

FOREWORD

The preliminary draft of the proposed Kerala Police Act 2008 is being submitted before Sri Kodyeri Balakrishnan, Hon'ble Home Minister of Kerala for his consideration and for the consideration later, in such form as it may be amended, by the Government of Kerala, the Legislative Assembly and the leaders of public opinion in Kerala.

This draft has been prepared by the Kerala Police Act Review Committee appointed as per GO RT 2110/06/Home dated 16-09-2006 under the Chairmanship of Dr. K. Sukumaran Nair and which has, after his retirement, been functioning under my Chairmanship as per GO RT 2854/07/Home dated 24-10-2007.

The motive force behind this effort has been Sri Kodyeri Balakrishnan, the Hon. Home Minister. It is at his instance that this venture was undertaken, bringing to fruition an effort that began way back in 1959 with the appointment of the N.C. Chatterjee Committee. The Hon. Minister, soon after assuming charge of Home Affairs, realised that Police Reform was the crying need of the hour and set to work right away in that direction. In fact the directive of the Hon. Supreme Court, partially addressing certain issues relating to police reform, came through after the effort at recasting the Police Act started in Kerala. Admittedly, this had the beneficial effect of strengthening the reform initiative.

The Review Committee, while drafting this Act, has tried to incorporate provisions by which : Policing has to be a professional service, well trained, well equipped, and with service conditions to attract the relatively better citizen to render police service; has to be accountable to the people through the elected

Government and Assembly; has to be accountable to the law; has to be vested with sufficient authority to discharge its responsibilities; has to be enabled to respond promptly; has to be subject to proper scrutiny and discipline; has to cause minimum possible hardship to anyone coming into contact with the system; has to be responsive to the complaints of citizenry; has to provide for mechanisms by which persons adversely affected can get impartial justice; has to have mechanisms to check misuse of authority etc. How far we have succeeded is for others to judge.

I place on record my thanks to Dr K. Sukumaran Nair who retired from service as DGP while he was the Chairman of this Committee as well as to Sri Varghese George who retired as SP while he was a member of this Committee. The preliminary report, covering the points highlighted in the directive of the Hon'ble Supreme Court, was formulated when they both were part of this Committee in April 2007.

I am to thank Sri Raman Srivastava, Director General of Police, Kerala for affording this Committee all co-operation and for placing the resources of the Department at our disposal.

I also thank all the fellow members of the Committee for their intense and sincere participation in the deliberations and for their contributions to the drafting process, but for which this task could not have been completed in time.

JACOB PUNNOOSE
Chairman, Police Act Review Committee

A NEW POLICE ACT FOR KERALA – WHY?

The Kerala Police Act 1960 unified the police systems existing in the different parts of Kerala. The Act was substantially the same as the Indian Police Act of 1861. The structures prescribed under the Act were based on the conditions prevailing in India in the year 1858, when the British Crown took over the governance of India from the East India Company after the War of Independence in 1857.

The police structure of 1861 was meant for a society in which citizens did not enjoy Freedom. None had the right to criticise police. The relationship of the Police to the Citizen was the same as that between the State and the Citizen then – i.e. the relationship between the Ruler and the Subject. The role of the police, unstated but implicit, was to uphold this position. Police was to ensure Security, but without Freedom for the Citizen. The British Indian Police discharged this role with admirable efficiency. Total police dominance over the Citizen was the foundation on which the edifice of efficiency was built. That is why shouting slogans against the Police came to be rightly perceived as an act of courage and an assertion of freedom by the average Indian agitator.

The advent of democracy changed the matrix of policing. Total Police Dominance over the citizen violates the essence of democracy. The new challenge was to ensure Security with Freedom for the Citizen. The old system had no need to cater for criticism of the police by the citizen, activities of elected representatives, periodic change of those who wield political power, protests by a democratic opposition, a free and critical fourth estate or the fundamental rights of citizens. Surprisingly, in the initial years of our Democracy, there was no realisation that the task of “Ensuring Security with Freedom for the Citizen” was fundamentally different from that of “Ensuring Security without Freedom”.

“Rule of Law”, in practice, implies one thing in an Autocracy - and another in a Democracy. As we mature as a democracy, this inconsistency is rendering police work more difficult, public dissatisfaction with police more widespread, citizen co-operation with the police rarer and the sense of security of the public more fragile.

Political control of the police is the norm in every known democracy right from the municipal to the national level. But the lack of proper definition of either the Police – Politician interface or the Police – Ruling

Party interface is creating practical problems throughout India, leading many good persons to condemn political control and praise rigid, bureaucratic controls, which would be unresponsive to popular will, over the Police. This tendency has gained popularity primarily because the existing 1861 model is incapable of harmoniously integrating the conflicting pressures which are natural in a democracy.

As always, Kerala was the first Indian State to discover, and formulate a response to, the contradiction implicit in trying to a police a democracy with a system perfected for ensuring colonial subjugation. How can the same Police which meticulously subjugated public freedoms now become the guardians of public freedoms and ensure that citizens peacefully enjoy every freedom and every right guaranteed to them under the constitution? In 1959, a Police Reorganisation Committee under Sri N.C. Chatterjee was asked to look into this, but its valuable report did not lead to any positive action.

In the years that followed, the calls for police reform have become more strident. The National Police Commission of 1977 gave its landmark report but the inertia of the system prevented any dynamic action. As problems continued, several States and the Centre appointed myriad Commissions and Committees to look into issues related to Police Reform. And every enlightened person has come to the inescapable conclusion that reforming the police has become imperative if democracy is to survive, both as system of governance and as a way of life.

This is the background against which the Government of Kerala decided in August 2006 to formulate a new Police Act. Shortly afterwards the Honourable Supreme Court also directed urgent action with regard to a few salient aspects.

The Kerala of today bears no semblance to the India of 1861. It is not only the system of governance but also the entire social spectrum that has undergone unbelievable changes. Kerala then had no motor vehicles, no phones, no radio, no television, no airports, no railway, no popular newspapers, no political parties, no civic freedoms, - and only rudimentary systems of education, health, tourism or industry! And we still have the same Police Act!

A new Police Act must also take note of these vast changes that have taken place in Kerala society since the 1861 Act was formulated. This is because policing is influenced not only by the system of governance but also

by the technological and societal forces that are instrumental in shaping the response of the society to policing.

Crime today can take place at the speed of light. Crime has developed trans-continental and international linkages. A crime can be committed here by a person sitting ten thousand miles away in another country. Nothing less than immediate response to an emerging issue will satisfy legitimate public expectation. The spreads and reach of issues are immediate and brook no delay. The need for efficiency is paramount. At the same time new challenges are emerging making the tasks of policing more difficult. Terrorism, insurgency and militancy have rendered effectiveness and efficiency of policing a matter of prime importance in ensuring national security.

The ability of the public - and the press- to keep track of police action has been vastly enhanced by technology. Technology has brought most activity - including that of the police - within the realm of automatic and objective recording and accountability. The need and demand for security has gone up steeply while the demands on the police for according greater dignity and respect to the citizen and his freedoms have become more stringent. Several agencies exist to monitor police performance and activity.

It is against this background that a new Police Act for Kerala is being formulated. It is a response to the need for reforming the police structure based on our ongoing experience with democracy and our continuing encounter with the magic of modern technology.

JACOB PUNNOOSE IPS
Chairman, Police Act Review Committee

**THE
KERALA
POLICE ACT 2008**

A Draft

Prepared by

The Police Act Review Committee

Chairman	-	Sri. Jacob Punnoose
Members	-	Dr. Alexander Jacob Sri. A. Hemachandran
Convenor	-	Dr. B. Sandhya
Secretary	-	Dr. N.C. Asthana

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GO RT 2110/06/Home dated 16-09-2006

GO RT 2854/07/Home dated 24-10-2007

NOTE TO READER

Where substantially new provisions and new measures are introduced in the proposed new Kerala Police Act, the section heading is underlined and the contents of the section are given in double space.

Those parts of the proposed new Kerala Police Act, which are nearly the same as the Kerala Police Act as it was in 2006, are given in single space.

Where old sections are modified and given new wording, the section heading is not underlined- but the matter is given in double space.

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THE KERALA POLICE ACT 2008

PREAMBLE

Whereas providing professional policing to the people is the constitutional obligation of every State;

Whereas protecting the integrity of the Union and maintaining internal security of the nation, while protecting the life, liberty, property and dignity of every person, demand the establishment of a highly professional, trained, skilled, disciplined and dedicated police service;

Whereas it is necessary to empower the police with sufficient institutionalized authority to enable them to efficiently discharge their duties and, also, to subject the police to such disciplinary control as to ensure that they do not abuse the lawful authority vested in them;

Whereas it is necessary to ensure that police uphold the rule of law with due transparency and regard for human rights;

Whereas it is necessary that the police are protected from unwarranted influences to enable them to function impartially according to the requirements of the Constitution;

Whereas it has become imperative to keep the police responsive to the needs of a modern democratic society;

And

Whereas, for the above purposes, it is necessary to consolidate and amend the law relating to the organization, structure, role and functioning of the police;

It is hereby enacted in the Fifty Ninth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short Title, Extent and Commencement:

- a) This Act may be called the Kerala Police Act, 2008.
- b) It extends to the whole of the State of Kerala.
- c) It shall come into force at once.

2. Definitions: In this Act, unless the context otherwise requires:-

- a) "Competent Authority" when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means the officer or Authority empowered in that behalf under the law or by the Government;
- b) "District Magistrate" shall mean the officer charged with the executive administration of a district and invested with the powers of a Magistrate of the first class, by whatever designation such officer is styled;
- c) "Government" or the "State Government" means the Government of the State of Kerala;
- d) "Place" includes any building, tent, booth or other erection, whether permanent or temporary and any area, whether enclosed or open;
- e) "Place of public resort" shall include any place to which the public may enter for purpose of recreation, diversion, amusement, entertainment, refreshment or relaxation or for availing or enjoying any service;
- f) "Police" means and includes all persons discharging the role and functions defined in Sections 3 and 4 as authorised under section 97;
- g) "Police Force" means the Police Force referred to in section 14;
- h) "Police District" means the territorial area declared under section 18 to be a Police District;
- i) "Police Officer" means any member of the Kerala Police of any rank specified in Section 14 and includes all those belonging to the Indian Police Service, the Kerala Police Service or the Kerala Police Subordinate Service who are serving in Kerala Police;
- j) "Property" shall include money, valuable security and all property, whether movable, immovable or digital;

- k) "Public Place" means any place to which the public have access, whether as of right or not, and includes
 - (i) a public building and monument and precincts thereof; and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- l) "Street" includes any highway, bridge, way, causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare;
- m) "Traffic" means the movement of persons, animals, vehicles or goods along any public place, and includes the disposition of vehicles and static objects, either temporary or permanent, situated in or near any such place in such a manner as to influence such movement in any manner.
- n) "Vehicle" means any carriage, cart, van, truck, handcart or any conveyance of any description and includes a bicycle, tricycle, a rickshaw, a motor vehicle, a vessel or an airplane;

Provided further that words and expressions used and not defined in this Act, but defined in the Indian Penal Code, 1860, or in the Code of Criminal Procedure, 1973, shall have the meanings respectively assigned to them in those Codes.

CHAPTER II

ROLE AND FUNCTIONS OF POLICE

3. The Role of the Police: The Police Force, as a Service organised under the State and functioning among the people, will uphold the Constitution of India and the laws enacted there under to ensure that all persons enjoy the freedoms and rights guaranteed under the law.

4. The Functions of the Police: The functions of the police shall be:

- a) To lawfully enforce the law;
- b) To protect the life, liberty, property, dignity and human rights of all persons;
- c) To protect the internal security of the nation, and to guard against terrorism, sectarian violence, insurgency etc.;
- d) To promote and preserve public order and to maintain public peace;
- e) To protect the public from danger and nuisances;
- f) To protect all public properties including roads, railways, bridges, vital installations and vital establishments against acts of vandalism;
- g) To prevent crimes to the best of their ability, and to reduce the opportunities for the commission of crimes;
- h) To investigate crimes and to take lawful action to bring offenders to justice;
- i) To control and regulate traffic at all public places where there is movement of people or goods;
- j) To strive for resolution of conflicts which may result in the commission of crimes;
- k) To provide, as one of the first responders, all reasonable help to persons affected by natural or man-made disasters, calamity or accident;
- l) To collect, collate and communicate intelligence in support of all functions of the police and the security of the State;
- m) To take care of all persons in custody;
- n) To obey and execute all lawful commands lawfully issued by all competent authorities and by official superiors;
- o) To uphold and maintain standards of internal discipline;
- p) To instil and uphold the confidence of the people in democratic and lawful procedures;
- q) To create, within the sphere of their lawful responsibility, conditions conducive for the enjoyment of fundamental rights by all citizens; and
- r) To instil a sense of security among people in general.

CHAPTER III

THE POLICE STATION

5. Government to Establish Police Stations:

1. The Government shall notify and establish Police Stations for every local area in the State wherein **any** person
 - a) can set the process of criminal law in motion with regard to the occurrence of a crime; or
 - b) can seek the protection of law enforcement officers when
 - (i) apprehending any injury by reason of any criminal act or imminent danger; or
 - (ii) seeking any remedy which is implicit in the functions to be discharged by police.
2. The area of jurisdiction of every Police Station and the premises at which it shall function shall be notified by the Government.
3. A Police Station shall function under the general supervision of an officer designated as the Station House Officer of such rank as may be decided by the Government or the State Police Chief and he shall function as the officer in charge of the Police Station.
4. When the Station House Officer is not present in the Police Station, the senior-most officer present in the Police Station shall be deemed to be the officer in charge of the Police Station.

6. Government to Provide Sufficient Facilities at Police Stations:

1. The Government shall ensure that every Police Station has sufficient manpower and infrastructural facilities to provide basic police services to all who need the same.
2. Such facilities shall include sufficient working area and sufficient infrastructure for all the police personnel attached to the Police Station, reception area for public with adequate facilities, sufficient storage space for the safe custody of articles in custody and official arms and ammunition, sufficient space for civic amenities including washrooms and toilets for the staff, visitors and those in custody, sufficient custodial facilities, record room, suitable communication facilities, sufficient mobility, sufficient

equipment including digital devices, arms and forensic devices to adequately discharge the statutory responsibilities cast on the personnel of the Police Station.

3. The State Police Chief shall every year arrange to review the adequacy of facilities available in every Police Station in the State and take steps to upgrade the facilities to the desired level.

4. Every police officer posted in a Police Station shall perform his duties with due diligence and earnestness to the best of his ability with the available resources.

7. Citizens have the Right to Efficient Police Service: All citizens are entitled to efficient police services reasonable under the circumstances from every Police Station.

8. Rights of the Public at a Police Station:

1. All persons shall have the right of peaceful entry into any Police Station for obtaining lawful services at any time and the right to be received, subject to reasonability and practicability.

2. Any member of the public shall have the right to meet, subject to reasonable restrictions, the officer in charge of any Police Station.

3. Any member of the public shall have the right to insist that the substance of any grievance that he has given at the Police Station, either orally or in writing, be entered simultaneously in a chronologically and contemporaneously maintained permanent register maintained at the Police Station.

4. Any member of the public shall have the right to have the grievance presented by him appropriately acknowledged by the officer in charge of the Police Station.

5. Any citizen shall have the right to know whether any particular person is in custody at the Police Station.

6. Any person shall have the right to know the stage of police action or investigation with regard to a complaint made by him at the Police Station.

9. Provision for Persons in Custody: The State Government shall provide a daily sum equal to half the minimum daily wages prevailing at the time for the food, water and other primary requirements of every person who is in custody.

10. Police Stations to be Always Open: A Police Station shall always be open for those who need police services and shall always be alert for the purpose of rendering service to the public and for the performance of any police duty.

11. Special Police Station:

1. In addition to the Police Stations notified for any area under section 5 above, Government may establish Special Police Stations, for any particular period in any area or for any particular purpose in any area or for enforcement of any particular law or laws in any area.

2. Such Special Police Stations shall have the same status in law as Police Stations established under section 5 and shall be notified similarly specifying the premises and area and the scope of jurisdiction.

3. Nothing in this section shall be deemed to prevent the Government from establishing a Special Police Station in a mobile vehicle or in any temporary office.

4. The fact that a Special Police Station has been established will not render any action taken by a regular Police Station null and void on the ground that it was a matter which could have been entrusted with the Special Police Station.

5. Special Police Stations will be so named as to make the special purpose and special nature self-evident.

6. The State Police Chief may, by special order, exempt the Station House Officer of a Special Police Station from any responsibility normally associated with a Police Station and may also entrust additional or special responsibilities not normally assigned to a Police Station.

12. Police Station Diary: Every Police Station shall keep a general diary in such form as shall, from time to time, be prescribed by the Government and record therein all complaints and charges preferred, the names of the complaints and the names of persons, if any, against whom complaints are made, the names of all persons arrested, the offences charged against them, the weapons or property that may have been taken from their possession or otherwise and the names of witnesses who may have been examined.

13. Persons competent to verify Station Diary and Custodial Facility:

1. All Chairpersons and members of the State Human Rights Commission or the State Women's Commission or the State or District Police Complaints Authorities or officers deputed by such Chairpersons or members may examine the entries in any Police Station Diary maintained as per section 12 and further verify the condition of any person kept in custody.
2. Any person visiting the Police Station as aforesaid shall make a contemporaneous record of his visit in the Diary and also communicate to the District Police Chief the summary of his observations and further action may be taken by the District Police Chief.

CHAPTER IV**GENERAL ORGANIZATION OF THE POLICE
FORCE****14. Kerala Police:**

1. There shall be one police force for the entire state of Kerala, known as Kerala Police, and it may be divided into as many sub-units, Units, Branches or Wings on the basis of geographical convenience, functional efficiency or any special purpose as maybe decided from time to time by the Government.
2. The police force shall consist of various ranks as may be decided from time to time by the Government subject to the limit that that there shall not be a rank higher than that of the State Police Chief; and these ranks shall, in ascending order, be presently those of
 - a) Police Constable
 - b) Police Head Constable
 - c) Assistant Sub-Inspector of Police
 - d) Sub-Inspector of Police
 - e) Inspector of Police
 - f) Deputy Superintendent of Police
 - g) Superintendent of Police

- h) Deputy Director General of Police
- i) Joint Director General of Police
- j) Additional Director General of Police
- k) Director General of Police.

Provided that the ranks of Deputy Director General of Police and Joint Director General of Police shall be equated with the ranks of Deputy Inspector General of Police and Inspector General of Police respectively referred to in the Rules relating to Indian Police Service and ranks so referred in any order, rule or statute before the coming into force of this Act, except when the intended reference was to the head of the police force in the State.

3. The Government may, by general or special order, specify that any other phrases used to specify any rank under the service either of Kerala Police or any other State or of the Centre shall be deemed to be equivalent to any one of the above ranks.

4. Nothing in the sub-section (2) shall be deemed to preclude the authority of the Government to create a new rank or to give a new designation to a rank specified therein.

15. Government to Specify Police Organisation: Subject to the provisions of this Act, the police force shall consist of such numbers in each rank and have such organization, chain of command and such administrative powers, functions and duties as the State Government may by general or special order determine.

16. Police Circle & Circle Inspector of Police:

1. One or more Police Stations which are contiguous may be grouped as a Police Circle.

2. Every Police Circle shall be placed under the charge of a Circle Inspector of Police who will supervise and direct the functioning of the Police Stations under him.

17. Police Sub Division & Sub Divisional Police Officer:

1. One or more Circles which are contiguous may be grouped as a Police Sub Division.

2. Every Police Sub Division shall be placed under the charge of a Sub Divisional Police Officer who will supervise and direct the functioning of the Police Stations and Police Circles under him.

18. Police District: The State Government may by notification declare that as from such date as may be specified in the notification, any area in the State shall be a Police District for the purposes of this Act.

Provided that one Police District may not fall within the jurisdiction of more than one revenue District.

19. District Police Chief:

1. Subject to such orders as may be issued by the Government, and subject to the supervision and command of the State Police Chief, the Zonal Police Chief, the Range Police Chief and of such other officers in respect of such matters as may be prescribed, the police force and the Police Stations of a Police District shall function under the supervision and control of a District Police Chief of such rank as may be prescribed by the Government and he will be assisted by Police Officers of such rank as may be prescribed by the Government.

2. The District Police Chief shall not be an officer lower in rank than a Superintendent of Police.

20. Range Police Chief: One or more of Police Districts may, by order of the Government, be defined as a Police Range and an officer not below the rank of a Joint Director General of Police shall be appointed as the Range Police Chief.

21. Zonal Police Chief: One or more Police Ranges may, by order of the Government, be defined as a Police Zone and an officer not below the rank of an Additional Director General of Police shall be appointed as the Zonal Police Chief.

22. State Police Chief:

1. The administration, supervision, direction and control of the police throughout the State shall, subject to the control of the Government, be vested in an officer of the rank of Director General of Police designated as the State Police Chief.

2. The State Police Chief shall be appointed by the Government from among those officers of the State cadre of the Indian Police Service who have either already been

promoted or are eligible to be promoted to the rank of Director General of Police, considering his overall record of service and experience for leading the police force of the State:

Provided that the officer selected as the State Police Chief must not have a charge pending against him in any Court or Tribunal or Departmental agency on a charge filed on behalf of the State.

3. All persons discharging any police functions in the State of Kerala invoking authority under this Act shall be subordinate to the State Police Chief.

4. The State Police Chief shall be assisted by such number of officers of the rank of DGP/ADGP/JDGP/DDGP/SP/DySP as may be decided from time to time by the Government.

5. Other officers of the rank of Director General of Police may be posted in Kerala Police provided they are junior to the State Police Chief in inter se seniority.

Provided that if the State Police Chief is not the senior-most among the Directors General of Police, those Directors General of Police senior to him shall be posted outside the department.

23. Co-ordination by District Magistrate: The District Magistrate may, for the purpose of dealing effectively with extensive disturbance of public order, natural disasters, man-made disasters, elections, epidemics, external aggression, land reforms, land disputes, beggary, child labour, trafficking in human beings, juvenile justice, prosecution, transport of persons and goods etc, co-ordinate the activities of the Police Force of the District with the activities of various other government departments, local self-governments and public or private institutions interacting with the police in any manner.

24. Honorary Special Executive Magistrates:

1. The State Government, on the recommendation of the Director General of Police after proper verification of antecedents and with the prior approval of the District Sessions Judge of the area, appoint, for three years at a time, persons of high reputation, sound health and good standing aged between 55 and 70 years and having more than two decades of policing, administrative or legal experience as

Honorary Special Executive Magistrates who will generally assist the police in their functions in any local area, without receiving any remuneration or wielding any police authority.

2. The services of any such Magistrate are liable to be terminated without notice by the Government.

3. No person who is an office bearer of any political or communal organisation shall be eligible to be such Magistrate.

25. Police Manual:

1. The State Police Chief may, from time to time, by specifically invoking the authority under this section, frame, subject to the authority of the Government to modify or annul them if found necessary, such standing orders and guidelines, not inconsistent with this Act, for the efficient discharge of all police duties and specially those relating to the general supervision, administration and distribution of the police force, their places of residence, the particular duties of the members or of each rank or of each category thereof; their inspection; their arms, equipments, and other necessaries to be furnished to them; the collecting and communicating intelligence and information; the manner of performance of duties; the prevention of abuse of authority or neglect of duties.

2. The compilation of such orders and guidelines issued by the State Police Chief, supplemented if any by any government order or direction in relation to the same, shall be known as the Police Manual.

3. Any provision in the Manual, if circumstances so warrant, may be amended by the State Police Chief.

26. Special Wings, Units, Branches, Squads:

1. In order to assist the State Police Chief or the Zonal, Range or District Police Chiefs or to generally assist the police in their functions and duties, Government may create and maintain, any Special Wing or Special Unit or Specialized Branch or Special Purpose Squad, of such strength, sub-units, powers, duties, jurisdiction or internal or external supervisory structure as the Government may by order direct.

2. Such units may be created or special arrangements may be made, inter alia, for the following:

- a) Collection of Intelligence directly or indirectly affecting National Security, State Security, Maintenance of Law and Order, Maintenance of Public Safety or Prevention of Crime, Security of Vital Installations and individuals facing grave threats from terrorist or extremist violence;
- b) Investigation of especially complicated cases, heinous crimes or sensational cases and any case of special importance;
- c) Traffic Control;
- d) Coastal, River and Backwater Policing and Policing for the protection of tourists;
- e) Policing on the Railways;
- f) Collection, collation, indexing storing of data and intelligence relating to crime and criminals and analysis thereof and the establishment of a Bureau of Missing Persons;
- g) Helping police offices and officers in selecting, using and utilizing computers and other digital services and developing software necessary for the purpose;
- h) Maintaining the telecommunication and digital communication networks for police purposes;
- i) Identification of individuals and property by means of fingerprints, photography, or any digital or biometric technique;
- j) Maintaining a well-trained reserve force with a proper chain of command to be deployed whenever and wherever the district police or the local police stations fall short of manpower in the proper discharge of any police function;
- k) Training of recruits and refresher training of those in service and general training in policing related matters to any other individual or group as may be decided by the Government;
- l) Specialised response units like control rooms equipped to respond to distress calls relating to crime, calamity or accident;

- m) Enforcement of any Local or Special Law or special enforcement in any particular area;
- n) Digital and Cyber Policing;
- o) Forensic support services to effectively complement the role and functions of the Police;
- p) Administrative support services for police functioning in terms of processing of establishment, financial and documentation matters;
- q) General support services to help in the functioning of police institutions and offices of various types and to discharge essential functions like cleaning, grooming, cooking, maintenance of equipments and areas etc;
- r) Research and Development support for various policing related social and professional matters and for evolution of new policing, preventive and investigative techniques;

3. The State Government shall equip these units and arrange to impart such specialized training to the personnel as may be necessary to enable such units to function at a high level of technical and professional competence.

4. Such units as are created vide subsection (1) above may consist of either police officers of designated ranks or non-police personnel or both as may be specified by Government and Government may prescribe their conditions of service, special allowances payable to them, special qualifications and skills necessary and special facilities to be made available to them individually or collectively.

27. A Police Officer may himself Perform the Duties of his Subordinate:

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

28. Separation of Investigation from Law and Order:

1. The Government may, having regard to the population in an area or the circumstances prevailing in such area, by order, separate the investigating police from

the law and order police in such area as may be specified in order to ensure speedy, effective and professional investigation.

2. The District Police Chief shall ensure the full co-ordination between the two wings of the police force separated under sub-section (1).

29. The State Security Commission:

1. The Government may, by notification in the official Gazette constitute a State Security Commission for the purpose of exercising such functions and discharging such duties as may be assigned to the Commission under this Act.

2. The Commission shall consist of the following members, namely:-

- (i) The Minister in-charge of Home Department who shall be the Chairman;
- (ii) The Minister in-charge of Law;
- (iii) The Leader of Opposition;
- (iv) The Chief Secretary - ex- officio;
- (v) The Secretary to Government, Home Department- ex-officio;
- (vi) The State Police Chief- ex-officio;
- (vii) Three non- official members, who shall be persons of eminence in public life with wide knowledge and experience in law and order administration, human rights, law, social service, management of public administration, nominated by the Governor.

3. The State Police Chief shall be the Secretary of the Commission.

4. Every member nominated under clause (vii) of sub-section (2), shall, unless their seats become vacant earlier by resignation, death or otherwise, hold office for a period of three years and shall be eligible for re-nomination.

5. If a non-official member of the Commission is absent without sufficient cause for more than three consecutive meetings thereof, the Chairman of the Commission may, remove such member from the membership of the Commission:

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

6. Any non-official member of the Commission, may resign his office by giving notice in writing, of his intention so to do, to the Chairman, and on such resignation being accepted, he shall be deemed to have vacated his office.
7. The Commission shall regulate its own procedure and the conduct of the business to be transacted by it.
8. The fees and allowances payable to the nominated members of the State Security Commission and their conditions of service shall be such as may be prescribed.

30. Functions of the Commission:

1. The Commission shall have the following functions, namely:-
 - a) to frame the broad policy guidelines for the functioning of the police force in the state;
 - b) to issue directions for the performance of the preventive tasks and service oriented functions of the Police;
 - c) to evaluate, from time to time, the performance of the police in the State in general;
 - d) to prepare and submit an yearly report of its functions to the Government; and
 - e) to discharge such other functions as may be assigned to it by the Government.
2. The report submitted by the Commission under clause (d) of sub-section (1) shall, on receipt, be placed before the Legislative Assembly.
3. No act or proceedings of the Commission shall be deemed to be invalid merely by reason of any vacancy at the time any such act or proceedings is done or passed.
4. Notwithstanding any guidelines or directions issued by the Commission, the Government may issue such directions as it deems necessary on any matter, if the situation so warrants, to meet any emergency.
5. The directions of the Commission shall be binding on the Police Department:
Provided that the Government may, for reasons to be recorded in writing, fully or partially reject or modify any recommendation or direction of the Commission.

31. Police Performance Evaluation:

1. The State Security Commission, may every year, appoint a panel of three experts, familiar with the functioning of the police or public administration or sociological or criminological studies, to evaluate the performance of the police in the previous financial year as well as to suggest performance standards for the succeeding financial year.
2. Parameters for evaluating performance may be fixed by the State Security Commission, taking care to avoid considering statistics of reduction in crime registered by police as an indication of reduction in the incidence of crime and further taking care to ensure that the parameters cover the entire range of police activities as well as manpower utilisation and resource utilisation by police officers.
3. Every year, the State Security Commission shall fix performance standards to be attained by various units and branches in the succeeding financial year and the facts thereof shall be communicated to the concerned before the first day of March in the current financial year.

CHAPTER V

POLICE DUTIES AND RESPONSIBILITIES

32. Duty of a Police Officer: It shall be the duty of every police officer to undertake all reasonable and lawful actions so that such officer and the Police Force in general are enabled to discharge all responsibilities arising from the stipulated functions of the Police in an efficient and effective manner.

33. Police Response: Every police officer on duty shall remain in a state of mental and physical alertness and shall respond as quickly as practicably possible to any situation brought to his notice with respect to which police are lawfully expected to discharge any of its functions.

34. Police Behaviour:

1. All police officers on duty, in their dealings with the public, shall be courteous considerate and polite.
2. They shall not, unless it is necessary to achieve any lawful purpose, use force or threaten use of force or threaten any one with any punishment or any adverse police or legal action.
3. They shall be particularly considerate to the victims of crime and to the special needs of women, children, senior citizens and the differently abled.
4. They shall eschew unnecessary show of aggression and avoid intemperate behaviour even under provocation.
5. They shall not ill treat anyone in their care or custody.
6. They shall take care to appear in public in a state of good physical grooming and shall not appear sloppy or unkempt or unclean or untidy, unless such a state is directly caused by the diligent performance of any duty.

35. Police Officer to Maintain Good Health:

1. All police officers shall strive to maintain good physical and mental health.
2. Subject to any direction the Government may issue in this regard, the State Police Chief may prescribe standards of physical and mental efficiency to be maintained by a police officer, with due consideration for age, gender, nature of duties and standards prevalent among the general population.
3. No police officer shall be discriminated against by reason of failure to meet a physical standard if such failure is due to any injury or circumstance suffered as a result of or in the course of duty or chronic ailment.
4. Government may institute a system of incentives and infrastructural facilities to promote good mental and physical health among members of Kerala Police.

36. Police to Keep Information Confidential:

1. All information relating to the activities of any individual or institution which the police collect in the course of their duties shall be kept confidential except for the purpose of using such information for any official purpose.
2. Such official purpose may include publication of such information for assistance in the detection or prevention of crimes.

3. Persons in custody may not be paraded or photographed for the purpose of publication in the press or in any visual media.

37. Police to be Accountable for its Actions:

1. Any person or his representative in interest shall have the right to seek and be informed of the reason for any police action as a result of which his person, property or reputation was adversely affected.

2. As far as is reasonably practicable under the circumstances of each case, a police officer, performing any act which is likely to endanger or adversely affect the person, property or reputation of any person, will maintain such records of his actions as may be prescribed by any law governing the performance of such act or by the State Police Chief.

3. Nothing in this section shall prevent the State Police Chief from denying the furnishing of information to any person on the ground that the same would be prejudicial to the interests of an ongoing investigation or trial or to the interests of security of the State.

38. Police and Public may keep Audio or Video or Digital Records:

1. Police may make and keep audio or video or digital records of any activity performed by them in pursuance of any duty imposed on them individually or collectively and such records may be used in any proceedings in which the correctness of police action is called into question.

2. No police officer shall prevent any member of the public from making any audio or video or digital record of any police activity or action carried out in a public place or in any private place under the control of the member of the public making the record.

39. Complaints to Police How Made: A complaint to the police may be made orally, or in writing, or by gestures or signals, or by digital or electronic means and a police officer is bound to take appropriate action thereon provided the officer has no reason to suspect that the complaint is pseudonymous, anonymous or manifestly false or frivolous or trifling.

40. Persons to answer questions truthfully: All persons shall answer truthfully every relevant and reasonable question put to them by a police officer in pursuance of the lawful duties of such officer, provided that no person shall thereby be compelled to incriminate himself.

41. Police to treat witnesses with due consideration:

1. If any person is acquainted with the facts and circumstances of any matter which any police officer has any valid ground to ascertain, the police officer may take action to do so taking care to ensure that he does not unduly inconvenience such person.

2. All such persons shall normally be approached while they are at their normal places of residence or place of work and no child, woman or senior citizen shall be summoned to the police station for this purpose.

3. If any person, from whom the police officer wants any assistance in the ascertainment of any fact or circumstance in any connection, is planning to be away from his residence, it shall be lawful for the police officer to direct that he may inform the police of his whereabouts for the succeeding days, not exceeding fifteen days in any case, and such person shall comply with such direction.

4. If any person is so seriously inconvenienced as to lose his wages for any day due to the fact that he had to assist the police in ascertaining any fact or circumstances, he may be paid, out of the Criminal Justice Miscellaneous Expenses Fund, such amounts as may be prescribed in general by the State Police Chief.

42. Persons to Identify Themselves if Required:

1. Every person shall identify himself if so required by a police officer.

2. If, prima facie, a claimed identity is wrong or on refusal to reveal identity under circumstances which lead to a reasonable suspicion that there is a criminal intent, the police officer may direct the person to remain at a particular place or not to leave a particular area till such time as his identity is verified.

3. Such police officer may take reasonable steps necessary to get the identity of the person established and for this purpose, the police officer, may make or take such records of personal identification as may be necessary in each case.

4. No person will be arrested or kept in custody in any manner under this section merely for the reason that the identity given by such person is to be verified.

43. Police Access to Private Places: Every police officer shall have due access, with due regard for custom, decency, privacy and propriety, for good and sufficient reason for which such officer shall be personally accountable and responsible, to any private place, for the purpose of ensuring safety or for averting imminent danger,

Provided that such officer shall, as far as possible, try to get the co-operation and consent of the person in charge of the premises before exercising this right.

44. Police to Interpose to Prevent Crime:

1. Any police officer present at the spot shall, to the best of his ability, interpose and stop any criminal activity going on or about to take place in his presence or proximity.

2. For this purpose he may lawfully demand and accept the services of any able bodied adult male and no person shall disobey, without reasonable cause, a lawful and reasonable direction so given by a police officer present on the spot.

45. Police to Give Reasonable Directions:

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

2. In order to ensure compliance with any direction of law or in lawful discharge of any duty cast upon any police officer by this Act or any rule, regulation or order made there under, a police officer may

- a) Caution a person who is about to commit an offence punishable under any law or any Rule or Order made under any law;
- b) Require any person to comply with any law which prescribes the manner in which such person should act either with regard to himself or another person or with respect to any thing under his charge;

- c) Subject to the provisions of sub-section (a) and (b), arrest where such arrest is considered necessary, any person who is committing an offence or who in the presence of the police officer has committed an offence;
- d) Seize any object used, or about to be used, in committing an offence;
- e) Seize any object in relation to which an offence has been committed, if such seizure is necessary for the prevention or investigation of such offence.

46. Removal by Police:

1. Where any person, at a place where the public are present, resists, refuses or fails to comply with any reasonable direction given by a police officer, the police officer may, without prejudice to any other action he may take under any provision of this Act or any law, cause the removal of such person to a nearby place, and release him, after ascertaining his name and address, within six hours or as soon as the need for the removal has ceased to exist, whichever is earlier.
2. The police may remove any person or group of persons staging any demonstration at any public place causing any public nuisance or annoyance or obstruction thereby to a convenient place nearby and hold them there till such time as they deem necessary but not for more than six hours after which they would be set at liberty after ascertaining their names and addresses, without subjecting them to any further criminal proceeding, if they agree not to continue the nuisance or the annoyance or the obstruction.
3. Such removal followed by release within six hours shall not be deemed to be an arrest.
4. Police may use the minimum amount of force necessary to effect such removal if the persons concerned refuse to remove themselves if so ordered or if they physically resist the removal.

47. Police Action in Offences Requiring Special Authorisation: A police officer may keep, in the presence of appropriate local witnesses as is reasonably practicable, any person or object, at any appropriate place, as is reasonably possible under the circumstances of each case, for a maximum period of six hours, if the

person or the object is manifestly involved in any cognizable offence, in respect of which such police officer is, by rank or jurisdiction, not authorized to effect the arrest or seizure, to enable another police officer or other authority legally competent to do so to take further action under the law.

48. Maintenance of Order and Prevention of Danger:

1. For preventing serious disorder or breach of peace or manifest and imminent danger to persons assembled at any place, any police officer having jurisdiction, present at such place or such assembly, may give such reasonable directions regarding the conduct of persons at such places as he thinks necessary and all persons shall be bound to conform to such directions.
2. Every police officer shall have free access to every public place including educational institutions and private establishments where members of public may be found for giving effect to the provisions of sub-section (1).

49. Lawful Police Activity not to be Ridiculed: No manifestly lawful statutory duty performed by a police officer shall be publicly ridiculed or falsely represented deliberately by any person in such a manner as to adversely affect the confidence of the public in the law enforcement machinery provided that any criticism by or on behalf of an affected party shall not be construed as ridicule or false representation.

50. Police Uniforms to be Distinctive, Exclusive and Easily Identifiable:

1. The State Police Chief may, with the prior approval of the Government, specify the uniforms of all ranks and categories of police officers keeping in view the need for such uniforms to be distinctive, exclusive and easily identifiable by the members of the public who seek the services of police.
2. The State Police Chief may specify the times and manner of wearing the uniforms and further specify the duties on which uniforms are to be compulsorily worn, optionally worn or not worn.
3. A police officer shall always maintain his uniforms in proper order and state of good repair and state of good appearance.

4. No person, other than a police officer acting officially, shall, save for artistic or scientific purpose, wear any dress which can be perceived as a police uniform and if a question arises whether a particular dress creates such an impression, it will be decided by testing whether a person wearing the dress in question will look like a uniformed police officer to a casual observer standing 25 metres away from him.

51. Police Duty Vehicles to be Distinctive, Exclusive and Identifiable:

1. The State Police Chief may, with the prior approval of the Government, specify the colours, equipments and accessories of every Police duty vehicle keeping in view the need for their appearance to be distinctive, exclusive and easily identifiable by the members of the public who have to seek police services.

2. Every Police Duty Vehicle with such specified appearance, shall respond to any emergency call from any person, unless it is manifestly engaged in some other emergency or important duty.

3. No person, other than a police officer in respect of an official vehicle, shall, save for artistic or scientific purpose, keep any vehicle in such a condition as to create the impression that the said vehicle is a police vehicle and if a question arises whether a particular vehicle creates such an impression, it will be tested whether the vehicle in question will look like a prescribed police duty vehicle to a casual observer standing 100 metres away from it.

52. Special Powers in Disturbed Areas:

1. When any area is beset by communal or political violence, or terrorist or anti-national activities, or large scale violence and vandalism or destruction of public property, the State Government may declare the area as a "disturbed area"

2. When an area is declared to be a disturbed area, the Station House Officer may, in the interest of maintenance of law and order:

- a) Detain a person up to 24 hours in the police station who, in the opinion of the police, if left to continue his activities unbridled, will carry on activities prejudicial to the maintenance of Law and Order;
- b) Place reasonable limitations on the movement of persons and vehicles;

- c) Order any person who, in the opinion of the police, if left to continue his activities unbridled, will carry on activities prejudicial to the maintenance of Law and Order, to leave a given area and confine himself to some other area for a period not exceeding one week, and keep the police informed of his whereabouts in the manner prescribed by the police;
- d) Suspend all arms and explosive licenses and direct the licensees to deposit their weapons with the police;
- e) Search any person or vehicle or container entering or leaving the area;

53. Procedure for Arrests:

1. The police officer making the arrest shall caution the arrestee that he is being placed under arrest and inform the grounds of arrest.
2. The arrestee must be informed of his right to have someone informed of his arrest as soon as he is put under arrest.
3. The police officer carrying out the arrest shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness if available, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.
4. The arrestee shall be also examined at the time of his arrest with due regard for decency, and visible injuries, if any present on his person, must be recorded at that time in an "Inspection Memo" signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.
5. The police officers carrying out the arrest and handling the interrogation of the arrestee shall carry appropriate identification and the arrestee shall be at liberty to ask for such identification.
6. An entry shall be made in the diary at the Police Station regarding the arrest of the person.
7. A person who has been arrested and is being held in custody in a Police Station, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being 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 was himself such a friend or a relative of the arrestee,

Provided that detention at a place other than the Police Station shall require the prior permission of the District Police Chief and the name of such place shall be recorded in the Station Diary.

8. If the arrestee so requests or if the police feel so to be necessary, the arrestee shall be subjected to a medical examination by a qualified doctor, and if a magistrate orders custody beyond 24 hours, he may also order medical examination at such frequency as he may deem fit.

9. The arrestee may be permitted to meet his lawyer during interrogation, but such lawyer may not remain present during the interrogation.

10. The particulars of all police officers who handle interrogation of the arrestee shall be recorded in a register.

54. Restraint on those Arrested:

1. A police officer may use sufficient force with or without the aid of suitable gadgets to ensure that a person arrested by him does not escape from custody unlawfully.

2. A police officer arresting a person may not use a handcuff to restrain the arrested person, unless, for reasons to be recorded in writing, he has reason to believe that the arrested person will escape from custody unless handcuffed or that the arrested person will hurt himself unless handcuffed.

3. When any person is arrested and kept in the custody of the police, it shall be ensured that he is adequately and properly clothed and is allowed the use of apparel with which the arrested person is usually accustomed, provided that the police officer may take such action as is reasonable, proper and within the norms of decency, to ensure that the arrested person does not use the wearing apparel or anything concealed therein to hurt himself or others.

55. Custody of people who are psychopathic, intoxicated or sick:

1. Police may take a person who appears to be insane, psychopathic, intoxicated or otherwise incapable of looking after himself into protective custody.

2. Where it appears necessary for the police officer concerned that in the interest of the person taken into custody such action is required, the police officer may request a medical institution to keep such a person in such hospital under observation or treatment and the authorities of such institution shall be bound to comply with such request.

3. Any expense incurred by any private institution in this regard will be reimbursable by the Government

56. Medical examination of accused or suspect persons:

1. It shall be binding on any medical practitioner, government or private, before whom an accused or suspect person is produced by a police officer for medical examination to subject him to an examination as requested by such officer and such examination may include all types of laboratory and diagnostic examinations including those of blood, other body fluids and body tissues as may be necessary for the purposes of investigation.

2. Any expense incurred by any private institution in this regard will be reimbursable by the Government.

57. Medical treatment of accused or suspects:

1. Every hospital, government or private, shall earmark sufficient space for the treatment of persons in police custody so that they may be properly guarded and kept under police observation.

2. It shall be binding upon the hospital authorities to immediately furnish on demand to the police copies of all the medical records pertaining to the treatment of such persons.

3. Any such person initially shifted to a private hospital, shall subject to medical clearance, be shifted as early as possible to a government hospital.

4. Any expense actually incurred by any private institution in this regard will be reimbursed by the Government.

58. Action in Respect Injuries on those in Police Custody: When any person is taken into police custody in a physically injured condition or any person is

physically injured by application of force by a police officer and the injured person complains of the injury or if the police officer himself notices the injury, such person will be taken before the nearest medical practitioner who will ascertain the injury and the manner of its causation; and

- i) if such person is medically fit to be taken before a magistrate, he shall be produced by the Station House Officer before the executive magistrate or the judicial magistrate having jurisdiction who will ascertain the version of the injured with regard to the manner in which the injury was caused; or
- ii) if the injured is not in a condition to be moved, the details of the incident and circumstances shall be furnished forthwith to such magistrate by the Station House Officer and a copy of the said report will be given to the medical officer and the injured under acknowledgement.

59. Service Providers to Maintain Records: All service providers, belonging to such categories as may be notified for the purpose by the Government from time to time, shall maintain accurate records regarding the identity of persons to whom they have provided services along with the details of services provided and all such records shall be kept for reference for such periods as may be prescribed by Government.

60. Service Providers to Provide Information to Police: It shall be the duty of all service providers like phone companies, hotel keepers, internet service providers, hospitals, laboratories, taxi services, rental services, financial institutions and any other agency which offers any service to the public on demand., to furnish, when so required by the police in due discharge of duties cast on the police in respect of any item or instance or groups of instances of service which have a bearing on any police enquiry or police investigation lawfully conducted, to the police all the details thereof and to give such documents, details or information as expeditiously as possible and in any case not later than the time limit set by the requisitioning police officer.

61. Verification of Antecedents of Service Providers: The Government may, by notification, direct that any class or category of service providers or any group

of service providers in any area, must, before they start providing any service to the public at large, must obtain police verification certificates from the District Police Chief or such other Police Authority as may be prescribed with regard to themselves and their employees and furnish such reasonable information to the police about their activities and antecedents as may be reasonably necessary in the circumstances of each Service and further direct that such verification be repeated with such periodicity as may be specified.

Provided that the information so obtained from a service provider by the police other than the information which is necessary to be used for any public purpose for the purpose of preventing or investigating a crime shall be kept confidential and shall not be divulged to any person or to the public.

62. Service Providers to Report Stolen, Missing or Wanted Property:

1. Any police officer may deliver to any merchant, service provider, pawn-broker, dealer, or repairer, a list of any property believed to have been stolen or reported to be missing or required to be located by reason of any crime, and thereupon it shall be the duty of such person, upon any article answering the description of any of the property set forth in any such list being brought to his notice, to inquire the name and address of the person offering such article, to seize and detain the article, and forthwith to communicate the circumstances to nearest Police Station.
2. Such merchant, service provider, pawn-broker, dealer, or repairer as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the police.

63. Storage and Disposal of Articles seized by Police:

1. In every Police Station adequate space shall be provided for the storage of seized articles and if the given space in the Police Station is insufficient, the State Government may notify an enclosed area other than the Police Station for keeping articles seized by the police during investigation or as unclaimed property etc.
2. Dangerous articles such as explosives or harmful chemicals may be destroyed after a sample is collected for forensic analysis, in the presence of competent experts and under advance intimation to courts.

Provided that such an analysis may be dispensed with if the danger of its exploding or causing harm is imminent.

3. Perishable articles that are no longer required for any statutory purpose shall be disposed off by auction under the orders of the District Police Chief and the proceeds credited to the Criminal Justice Miscellaneous Expenses Fund.

4. When any article seized by the police is ordered by any Court to be retained by the Police, such Court may also order the requisitioning of suitable space by the police officer entrusted with the custody of the article, if there is no suitable space available under the control of such officer to keep the said article in safe custody and that the expenses incurred in connection with such retention in custody shall be fully borne by the Government or by the Criminal Justice Miscellaneous Expenses Fund maintained by the District.

5. Any article seized by the police may, with the general or special permission of the court, be placed in safe custody with such persons or agencies or institutions as may be appropriate in the circumstances of each case.

64. Police Action In Relation To Unclaimed Property:

1. It shall be the duty of every police officer to take temporary charge
 - (i) of all unclaimed moveable property found by, or made over to him or left with him; and
 - (ii) of all moveable property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same by a notice pasted on or near the said property refuses or fails to do so, within a reasonable time.
2. The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the District Police Chief and to the Executive Magistrate having jurisdiction giving an approximate assessed market value of the same by getting a signed assessment from any respectable dealer of the area who usually deals in such articles.
3. If the property or any part thereof, is subject to speedy and natural decay or consists of livestock, it may forthwith be sold by auction, by the Station House Officer.

4. Where any property has been taken charge of under sub-section (1) the District Police Chief shall issue a proclamation specifying the details of the property and requiring that any person who may have a claim thereto may appear before an officer specified in the proclamation within 30 days from the date of such proclamation and establish his claim.

5. The District Police Chief on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation order the same to be delivered to him, after realisation of the expenses incurred in the seizure and detention thereof.

6. The District Police Chief may, at his discretion, before making any order under sub-section (5), take such security as he may think proper from the person to whom the said property is to be delivered and nothing herein before contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

7. If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (3) shall be, used for any official purpose in lieu of a similar article which was required to be purchased in the normal course or such property maybe sold in auction under the orders of the District Police Chief, and the proceeds thereof shall be credited to the Criminal Justice Miscellaneous Expenses Fund.

8. With due regard to the size and volume of the unclaimed property and the volume of space required to keep it safe and in good condition, the State Police Chief may prescribe from time to time the rates of daily charges to be levied for safekeeping and the unclaimed article or the seized article, not being required for production in a court of law, shall be sold in public auction on the day when the cost of safekeeping becomes half the assessed value of the unclaimed article.

Provided that no such charges shall be levied from the original owner of the property for the first seven days for which the article was kept in custody and for any period after the date of auction of the property and its transfer to the bidder or the date of its being put to governmental use.

9. When an unclaimed article had been sold in auction and it is later found that the actual owner is entitled to the full value of the said article by reason of the fact that he

had been wrongfully dispossessed of the article by another person which dispossession he had lawfully reported to the authority well in time, then the entire sale proceeds of the article shall be remitted back to him.

10. No police officer shall be expected to keep in custody any perishable article or livestock for more than one day and he shall not be liable for any loss caused to anyone by reason of expeditious auctioning of such perishable article.

11. No police officer shall be expected to make good any loss sustained to anybody by reason of any loss that any person has actually or notionally suffered by reason of the auctioning of any unclaimed non-perishable article, if such police officer had taken action to conduct auction more than 30 days after the property came into the possession of the police.

65. Police to Attempt to Locate Missing Persons:

1. Whenever any Station House Officer receives any information from which he can reasonably suspect that any person is missing either from his normal or temporary place of residence and there are reasonable circumstances to believe either

- a) that such person might be in some danger or out of the care of lawful guardianship; or
- b) that such person might be the victim of some serious crime; or
- c) that such person is concealing himself to prevent anyone from enforcing a legal right upheld by any court;

Such officer may register the information in such manner as is prescribed for a cognizable offence and shall proceed to enquire into the matter of the disappearance expeditiously.

2. During such enquiries such officer or anyone deputed by him may examine any witness and record their statements and may examine any place or may search any place.

3. All persons shall answer any question put to him by a police officer enquiring into this matter truthfully and shall sign any statement recorded from him by a police officer conducting the enquiry, after getting a copy thereof from the police officer;

4. All searches under this section shall be done in accordance with the provisions of the Criminal Procedure Code 1973.

5. If the enquiry succeeds in tracing the person, he shall forthwith be produced before the executive or judicial magistrate having jurisdiction, as the case may be.

66. Police may keep Register of Missing Properties:

1. Whenever any Station House Officer receives any information from any person that any valuable property or security belonging to that person is lost, such officer may, if satisfied that the value and the nature of the missing article justifies such a course of action, register the information in a register maintained for the purpose and may cause such enquiries to be made as may be reasonably necessary to locate the article.

2. Government may prescribe the charges to be levied for such enquiries.

3. Nothing in this section will be deemed to compel any police officer to make any enquiries in this regard when he reasonably feels either that the missing article is trifling in value or that there is no reasonable chance of it being identified and located or that making any enquiry is either too expensive or time consuming.

67. Police may give Certificates of Non-involvement in Crimes: Whenever any District Police Chief receives any request from any person that he may be issued with a certificate to the effect that he is not involved in any crime in his jurisdiction, the District Police Chief may make such enquiries as he deems fit, and then give such a certificate after realising such charges as may be fixed by the Government in this regard.

68. Police may give Security Advice: Whenever any District Police Chief receives any information that there is any place within his jurisdiction where extraordinarily large sums of cash or very valuable moveable properties are kept or that any place of public importance is facing a grave security threat, then he may, on his own, in consultation with the person or persons in charge of the place concerned, get a security audit conducted by persons selected by the District Police Chief and on the basis of such security audit, the persons in charge of the premises may be advised to take certain steps or take certain precautions to safeguard life and property situated in the premises.

Provided that nothing in this section shall be deemed to compel any person to do or not to do a thing which he was otherwise not compelled.

69. Police to Regulate and Control Traffic: A police officer on duty may regulate and control traffic on the streets to ensure smooth flow of traffic and to give reasonable directions to all concerned for ensuring that disorder, traffic blockade and danger are avoided.

70. Providing Security to Individuals and Private Institutions:

1. The District Police Chief or the State Police Chief or the Station House Officer, may on his own or from information received from any source, may, in any emergency, decide to deploy, free of cost, additional police strength in any place, public or private, to prevent any imminent crime or to prevent or avert any imminent danger to the public or any part thereof or any individual or group or institution.

2. No individual or institution shall have any right to be provided with, over and above the normal police arrangements generally arranged for the general public as part of general policing, any special police deployment free of cost or even on payment exclusively for the protection of any private person or private property except under circumstances where the State Police Chief or the District Police Chief or the Station House Officer is satisfied that there is imminent danger of a serious crime occurring otherwise.

3. The Government or the State Police Chief may prescribe the criteria and the procedure by which an individual or institution or group of persons may be provided with additional police deployment meant exclusively for the safety of such individual or institution or groups or for the safety of their properties.

4. The Government or the State Police Chief may further prescribe the conditions under which such additional deployment can be given free of cost or at partial cost or at full cost as may be applicable or desirable in each case.

5. No special and exclusive police deployment will be provided to any private institution or individual free of cost to prevent the occurrence of any apprehended threat to person or property in such a manner as to adversely affect, in the judgement

of the District Police Chief, the availability of police services and police personnel to the general public and for normal police duties in any area.

71. Police Action in Disputes which may lead to Cognizable Crime: If

any dispute between any individuals or groups is brought to the notice of any Police Station under circumstances in which it is reasonably likely that unless the issue is speedily resolved, a cognizable crime may result, the Station House Officer may cause action to be taken

- a) To ascertain the facts and circumstances of the matter by talking to the parties concerned or to others acquainted with such facts; or
- b) To caution either or both parties to the dispute, by a written record, against taking recourse to any illegal act, in pursuance of the dispute; or
- c) To encourage either or both parties to resolve the matter through discussion among themselves or through the mediation of respectable individuals of the locality or an honorary executive magistrate; or
- d) To advise either or both parties to seek resolution of the dispute through a competent court having jurisdiction; or
- e) To take action to report the facts to the magistrate having jurisdiction for the purpose of binding either or both the parties under the provisions of the Criminal Procedure Code 1973.

72. Community Policing:

1. The District Police Chief shall constitute Community Liaison Groups for each Police Station, comprising respectable local residents of the area, as representatives of the community, to generally assist the police in their functioning.
2. The Community Liaison Group shall have a fair representation of all segments, professions, and genders of the society in the area of the Police Station.
3. No person shall be nominated as a member of the Community Liaison Group who has a record of conviction by a criminal court in the preceding five years or been dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct.

4. The Community Liaison Group will identify the existing and emerging policing needs of the area for due consideration of the police and also develop action plans for ensuring the security of area or any part thereof.
5. The Community Liaison Group will meet as frequently as necessary.
6. The meetings of the Group shall be open to public.
7. Every citizen should be encouraged to bring to the notice of the police information about the occurrence of offences and the possibility of occurrence of offences.
8. The Community Liaison Group may form sub Committees for specific areas or for specific functions to attend to a particular need.
9. The Community Liaison Group may take action to promote safety awareness, security awareness and proactive action to prevent crime and promote legal literacy.
10. Community Liaison Group shall not perform any police function which, by law, can be performed only by police officers, and will not by themselves take up any investigative or punitive function.

73. Police to ensure Service of Beats:

1. The area of every police station shall be divided into beats and sufficient Beat Patrols shall be assigned to each Beat Area to service the beat area on a regular basis.
2. The duties and responsibilities of the Beat Patrols shall, *inter alias*, be:
 - a) To maintain liaison with active members of the community and members of the Community Liaison Group residing in that area;
 - b) To review, during every visit, the crime prevention measures in the area;
 - c) To collect information relating to crimes and criminals and activities of subversive, militant and anti-social elements, if any, in the area and to communicate the same to the officer in charge of the police station;
 - d) To maintain watch over history-sheeted criminals, if any, or others with criminal record or bad characters;
 - e) To acquaint himself with local disputes having potential for violence and inform the officer in charge of the Police Station with all available details;
 - f) To carry out any other policing task in respect of the area assigned by supervisory officers;

- g) To record any public grievances and complaints in relation to policing; and
- h) To maintain a record of aforesaid duties and responsibilities carried out by him during his visit and submit the same to the officer in charge of the Police Station.

74. Rewards to Public: The District Police Chief may, subject to rules prescribed in this behalf by the Government, promise and award rewards to the public for especially outstanding services rendered or information given in the prevention of crime, investigation of any case or in the maintenance order, security or traffic safety.

75. Taking possession of premises to prevent rioting:

1. In order to prevent or suppress any imminent riot or imminent grave disturbance of peace, the senior-most police officer present at the spot may temporarily close or take possession of any building or other place for a period not exceeding 48 hours and may exclude all or any persons there from, or may allow access thereto for such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders;

Provided further that the continued possession of the building or the enforcement of any direction up to a further period of sixty days may be ordered by the District Magistrate,

2. The District Magistrate may either on his own or on the application of any person aggrieved by an order made under sub-section (1) either rescind modify or alter any such order.

76. Dealing with accidents or calamity: If, in the event of a serious accident or a calamity at any place, it appears to the senior-most police officer present at the site that any dispute or conflict of interest or contention or confusion exists, which is likely to lead to an imminent and grave disturbance of the peace or public disorder or serious public inconvenience or danger, he may give such orders as to the conduct of all persons concerned towards each other and towards the public as

may be deemed necessary and reasonable under the circumstances, and all persons concerned shall obey such orders.

77. Actions on the Occasion of Fire, Calamity or Accident:

1. On the occasion of a fire, calamity or accident in any locality, any police or any member of the fire services or any magistrate, and in the absence of any such person, any public servant, may –

- a) Remove or order the removal of any person who by their presence interfere with or impede the rescue and relief operations for saving life or property;
- b) Close any street or passage, whether public or private, for the purpose of rescue and relief operations;
- c) Break into or through, or pull down, or use for the passage of hoses or other appliances, by himself or those acting under his orders, any premise, public or private, for the purpose of rescue and relief operations for saving life and property;
- d) Generally, take such measures as may appear necessary for the preservation of life and property.

2. Any damage done in pursuance of directions given in sub – section(1) above shall be deemed to be damage by the fire, calamity or accident within the meaning of any policy of insurance against such fire, calamity or accident and in the absence of such insurance, reasonable compensation, as may be assessed by the District Magistrate, may be paid to the affected party by the Government.

3. Nothing in this section shall exempt any police officer or any member of the fire services or any magistrate or public servant from liability to damages on account of any acts done by him without reasonable cause.

78. Police Equipment to be Exempt from Licensing:

The Government may exempt any equipment or property held by the police officially for the purpose of discharge of any of its functions from the requirement of having to obtain a license for it under any law or of having to pay any annual fee to any governmental agency.

79. Police officer may lay information, etc: Any police officer may lay any information before a Magistrate, and apply for a summons, warrant, search-warrant, or such other legal process as may by law issue against any person committing an offence or for discovery of an object.

CHAPTER VI

POLICE REGULATIONS

80. Regulation and Management of Traffic:

1. The District Police Chief with due regard for the laws and orders in force as may have been issued by any competent authority, may issue, subject to modification or annulment by the Government, orders either general or special, in order to prevent danger, obstruction and inconvenience to public, for:

- a) Regulating traffic of all kinds in public places, and the use of public places by persons riding, driving, cycling, walking or leading or accompanying any animal;
- b) Regulating the erection of arches, festoons, banners or construction activity on any street;
- c) Regulating the erection of hoardings, signs, representations or display-lighting on any property which is likely to distract road-users;
- d) Regulating the parking of vehicles in public places, and the use of streets as halting places for vehicles or any animal;
- e) Regulating the number and position of lights to be used on non-motorised vehicles in streets and the hours between which such lights should be used;
- f) Regulating the times and manner in which vehicles of a particular type or engaged in a particular task or animals are driven along the streets;
- g) Regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous, animal through or in any street;
- h) Regulating the manner and mode of conveying timber, poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets;

- i) Regulating any activity including trading, welding, or activities resulting in gaseous or smoky emissions by the roadside, which may act as a distraction to road-users;
- j) Regulating the carrying in public places of any explosive substance or hazardous chemicals which may cause danger to the road users;
- k) Regulating the placing of construction materials or any other article or the fastening or detention of any animal in any street or public place;
- l) Regulating the blasting of rock or making excavations or the burning of any matter or discharging a firearm or using fireworks or sending up a kite, balloon or rocket in or near streets or public place;
- m) Closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;
- n) Regulating the means and manner of entry to and from public premises and streets to private premises situated on the roadside;
- o) Prescribing the manner in which members of the public may voluntarily assist in traffic management without causing any financial liability in this regard for the State or the Police Department.

2. The orders issued by the District Police Chief shall be deemed to be reasonable directions issued by the police under this Act.

3. Any order issued by the District Police Chief will remain valid only for a period six months from the date of issue unless in the meantime it has been placed before the Traffic Management Regulatory Committee of the area.

4. There shall be a Traffic Management Regulatory Committee for every Municipality/ Corporation/ Panchayat consisting of the head of the Local Government as the Chairman and the nominees of the District Magistrate, the District Police Chief, the Regional Transport Officer and the Executive Engineer of the PWD and all orders issued by the District Police Chief may be placed before such Committee within 30 days of issue thereof.

81. Regulation of Physical Training:

1. Notwithstanding anything contained in any other law for the time being in force, no person shall,

- a) by himself or by any person on his behalf, impart training, to any member or members of public in any physical activity involving methods of attack or self-defence unless he holds a permit in this behalf issued by an authority as may be prescribed; or
- b) Permit the use of any premises, owned or possessed by him, for such training or organize abet or participate in such training, as may be imparted by any person who does not hold a permit in that behalf:

Provided further that the provisions of this sub-section shall not apply to any training imparted by,

- (i) an educational institution, owned or controlled by the Government or affiliated to any University in the State, as part of the Curriculum or course of study; or
 - (ii) a club or gymnasium recognised by the Kerala Sports Council.
2. The permit under sub-section (1) shall be issued subject to such conditions and restrictions and on payment of such fees as may be prescribed by rules.
 3. Any Police Officer, not below the rank of a Sub-Inspector, shall have free access to any place of training to ensure that such training is conducted in accordance with this Act and rules made there under.

82. Power to cancel permit etc:

1. The authority notified under sub-section (1) of Section 71 may, by order, cancel or suspend a permit granted under the said sub-section,
 - a) if any fee payable by the holder of such permit is not duly paid; or
 - b) in the event of any breach by the holder of such permit or by his servant or by anyone acting with his express or implied permission on his behalf, of any of the terms and conditions of such permit; or
 - c) if the holder thereof is convicted by a Court of law for any offence involving moral turpitude.
2. An appeal against an order under sub-section (1) shall lie to the Joint Director General of Police having jurisdiction over the area where the place of training is situated.

83. Power to prohibit mass drill, mass training etc:

1. The District Magistrate may, whenever he considers it necessary so to do for the preservation of the public peace or public safety or for the maintenance of public order, by public notice or by order directed to individuals, prohibit, in any area within his jurisdiction, the holding of, or taking part in, any mass drill or mass training with arms or the carrying of arms in any procession.

Explanation: - For the purposes of this section "arms" means any type of object which can be used as an offensive weapon and includes any type of lathi or stick.

2. No prohibition under this section shall remain in force for more than three months; provided that if the Government consider it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, it may, by notification in the Gazette, direct that a public notice or order issued by a District Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which such notice or order would have, but for such order, expired, as they may specify in the said notification.

84. Power to reserve any street or public place: The District Police Chief may subject to the orders of the Government, by public notice, temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved save under such conditions as may be prescribed by him.

85. Regulating Nuisance Caused by Noise:

1. If the District Police Chief is satisfied that it is necessary to do so in order to prevent nuisance, annoyance, disturbance, or injury or risk thereof to the public or to any person who dwells in the vicinity may issue such directions, particular or general in nature, as he may consider necessary to any person or the general public for preventing, prohibiting, controlling or regulating the incidence or continuance in any street, open space or any other premises of

- a) any vocal or instrumental music or speech;
- b) any sounds caused by the playing, or use in any matter whatsoever of any instrument contrivance which is capable of producing or reproducing or amplifying sound; or
- c) the carrying on in any premises, of any trade, avocation or operation resulting in or attended with production of sound or noise;

2. The District Police Chief may either on his own motion or on the application of any person aggrieved by an order made under sub-section (1) either rescind modify or alter any such order.

86. Regulations to Prevent Violence:

1. The District Police Chief may whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by notification publicly promulgated or addressed to individuals prohibit or regulate in any manner at any place

- (i) the carrying of arms of any type or any other article which can be used for causing physical violence; or
- (ii) the carrying of any corrosive substance, or explosives or fireworks; or
- (iii) the carrying, collection or preparation of stones or other missiles or instruments capable of casting or impelling missiles; or

- (iv) the exhibition of living persons or corpses; or
 - (v) the preparation, exhibition, representation, distribution or dissimulation of pictures, symbols, placards, printed matter, pamphlets, books, audio recordings or video recordings, digital records, posters which may inflame communal or religious passions, or offend against normal standards of public morality or gravely undermine public peace or endanger the security of the State.
2. Any article used or carried by any person in contravention of any prohibition under the sub-section (1) may be seized by a police officer on duty.

87. Regulation of Public Assemblies:

1. The District Police Chief, by notification publicly promulgated, license, control, regulate or prohibit any assembly or procession of any nature whenever and for such time as he considers such licensing, controlling, regulating or prohibition to be necessary for the preservation of public order and peace or law and order in an area.
2. No notification promulgated under sub-section (1) shall remain in force for more than fifteen days from the promulgation thereof.
3. The State Government may either on its own motion or on the application of any person either rescind modify or alter or extend the period of validity of any such order made under sub-section (1).
4. For the purpose of ensuring that demonstrations do not seriously disturb normal life on busy thoroughfares, the State Government may, by a general or special order, specify that such demonstrations, rallies or assemblies would be carried out only in certain specified places or only along certain specified routes in any urban area.

88. District Magistrate to Make Rules and Regulations:

1. In any local area in which he thinks fit, the District Magistrate may in consultation with the local government and the District Police Chief, from time to time, make and notify rules for-
- a) Preventing damaging, dirtying or destruction of public property and any activity which endangers public cleanliness or the environment;

- b) Preventing dumping of any material at any time on any road or public place at any time except at places specifically designated for that purpose or at such times that may be specified by a competent authority including a local governmentl;
- c) Specifying certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with certain regulations.
- d) Regulating, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased or waste from abattoirs or similar obnoxious biological or chemical products;
- e) Regulating construction, repair and demolition of buildings, platforms and other structures from which danger may arise to those who use any street or public place;
- f) Ensuring that all the concerned departments inform the police sufficiently in advance before undertaking any work or embarking upon any project that may have a bearing on traffic management including digging/repair of roads for electrical, water, sewerage, telecommunication or civil engineering purposes, erection of hoardings, poles, lightings, traffic signs, speed breakers, rumble strips, etc. so that the police may make suitable alternative arrangements till such work goes on and for ensuring that all such items of work by different departments are co-ordinated to minimise inconvenience to the public;
- g) Licensing and controlling persons offering themselves for employment at quays, wharves, landing places, bus stands, airports and railway stations for the carriage of passengers' baggage, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;
- h) Maintaining, in cases of existing or apprehended epidemic or infectious disease of men or animals, cleanliness and disinfection of premises by occupiers and the segregation and management of the persons or

animals diseased or supposed to be diseased, with a view to prevent the disease or to check the spreading thereof;

- i) Regulating, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or injury to passers-by or the residents in the vicinity, activities relating to
 - (i) places of public resort;
 - (ii) the illumination of streets and public places and the exteriors of buildings abutting thereon;
 - (iii) the blasting of rocks;
 - (iv) any manufacturing or repairing or maintenance activity;
 - (v) any commercial activity.

2. Every such rule shall be published in the place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

89. Maintenance of Order at Assemblies where Disputes exist:

1. In any case of an actual or intended religious ceremonial or corporate display or exhibition or organized assemblage in any street or public place, as to which or the conduct of or participation in which a dispute or contention exists which is likely to lead to disturbance of the peace, the District Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he deems necessary and reasonable under the circumstances,

2. While issuing such orders, the District Magistrate shall give due regard to the apparent legal rights and to any established practice of the parties and of the persons interested.

3. Every such order shall be published in the place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

4. Any order under sub-section (1) shall be subject to decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the District Magistrate that it is inconsistent with a judgment, decree, injunction or order of such Court.

90. Persons to Render Essential Services:

1. The District Magistrate or the Government may, having regard to the local situation prevailing in any local area, classify the professional, mental or physical services of any person or groups of persons as essential for the maintenance of peace or for the avoidance of danger to the public or for the prevention of any danger to life and property arising from any type of accident or calamity and such persons shall be bound to render such services to the best of their ability.
2. The persons who render such services shall be eligible for reasonable remuneration as well reimbursement of expenses incurred by them and the District Magistrate shall take appropriate action for such payments.
3. No such order shall remain in force for more than seven days at a time.

91. Special Security Zones:

1. Government on the recommendation of the State Police Chief or otherwise, may notify any area as a Special Security Zone, either temporarily or permanently by reason of high rate of prevalence of crime in the area or the breakdown of law and order in the area or by reason of high security threats towards distinguished or protected person present there or towards any institution or premises situated therein.
2. When any area is notified as a Special Security Zone as above, Government may prescribe reasonable restrictions with regard to the use of premises and vehicles and with regard to movement of persons, vehicles and objects in such area and direct that all persons shall comply with reasonable directions of police officers with regard to the enforcement of such restrictions.

CHAPTER VII

SERVICE CONDITIONS

92. Government to Prescribe Conditions of Service: The recruitment, training, pay, allowances, posting and other conditions of service police officers shall be such as may from time to time be determined by the State Government by general or special order subject to the proviso that conditions relating to officers belonging to the Indian Police Service shall be governed by the All- India Services Act and Rules made thereunder.

93. Police Officers to be subject to Discipline: All police officers and persons undergoing police training after selection for appointment as a police officer will be strictly bound by a code of discipline by which they are liable

- a) to accept reasonable restrictions, in the manner specified by the Government or the State Police Chief, on their constitutional rights with regard to freedoms of public expression, associations, assembly, political activism and withdrawal from duty, and on the standards of public and private conduct expected from them;
- b) to discharge their lawful duties in a lawful manner, with due courage and due determination, to the best of their abilities;
- c) to always uphold the law and to prevent the commission of cognizable offences to the best of their ability;
- d) to lawfully carry out the lawful commands of competent superior, magisterial or judicial authorities and not to withdraw themselves from their duties without the permission, express or implied, of their superior authority;
- e) to wear uniforms of the prescribed type at prescribed times and on prescribed duties as may be prescribed by competent authority;
- f) to carry himself or behave in such manner at such times on such duties and occasions as may be prescribed by the State Police Chief by general or special order.

94. Disqualifications for Appointment as a Police Officer:

1. No person shall be appointed as a police officer who
 - a) is not a citizen of India; or
 - b) was convicted by a court of law in a criminal case involving moral turpitude; or
 - c) is found mentally, physically, behaviourally or psychologically unfit for police duties; or
 - d) is a member of a political party and is not prepared to terminate his active membership even after recruitment; or

- e) is an office bearer of any social, religious, cultural or scientific organization and is not prepared to terminate his association if so required by the District Police Chief or the State Police Chief or the Government; or
- f) is or has been a member of a banned organization; or
- g) is believed, with reasonable cause and on the basis of credible material, to be involved in unlawful activities and associations, which will prevent him from properly discharging his duties as a police officer.

2. A person against whom a criminal case is pending will be entitled to appear for recruitment and may even get selected but he will be allowed to join training only after an acquittal.

3. If at any time after appointment, a police officer is found, either at the time of appointment or subsequently, to belong to one of the categories specified in (a) to (g) in subsection (1) above, such officer shall forthwith be placed under suspension by the appointing authority and shall, after being given opportunity for reasonable defence to prove the contrary, be liable to be dismissed or removed or compulsorily retired from office without following the detailed procedure specified in the relevant Discipline, Punishment and Appeal Rules.

95. Police Recruitment Board:

1. Government may by order prescribe that selection for appointments to such posts and such ranks in Kerala Police as may be specified will be done through the Kerala State Public Service Commission.

2. Considering the special nature of the policing as a profession, the long duration of the process of training in skills and attitudes required for competence as a police officer and the need to ensure that vacancies in the field establishments of an essential service do not remain unfilled for more than six months, the Public Service Commission may establish special arrangements to ensure orderly and regular recruitment and detailed physical, mental and psychological testing during recruitment.

3. For this purpose, the Public Service Commission may establish a Police Recruitment Board which shall continuously ensure an efficient, impartial and speedy selection process to cater to the special needs of Kerala Police.

96. Oath to be taken by a Police Officer:

1. Every member of the police force enrolled under this Act shall, on appointment as a police officer after training, make and subscribe before the appointing authority or some person appointed in that behalf by him, an oath or affirmation according to the form which may be prescribed.
2. The appointment will become automatically null and void if the person refuses to take such an oath.

97. Police Officers to be given Certificate of Authority: Every Police Officer shall, on appointment, be given Certificate of Authority as a Police Officer authorised to discharge the functions of a Police Officer under this Act;

Provided that a person will be appointed as a Police Officer only after undergoing and successfully completing a course of training as may be prescribed by the Government.

98. Police Officers to be Always on Duty: Every police officer, not on leave or specific exemption or under suspension shall, for all purposes of this Act, be considered to be always liable to be on duty and shall be liable at any time to be employed as police officer in any part of India as may be decided by the State Police Chief.

99. Police Officers to Serve in Any Branch: All members of the police force shall be liable for posting, if so ordered by the State Police Chief, to any unit, wing or branch of the force irrespective of the Cadre or Unit or Wing to which he is appointed or selected.

100. Police Officers not to Withdraw from Duty:

1. No police officer shall resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the State Police Chief or by such other officer as may be authorized by him to grant such permission;
2. A police officer who being absent on leave, fails without reasonable cause to report himself for duty on the expiry of such leave shall be deemed within the meaning of this section, to withdraw himself from the duties of his office.

101. Police Officers not to engage in other employment: No police officer other than a special police officer shall engage in any employment or office whatever other than his duties under this Act.

102. Police Officers under Suspension not to Exercise Authority:

1. The powers, functions and privileges vested in a police officer shall remain suspended when a police officer is under suspension from office:
2. Notwithstanding such suspension, such person shall not cease to be a police officer and shall continue to be subject to the same disciplinary rules and control of the same authorities to which he would have been subject, if he was not under suspension.
3. Any officer who directly supervises the functioning of another officer lower in rank and subordinate to him may, at any time, restrain such officer from discharging all or part of his duties as may be specified even if he is not placed under suspension.
4. Any officer acting under sub-section (3) above shall forthwith communicate the reason for the action with facts to the appointing authority within 24 hours of such restraint being imposed and if the appointing authority does not confirm or modify such action within seven days of the imposition, the restraints imposed will cease to have any effect.

103. Police Officers to be compensated for Extra hours of Work:

1. Police officers, though liable to perform duties for any length of time as may be required, shall normally be expected to work for eight hours a day.
2. Duty hours for police officers on any day may exceed eight in case of any emergent or essential duty.
3. For duties performed significantly beyond eight hours in any 24-hour time span, a police officer may be duly compensated at a reasonable rate fixed by the State Government or compensated by grant of adequate hours of compensatory rest.
4. However no police officer shall withhold himself from performing any duty assigned to him on the ground that he has worked for more than eight hours in any 24-hour period nor shall a police officer withdraw himself from any duty unless he has obtained the consent, either express or implied, of his superior that he may proceed off from duty.
5. Nothing in this section shall prevent the State Police Chief from prescribing that the number of hours spent on certain type of duties

- a) in which a police officer is permitted rest or sleep during temporary breaks from duty; or
 - b) involving travel for which the police officer is compensated otherwise;
- will be counted only at a prescribed fractional rate of the total period between posting on duty and relief from duty.

104. Police Officer not to Show Cowardice:

1. All police officers shall always be prepared to face physical danger, arising in the lawful discharge of their duties to such an extent as may be reasonable under the circumstances.
2. No police officer on duty shall commit any act of omission or commission by reason of cowardice.
3. If a police officer abdicates, withdraws from or absents himself unauthorisedly from his lawful duty either by an act of commission or omission on account of fear of any person or object, it shall be deemed that he is guilty of cowardice.
4. Nothing in this section shall be deemed to compel a police officer to voluntarily court certain imminent death under circumstances which create reasonable apprehension of the same.

105. Police Officers Not to Shield Corruption and Torture:

1. Every Police Officer shall be duty bound to report to the District Police Chief or the State Police Chief directly any corrupt activity or any act of torture committed in his presence by another police officer.
2. No such report, made in a bona fide manner, shall be deemed to be a breach of discipline merely by reason of the fact that the person who made the report was an officer lower in rank than the person against whom the report was given.

106. Minimum Tenure of Police Officers:

1. The Government may ensure a minimum tenure of two years from the date of assuming charge of the post to the Director General of Police and to all Inspector Generals of Police in charge of Ranges, Superintendents of Police in charge of Districts and Station House Officers in charge of Police Stations:

Provided that the normal tenure shall not be applicable in cases of superannuation, promotion, reversion, suspension and leave.

2. The Government or the appointing authority may without prejudice to any other legal or departmental action, transfer any Police Officer before completing the normal tenure of two years, on being satisfied *prima facie* that it is necessary to do so on any of the following grounds namely:-

- a) if he is found incompetent and inefficient in the discharge of duties so as to affect the functioning of the police force;
- b) if he is accused in a criminal case involving moral turpitude;
- c) initiation of departmental proceedings against him;
- d) if he exhibits a palpable bias in the discharge of duties;
- e) misuse or abuse of powers vested in him;
- f) incapacity in the discharge of official duties;
- g) initiation of an enquiry against him by competent authority on a grave allegation of corruption or indifference in the discharge of duty;
- h) if his conduct has been adversely commented upon by any judicial authority;
- i) disorder or rampant crime in his area of jurisdiction;
- j) public dissatisfaction with the effectiveness of policing in the jurisdiction;
and
- k) if he requests to be transferred from the post.

107. Special Police Officers:

1. The District Police Chief, subject to any orders that the Government may issue in this regard, may, at any time, by a written order signed by himself, hire any able-bodied and willing person of good character, who has passed the Secondary School leaving Examination or equivalent, between the age of 18 and 60 years, whom he considers fit to be a Special Police Officer, to assist the Police in the maintenance of order for a period of less than two months at a time.

2. Every Special Police Officer so hired shall, on hiring

- a) Receive a certificate in a form approved by the State Government in this behalf;

- b) Have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as a regular police officer.
- c) Receive daily remuneration to be paid at the rates decided by the State Government through a general or special order.

3. Hiring of a person as Special Police Officer shall not be deemed to be temporary or permanent government employment and the person so selected will have no future claim for regular employment in the police on this ground.

Provided that a Special Police Officer may be hired afresh again after the expiry of eighty-nine days after a break of at least one day and it will be deemed to be a fresh hiring.

4. Special Police Officers shall not be chosen from amongst those persons who have:

- a) A record of conviction by a criminal court in the past five years or figures in a case as an accused involving moral turpitude; or
- b) Been dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct; or
- c) Continuous activity as a member of a political party during his employment as Special Police Officer; or
- d) Been a member of a extremist, terrorist, militant or subversive organization.

Provided that a person whose hiring as a Special Police Officer has been terminated following his involvement in a criminal case, shall be eligible to be hired again if he is honourably acquitted by the court.

5. The services of a Special Police Officer may be terminated at any time during his employment by the District Police Chief without any notice and without assigning any reason or offering any compensation.

6. No Special Police Officer shall be issued with any weapon nor shall be entrusted with the investigation of or enquiry into a complaint preferred by any citizen before the police.

108. Dismissal, Suspension Or Reduction Of Officers Of Subordinate Ranks:

Subject to the provisions of Article 311 of the Constitution and to such rules as the Government may, from time to time make under this Act, the Director-General, Additional Director-General, Joint Director-General, Deputy Director-General, and Superintendents of Police may, at any time dismiss, remove, suspend or reduce to a lower post or time scale or to a lower stage in time, scale, any officer of the rank of Inspector and below whom they shall think remiss or negligent in the discharge of his duty or otherwise unfit for the same.

109. Act of Personal Servitude Prohibited:

1. No police officer shall be required to perform any act of personal servitude to any other person or officer nor shall any officer be treated in an undignified manner.
2. Nothing in this section shall be used as an excuse by a police officer to desist from doing any physical activity or mental activity which is required to be done for the proper accomplishment of any duty imposed on him by reason of the role and functions of the police which such officer is to perform either by himself or as commanded by a superior officer.

Provided further that the State Police Chief, subject to review by government, may decide whether any particular activity is personal servitude or an act of indignity

110. Dispute as to whether Act is Duty or Not:

1. Whenever in connection with any suit or proceeding before any court or Statutory Authority a question arises as to whether
 - a) an act by a police officer was done in the course of official duty or under the colour of office;
 - b) the proceeding was initiated under circumstances arising from the lawful discharge of official duty or by reason of animosity induced in an affected party thereby;
 - c) the injury suffered by the police officer was sustained by reason of official duty;
 - d) the injury suffered by a police officer was the result of some animosity occasioned by the lawful discharge of official duty;

such question may be enquired into or caused to be enquired into by the State Police Chief or by the District Police Chief on application made to him by the affected police officer and his decision thereon shall be binding on all concerned to the extent

of procedural benefits relating to notice, sanction etc and pecuniary assistance permissible under the rules in such cases without prejudice to the outcome of the suit or proceedings in which the question arose;

Provided further that the Government or the State Police Chief may, either on their own or on reference made to them by the concerned Court or Authority or by anyone aggrieved may further look into the decision made by the State Police Chief or the District Police Chief as applicable and the decision of the government thereon shall be final.

2. Nothing in this section shall be deemed to preclude, if there are prima facie reasons to justify such a course of action, any court or authority from conducting a further enquiry as it may deem fit for coming to an independent decision with regard to the same questions on the basis of evidence adduced before it during the course of the proceedings before such court or authority.

111. Procedure for Punishing Police Officers for Official Misconduct:

1. Whoever, being a police officer, commits any offence or misconduct under this Act or under any Rule or order made there under, shall be dealt with departmentally under the Police Discipline Punishment and Appeal Rules in force as may be notified by the Government;

2. The State Police Chief may order that in any particular case, because of the extreme gravity of the situation, criminal prosecution may be launched against the Police Officer in lieu of proceedings under the Police Discipline, Punishment and Appeal Rules.

3. A police officer may be subjected to a disciplinary enquiry with regard to any official misconduct or any dereliction of duty or a violation of any order or rule or provision of this act under the orders of such authority as may be prescribed by Government by general order and the manner of conduct of such enquiries may be as prescribed by the Police Discipline Punishment and Appeal Rules.

4. A finding to the effect that a police officer is guilty arrived at in a departmental proceeding and the infliction of a penalty there under shall not be construed as sentencing or conviction under any law, including this Act.

5. After the due conclusion of such enquiry one, except as specified below, among the following penalties may be inflicted on the police officer, if he is found guilty of the charges:-

- a) Fine
- b) Extra Duty, including Drill and Physical Training
- c) Recovery of Loss to Government from Pay
- d) Recovery of Loss to Affected Party from Pay
- e) Undergoing Reformatory Training
- f) Prohibition from performing Specified Duties or being assigned to specified posts
- g) Warning
- h) Censure
- i) Increment Bar without cumulative effect
- j) Increment Bar with Cumulative effect
- k) Withholding of Promotion
- l) Reduction in Pay without cumulative effect
- m) Reduction in Pay with cumulative effect
- n) Reduction in Seniority
- o) Compulsory Retirement
- p) Removal
- q) Dismissal

6. Punishments prescribed from (a) to (f) above may be imposed either by themselves or in addition to any punishment from (g) to (q) imposed on the police officer.

7. No punishment from (a) to (j) shall be taken into account for any proceeding in which eligibility for promotion is to be decided by any Board or Committee constituted for the purpose under any Rule and no one shall be denied promotion on the ground that he has suffered such a punishment at any time.

8. Nothing in this section shall prevent any directly affected party from taking up the matter in any Court of Authority subject to the conditions specified elsewhere under this Act or under any other law in force.

9. In case any Criminal Court, after trial, either acquits a police officer, or after conviction, sentences a police officer on a matter in which he has been or is liable to be dealt with departmentally, he shall not be departmentally punished on the same matter for the same offence on the same facts.

Provided that in case of conviction for an offence involving moral turpitude or serious personal or official misbehaviour as may be decided by the State Police Chief or the State Government, the officer may be either compulsorily retired or removed or dismissed from service as may be decided on the merits of each case.

10. Punishments specified at (a) to (h) above may be imposed by the competent authority without following the detailed procedure specified in the Discipline Punishment and Appeal Rules but after the authority satisfies itself with regard to the facts and after giving an opportunity for the concerned police officer to be heard.

11. Authorities competent to impose each penalty on each rank may be specified in the Police Discipline, Punishment and Appeal Rules.

112. State Police Chief to Prescribe a Code of Penalties: Subject to any directions which may be issued by Government, the State Police Chief may, standardise and codify punishments to be awarded by disciplinary authorities for common acts of misconduct, by specifying the maximum and minimum punishments which can be awarded to each type of misconduct under different specified circumstances and any deviation there from by disciplinary authorities shall be subject to the approval of the State Police Chief.

113. Appeal and Revision: The Government may notify appeal and revision procedures in respect of departmental punishments awarded to police officers.

114. Welfare Bureau:

1. There shall be a Police Welfare Bureau, (hereinafter referred to as 'Bureau') headed by an officer not below the rank of Additional Director General of Police, in the office of the State Police Chief to advise and assist him in the implementation of welfare measure of police personnel.

2. The functions and duties of the Bureau shall, inter alia, include administration and monitoring of welfare measure of police personnel, such as:

- a) health care, particularly in respect of chronic and serious ailments, and including post-retirement health care schemes of police personnel and their dependents;
- b) full and liberal medical assistance to police personnel suffering injury or prosecution or civil suits in the course of duty or by reason of performance of duty;
- c) financial security for the next of kin of those dying in harness;
- d) post-retirement financial security;
- e) group housing and group credit facilities;
- f) educational facilities for dependents of police officers; and
- g) appropriate legal facilities for defence of police officers facing court proceedings in matters relating to bonafide discharge of duty or by reason of such duty or as a result of animosity created by reason of such duty.

3. The Bureau shall have as many members as may be prescribed who may be nominated by the State Police Chief, and shall comprise representatives from all police ranks and may also include members in an advisory capacity.

4. The Bureau shall lay down norms and policies relating to police welfare, and monitor welfare activities undertaken by various police units in the state.

5. A Police Welfare Fund, under the administration and control of the Bureau, shall be created for the welfare activities and programmes for police personnel, which will have the following components;

- a) financial grant by the state;
- b) contributions made by the police personnel, towards the welfare fund;
- c) monetary value of any monetary punishment, including increment bar, imposed on any police officer of and below the rank of Sub-Inspector of Police except (c) and (d) of section 111;
- d) any other contribution from any source as may be permitted by the Government from time to time;

115. Police Establishment Board:

1. The State Government may constitute a Police Establishment Board which shall be a departmental body consisting of the Director General of Police as Chairman and four other senior Police Officers of the Department of the rank of Additional Director General of Police as members.
2. The term of office of the members of the Board, the procedure for the functioning of the Board and guidelines to be followed by the Board in the exercise of its functions shall be in such manner as may be prescribed.

116. Functions of the Board:

1. The Board shall discharge the following functions, namely:-
 - a) to decide on appeals, complaints and general guidelines relating to all transfers, postings, promotions and other service related matters of police officers of and below the rank of Inspector of Police, subject to the provisions of the relevant service laws as may be applicable to each category of police officers;
 - b) to review the functioning of the Police in the State either in general or with regard to specific instances; and
 - c) to discharge such other functions as may be assigned to the Board by the Government.
2. The Government shall give due consideration to the recommendations of the Board.
3. The Government may, either *suo moto or* on a representation filed by the affected person, for reasons to be recorded in writing, set aside or modify any decision or order of the Board.

117. Redressal of Grievances of Subordinates:

1. The State Police Establishment Board shall nominate an officer of the rank of Deputy Superintendent of Police as Police Welfare Officer of the District and he shall set apart one day every week to listen to or receive complaints from police officers of and below the rank of Sub Inspector of Police.

2. The District Police Welfare Officer shall study and examine the grievance and shall suggest appropriate remedial action to the District Police Chief and if the same is beyond the competence of the District Police Chief to the State Police Establishment Board.

118. Insurance cover, allowances and medical facilities:

1. The State Government shall provide adequate insurance coverage for all police personnel against any injury, disability, or death caused in the course of performance of their duty or out of attacks carried out on them by reason of animosity engendered by due performance of duty.

2. Police Officers posted in special wings, such as Counter-Terrorism Operations Units, Bomb Disposal Squads, Commando Groups etc. shall be paid special risk allowance, in proportion to the risks involved in those duties.

3. Police personnel shall also be provided with a medical insurance cover that would enable them to keep up the required standards of health and physical fitness.

4. If a police officer suffers injury or disfigurement as a result of violence inflicted upon him in the course of duty or as a result of a serious risk or dangerous situation to which he is exposed to in the course of his duty or out of attacks carried out on him by reason of animosity engendered by due performance of duty, he shall be duly and adequately compensated by the State for the same.

Provided that such compensation shall be over and above the reimbursement of his medical expenses to which he is entitled to under the Rules.

5. If a policeman dies in the course of his duty as mentioned above, his legal heirs shall be duly and adequately compensated by the State, provided that such compensation shall be over and above the benefits to which the family are entitled to under the Rules

6. When any police officer is injured while on duty, the injured police officer shall be entitled to sufficient and good quality treatment at public expense at any institution recommended by the Chief of the Medical Institution where such officer is admitted immediately afterwards.

119. Police Associations: The Government may permit, by prescribing guidelines, the formation of Association or Associations of different ranks or categories of police officers subject to such restrictions as may be prescribed.

120. Police Complaints Authority:

1 The Government shall establish a Police Complaints Authority at the State level to look into-

- (i) complaints of grave misconduct of all types against Police officers of and above the rank of Superintendent of Police;
- (ii) serious complaints against officers of other ranks relating to molestation of women in custody or causation of death to any person or infliction of grievous hurt to any person or rape.

2. The State Authority shall consist of the following members, namely:-

- (i) a retired Judge of a High Court who shall be the Chairman of the Authority;
- (ii) a serving officer not below the rank of Principal Secretary to Government; and
- (iii) a serving officer not below the rank of Additional Director General of Police.

3. The Government shall establish Police Complaints Authority at the district level to look into complaints against police officers of and upto the rank of Deputy Superintendent of Police.

4. The District Authority shall consist of the following members, namely:-

- (i) a retired District Judge, who shall be the Chairman;
- (ii) the District Collector; and
- (iii) the District Superintendent of Police:

Provided that the Chairman of one District Authority may be appointed as the Chairman of one or more District Authorities

5. The conditions of service, remuneration and other allowances of the members of the State Authority and District Authorities and the procedure for functioning of the authority or authorities shall be in such manner as may be prescribed.

6. The Government shall, in consultation with the authority or authorities, provide all necessary facilities for their proper functioning.
7. The State Authority and the District Level Authorities shall, while conducting enquiry, have all the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:-
 - a) summoning and enforcing the attendance of any person and examining him on oath;
 - b) requiring the discovery and production of any document;
 - c) receiving evidence on affidavit; and
 - d) any other matter which may be prescribed.
8. All agencies of the Government shall render all possible assistance to the authority or authorities in respect of production of documents, examination of records, analysis of evidence or provision of expert assistance in any matter in which such authority or authorities or an officer acting under the orders of such authority or authorities requires their assistance.
9. The recommendations of the Authority or Authorities, for any action, departmental or criminal, against a delinquent Police Officer shall be binding insofar as initiation of departmental proceedings or registration of a criminal case is concerned. Such recommendations shall, however, not prejudice the application of mind by the enquiry officer or the investigating officer when he is conducting the departmental enquiry or criminal investigation, as the case maybe.

121. Avoidance of multiple enquiries:

1. All complaints against any police officer by members of the public shall normally be submitted before the State or District Police Complaints Authority constituted for the purpose.
2. In case a Court or any other Statutory agency receives such complaints simultaneously or independently,
 - a) they may take cognizance of it but shall not pass any final order or conduct any enquiry if the matter is already under consideration by the State or District Police Complaints Authority and inform the Complaints Authority concerned accordingly.

- b) they may refer the matter to the Complaints Authority for necessary enquiry and report.

3. In any matter referred to the Complaints Authority by a Court or another Statutory Authority, the findings and the recommendation of the Authority will also be given by the Authority to the Court or Statutory Authority concerned and thereafter such Court or such Statutory Authority may take such action as it deems fit either to further proceed with the matter or drop further action.

4. Nothing in this section shall be deemed to preclude an enquiry by the Government or by a superior police officer.

122. Elected Representatives may forward Complaints: Complaints against the police may be forwarded by Presidents of Panchayats, Members of Legislative Assemblies and Members of Parliament to the concerned Police Complaints Authority and such Authority shall cause appropriate enquiries to be made in this regard and inform the MP/MLA/Panchayat President of the result of the enquiry.

123. Expeditious Disposal by Complaints Authorities:

1. The District and State Police Complaints Authorities may take expeditious action to complete the enquiries relating to complaints under consideration by them.

2. In any matter which is under consideration before any Complaints authority, such Authority may direct any public servant

- a) to question any witness and record his statement;
- b) to locate, examine or seize any relevant document;
- c) to conduct any test or examination which the said public servant is competent to do;
- d) to render any assistance as may be reasonable under the circumstances of each complaint.

3. In any matter which is under consideration before any Complaints authority, such Authority may call for a report from any police or governmental authority with regard to any fact in issue.

4. In any enquiry, the affected police officer may be given opportunity to produce evidence on his behalf and to be heard before the Authority finalises its opinion but the

Authority need not afford him an opportunity to cross examine any witness, if such a course of action is considered not practicable or not necessary under the circumstances of each case.

CHAPTER VIII

OFFENCES AND PUNISHMENTS

124. Protection to Police Officers:

1. No suit, prosecution or other legal proceedings shall lie against the Government or any police officer or a public servant duly appointed or authorized under this Act for anything done or intended to be done in good faith as duty or under colour of office, in pursuance of this Act or in pursuance of any law for the time being in force.
2. No court shall take cognizance of any offence under this Act alleged against any police officer except with the prior sanction of the Government.
3. When a delinquency on the part of a police officer which is also an offence under this Act is brought before another officer to whom such officer is subordinate, he shall examine it and decide whether the delinquency warrants only departmental disciplinary action even if it constitutes an offence under this Act.

Provided that such superior officer shall also be competent to decide whether the matter should be taken up for criminal prosecution without resorting to departmental disciplinary action.

4. Nothing in sub section (2) and (3) shall preclude the right of an affected person from moving a court for prosecution or institution of a suit in respect of an offence under some other law allegedly committed by a police officer.

125. Time Limits for Prosecution and for Institution of Suits:

1. Any offence allegedly committed by a police officer in the course of the discharge of his duty or under the colour of his office shall not be taken cognizance of by a court of law if the complaint has been made more than three months after the date of the act complained of.

Provided that this limitation shall not apply if the complainant was either not aware of the existence of the offence or he was otherwise incapable of making the complaint.

Provided further that this limitation shall also not apply to matters about which complaints were made within three months of the date of offence before the Police Complaints Authorities and to matters in which sanction for prosecution is given by the Government.

2. Any claim for civil damages by reason an act of omission or commission by a police officer committed in the course of the discharge of his duty or under the colour of his office, shall not be taken cognizance of by a court of law if the plaint has been made more than three months after the date of the act complained of.

Provided that this limitation shall not apply if the complainant was either not aware of the act or he was otherwise incapable of moving the court;

Provided further that this limitation shall also not apply to matters about which complaints were made within three months of the date of offence before the Police Complaints Authorities and to matters in which sanction for prosecution is given by the Government.

126. Dereliction of duty by a police officer: Whoever, being a police officer

- a) breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the police service under this Act; or
- b) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or
- c) acts in any other manner unbecoming of a police officer; or
- d) is guilty of cowardice

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

127. Bribe Taking and Extortion by Police Officer: Any police officer who, directly or indirectly, extorts, seeks or obtains any bribe, perquisite or unauthorized reward or consideration, by any threat or pretence, for doing or omitting or delaying

any act which it may be his duty to do or cause to be done, or for with holding or delaying any information which he is bound to give or communicate, or who attempts to commit any of the offences abovesaid, or who on any pretext, or under any circumstance, directly or indirectly, collects or receives any fee, gratuity, diet-money, allowance other than what he may be duly authorised by the Government or the State Police Chief or the District Police Chief to collect or receive, shall on conviction be liable to fine not exceeding twelve months' pay and to imprisonment for a term which may extend to seven years, or to both.

128. Vexatious Arrest, Search, Seizure and Violence : Whoever, being a police officer:

- a) vexatiously and without lawful authority or reasonable cause enters in to searches, or causes to be entered into or searched, any building, vessel, tent or place; or
- b) vexatiously and unlawfully, without reasonable cause, seizes the property of any person; or
- c) vexatiously and unlawfully and without reasonable cause detains, searches, or arrests a person; or
- d) deliberately subjects any person in custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour;
- e) deliberately and knowingly records a statement falsely with malicious intent to implicate an innocent person; or
- f) deliberately makes a false record to implicate any innocent person in a crime; or
- g) deliberately and knowingly makes a false allegation of attack on the police; or
- h) deliberately and directly aids or abets in the commission of an offence which, as a police officer, he was bound to prevent.

shall, on conviction, be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Provided that nothing in this section shall preclude the said police officer being additionally punished for the same matter according to the provisions of any other law for the time being in force.

129. Penalty for Interfering in Police Functions: Whoever

- a) induces or attempts to induce or does any act which he knows is likely to induce, any member of the police force to withhold his services or to commit a breach of discipline; or
- b) unlawfully assumes any function or power belonging to the police; or
- c) personates as a police officer, except innocently for purposes of entertainment; or,
- d) deliberately makes a false statement to a police officer with intent to mislead the police in material particulars in an investigation or due performance of police duty; or.
- e) threatens, obstructs or assaults or abuses a police officer with the manifest intention of preventing such officer from discharging any duty which he is about to carry out;

shall on conviction be liable to fine not exceeding ten thousand rupees, or to imprisonment for a period which may extend to three years, or to both.

130. Penalty for causing serious disorder or danger: Any person who

- a) is found in a public place, in an intoxicated condition, riotous or incapable of looking after himself; or
- b) knowingly spreads rumours or causing a false alarm to mislead the police, fire brigade or any other essential service; or
- c) knowingly and wilfully causes damage to an essential service, in order to cause general panic among the public; or
- d) causes annoyance to any person by making indecent overtures, verbal comments, phone calls, or calls of any type or by stalking or by passing comments or sending messages or mails by any means; or
- e) knowingly does any act which causes danger to the public or compromises public safety ;or

- f) transports explosives or dangerous substances without being lawfully authorized to do so; or
- g) is found under suspicious circumstances, being a goonda or a rowdy, in a public place, in possession of equipment which is intended to be used for any activity in the vicinity to facilitate any anti-social activity as defined in the Kerala Anti-Social Activities Prevention Act, 2007;

shall on conviction be liable to fine not exceeding ten thousand rupees, or to imprisonment for a period which may extend to three years, or to both.

131. Penalty for causing nuisance, disorder etc:

Whoever

- a) slaughters any animal, cleans any carcass, article of furniture or vehicle, or grooms any animal in a public place causing annoyance or inconvenience to the public; or
- b) causes any vehicle or conveyance to remain in such a manner as to cause obstructive inconvenience or danger to the public; or
- c) defaces or covers a traffic sign or signboard reducing its visibility or readability; or
- d) defaces, walls, buildings or other structures without prior permission of the custodian of the property; or
- e) acts in contravention of a notice publicly displayed by the competent authority in any government building; or
- f) defiles water sources or water supplies or public sanitation or makes public places unclean or illegally causes serious damage to the environment; or
- g) trespasses into a government building or government premises; or
- h) drives, drags or pushes any non-motorised vehicle at any time between half an hour after sunset and one hour before sunrise without sufficient light; or
- i) drives, drags or pushes any non-motorised vehicle and does not keep (except in case of actual necessity or of some sufficient reason for deviation), on the left of such street when meeting any other vehicle on the right of such street when passing any other vehicle; or

- j) conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed; or
- k) causes mischief by any negligence or ill-usage in the driving, management or care of any animal or vehicle; or
- l) eases himself in a public place causing annoyance to others; or
- m) does not take due care of pets under his care or control and negligently suffers them to cause inconvenience to neighbours or the public; or
- n) without the knowledge and consent of the owner buys any jewel, watch, fountain pen, bicycle, utensil or other article of value from any person apparently under the age of fourteen years, or takes any article on pawn or pledge from such a person; or
- o) without adequate precautions and in disregard for public safety, lights any bonfire, discharges any firearm or air-gun, lets off or discharges any firework, or sends up any fire-balloon, or permits such act to be done in premises over which he has control; or
- p) makes a nuisance of himself to any person by making obscene or repeatedly unwanted or anonymous calls to any person or institution by any type of phone or writes such letters delivering them by messenger, post or e-mail; or
- q) breaks any queue, in any public place, formed for the purpose of orderly delivery or receipt or use of any service, whether public or private; or
- r) pastes or affixes any material anywhere which is of a defamatory or threatening nature concealing the identity of the author thereof;

shall, on conviction by a court, be liable to imprisonment which may extend to one year or with fine which may extend to five thousand rupees or both.

132. Punishment for Offences for which there is no separate Provision:

1. Any person who contravenes any of the provisions of this Act or commits any act of commission or omission in violation of the provisions of this Act or any order made thereunder shall, on conviction, if no other punishment is prescribed for the same under this Act, shall, in addition to such other punishment that may be inflicted

on him under any other law in force, be punished with fine which may extend to two thousand rupees or imprisonment for a term not exceeding six months or both.

2. When the offence is committed by more than one person, each one of them shall be punishable individually.

133. Offences by Companies:

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

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

Explanation: For the purposes of this section

- a) "company" means a body corporate, and includes a firm or other association of individuals; and
- b) "director", in relation to a firm, means a partner in the firm.

134. Prosecution under Other Laws Not Affected: Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Act for any offence made punishable by this Act, or from being liable under any other Act to any other penalty or punishment other than what is provided for such offence by this Act.

135. Procedural Irregularity not Material: No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made, under this Act, or in substantial conformity to

the same, shall be deemed illegal, void, invalid or insufficient by reason only of any defect of form or any irregularity of procedure unless material prejudice had been caused by such defect or irregularity.

136. Cognizable and Bailable Offences:

1. Offences under sections 128,129, 130 of this Act shall be cognizable and bailable and an offence under section 127 shall be cognisable and non-bailable.
2. Notwithstanding the provisions of sub section (1) above, a police officer may arrest a person if and only if such arrest is absolutely necessary for preventing the continuation of the offence or if it is manifestly evident that such person cannot be located subsequently or if such person is likely to hurt himself or another person or if there is some special and emergent circumstance, warranting the arrest.
3. All other offences under this Act shall be non-cognizable and bailable; but a police officer may remove a person temporarily for the purpose of preventing the continuation of such offence.

137. Cognizance of Offences: No court shall take cognisance of an offence under this act except on a report filed by the Station House Officer having jurisdiction or someone authorised by him in the particular case.

138. Compoundability of Offences:

1. All non-cognizable offences under this Act shall be compoundable on the request of the accused by the Station House Officer.
2. Offences under s.129 and 130 are compoundable by any Honorary Executive Magistrate if the District Police Chief, on any application made by the accused, deems that the matter is not serious enough to be prosecuted before a court of competent jurisdiction, provided that no such compounding shall be made in a matter in which the court having jurisdiction has already taken cognizance of the offence after charge sheeting by the police in which case it shall be compoundable before such court.
3. The fees to be levied in respect of each category of offences shall be as may be notified by the State Police Chief with the prior approval of the Government and such compounding fee shall be collected by the Station House Officer concerned.

4. Compounding will not be deemed to be a conviction; but may be used to prove previous conduct in any proceeding where such previous conduct is relevant.

139. Criminal Justice Miscellaneous Expenses Fund:

1. There shall be a Fund maintained and administered centrally by the State Police Chief to meet the following expenses:

- a) Expenses on those in custody, including medical expenses
- b) Expenses incurred in connection with investigation of criminal cases including allowances or reimbursement of expenses to witnesses, not being expenses incurred on police personnel or allowances paid to police personnel.
- c) Expenses relating to maintenance and storage of articles kept in custody
- d) Expenses incurred in connection with procedures associated with dead bodies, removal of injured to hospitals and activities associated with rendering urgent assistance to victims of accidents and calamities.

2. The administration of the fund shall be according to Rules prescribed by Government.

3. All the compounding fee levied collected by the Police for offences under this Act and all amounts realised by the sale of unclaimed properties and perishable properties will be remitted to the Fund.

4. Government may also provide for additional remittances to the Fund to ensure that the Funds are sufficient to meet the expenditure.

140. Power to Make Rules: (As may be required on the finalisation of the Act)

141. Repeal and Saving: (As may be required on the finalisation of the Act)