it the

Following instructions should be followed:

- a. The police shall retain the property sufficiently long to enable the parties to appeal to a higher court against the court's or Magistrate's procedure.
- b. If no application for revision is made nor order passed on revision, the police shall return the property to the person from whom it was taken, unless there is obvious objection to so doing.
- c. In doubtful cases the police may apply for an order under Section 457 of the Code of Criminal Procedure to the Magistrate having jurisdiction.
- d. When no order can be obtained from a Magistrate or court on the ownership of the property is in dispute or difficult of determination, the safest course will be for the police to retain the property until one of the parties obtains the order of a court. Such case shall be reported to the Director General for orders.
- e. The police shall not hand over property seized in a criminal case to a person, other than the one from whom it was taken, without the orders of a court or Magistrate.

Live-Stock

The seizure of live-stock by the police in criminal cases shall be forthwith reported to the Magistrate for orders under Section 457 of the Code of Criminal Procedure. Pending the orders of the Magistrate regarding its disposal, the live-stock shall remain in the custody of the police, but they may deliver it to the charge of the Village Officer or its owner to be produced when required. The Magistrate having jurisdiction will be responsible for the cost of its feeding in cases other than those in which it is handed over to the owner.

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Compiled by
Mr. E. Enanalap Periyar, M.Sc., M.A., M.Phil., PGDRDA, PGDSW.,Ph.D
Assistant Professor
Dept. of Criminology and Criminal Justice
Manonmaniam Sundaranar University, Tirunelveli-12