

Commonwealth Human Rights Initiative

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Transparency of Information about Arrests and Detentions

Implementation of Section 41C of the Code of Criminal Procedure, 1973:
A Scoping Study of Compliance across 23 States and the UT of Delhi

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Foreword

CHRI has worked to advance access to information and access to justice in India and other Commonwealth countries for over twenty years. These realms are mutually dependent—strengthening one fortifies the other, while weakening one undermines the other.

Nowhere is this more apparent than in the context of policing. Given the great power the police exercise over the life and liberty of individuals, stringent guidelines for the legitimate use of this power must be articulated in law and enforced in practice. In addition to procedural protections governing the conduct of arrest and treatment of detainees, proactive disclosure of information by the police departments stands as an essential, though often overlooked, safeguard against arbitrariness in the deprivation of individual liberties.

In a series of amendments to the *Code of Criminal Procedure, 1973* (CrPC) in 2009, Parliament in India added provisions requiring the Police Headquarters of every State (except Jammu and Kashmir) and Union Territory to publicise information about all arrests made such as the name of the person arrested, the name and designation of the officer making every such arrest, the time and date of arrest, and the crimes of which every arrested person stands accused. All this information must be collected from every police station every day and displayed at the police control room that is required by law to be established in every district. Every State Police Headquarters is required to create a database of this information about arrests made by the police and make it accessible to the people. This obligation of proactive information disclosure is in addition to the statutory duty imposed on the police to inform the relatives or friends of the person arrested, about the facts of such arrest while effecting it.

If implemented, this mechanism for transparency carries the potential to hold police accountable for unlawful arrest practices. After the 2009 amendments to the CrPC compulsory arrest of any person accused of any crime is no longer the norm. The Police must record specific reasons for arresting a person without warrant if he/she is accused of a crime inviting a jail term of seven years or less. Giving the public access to information on arrestees enables anyone to check whether those arrested have been deprived of their liberty legitimately and have had access to justice—in other words, whether these individuals have benefited from the protective measures written into the CrPC to comply with the directions laid down by the Supreme Court of India from time to time to curb the abuse of powers of arrest by the police.

Starting in 2012, CHRI set out to test the efficacy of these new provisions for proactive disclosure of information regarding arrests made by the police. Immediately, we learned that only one state, Kerala, had made the database of arrestee information available on its website as required by the new law. Filing RTI applications in a total of twenty three States across India and in the Union Territory of Delhi, we found that although more than five years had passed since the CrPC's mandate came into effect, less than a handful of States have taken meaningful steps toward compliance with the transparency requirements.

The reasons for these failures are many. Most State Police Headquarters have not issued guidelines with sufficient detail to enable police stations to effectively comply with Section 41C. Further, police stations lack the personnel and financial resources to maintain the information, or make it available to the public online.

Each of these barriers must be dismantled in order for both access to information and access to justice to be guaranteed. Without procedures in place to translate the law's mandates into reality, the CrPC's provisions – not only on proactive disclosure, but on protections for arrestees – will be nothing more than unfulfilled promises on paper.

I am grateful to our local partners who helped file the RTI applications and persisted in filing appeals and complaints against lack of response from the police departments: B. Ramakrishnam Raju, Debajit Goswami, Jowett d'Souza, Aslam Dewan, Sudhir Pal, Vikram Simha, P. Sherfudeen, Bhaskar Prabhu, Joykumar Wahengbam, Kuovi Angami, Niranjana Barpanda, Rajiv Rufus, Commodore (retd.) Lokesh Batra, Premila Nazareth and Amitava Choudhury.

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Maja Daruwala

Director
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List of Abbreviations

AIR	All India Reporter
CB	Crime Branch
CID	Crime Investigation Department
CP	Commissioner of Police
CrPC.....	Code of Criminal Procedure, 1973
DCRB.....	District Crime Record Bureau
DGP.....	Director General of Police
DSB	District Special Branch
Dt.....	dated
Eg.....	example
IO	Investigating Officer
LWE.....	Left Wing Extremism
No.....	Number
PCR	Police Control Room
PHQ	Police Headquarters
PIO.....	Public Information Officer
RTI	Right to Information
SCI.....	Supreme Court of India
SCRB	State Crime Record Bureau
SHO.....	Station House Officer
SI.....	Sub Inspector
SP.....	Superintendent of Police
SSP.....	Senior Superintendent of Police
SPIO	State Public Information Officer
v.....	versus



Introduction

Covering multiple jurisdictions, i.e., 23 States across India and the Union Territory of Delhi, this report examines police compliance with Section 41C of the *Code of Criminal Procedure, 1973* (CrPC).¹ Section 41C is part of a series of amendments to the CrPC that Parliament made in 2009. Broadly, the amendments codify the Supreme Court of India's² guidelines on proper arrest procedures as laid down in the cases of *Joginder Kumar* and *D.K. Basu*.³ Both the Court's guidelines and the recent amendments are designed to rein in longstanding police abuses of arrest power, including unlawful detention, arbitrary arrest, custodial torture, and extrajudicial killing.

The new sub-sections added to Section 41 provide for a number of safeguards, including: the procedure for notifying a suspect to appear upon receipt of a summons by the police, without having to be arrested to ensure his/her interaction with the police;⁴ a requirement that all officers bear identification of their name during arrest; requirements for preparing a detailed memorandum of arrest, with the contents to be confirmed by the arrestee with his other signature at the time of being arrested; informing the arrestee's family or another person he or she chooses about the fact of arrest;⁵ and the right of an arrested person to meet with an advocate of his or her choice at some point during interrogation.⁶

1 Section 6, *Code of Criminal Procedure (Amendment) Act 2008*, No. 5 of 2009 (w.e.f. 1-11-2010).

2 The Supreme Court laid down detailed guidelines for arrest in the cases of *Joginder Kumar v. State of U.P.* (1994 AIR 1349) and *D.K. Basu v. State of West Bengal* (AIR 1997 SC 610). In *D K Basu*, the Court directed as follows: "36.... (11) A police control room should be provided at all district and state headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board."

3 Commonwealth Human Rights Initiative, *Human Rights and Policing: Landmark Supreme Court Directives & National Human Rights Commission Guidelines 15* (2005), available at http://www.humanrightsinitiative.org/publications/hrc/humanrights_policing.pdf.

4 Section 41A, CrPC: "Notice of appearance before police officer. – (1) The police officer *[shall], in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice. (2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice. (3) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested. (4) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent Court in this behalf, arrest him for the offence mentioned in the notice."

5 Section 41B, CrPC: "Procedure of arrest and duties of officer making arrest. – Every police officer while making an arrest shall- (a) bear an accurate, visible and clear identification of his name which will facilitate easy identification; (b) prepare a memorandum of arrest which shall be- (i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made; (ii) countersigned by the person arrested; and (c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend named by him to be informed of his arrest."

6 Section 41D, CrPC: "Right of arrested person to meet an advocate of his choice during interrogation - When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation."

Each of these protections is designed to ensure that individuals' right to liberty cannot be arbitrarily curtailed. But, the amendments to the CrPC go further by establishing mechanisms for transparency and accountability. Section 41C encourages public oversight of arrest practices by requiring that certain information be made available to the people in general.

What does Section 41C of the Criminal Code say?

Specifically, Section 41C of the CrPC sets out the following three mandatory requirements:

- 1) State governments must establish Police Control Rooms (PCRs) at the state level and in each district⁷;
- 2) State governments must ensure that notice boards outside each district PCR display:
a) names and addresses of arrested persons and b) the name(s) and designation(s) of the officers who made the arrests; and
- 3) the Police Control Room at the State Police Headquarters must regularly collect the details of arrested persons and the nature of the offence with which they are charged, and maintain a database for the information of the general public.

The amendments to Section 41 of the CrPC relating to the procedure to be observed by the police for arresting any person accused or suspected of committing an offence were enacted on 7 January, 2009 and came into force 22 months later, on 1 November, 2010—a period meant to give States and Union Territories enough time to put in place procedures for compliance with the new mandatory requirements of transparency.

⁷ PCRs act as the nerve centre of the police administration to receive all communications about calls for help received from the people and direct the local police to respond to situations affecting law and order.

Our Study

Purpose

Making basic information about the arrestee, officers involved, and nature of the crime(s) of which the arrestee is charged available, to the public enables people's monitoring of the use of the power of arrest by the police. Without such transparency, it would be nearly impossible to expose patterns of abuse of this power by the police. However, the mechanism for transparency must be functional in order for the public to monitor arrest practices and demand accountability for unlawful and illegitimate arrests.

Therefore, we set out to determine the extent to which police authorities were implementing Section 41C. As sub-Section 3⁸ of Section 41C does not set out a procedure for the public to request the arrestee database maintained by State PCRs, the plain language of that Section indicates that the police are expected to proactively disclose it. Logically, the most effective way to do so would be through a regularly updated online database in addition to making such a database immediately accessible on demand for the purpose of inspection to people who have not been able to cross the digital divide.

Method

To measure compliance with Section 41C, we conducted a two-phase study surveying numerous states across India. Phase I began in late 2012—nearly two years after the amendments came into force. This phase covered the following 23 States and the Union Territory of Delhi⁹.

- Andhra Pradesh
- Assam
- Bihar
- Chhattisgarh
- Delhi
- Goa
- Gujarat
- Haryana
- Himachal Pradesh
- Jharkhand
- Karnataka
- Kerala
- Madhya Pradesh
- Maharashtra
- Manipur
- Meghalaya
- Nagaland
- Odisha
- Punjab
- Rajasthan
- Tamil Nadu
- Uttar Pradesh
- Uttarakhand
- West Bengal

We then researched which of these State Police Headquarters made the required database of arrestee information available on their official websites.

- ⁸ Sub-Section 2, which requires that each district PCR display the information about arrested individuals and arresting officers on a notice board, also enables public monitoring of arrests. However, it would not be possible to conduct a study – at least not one that is broad in scope – to check compliance with this provision. Moreover, an online database is more widely accessible to the public. Therefore, we focused on sub-Section 3.
- ⁹ Although it would have been ideal to conduct a baseline of all states and territories, we were limited by resource constraints and the availability of partners in local areas.

Arrest Data Available Online

Jurisdictions	Online Database	Jurisdictions	Online Database
Andhra Pradesh	No database available	Madhya Pradesh	Yes, with data for January to May 2013 only (the site allows users to search using keywords such as name of arrestee, date, and district of arrest. One cannot automatically download all available information from any police station or for any specific date defeating the very purpose of creating the “public” database. However no data is available for any police station for the year 2015.)
Assam	No database available	Maharashtra	Yes, with data after 2012 (the site allows users to search using keywords such as name of arrestee, date, and district of arrest. One cannot automatically download all available information.)
Bihar	No database available	Manipur	No database available
Chhattisgarh	No database available	Meghalaya	No database available
Delhi (UT)	No database available	Nagaland	No database available
Goa	No database available	Odisha	No database available
Gujarat	No database available	Punjab	No database available

Jurisdictions	Online Database	Jurisdictions	Online Database
Haryana	No database available	Rajasthan	No database available
Himachal Pradesh	No database available	Tamil Nadu	No database available
Jharkhand	No database available	Uttar Pradesh	No database available
Karnataka	No database available	Uttarakhand	No database available
Kerala	Yes (from 2012 onward; accessible for the immediately preceding week only)	West Bengal	Names of persons arrested for Left Wing Extremist activities only displayed (data from April 2012 available up to March 2014 only)

At the time of compiling this report, the vast majority of the State Police Headquarters, i.e., 87.5% (21 of 24) of the police jurisdictions included in this study did not publish the information mandated by Section 41C, CrPC on their websites or in the form of any other publicly available database. At the time of our initial survey in 2012, Kerala was the only state to provide this database online. Thus, it was not clear how the other states were making the database available to the public, or if they were maintaining one at all. At the time of compiling this report, the police-station-wise database of arrestees is available only for the week immediately preceding the date of search.

We next filed applications under *The Right to Information Act, 2005* (RTI Act)¹⁰ with the State Police Headquarters in each of the 24 jurisdictions listed above to determine:

- 1) whether they were maintaining arrestee databases as required; and
- 2) if so, through what means they were making the information available to the public.

The questions we included in each RTI application, and their rationale, were as follows:

1. A certified copy of all standing orders/office memoranda/instructions/guidelines/ circulars etc. issued for the purpose of implementing Section 41C of the CrPC;

[Because State Police Headquarters is responsible for collecting information from district PCRs and police stations for the arrestee database, they must issue guidelines for these entities to follow in collecting and forwarding the required information.](#)

2. The complete postal address of all district police control rooms established as on the date of this application;

¹⁰ A copy of the RTI application is attached as Annexe 1. The list of our partners who filed RTI applications in various jurisdictions is at Annexe 2.

To assess compliance with Section 41C (1)—establishment of Police Control Rooms.

3. The designation of the officer(s) responsible for sending information about arrested persons from every police station to the district level police control room;
4. The designation of the officer(s) responsible for sending information about arrested persons from every police station and every district to the State Police Headquarters (PHQ);

To assess the chain of responsibility put in place for implementing Section 41C(3) for channelizing the information from the police station level to the Control Room established at the State Police Headquarters through the district level PCRs.

5. The website address, if any where the database of arrested persons is being made available to the general public;
6. If the website does not exist please provide details of the alternative means by which the general public can have access to the database of arrested persons at the State PHQ;

Although we reviewed the websites of each State Police Department, it is possible that the database had been made available online at another location. If States were not publishing the database online, we wanted to know what methods they were using to make it available to the public offline.

7. The amount of funds sanctioned and actually spent for the purpose of giving effect to Section 41C of the CrPC during the financial years 2011-2012 and 2012-2013;

To establish whether funds have been allocated to enable the police to fulfil their duties under Section 41C.

8. A description of the constraints faced by the Police Department in implementing the provisions of Section 41C of the CrPC;

To document genuine challenges that may hinder implementation of Section 41C.

9. A list of persons arrested throughout the State between 01 April – 31 April, 2012 along with the nature of offence and the name and designation of the officer who made the arrest, in each case.

To assess the quality and accuracy of local data held by Police Headquarters.

In 2014, we conducted Phase II of the study. This time, we narrowed our focus to the states of Rajasthan and West Bengal to see if either State had made any progress in terms of compliance with Section 41C.¹¹

11 Another criterion for selecting these States was that CHRI works there closely with the administration and its civil society partners for the promotion of access to justice, in particular prison reforms and also access to information.

We devoted our resources to examining compliance in these states because both of them showed high rates of arrest, particularly preventive detention, in their responses to our RTIs in Phase I. In Phase II, we modified Question 9 to request arrestee data for the period of 01, to 31 January, 2013.

In both phases of the study, we did receive from some police authorities the data we requested on arrestees for the months of April 2012 and January 2013 under Question #9. While we refer to this data briefly throughout the discussion below, we focus on the responses we received to all our queries and leave the in-depth analysis of the arrestee data (gender, age, religion, crimes of which accused etc.) to a later report to come.

Findings from Phase I

From the first phase of our study, we received a variety of responses to our RTI applications. While we got many direct responses, for the most part we faced numerous transfers of our applications and failures to answer our queries in whole or in part. All RTI applications were addressed to the Public Information Officers (PIO) designated in the offices of the Director General of Police in the States and the Office of the Police Commissioner in Delhi (UT) because the primary responsibility for implementing Section 41C is placed with them. However we believe the RTI applications were forwarded from these offices further and further down below the police bureaucracy, on account of Question #9 which sought detailed information about the arrestees – a clear indication that in most of these States the database of arrestees required to be maintained by the State level PCRs was not being compiled. The RTIs ultimately landed up with each Police Station which was required to compile the data about arrestees and send them to us in addition to responding to other queries in these RTI applications. In many cases, appeals were necessary. We received some responses as late as 2014 – two years after filing our initial requests.

Guidelines for implementing Section 41C

In response to our first question on what orders, guidelines, or circulars had been issued to implement Section 41C, responses fall into four categories:

- 1) the State Police Headquarters (PHQ) issued guidelines for compliance with Section 41C(3);
- 2) the PHQ circulated a copy of the amendments to Section 41C;
- 3) the PHQ circulated a copy of the Supreme Court's guidelines from *Joginder Kumar* and/or *D.K. Basu* from the 1990s; or
- 4) the PHQ did not issue anything or did not respond to our query.

Under each of these headings, the findings for each State are discussed in turn.

Where guidelines for compliance were issued

- Assam
- Bihar
- Kerala

Where copy of 41C amendments were circulated

- Assam
- Goa
- Himachal Pradesh
- Maharashtra
- Odisha
- Rajasthan
- Uttarakhand

Where Supreme Court guidelines were circulated

- Assam
- Maharashtra

No Information provided

- | | |
|------------------|-----------------|
| • Andhra Pradesh | • Nagaland |
| • Chhattisgarh | • Meghalaya |
| • Delhi | • Nagaland |
| • Gujarat | • Punjab |
| • Haryana | • Tamil Nadu |
| • Jharkhand | • Uttar Pradesh |
| • Karnataka | • West Bengal |
| • Madhya Pradesh | |

A) Where guidelines for compliance were issued

Kerala¹² and Bihar¹³ are the only states where PHQs have issued detailed guidelines on how police stations and district PCRs should implement Section 41C(3). Bihar's circular is modelled on that issued in Kerala, and contains similar guidelines.

Both states required the following:

- 1) Notice boards outside each district PCR to display the details of persons arrested on that day and the previous day, as well as the designation of the arresting officer in each case.
- 2) After every arrest, the station house officer (SHO) to be responsible for immediately forwarding the required details to the district PCR and Deputy Superintendent of Police, District Crime Record Bureau (DCRB).
- 3) The arrestee details to be communicated are the: name; name of the father of the arrestee; age; sex; address of the arrestee; place at which arrested; time of arrest; date of arrest; FIR no.; Sections of the law under which arrested; name of the police station; name, rank, and designation of arresting officer (in fact this list has been expanded beyond the requirement of Section 41C with additional data fields being required to be despatched by the police stations to the PCRs.
- 4) All Deputy Superintendents of Police to consolidate the list of arrested persons from Sunday to Saturday of every week and electronically forward the list to the State Crime Record Bureau (SCRB) by the succeeding Wednesday.
- 5) The Inspector General of Police, SCRB to maintain this list as a computerised digital data bank for the information of the general public and for the Police Department. The Assistant Inspector of Police (Public Grievances) Police Headquarters will co-ordinate this activity and review the position every week; any deficiencies will be reported to the Zonal Additional Director Generals of Police (ADGP) and the State Police Chief.

Though Assam did not have the detailed guidelines issued in Kerala and Bihar for implementing Section 41C, it merely assigned responsibility for compliance with Sections 41A through 41D to the Superintendents of Police of each district in general.

The Additional Director General of Police circulated¹⁴ an order of the Guwahati High Court laying down guidelines for maintaining case diaries and general diaries. The circular also stated that, "The officials of district administration shall in their periodical inspection, ensure that the duties of the police personnel by Section 41A to 41D of the CrPC have been followed and to make necessary notes in case of any dereliction in this regard. Any dereliction shall be, immediately brought to the notice of the Chief Judicial Magistrate of the concerned district." However no instructions or guidelines detailing the process for collecting data required to be proactively made available to the people about arrestees were issued. In addition to specific data about arrestees, we received these stock responses from the offices of the Superintendents of Police from the districts of Bongaigaon,

12 Kerala Police Headquarters issued circular no.U1-22012/2011 dated 16/3/2011 is at Annexe 3.

13 Circular no. 4998/XL 203-2011 by the DGP Office dated 26/12/2011 is at Annexe 4.

14 vide Memo No. V CB/1/12/5585 635.

Cachar, Darrang, Dhemaji, Dhubri, Dibrugarh, Goalpara, Golaghat, Guwahati, Hailakandi, Jorhat, Kamrup, Lakhimpur, Morigaon, Nagaon, Sivasagar and Sonitpur. Other 10 districts did not bother to respond to the RTI application forwarded to them by the DGP's office.

B) Where a copy of the amendments Section 41A-D was circulated.

Most of the State PHQs issued circulars that were simply photocopies of the amendments that Parliament made to Section 41 of the CrPC in 2009. The circulars directed police stations to comply with the amendments, but did not lay down a framework of who would be responsible, and in what timeframe, to consolidate and publish the database described in Section 41C.

Assam — A different circular than the one listed above was issued by the state Criminal Investigation Department (CID).¹⁵ The only direction in regard to Section 41C was that “the information about arrests has to be sent through morning and evening sitreps from DSB Unit.”

Himachal Pradesh — Here, the State PHQ transferred our RTI application to the police headquarters of every district. A few of them replied to us directly, while others transferred the application to the police stations under their charge. Ultimately, the responses we received showed that the PHQ had issued a memo¹⁶ that was only a copy of the text of Sections 41A through 41D of the CrPC. We received circulars from other authorities like the Crime Branch that referred just to Section 41A.¹⁷ Interestingly, the Superintendent of Police of Mandi district issued a circular¹⁸ echoing the requirements issued in Kerala and Bihar.¹⁹ The office of the DSP of Baddi district sent us a copy of an order issued by the DSP in June 2012 (18 months after Section 41C had become operational) ordering the officer-in-charge of the Police Control Room of Baddi to “display the name and address of the persons arrested and the name and designation of the police officers who made the arrests on the notice board outside the control room”.²⁰ All SHOs of the police stations in the district were required to provide the relevant information to the officer-in-charge of the PCR immediately after making every arrest. However there was no indication whether this information was to be supplied verbally through wireless or telephone communication or in writing. No proforma for supply of the information about arrests made was attached to this order. Also, there was no direction or guideline about the manner and frequency of supply of this information to the State Police Headquarters.

15 Memo No. Cell-XI/CID/2-95/Vol-IV/4441 dated 6/9/11, see Annexe 5.

16 Memo No. 1921-34 dt. 9/3/12, see Annexe 6.

17 Crime Branch Instruction 27335-65 dated 8/9/11 and another circular, which did not contain information identifying the issuing authority, dated 25/2/2012, see Annexe 7.

18 Circular no. 1/2012, see Annexe 8.

19 Para 5 of the circular issued by the office of the DGP, Kerala refers to Section 41C and states that, “It is also directed that the present District Police Control Room will function as the District Control Room required as per Section 41C. A notice board shall be kept outside the Control Room to display the details of the persons arrested on the day and the previous day and the designation of the police officer who made the arrests. All Police Station Officers of the district shall inform necessary details to their District Police Control Room with the copy to the DySP Headquarters after the arrest of any person. The particulars to be communicated are the name of the Accused/name of the father of the accused/Age/Sex/ Address of the accused/place at which arrested/time of arrest/date of arrest/crime no./section of law/police station/ name of arresting officer/rank/designation.” see Annexe 3.

20 Annexe 9.

Maharashtra — The PHQ circular²¹ contained the *D.K. Basu* guidelines and directed officers to refer to the latest amendments of the CrPC. There was no reference to any guidelines for implementing Section 41C of the CrPC.

Odisha — The Crime Branch issued a circular²² listing each of the 2009 amendments to the CrPC and nothing more.

Rajasthan — We received several replies from multiple police authorities in Rajasthan, all of whom sent us copies of two circulars issued by the Director General of Police (DGP) and the Crime Investigation Department (CID). Both of these circulars included the text of S. 41C without any guidelines for their implementation.²³

Uttarakhand — Unlike in other States, the State PHQ did not respond directly to our RTI application. Instead, it transferred the RTI application to all police districts, which in turn forwarded it to the police stations under their charge. All DSP's offices responded to the RTI application with data sent by the police stations under their jurisdiction about the people whom they had arrested during the month of April 2012. Only the offices of the DSP of district Rudrapur and Uttarkashi sent us a copy of the amendments to the CrPC along with details of persons arrested by the police stations under their charge. It is not clear whether the PHQ had circulated any guidelines along with the notice of amendments to the CrPC to the district police administration and the respective police stations.

Uttarakhand was the only State where we received some response to our RTI application from every district.

C) Where guidelines issued by Supreme Court on arrest were circulated

Other states responded with copies of circulars that listed the Supreme Court's guidelines in *D.K. Basu* case. Some of these were issued in connection with the text of the 2009 CrPC amendments or other guidelines, though it is unclear from these responses whether any clear directions have been communicated to district PCRs and police stations to enable them to comply with Section 41C.

Assam — Some of the police stations and districts that responded included copies of the *D.K. Basu* guidelines in addition to the memos issued by the CID and DGP, referred to above.

Maharashtra — The State PHQ sent us a copy of its circular²⁴ containing the guidelines for arrest contained in the Supreme Court's judgement in *D.K. Basu*, but followed up with a second response supplying a copy of a circular reproducing the full text of the 2009 CrPC amendments including Section 41C.

21 Circular dated 19/3/2011, see Annexe 10.

22 CB Circular No. 12/2011, see Annexe 11.

23 Circular No. 2011/278 – 328 dated 14/2/2012 and circular issued by CID vide CID/CB/PRC/874-926 dated 27/1/12, see Annexe 12.

24 Circular No. DGP/23/court cases/97 dated 11/4/1997, see Annexe 13.

D) Where there were no guidelines

Ultimately, the majority of states either said they had not issued guidelines for compliance with S. 41C, or failed to respond to this question.

Delhi — The PHQ at the Police Commissionerate transferred our RTI application to each the office of the head of each police district which in turn forwarded it to each police station under his charge. Most of those who replied stated that this query was “beyond the scope of their jurisdiction”. Two mentioned a Standing Order—issued before the amendments were made—by the Commissioner of Police²⁵ that contained the guidelines handed down in *Joginder Kumar* and *D.K. Basu*. Another response mentioned a circular (no. 8/2011) issued by the head of the Delhi Police North District, but did not enclose a copy of the circular with its response.

Jharkhand — Here again, the state PHQ transferred our application to districts and police stations. Some of these units replied saying they have not received any circular about the implementation of Section 41C from the PHQs. One of the police stations responded with a copy of the CrPC amendments only without any supporting document containing guidelines as to how that provision would be implemented.

Meghalaya—The PHQ did not bother to respond to the RTI application until the matter escalated to the State Information Commission (SIC) through a second appeal submitted under the RTI Act. The SIC directed the PHQ to conduct an inquiry into the lack of response to the RTI application as well as the first appeal filed by us. The PHQ replied only after receiving the SIC’s order that no directions, guidelines or office memorandum had been issued to implement the provisions of Section 41C of the CrPC. An examination of the website of the Meghalaya Police at the time of compiling this report indicates that the situation had not changed despite the intervention of the SIC. The final order of the SIC in the second appeal case is yet to be received.

Uttar Pradesh — The DGP’s office washed its hands off the RTI as application as well as the requirement of implementing Section 41C of the CrPC stating that none of the information sought in the RTI application was held in its records. Instead the RTI applicant was advised to approach the PIOs in the districts directly. Clearly, the PHQ could not be bothered to explain the lack of action from its end for issuing directions to implement the information disclosure requirements under Section 41C.

Gujarat — The DGP’s office did not respond to the RTI application initially. After waiting for the statutory period of 30 days our partner filed a first appeal with the designated first appellate authority of that office. Soon after the DGP’s office transferred the RTI application to the offices of all District Superintendents of Police and Police Commissionerates. Several Public Information Officers from these offices called up our partner on the phone seeking clarification about the exact nature of the information sought. Later we received list of arrestees from several districts and police stations but there was no clarity on the nature of guidelines issued for implementing Section 41C, CrPC.

²⁵ Standing Order No. 330/2008, see Annexe 14.

This experience indicates a significant lack of clarity arising out of inadequate guidance from the PHQs about the responsibilities of various police authorities in regard to Section 41C as well as providing responses to a requestor under the RTI Act. Generally, PHQs are responsible for issuing guidelines for subordinate offices to comply with laws, and amendments to existing laws or directions issued by the concerned High Court or the Supreme Court. Under Section 41C specifically, the Police Control Rooms in PHQs are the specified level of the police administration mandated to collect arrest data, compile a database of such data and make the database available to the public for their information. Had the PHQs in most States covered by this study issued detailed guidelines, they could have responded to every query in the RTI application and provided copies of the circulars issued to implement Section 41C of the CrPC without having to transfer it to the police station level. In the course of this study we unwittingly ended up burdening the police stations and the district police headquarters for responding to the RTI application with information that ought to have been available with the State PHQs, had they paid serious attention to their mandated duties under the 2009 CrPC amendments.

Channels for communicating arrestee-related information

In our RTI applications, we asked a series of questions to find out which individuals and institutions had been made responsible for implementing Section 41C. These were:

- the complete postal address of all district PCRs established as on the date of this application;
- the designation of the officer(s) responsible for sending information about arrested persons from every police station to the district level police control room; and
- the designation of the officer(s) responsible for sending information about arrested persons from every police station and every district to the State Police Headquarters (PHQ).

Establishment of PCRs

In response to our first question on the establishment of district PCRs, most States and the UT of Delhi²⁶ responded with the relevant addresses. In Delhi, however, most of the police stations that responded to the RTI application stated that the question about the establishment of PCRs did not apply to them. Some of them provided the address of the PCR of their district. The RTI responses also show that PCRs had been established in all the districts from which detailed responses to the RTI application were received.

Only the Maharashtra State PHQ responded to these questions directly. All other states transferred our applications to the districts, which in turn often transferred them to the police stations.

²⁶ In the following states, most of the police stations that responded provided addresses for PCRs: Assam, Bihar, Himachal Pradesh, Jharkhand, Maharashtra, Nagaland, Rajasthan, and West Bengal. Meghalaya provided one PCR address after an appeal was filed. One police station in Uttarakhand answered that they do not have the addresses of the PCRs.

Communicating data on arrests to the PCRs and PHQs

We next sought information on the framework of responsibility for communicating arrest data:

- 1) from individual police stations to district PCRs; and
- 2) from police stations and district PCRs to the Police Control Room State PHQ.

The responses received to these queries are recorded in the table below:

Jurisdiction	Who sends information from the police station to the district PCRs	Who sends information from the police stations and the districts to PHQs	Remarks
Assam	SHO	SP	None of the districts which responded to our RTI application clarified the designation of the officer to whom the list of arrestees is sent at the State PHQ.
Bihar	SHO	Responses said information must be sought from the District Headquarters or District Police Control Room	Though Bihar has guidelines for the implementation of Section 41C, most of the police stations that responded stated that only the district could provide the designation of the officer responsible for transferring information to the PHQ.

Jurisdiction	Who sends information from the police station to the district PCRs	Who sends information from the police stations and the districts to PHQs	Remarks
Delhi	<ul style="list-style-type: none"> - SHO - Muharrar Head Constable (Records In charge) - IO 	Different Police stations replied differently: <ul style="list-style-type: none"> - IO - SHO - District PCR 	Different Police stations responded differently about the designation of the office responsible for communicating details of arrestees to the PCRs and the PHQs. It appears that there is no uniformity of practice in this regard. The guidelines issued by the PHQ discussed above also show that no clear procedure has been laid down for transmitting this information.
Gujarat	<ul style="list-style-type: none"> - SI 	<ul style="list-style-type: none"> - SI 	Most of the responses did not contain specific replies to these queries.
Himachal Pradesh	SHO	Different Police stations replied differently: <ul style="list-style-type: none"> - District PCR must send the data from stations and districts to the State Police HQ - SHO of District Headquarters 	No individual officer has been tasked with forwarding arrestee information to the State PHQ even in the PCRs at the district level.

Jurisdiction	Who sends information from the police station to the district PCRs	Who sends information from the police stations and the districts to PHQs	Remarks
Jharkhand	SHO	Different Police stations replied differently: <ul style="list-style-type: none"> - SSP, District Headquarters - SP - Police Control Rooms 	The varied responses showed that most of the replies to this query were being drawn up in order to provide a substantial reply to the RTI application. They do not given any indication that a proper system has been laid down to communicate arrestee information to the Police Control Room of the PHQ. The PIO of Simdega district Police headquarters sent a copy of the posts sanctioned by the PHQ in each police district along with their pay scales in response to the RTI query.
Madhya Pradesh	NA	- NA	The PHQ replied that the information sought was available with the PIOs appointed in the offices of the heads of the district police administration. We were advised to contact the PIOs individually for all information. A first appeal filed with the designated appellate authority of the PHQ did not result in any response. A second appeal has been filed with the State Information Commission. This appeal matter has not been decided yet.

Jurisdiction	Who sends information from the police station to the district PCRs	Who sends information from the police stations and the districts to PHQs	Remarks
Maharashtra	The PHQ answered that it does not have the information sought about the PCRs in the districts. Instead we were advised to contact the offices of the district Superintendents of Police (SP) and the Commissioners of Police (CP) directly.	NA	The PIO attached a copy of the list of SPs and CPs with the reply without providing any contact address advising the RTI applicant to contact these offices directly.
Manipur	The PIO of the PHQ did not bother to respond to the RTI application at all. The first appeal filed with the designated first appellate authority of PHQ met the same fate. A complaint was submitted to the State Information Commission about the lack of response.	NA	The State Information Commission of Manipur remained without a member for a very long time. The complaint case has not been decided by the Information Commission as on the date of compiling this report.

Jurisdiction	Who sends information from the police station to the district PCRs	Who sends information from the police stations and the districts to PHQs	Remarks
Meghalaya²⁷	Officer of SI rank and above	List of arrestees from police stations goes to the District SPs and the Courts which have jurisdiction over the case along with the case diary.	The PHQ cryptically replied that information about attested persons “would not be given to the PCR”. The PHQ initially, did not respond to the RTI application or the first appeal. The PHQ sent this response only after the State Information Commission directed the PHQ to appoint an inquiry officer to examine the lack of response to the RTI application and the first appeal. It appears that no action had been taken for implementing Section 41C in Meghalaya.
Nagaland	Officer in-charge of the Police Station	The Superintendent of Police, Kohima, Nagaland	The DGP’s office replied only to the extent of the two police stations in Kohima (North and South). The RTI application was not transferred to other police stations across the State.
Rajasthan	<ul style="list-style-type: none"> - SHO - A few police stations failed to answer on the ground that the information was not available with them. 	Different Police stations replied differently: <ul style="list-style-type: none"> - PCR - SP - Information is displayed on a board outside the station 	Some police stations responded that they did not have information about who in their office is designated to transmit arrestee information to district PCRs. Clearly, no guidelines had been issued by the PHQ for communicating this information to them.

27 We received a reply pursuant to an order of the State Information Commission on Second Appeal.

Jurisdiction	Who sends information from the police station to the district PCRs	Who sends information from the police stations and the districts to PHQs	Remarks
Uttarakhand	<ul style="list-style-type: none"> - No separate post created; anyone can transfer arrest data from police station and district level to State PHQ - PHQ is not informed of arrests and the information is sent to “city control rooms” - Arresting Officer - SHO (most common response) 	Different Police stations replied differently: <ul style="list-style-type: none"> - Senior Superintendent of Police - SP - District PCR 	The varied responses showed that most of the replies to this query were being drawn up in order to provide a substantial reply to the RTI application. They do not given any indication that a proper system has been laid down to communicate arrestee information to the Police Control Room of the PHQ.
West Bengal	SHO	Different Police stations replied differently: <ul style="list-style-type: none"> - District PCR - SI - SP - District Crime Record Bureau 	Although the collection point for the arrestee information is the SHO, the police stations responded varyingly to regarding the recipient for the purpose of the creation of the database. While some indicated the PCR or the officer investigating the crime, one police station stated that the data was being sent to the DCRB. This clearly indicates the non-existence of clear channels of communication of arrestee data from the level of the police station to the State PHQ.

The response of Maharashtra was puzzling. Although the website of the DGP's office does contain a link to the arrestee database, neither the PIO of the PHQ nor the PIOs in the districts nor the police stations were able to explain how the arrestee information was communicated from the level of the district PCRs to the State PHQ. Given the requirement for filling up search words in order to get information about arrestees in this facility, the very purpose of Section 41C stands defeated. Further, when we tried to access the database by merely indicating a time frame for data about arrestees on this website, we could only find the names of the arrestees along with the date and time of arrest apart from the name of the police station whose officer arrested each person for some of the police districts. No details regarding the name and designation of the arresting officer or the offences for which the person has been arrested or the place of arrest is accessible on this database.²⁸ In the case of a large number of other districts and police stations the search showed "No records found" as the result and in a several others the website simply did not allow us to select a start date for any month or year other than December 2015.²⁹

Across states, the SHO (Station House Officer) is typically responsible for sending data about arrests from police stations to district PCRs or other office such as the District Superintendent of Police or the District Crime Record Bureau in some cases (DCRB). A majority of these replies indicate that there is no uniformity of procedure with even a single State about the communication of information from the police station to the Police Control Room at the State PHQ. This is ample evidence of the fact that in a large number of the States channels for communicating the arrestee data above the PCRs in the districts to the PCR at the State PHQ have not been created at all. The communication of arrestee data by police stations either directly to us or through the District Superintendents of Police in all States which provided this information clearly indicate that with the exception of Kerala, Madhya Pradesh and Maharashtra is indicative of this major finding. So the question of making the database available for the information of the general public does not even arise.

The numerous problems we faced in getting information evidence the casual ease with which the police feel free to violate obligations under Section 41C of the CrPC as well as the provisions of the RTI Act. First, instead of forwarding our requests wholesale, State Police Headquarters ought to have collected information they did not have from police stations, collated it, and sent it to us as one response as an initiative to commence the task of implementing their obligation of collating a database of information about arrestees. The fact that so many top level police authorities passed the requests on to their subordinate offices shows that either they did not have or take the time to understand the questions and address them appropriately. Several questions that ought to have been responded to by the PIO of the PHQ were needlessly transferred all the way down to the police station placing an unnecessary burden on them.

Not only does this violate the letter and spirit of the RTI Act, but such transfer of RTI applications ultimately wastes the time and effort of the public body tasked with answering the queries. Further, over time such responses lower public trust in these bodies, and government as a whole.

28 Annexes 15a-d.

29 Annexes 16a-b.

Availability of budgetary support

We received few clear answers to our questions on what budgetary allocation has been provided, and actually spent, for the implementation of Section 41C. All but three of our RTI applications were sent from State PHQs to districts and police stations, but these entities replied that only the State PHQ could answer queries on budgeting and spending. The most frequent responses were,

- the question is not applicable to the district or police station in question and/or
- there are no documents available in this regard.

A few police stations in Assam, Bihar, Goa and Rajasthan answered that no budget allocation had been made for 2011-12 or 2012-13.

In Kerala, the circular regarding the implementation of Section 41C requires the State Crime Records Bureau to function as the repository of all arrestee data. Presumably the SCRB causes the weekly list of persons arrested across every police station in Kerala to be uploaded on the Kerala Police website. However the PIO of the State PHQ replied that no information was available regarding budgetary sanction made for the purpose of implementing Section 41C. Perhaps the expenditure involved is absorbed in the existing funds allocated to all agencies involved from the police stations concerned to the SCRB. This is a clear indication that when there is a clear signal issued by the PHQ that it intends to comply with a statutory requirement, all police stations fall in line even though there is no budgetary support. This could be a model for other State PHQs to follow. Unfortunately, some of the States discussed above have only copied and adapted the circular for implementation issued by the Kerala Police regarding implementing the 2009 amendments to the CrPC without ensuring that there is compliance from all levels of the police administration.

In Jharkhand,³⁰ one police station³¹ said that its expenditure to implement Section 41C was all of Rs. 168. There is no indication in this reply as to how this meagre figure has been calculated. The Superintendent of Police, Nadia in West Bengal replied stating: “The expenditure has to be met out of the Government’s head of Account: 2055-Police-00-108-District Police-NP-NonPlan-001-West Bengal Police, which is already burdened with its meagre allocation.” Several Police Stations and offices of the District Superintendents of Police did not bother to mention even a “Nil” or “not applicable” reply against this question. Instead they sent comprehensive lists of arrestees for the month of April 2012 as was sought in the RTI application. This pattern of responses makes it clear that most of the police jurisdictions included in the study have simply not paid adequate attention to ensuring budgetary support for implementing Section 41C of the CrPC. Even maintaining a manual or computerised list of arrestees at the level of the Police Stations, the PCRs and the PCR at

30 A different police station in Jharkhand replied with budgetary details unrelated to Section 41C, including the salaries of officers and a training schedule. This demonstrates either significant confusion about our questions, the amendments, or lack of will to properly address RTI requests. Resolution issued by Home Department, Government of Jharkhand dated July 2006, which provides details of officers appointed in districts and their salary; and Circular no. 631/General Crime S.S. 63/12 Crime Research Department, Ranchi dated 29/10/12, which was the schedule of the SIRD training of officers.

31 Response was received from the office of Superintendent of Police, Jamtada district, Jharkhand.

the State PHQs will require sanction of funds. Creating a database for public reference will involve considerable expenditure on the development of the computerised database even if it is not made public proactively.

Constraints faced in implementing Section 41C

The last question that, our RTI applications asked the State PHQs was to describe any constraints they have faced in implementing Section 41C. Though this question aimed to identify barriers to implementation and, from this feedback identify possible solutions to help police comply effectively with their obligation of transparency of arrestee data under Section 41C of the CrPC, , the responses we received were insufficient to lay the groundwork for any meaningful recommendations in this regard.

A large number of PIOs replied that the query was not in the nature of “information” as defined under Section 2(f) of the RTI Act. Several PIOs at various levels of the police administration treated this query as a hypothetical question that did not require any reply from them within the terms of the RTI Act. Maharashtra, Meghalaya and Nagaland replied that descriptions of constraints of this kind cannot be given under RTI. Interestingly, several PIOs from police stations in West Bengal and Bihar stated that they face no constraints in complying with Section 41C. Clearly, they were replying to their duty of supplying arrestee information to the district PCR as a matter of routine. None of the PIOs of the PHQs thought it fit to indicate whether they had faced any constraints in implementing Section 41C, particularly, with regard to the creating of the arrestee database for the reference and use of the general public. The PIO of Kerala State PHQ also replied that this query was not required to be replied under the provisions of the RTI Act.

Two responses from Assam and one from West Bengal mentioned constraints in the implementation of Section 41C of the CrPC. In Assam, one response identified shortage of staff as a constraint in the implementation of Section 41C. Both responses from Assam primarily described constraints in apprehending suspects in a criminal case rather than the difficulties faced in giving effect to Section 41C’s requirements. The office of the Nadia District Superintendent of Police mentioned meagre budget allocation as a constraint, as mentioned above. Strangely, the PIOs from the Offices of the Superintendent of Police in Hamren and Morigaon in Assam replied that they did not have official websites and were not linked to the Internet, they did not find it appropriate to mention this as a constraint in response to our question.

Supply of list of persons arrested by the police

In order to test whether the police authorities were maintaining information about arrestees in the manner required by Section 41C at the PHQ level even though they were not proactively disclosed (as our web research showed), we sought information about people arrested in each State and the UT of Delhi covered by the study for a period of one month, namely, April 2012 in Phase I of this study.

The PHQ of Andhra Pradesh did not bother to reply to the RTI application at all. An appeal has been field before the State Information Commission. The result of this case is waited at the time of

compiling this report. We received arrest data either directly from the police stations or through the offices of the District Superintendents of Police/Commissioners of Police upon payment of additional fee in the States of Assam, Bihar, Goa, Himachal Pradesh, Jharkhand, Nagaland, Rajasthan, Uttarakhand and West Bengal and the UT of Delhi. In Gujarat the data was supplied from several police stations only after a first appeal was filed with the PHQ and the PIO of the DGP's Offices transferred the RTI application to all heads of the district police and the Police Commissionerates. The Meghalaya PHQ sent the arrestee data only after the State Information Commission ordered an inquiry to be conducted into the lack of response from the PHQ to the RTI application and the 1st appeal. The West Bengal Police sent the data only after our partner RTI applicant in that State used his personal contacts with the DGP and urged him to take action on the RTI application. Even in the States from which we received arrestee data not all police stations responded to the RTI application that was transferred to them. Lists of persons arrested by the police were received in large numbers from the States of Rajasthan, Gujarat, Himachal Pradesh, Uttarakhand and the UT of Delhi. Some of the police stations sent lists of arrestees from the States of Assam, Bihar, Jharkhand and Goa.

The PHQs in the States of Haryana, Karnataka and Uttar Pradesh advised us to approach the local police stations directly for the information about arrestees. The police stations in Punjab did not respond to the RTI application despite the PHQ transferring the RTI application to the heads of the district police administration.

Follow-up with the Union Ministry of Home Affairs

After wading through the flood of replies that we received from the police jurisdictions covered by this study, we filed an RTI application of the Ministry of Home Affairs in 2013 asking for a copy of the Cabinet note attached to the text of the 2009 amendments to the CrPC that was put up for the approval of the Union Cabinet before the Bill was tabled in Parliament. Neither the Cabinet Note³² which we succeeded in obtaining without much difficulty, nor the Statement of Objects and Reasons attached to the CrPC Amendment Bill tabled in Parliament contained any justification for the inclusion of Section 41C(3), namely, the creating of a database of arrestees for the information of the general public. In the absence of a clearly laid down justification in official documents that are now public about the rationale behind Section 41C(3), it may be presumed that this provision was incorporated in the CrPC in compliance with the directions of the Supreme Court in *D. K. Basu* to disclose publicly on notice boards, information about the arrestees including their place of detention within 12 hours of the arrest being effected.

Parliament's will to make the people of India knowledgeable about the manner in which the police make use of their power of arrest is reflected in Section 41C of the CrPC. However, the cumulative effect of the lack of guidelines, non-provision of dedicated budget, the absence of protocols for communication of information from the level at which arrests are made to the level at which the arrestee database has to be compiled and maintained for the use and reference of the people, with the exception of States like Kerala and Maharashtra is that Parliament's will has been ignored

³² See Annexe 17.

year after year. Madhya Pradesh appears to have created a space for uploading this data but it has not been used for uploading any information for the year 2015. This neglect of their mandated statutory obligations by State agencies is a slap on the face of the rule of law which forms the foundation of India's democratic governance structures. That States like Rajasthan and West Bengal (covered by us in two phases of this study) have not woken up to the idea of drawing up plans for implementing Section 41C effectively, even after being alerted to their inaction in 2012 explains the lackadaisical approach of the police at the highest levels of the administration to the need for greater transparency in the functioning of their departments, particularly in the context of the deprivation of the freedoms of citizens. It is extremely unfortunate that this is the state of affairs after almost 20 years of the Supreme Court's directions in *D. K. Basu* and five years of Section 41C being incorporated in the CrPC.

Non-compliance with Section 41C of the CrPC does not invite any penal consequences for any police officer or even the PHQ or the State Government as a whole. It is most unfortunate that despite there being a statutory provision to enable people to monitor the use of the powers of arrest by the police, the police authorities in a majority of the States have not acted upon their mandate and the State Governments have also not lifted a finger to secure compliance.

Findings from Phase II

Overall, the results from the first phase of the study demonstrated a lack of knowledge about the requirements of Section 41C, lack of systems to implement them, and inconsistent processes at all levels – whether at the micro level of police stations to the macro level of states. Compounding this, the responses we received indicate confusion about the obligations the police have under the RTI Act.

In the second phase of our study, launched in January 2014, we filed RTI applications in only Rajasthan and West Bengal. The purpose was to determine whether any advances had been made in implementing Section 41C since the first round of RTI applications filed in 2012.

We focused on these two states because of their responses to our initial request for data on arrests for the month of April 2012 – each state recorded over 7,000 arrests in that one month time frame. With such a high volume of arrests, we sought to take a closer look at what information was being recorded in these states. Further, Section 41 requires that, for any offense where the maximum punishment is less than seven years, there must be a record of the reasons for the arrest in order to facilitate bail hearings. Both States also feature a high proportion of preventive arrests made under various provisions of the CrPC such as Section 107, 151 etc. We also selected these States as CHRI has been working for the promotion of access to justice and access to information with the local administration and civil society actors. Further, we did not want to spend another year or two waiting for responses from all 23 States and the UT of Delhi as had happened in 2012.

We filed RTI applications with the following authorities:

- Rajasthan
 - PIO, Office of the Police Commissioner, Jodhpur Metropolitan, Jodhpur
 - PIO, Office of the Superintendent of Police Jodhpur (Rural)
 - SPIO, Home Department, Government of Rajasthan, Rajasthan Secretariat, Jaipur
 - SPIO, DGP, Rajasthan Police Headquarters, Jaipur
- West Bengal
 - PIO, Deputy Commissioner of Police (HQ), Howrah
 - SPIO, Joint Commissioner of Police, Kolkata
 - SPIO, Director General of Police, West Bengal
 - SPIO, Home Department, Government of West Bengal, Kolkata

This time we elected to seek information from the Home Departments in the two States, as well in order to ascertain whether they, being the administrative department for the police, had taken any action to implement Section 41C earnestly. As we experienced during the first phase of our study, our RTI applications were transferred from the PHQs to the district police administration and sometimes within the PHQs between different branches. The Home Department of West Bengal transferred the RTI application to the offices of the Police Commissioners of the Commissionerates of Barrackpore, Bidhan Nagar, Asansol-Durgapur, Howrah, Kolkata, Siliguri. While the PIOs of the Bidhan Nagar and Asansol-Durgapur Commissionerates alone responded with some information which is discussed below, none of the other police authorities bothered to send any reply.

The Home Department of Rajasthan transferred the RTI application to the DGP's Office which in turn transferred it to the Crime Branch. The PIO of the office of the Inspector General of Police, Headquarters and Reorganisation replied that the information sought was available with multiple public authorities and that we must approach them individually with our information request.³³ Upon not receiving any substantial information from any of these offices in Rajasthan, we filed a complaint with the Rajasthan State Information Commission. This case is yet to be decided at the time of compiling this report.

Availability of arrest data on Police Headquarters' websites

As of the time of this writing in 2015, Rajasthan State PHQ has still not published the database of arrested persons online. West Bengal continues to display data only for those persons arrested in association with Left Wing Extremism (LWE)/Maoism. Even this data is not updated beyond the month of March 2014.

However some police districts in Rajasthan upload some information about arrests made. A detailed web search reveals that the Jodhpur Rural Police regularly uploads on its website information on arrests for crimes made every day on its dedicated website.³⁴ The arrestee lists ordinarily in tabular form include details such as: name of the arrestee, date, time and place of arrest, reasons for arrest, and the name of the person to whom information about the arrest was furnished. There is no information about the officer making the arrest in this list as is required to be made public under Section 41C. Similar lists of arrestees are published on the District Police websites of Bhilwara, Bundi (up to 03 Nov, 2015 only), Pali and Sriganganagar. The district police which provide descriptive data about arrestees without tabulation are: Alwar, Bharatpur, Bikaner (up to April 2015 only), Dholpur, Jaisalmer, Rajsamand, Jhunjhunu, Kota City (up to September 2015 only), Sikar (up to October 2015 only), Tonk and Udaipur (not regularly updated). Jalore district police uploads information about persons arrested for possessing illicit liquor only. Nagaur, Pratapgarh and Sirohi district police upload information about arrests made in sensational cases occasionally (not regular).

The name and/or designation of the officer making the arrest is included in the lists of arrestees uploaded on their respective websites by the district police of Churu and Jhalawar (descriptive

³³ See Annexe 18.

³⁴ See: <http://jodhpurruralpolice.rajasthan.gov.in/PressRelease.aspx#> Lists of arrests are available for a 500-day period only in the form of Press Notes. See Annexe 19.

form). The Press Notes of Kota Rural, Jaipur City and Sawai Madhopur police districts are illegible due to uploading of the pdf files without checking for font compatibility. None of the remaining 11 police districts of Rajasthan upload any information about persons arrested on suspicion of the commission of crimes or for preventive purposes.

The evidence presented above is indicative of the absence of standard protocol or proforma for uploading information about arrests made by the district police. While some of the districts are uploading arrestee information on a daily basis, this has not become standard practice across the State. The lack of adequate guidance and monitoring of this process from the State PHQ is clearly the reason for this state of affairs. However we are happy to note some progress made since 2012 when none of this information was made publicly available by the police at any level in Rajasthan.

Guidelines for implementing Section 41C

In response to our request for copies of the guidelines issued to enable compliance with Section 41C, we received two circulars from the PHQ of Rajasthan. The first reply included copies of a communication received during the first phase of our study; it was issued by the Crime Investigation Department in 2012,³⁵ and contained only a copy of the 2009 amendments to the CrPC with a note to the heads of all police districts to be aware of and implement them. The second circular was issued by the Home Department of Rajasthan,³⁶ and had been published prior to the enactment of the statutory amendments. It contained the *D.K. Basu* guidelines, guidelines on extrajudicial killings, copies of amendments made to the CrPC in 2006, and definitions of “*abhiraksha*” (custody) and search of “*abhirakshit*” (in-custody) persons.

Two police authorities from West Bengal, the Office of the Commissioner of Police³⁷ and the Bidhannagar Asansol-Durgapur Police Commissionerate,³⁸ answered that because they came into existence only after 2011, they did not have access to guidelines issued prior that time. However, they stated that they complied with Section 41C although no list of arrestees was available on either their dedicated websites or on the website of the PHQ of West Bengal.

Only two other authorities in West Bengal responded. The office of the West Bengal Police Directorate Bhabani Bhawan, Alipore responded with a copy of a communication,³⁹ which again was only a copy of the 2009 amendments with a direction from the State PHQ to adhere to it. Finally, the Office of the Deputy Commissioner of Police, Howrah replied that it had no record of any circular relating to the implementation of Section 41C.

Channels of communication

In response to our questions on which officers are designated to transfer information on arrest data to the relevant authorities, in Rajasthan the Additional Superintendent of Police, Jodhpur Rural

35 CID/CB/PRC/2012/874-926 dated 27/01/2013, see Annexe 20.

36 Circular no. F.1 (HHR)/2001 dated 6/2/2006, see Annexe 21.

37 This entity has been operational since 20 January, 2012

38 This authority was not on our original list of RTI application recipients. Even here, our applications were forwarded to other entities. This authority had been established only on 1 September, 2011

39 Issued vide Org. No. 286/Law cell dated 21/12/2011, see Annexe 22.

district stated that information about all arrests made by the police is not sent to the State Police Control Room. Rather, only information about people accused/suspected of heinous crimes who are arrested is transferred to the state level.⁴⁰ Clearly despite being alerted to the requirements of Section 41C of the CrPC through our RTI application in 2012, the State PHQ had not taken any action towards ensuring compliance.

In West Bengal, several replies provided the address of the Police Control Rooms. For the query asking for the designation of officers who supply arrest data from the police stations to district PCRs, the uniform reply was the officer in-charge of the police station. But for the question on the designation of the officer responsible to send the information from districts to the State Police Headquarters, we received varied replies. Two responses stated that the officer in-charge of the District Crime Record Bureau (DCRB) is the designated official although the designation/rank of the officer concerned was not indicated). Another reply asked us to obtain this information from the Home Department. The PIO did not bother to transfer the RTI application to the Home department as is the mandatory requirement under Section 6(3) of the RTI Act when the receiving public authority does not hold the requested information. One other respondent shared that the officer in charge of the Commissioner's Crime Record Bureau was the officer responsible for this task.⁴¹

Availability of budgetary support

From the responses received to this question, both states appear to lack budgetary allocations for implementing Section 41C. In Rajasthan, one authority stated that no allocation had been made during the financial year 2013-2014.⁴² Surprisingly, the office of the State Police Headquarters responded that they do not have information pertaining to this query. It is unclear who else would be in a position to provide the requested information.

All of the responses from West Bengal either communicated that the authority did not have information or records relating to the budgetary allocation, or that there had been no specific budgetary allocation for implementing Section 41C.⁴³

Constraints faced in implementing Section 41C

None of the respondents from either state provided information about what constraints might be limiting their implementation of Section 41C. For those that addressed the question, responses included that no records were available, the query was not relevant to their office, or that "no such constraint" was known to them.

40 The reply reads: "*Pratyek din giraftari ki suchana zila control room se rajya control room mein nahin di jati hai tatha, sangeen abapradhon mein lipta apardhiyon ki suchana rajya control room mein di jati hai.*" See Annexe 23.

41 In Phase I, we also received a variety of responses to this question from West Bengal.

42 We received the same answer during Phase I of our study.

43 This is consistent with the reply we received in Phase I, which stated that no additional funds had been allocated for implementing Section 41C and that the existing police budget was already overburdened.

Supply of list of persons arrested by the police

We received a list of arrestees only from the Jodhpur Rural Police, Rajasthan. None of the other offices sent us the list of arrestees in Rajasthan and West Bengal.

Obstacles faced in collecting information for the two phases of the study

The obstacles we faced in collecting information through our RTI requests can be summarized as the following:

1. Lack of procedures for collecting data

The vast majority of states lack clear and well thought out procedures to comply with Section 41C of the CrPC. Not all entities had designated officials to compile arrestee information and send it to district PCRs and from there to the State PHQs. Others had appointed a variety of officials; inconsistency of this kind necessarily increases the opportunity for confusion, inefficiency, and ultimately failure to comply with the statutory mandate.

Indeed, in the vast majority of cases we only received arrestee data from the police stations that responded, not PCRs, DCRBs, SRCBs or the State PHQs. Clearly, most states are not maintaining the required database of information, much less making it available to the public.

2. Lack of a uniform format for arrest data

The arrest data we received in response to our RTIs showed that there was no consistent format within, much less among, states. Some databases we received omitted basic information required by Section 41C, such as the name and age of the arrestee. It is not unreasonable to assume that the basic pre-legislative requirements of the Supreme Court's directive in *D. K. Basu* required to be followed by the Supreme Court as long ago as 1996 has also not been strictly followed in most States and UTs across the country.

3. Lack of infrastructure and resources

Though most replies we received were in the form of standard computer printouts, many were handwritten lists of details of arrestees that appeared to have been prepared solely for the purpose of replying to our request. Thus, to make the arrest data available to the public, officers would have to conduct this manual exercise repeatedly unless all police stations are computerised and networked to the district level PCRs and State PHQs.

Such a state of affairs is obviously burdensome and inefficient. Not only would it take officers away from other duties, but means in effect that neither the public nor the department itself can analyse or benefit from the data in any meaningful way.

Police Headquarters must draw up a proper plan of action for channelizing arrestee data within 12 hours from the level of the police station to the district PCRs and the State level PCR as directed

by the Supreme Court in *D. K. Basu*. This is not difficult to do considering the fact that all States are participating in the Crime and Criminal Tracking Network & Systems which is intended to make real time exchange of information possible about crime and criminals across the networked police jurisdictions in the country. Adequate budgetary support must be provided for making computerised entries regarding arrests effected by the police in the template provided below.

Each of these barriers must be addressed in order to fully operationalize Section 41C. Systematic guidelines must be issued by Police Headquarters in all states and Union Territories to institute procedures and assign determinable officials the responsibility for complying with Section. 41C.

Were the required information digitally entered at each police station, records would be more readily available for use and analysis by the police and public. It would also be easier to update the information regularly, rather than facing delays caused by manually recording and later digitizing the information. Using a standard template, such as the one suggested below (page 45), would ensure consistency and completeness of information.

Recommendations

It is alarming that now—five years after the 2009 amendments to the CrPC regarding the duty to make information about arrests publicly accessible to the people, came into effect—most states are not able to implement Section 41C in any credible manner. Not only have they failed to make databases of arrest information available online, but the responses we received to our RTI applications indicate a serious deficit in police authorities’ understanding of their obligations under the amendments. We are proposing the following recommendations for ensuring effective implementation of Section 41C of the CrPC:

A combined reading of the requirements of Section 41C, CrPC and the directions of the Supreme Court of India in *D. K. Basu*⁴⁴ make it mandatory for the police to disclose the following information in the public domain in the following manner:

- 1) The State Government should establish police control rooms at two levels – in every district and at the State Headquarters with notice board facility located at a conspicuous place outside the control rooms (*D. K. Basu* & Section 41C);
- 2) The police officer making the arrest must communicate to the police control room, information regarding the arrest and place of custody of the arrestee within 12 hours of the arrest (*D. K. Basu*);
- 3) The police control rooms at the district and State levels must display on a notice board, the name and address of every arrestee, the name and designation of every officer making the arrest and the place of custody of the arrestee (*D. K. Basu* & Section 41C);
- 4) The PCR at the State Police Headquarters must collect from time to time details about persons arrested, nature of offence with which they are charged and maintain a database for the information of the general public (Section 41C).

44 In addition the fact that the law declared by the Supreme Court is the law of the land under Article 141 of the Constitution and all authorities are required to act in aid of the Supreme Court for ensuring that its orders and directives are complied with under Article 144, the Court made all directives given in *D. K. Basu* mandatory on pain of punishment. The Court directed as follows:

“37. Failure to comply with the requirements hereinabove mentioned shall apart from rendering the concerned official liable for departmental action, also render him liable to be punished for contempt of court and the proceedings for contempt of court may be instituted in any High Court of the country, having territorial jurisdiction over the matter.

38. The requirements, referred to above flow from Articles 21 and 22(1) of the Constitution and need to be strictly followed. These would apply with equal force to the other governmental agencies also to which a reference has been made earlier.

39. These requirements are in addition to the constitutional and statutory safeguards and do not detract from various other directions given by the courts from time to time in connection with the safeguarding of the rights and dignity of the arrestee.” [emphasis supplied]

The *D. K. Basu* guidelines were issued at a time when the police departments were not connected to mobile telephony and the Internet and the only instant means of communication was through the wireless network. However large sums of public funds are being paid to police departments across the country to get linked up to the Internet through official websites as well as through Intranet communication. Mobile phones with SMS facility are commonly used across police stations and at least every district police headquarters is equipped with fax machines. Given these revolutionary developments in communications technology, we recommend the following protocol for ensuring compliance with the transparency requirements of Section 41C and the *D. K. Basu* directives:

1. The police officer making an arrest of one or more persons must communicate the following information to the district PCR and the police station where he/she is posted or the local police station (if different from the police station where he/she is posted) as soon as is practicable and in no case later than 12 hours of the arrest through wireless, mobile telephone or email:
 - a) The name, gender, age and address of the arrestee;
 - b) The name and designation of the officer making the arrest;
 - c) The date, time and place of arrest;
 - d) The offences that the arrestee is suspected to have committed or is likely to commit or the grounds for preventive detention, as the case may be;
 - e) The name and contact details of the relative or friend of the arrestee or any witness attesting the arrest memo who has been informed of the arrest;
 - f) Whether a medical examination has been conducted and the report⁴⁵ has been furnished to the arrestee or not and reasons for not furnishing such report.
2. The officer in charge of the district PCR must cause all information specified at para #1 above, to be displayed on the PCR's notice board as soon as is practicable. If the information about

45 In *D. K. Basu* the Supreme Court also directed that every arrestee if he/she so requests must be examined for any major or minor injuries by the officer making the arrest at the time of such arrest and a copy of the "inspection memo" signed by the arrestee and the arresting officer must be provided to the arrestee. The medical examination of the arrestee upon arrest has become mandatory with the incorporation of Section 54, CrPC in 2009 along with Section 41C. Section 54 now reads as follows:

"54. Examination of arrested person by medical officer.—(1) When any person is arrested, he shall be examined by a medical officer in the service of the Central or State Governments and in case the medical officer is not available by a registered medical practitioner soon after the arrest is made:

Provided that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officers, and in case the female medical officer is not available, by a female registered medical practitioner.

(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.

(3) Where an examination is made under sub-Section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person."

any arrest is received at the end of the calendar day, it must be displayed on the notice board within six hours indicating the date and the exact time of receipt of the information;

3. The information about every arrest made must remain displayed on the notice board of the district PCR for a full period of 24 hours for the reference of the general public. Any person must be permitted to inspect this information and take photographs at his or her own expense with the approval of the officer in charge of the PCR;
4. As a multitude of villages, settlements and habitats are located at considerable distance from the district headquarters it is much easier for people to access this information at the police station that has jurisdiction over that locality. All information specified at para #1 above must also be displayed at every police station on a daily basis;
5. The Inspector in-charge of a circle/group of police stations must ascertain compliance with these requirements during his/her daily visits and rounds and make a note of any lapse in the Station Diary or the PCR daily log, faithfully indicating the name and designation of the police officer responsible and the reasons for such lapse;
6. The sub-divisional police officer or deputy superintendent of police (headquarters) must ascertain compliance with the requirements of information disclosure by the district PCR during his visits/rounds to such PCR;
7. The Officer-in-charge of every police station or any other police officer deputed by him/her in this regard must communicate by wireless, mobile telephone, email or fax, all information specified at para #1 above about every arrest made in his/her police station's jurisdiction to the head of the district police administration by 12 noon every day for the preceding day;
8. The head of the district police administration or any other police officer deputed by him/her in this regard must communicate by wireless, mobile telephone, email or fax, all lists of arrestees in the proforma prescribed below (page 45) received from the police stations under his/her jurisdiction on a weekly basis on such day of the week as may be specified by the State PCR to the officer designated at such Headquarters to receive and collate such information;
9. The State PHQ must designate an officer at the State PCR as the responsible officer for collecting and maintaining a database of arrestees from all heads of the district police administration and publicise this information widely for the reference of both the police and the general public;
10. The officer designated for the purpose of collecting and maintaining the State-wide database of arrestees must cause the lists of arrestees received from the district police administration to be uploaded on the official website on a weekly basis. The alphabetically arranged, police station-wise list for the week immediately preceding the date of display must be accessible on the home page of the website while older lists may be archived on the same website in an accessible manner;

11. Pdf or html files of the weekly lists of arrestees must be displayed in an easily accessible manner without a surfer being required to enter any search word for accessing arrestee details for the current week. Search facility may be provided for the archived database of older lists;
12. The list of arrestees displayed at the police stations and the district PCRs must be drawn up in the official language(s) of the area. The lists displayed on the State Police website may be bilingual [official language(s) and English];
13. The State PHQ must make adequate budgetary provisions every year and provide infrastructure facilities such as mobile phones, computers with reliable internet connectivity in order to facilitate the channelisation of arrestee-related information from the level of the police stations to the district and State level PCRs and for their display on the official website prominently in the official language as well as English for the reference of the general public. Until such time that adequate communication facilities are provided, police personnel who communicate arrestee information to the concerned authorities using their personal mobile devices or Internet connections must be reimbursed for the expenses incurred; and
14. The governments in the States and UTs must develop standard operating procedures (SOPs) along the lines recommended above and impart training programmes for police officers designated to communicate arrestee information to the concerned authorities on a regular basis. Officers tasked with these responsibilities must be trained to use email and Internet facilities on a priority basis.
15. A record retention schedule must also be put in place to determine the lifespan of these records and the manner of their destruction under the supervision of a senior officer.

Template for transmitting arrestee information to the District PCR and State PHQ

Sl no.	FIR/ Case no. (where applicable)	Police Station	Name and address of the arrestee	Gender & Age of the arrestee	Date, time and place of arrest	Name & designation of the arresting officer	Offences for which arrested including grounds for preventive arrest / detention	Name and contact details of the relative/ friend or witness signing the arrest memo who has been informed of the arrest	Whether medical examination done and report provided to the arrestee or his nominee "y/N" Give reasons for "N"	Place of custody of the arrestee	Time of intimation about arrest to the PCR (District) and State PHQ

Annexe 1

Draft RTI Application

(Where formats are prescribed under the RTI Rules, please fill in the details under the relevant portions of the formats. Please pay application fee in any one of the modes of payment notified in the Rules.)

Date: XX/09/2012

From,
(Name and complete postal address of the applicant)

.....
.....

To,
The Public Information Officer
Director General of Police
(complete postal address of the DGP's office)

.....
.....

Dear sir,

Sub: Request for information under Section 6(1) of The Right to Information Act, 2005

I would like to obtain the following information from your public authority regarding compliance with the provisions of Section 41C of the Criminal Procedure Code, 1973 (CrPC) about making information about arrested persons available to the general public:

A certified copy of all standing orders/ office memoranda/ instructions/ guidelines/ circulars etc. issued for the purpose of implementing Section 41C of the CrPC;

The complete postal address of all district police control rooms established as on the date of this application;

The designation of the officer(s) responsible for sending information about arrested persons from every police station to the district level police control room;

The designation of the officer(s) responsible for sending information about arrested persons from every police station and every district to the State Police Headquarters (PHQ);

The website address, if any where the database of arrested persons is being made available to the general public;

If the website does not exist please provide details of the alternative means by which the general public can have access to the database of arrested persons at the State PHQ;

The amount of funds sanctioned and actually spent for the purpose of giving effect to Section 41C of the CrPC during the financial years 2011-2012 and 2012-2013;

A description of the constraints faced by the Police Department in implementing the provisions of Section 41C of the CrPC; and

A list of persons arrested throughout the State between 1st April – 31st April 2012 along with the nature of offence and the name and designation of the officer who made the arrest, in each case.

I am a citizen of India. I have enclosed application fee. I would like to receive the information requested at my postal address mentioned above. Please inform me of the additional fee payable for obtaining the said information.

Thanking you,
Yours sincerely,

(Signature of the applicant)
(Name of the applicant)

Annexe 2

RTI Applicants who helped with this study

Sl. No.	State	RTI Applicant
1.	Andhra Pradesh	B Ramakrishnam Raju (United Forum for RTI Campaign)
2.	Assam	Debajit Goswami (Assam RTI Forum)
3.	Bihar	Nandita Sinha (CHRI)
4.	Delhi	Amikar Parwar (CHRI)
5.	Chhattisgarh	Venkatesh Nayak (CHRI)
6.	Goa	Jowett d'Souza
7.	Gujarat	Aslam Dewan (Nagarik Adhikar Kendra)
8.	Haryana	Venkatesh Nayak (CHRI)
9.	Himachal Pradesh	Amikar Parwar (CHRI)
10.	Jharkhand	Sudhir Pal (Manthan Yuva Sansthan)
11.	Karnataka	Vikram Simha
12.	Kerala	P. Sherfudeen (National Constitution Club)
13.	Madhya Pradesh	Dr. Rakesh Ranjan (MP Suchana Adhikar Abhiyan)
14.	Maharashtra	Bhaskar Prabhu (Mahiti Adhikar Manch)
15.	Manipur	Joykumar Wahengbam (Human Rights Initiative)
16.	Meghalaya	Venkatesh Nayak (CHRI)
17.	Nagaland	Hekani Jakhalu, Kuovi Angami (YouthNet)
18.	Odisha	Niranjan Barpanda (NCPRI)
19.	Punjab	Venkatesh Nayak (CHRI)
20.	Rajasthan	Suchismita Goswami (CHRI)
21.	Tamil Nadu	Rajiv Rufus
22.	Uttar Pradesh	Commodore (retd.) Lokesh Batra
23.	Uttarakhand	Premila Nazareth
24.	West Bengal	Amitava Choudhury (AICURD)

required and the fact of the arrest, or (b) a request for arrest before the arrest is made and where required:

(1) when making such arrest the police officer shall as far as possible comply;

(2) in all cases where the arrest of a person is not required the police officer shall record the reasons for making or not making the arrest;

(3) in all cases where the arrest of a person is not required under the provisions of any section (11) or section 41, the police officer shall, issue a caution if in the face of future grave danger directing the person to appear before him and to comply with the terms of release, he can be permitted a such person fails to comply with such direction.

Form of notice to be made as per section 41 (A) CrPc

(Office Address)

Notice

In exercise of the powers conferred under sub-section (1) of Section 41(A) of CrPc, I hereby direct you that during the investigation of Crime No. at
..... registered at Police Station, it is
devised that there are reasonable grounds to believe you to be a person to whom
provision of law you have been directed to appear before me at
at Police Station.

Date

Signature
(Showing Designation)

(Seal)

C. The police officer while issuing any arrest shall (a) bear an identity, visible and also identification of his name for every identification, (b) present a memorandum of arrest which shall be retained by at least one witness and counter signed by the person

cannot be proven the defendant that he has failed to have a license or a blood test as he is to be advised of his rights.

5. When any person is arrested for any offense and interrogated by any police the right to consult or meet an attorney at his choice during interrogation, though not throughout interrogation.

6. It is also directed that the present District Police Control Board in every district will continue as the District Control Board hereinafter as per Section 43 C, 4. A notice board will be kept outside the District House to display the details of the persons arrested on the day and the previous day and the designations of the police officers and made the arrests. All Station House Officers of the District shall inform necessary details to their District Police Control Board with copy to the DySP/DSP immediately after they arrest any person. The particulars to be communicated are the Name of the Person/Name of the Vehicle of the Person/Address of the Person/Place of Birth of Person/Time of Arrest/Date of Arrest/Date of Birth of Person/Station House of Arresting Officer/ Duty/Designation.

7. The State Crime Records Bureau functioning at New Murshidabad will function at the State Level Control Room under the Police Headquarters. All Districts of NCRB will also be done that consolidate the list of arrested persons from Districts in monthly every month and synchronously forward the consolidated list to the SCRB on the following Wednesday. For SCRB will maintain this as a computerized digital data bank for the information of the general public and for the Department. All Districts of Police/Police Subdivisions/Police Headquarters will consolidate the weekly and review the position every week and report accordingly to their ADSPs and the Superintendent Officer.


State Police Chief
Karim

To: DySP, Murshidabad
Copy to: DySP, District Offices in Murshidabad, PWD,
DySP, SCRB, PWD, State Level Control Room

Annexe 3b

Circular Issued by the Police Headquarters, Kerala

PO/02/2014/1700
POLICE HEADQUARTERS
Kerala, Coimbatore District
Dated: 16.02.2014

CIRCULAR No. PH/2014

Sub: Code of Criminal Procedure (Amendment) Act, 2009 - Changes in Rules procedure - Instructions issued - Regd.

The provisions of the Code of Criminal Procedure (Amendment) Act, 2009 have been notified by S.O. 1201 (A) dated 25.12.2009 in Ministry of Home Affairs and have come into force on 01.01.2010. The Act which amends the Code of Criminal Procedure (Act 1973) contains 23 sections. As per clause under Section 1, 6 (b) relating to amendments to Section 49 - Power of police to arrest without warrant and 21(b) relating to Section 50 - Power to detain or arrest a person(s) have been notified. Some amendments which are of vital importance are set out in the following table:-

2. AMENDMENTS RELATING TO ARREST

- 1) **REVISION OF SECTION 49**- Section 49 has been amended by adding proviso to sub-section 1 which prescribes that the "where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody for an oral examination of arrest is presumed", and "unless the concerned officer is aware to arrest the police officer is a woman, the police officer shall not touch the person of the woman for making her arrest."
- 2) **WOMEN COMMISSION**- Section 54 as the present Code of Cr. P. required examination of arrested person by a medical practitioner at the request of arrested person or production before a Magistrate. The substituted Section 54 states that "when any person is arrested, he shall be examined by a medical officer in the service of Central or State Governments and in case such medical officer is not available, by a registered medical practitioner who after the arrest is made; if the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner. The medical officer on receiving the arrested person shall prepare the report of such examination, mentioning therein any injuries or marks of violence upon the person arrested and the approximate time when such marks or marks may have been inflicted. When such examination is made, a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, at the case master, to the arrested person or the person authorized by such arrested person." In addition, Section 54 mandates compulsory medical inspection in all cases of arrest by the police. A copy of the medical report is to be provided to the arrested person or his next-of-kin.

IV. INVESTIGATION OF OFFICERS RELATING TO VIOLENCE

Section 26 of the *Code of Criminal Procedure, 1973* has been amended to provide that the officer under sec. 176 and 177, a.k.a. of Cr. P. Code shall be required to file a report in a form prescribed by a scheme.

Section 177 has been amended to provide that in relation to rape, recording of the statement of the victim shall be conducted at the residence of the victim or at the place of his choice and as far as practicable by a person not an officer in the course of his duty or a guardian or near relative or social workers of the identity.

Section 173 has been amended to state that the investigation of a case of rape or a child may be completed within 3 months from the date on which the information was recorded by the officer in charge of a police station. The final report under Section 173(1)(g) will also have to mention whether report of medical examination of the woman has been attached where the investigation relates to an offence under Section 375, and 376A to D of the IPC.

Section 177 (2) which provides to conduct an in-charge of officer under Section 176, 176A to D has been amended by providing that in-charge shall not be conducted as far as possible by a human voice or computer.

Section 177(3) which had provided a list of offences in relation to each category of a medico-legal with the previous paragraph of the code has been deleted by providing that the list may be that relating to commission, concealment of offence and abetment of the parties.

VI. INTIMIDATION OF WITNESSES

The amended act covers the offence of any other person to file a complaint or to cause or attempt of any person to file such complaint provided by sec. 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

VI. COMBINATION OF OFFENCES

The scope of combination under Section 302 has been enhanced. Section 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

V. INVESTIGATION OF OFFENCES RELAYED TO OTHERS

Section 167 of the Code of Criminal Procedure, 1973 has been amended by removing the phrase "and also" and "to a police officer" and to be read as follows: "to a constable or a constable provided by a witness".

Section 177 has been amended to provide that an attempt to arrest, recording of the statement of the victim shall be conducted at the residence of the victim or at the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardians or near relatives or neighbours of the locality.

Section 178 has been amended to state that the investigation of a case of rape of a child may be completed within 3 months from the date on which the information was recorded by the officer in charge of a police station. The final report under Section 173(b) (g) will also have to contain either report of medical examination of the victim done soon after the offence related to an offence under Sections 376, and 376A, to D of the IPC.

Section 177 (2) which provides in respect of a case of offence under Section 376, 376 A to D has been amended by providing that in certain cases shall be conducted as far as possible by a woman judge or magistrate.

Section 171(3) which was providing publishing any matter in relation to such an offence (excepting Section 497) with the approval of the court has been deleted by providing that the law may be made subject to maintaining confidentiality of name and addresses of the parties.

VI. REINFORCEMENT OF WITNESSES

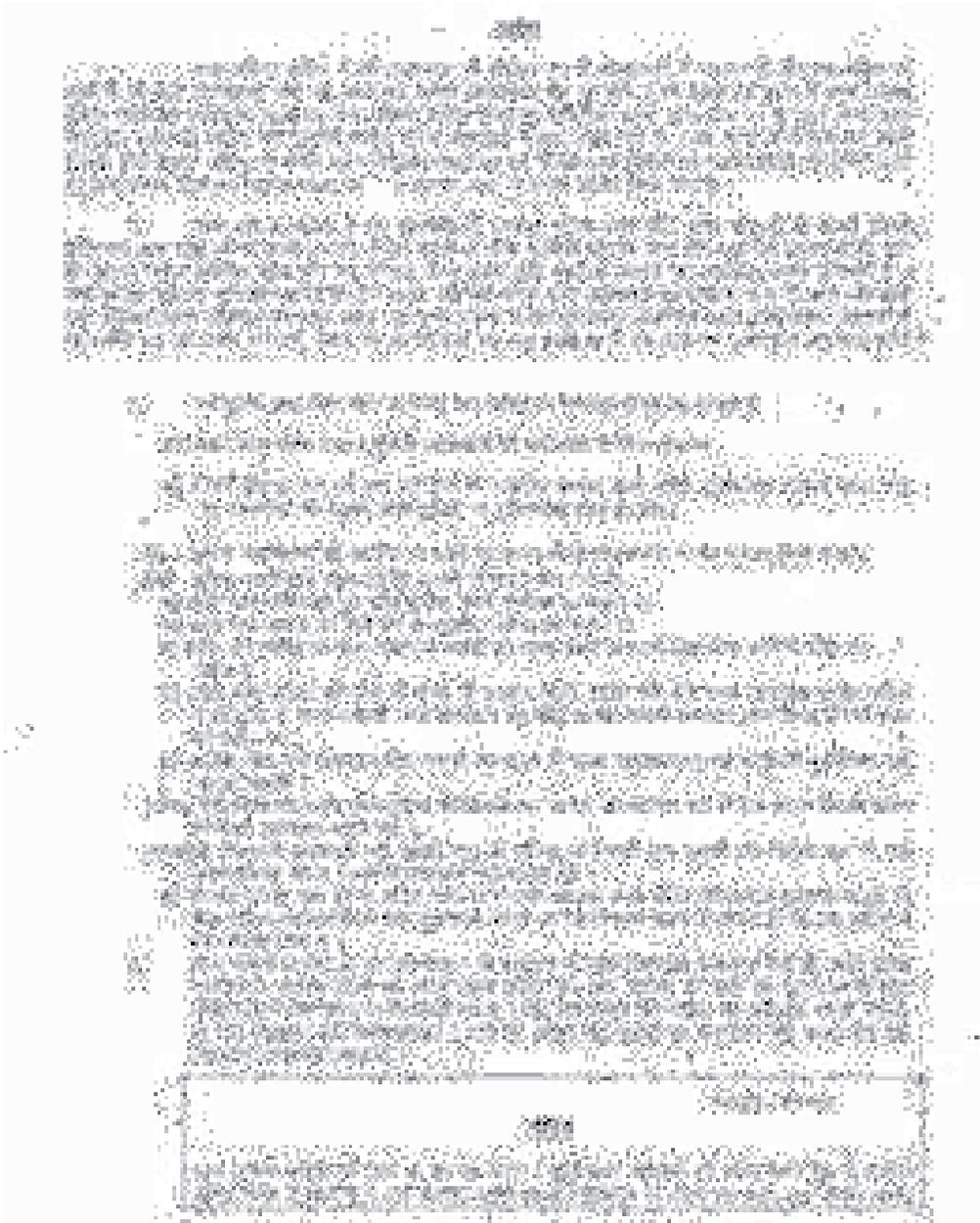
The amended Act permits the witness or any other person to file complaint in relation to threatening or any conduct or any false promise presented up to 180 A of the IPC. This structure is demanded by the insertion of Section 155 A of the Cr.P.C.

VII. CONDUCTED BY OFFENCES

The scope of punishing under Section 360 has been extended. Section 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385 and 386 are newly incorporated in the list of offences which can be committed by the persons defined in the table (i.e. victims of the offence). All these offences which were required the punishment of up to one year for depending on wrong require the police and the 2000 punishment. Section 383 has been included in the list of offences which, with the permission of court 200000 which such production is pending, can be committed by the persons defined in the table. It should be noted that S.384 has been deleted from the list of punishable offences.

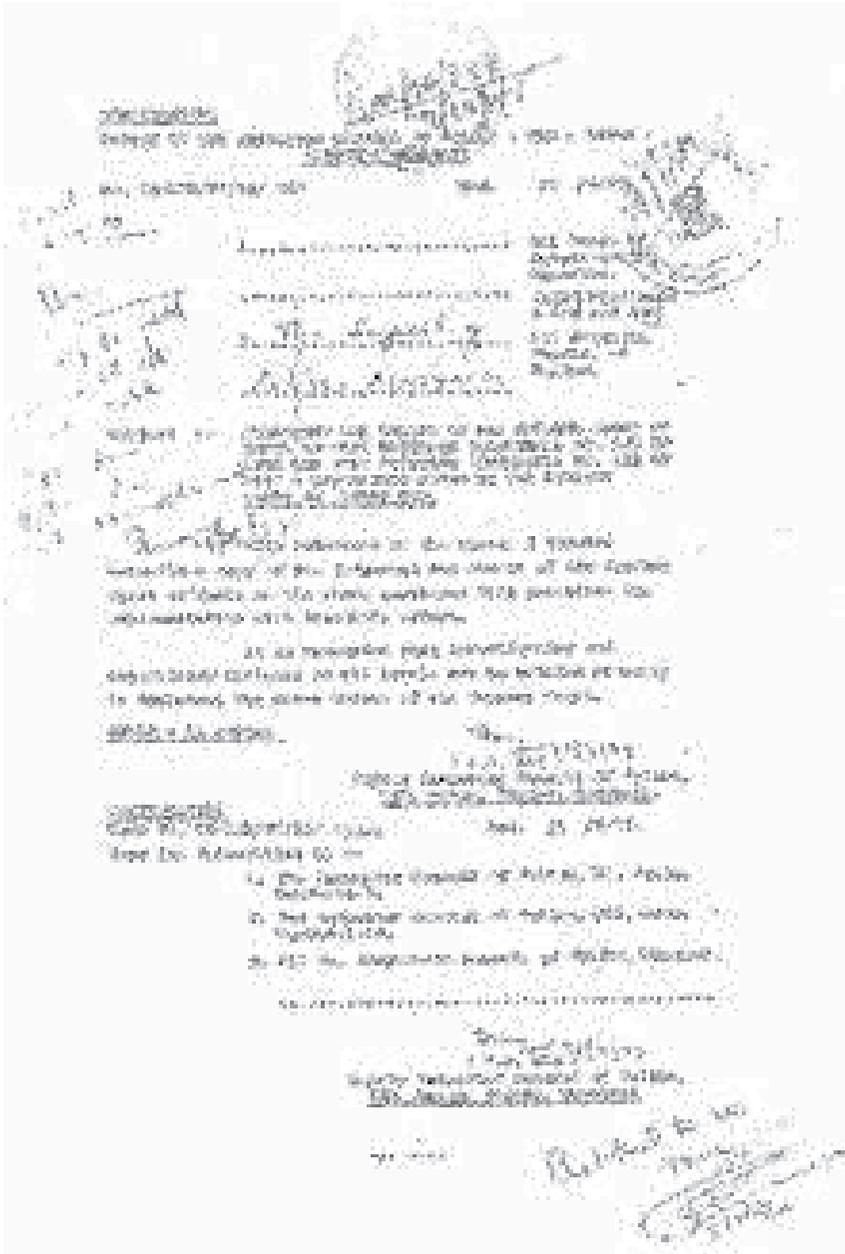
Annexe 4

Order Issued by the Police Headquarters, Bihar



Annexe 5

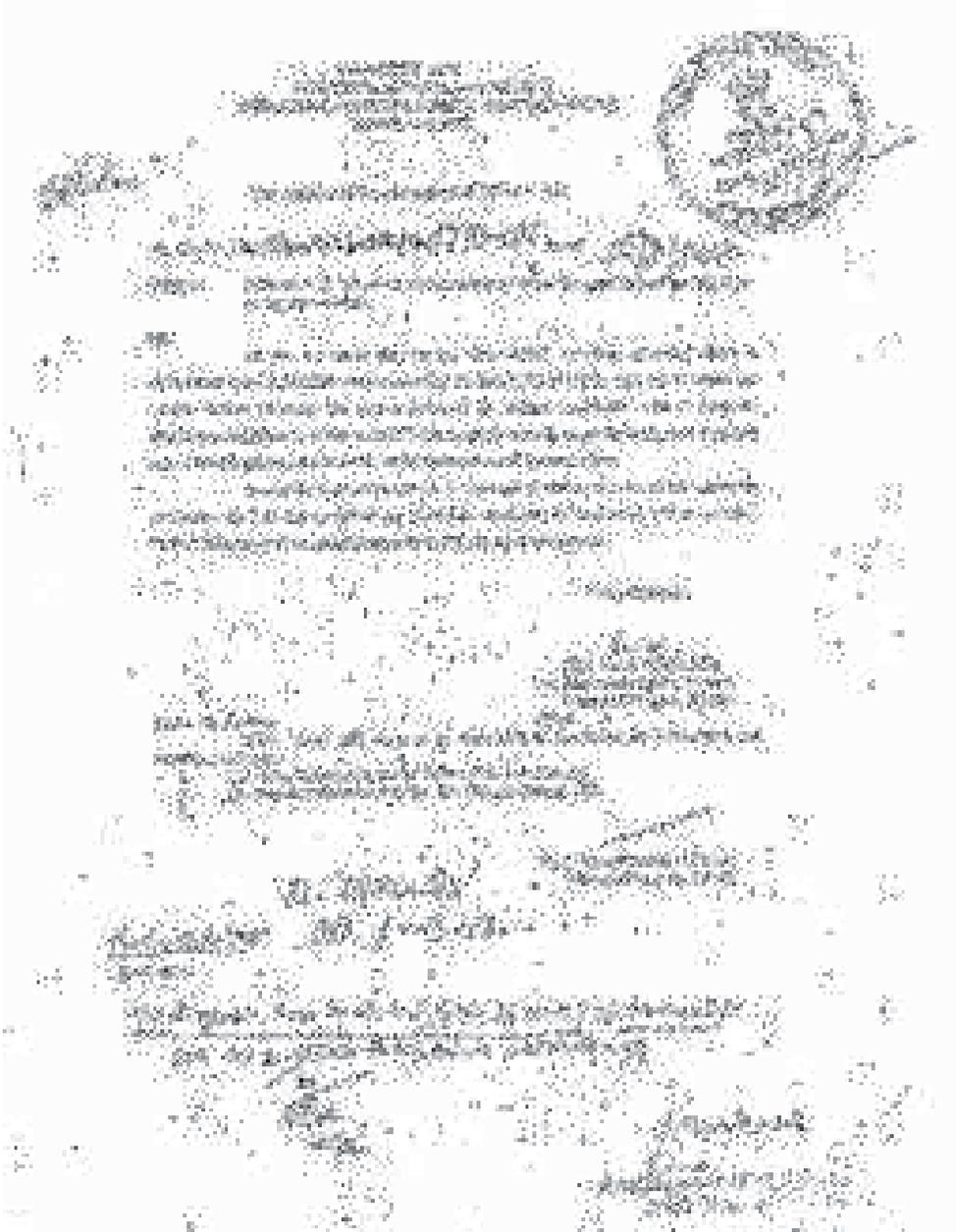
Circular Issued by CID Assam





Annexe 7

Circular Issued by the Police Headquarters, Himachal Pradesh



Report on the arrest of a person with a C.A. No.
Police address

In exercise of the powers conferred with section 477 of section 41(4) of Cr. P.C., I hereby inform you that during the investigation of Crime No. _____ I have registered at _____ Police Station, it is possible that there are reasonable grounds to question you to determine facts and circumstances from you. Hence, you are directed to appear before me at _____ on _____ at _____ Police Station.

Date: _____ Signature _____
 Name _____
 Designation _____

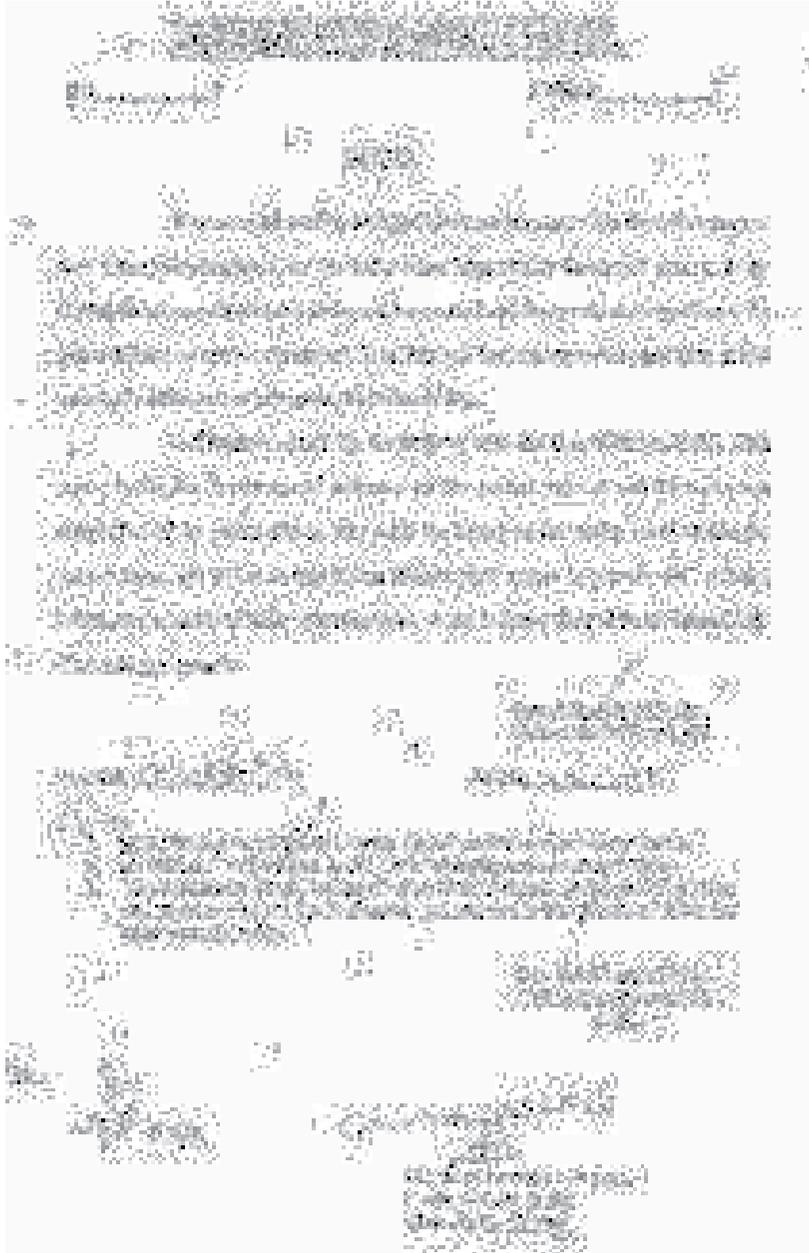
(500)

1. The police officer while making any arrest shall (a) bear on occasion, visible and clear identification of his name for easy identification (b) prepare a memorandum of arrest which shall be signed by at least one witness and countersigned by the person arrested (c) inform the person arrested that he has right to have a relative or a friend advised by him to be informed of his arrest.
4. When any person is arrested the appropriate and investigated by the police, he shall be entitled to exert an advocate of his choice during interrogation, through and throughout interrogation.
4. It is also directed that the police District Police Control Room will function as the District Control Room, required as per section 41C. A police house shall keep 24x7x7 and District House to display the death of the person arrested on the day and the previous day and the designation of the police officer who made the arrest. All Police Station Officers of the district shall inform necessary details to their respective P.S.

Signature of the District Police Officer
Signature of the District Police Officer
Signature of the District Police Officer

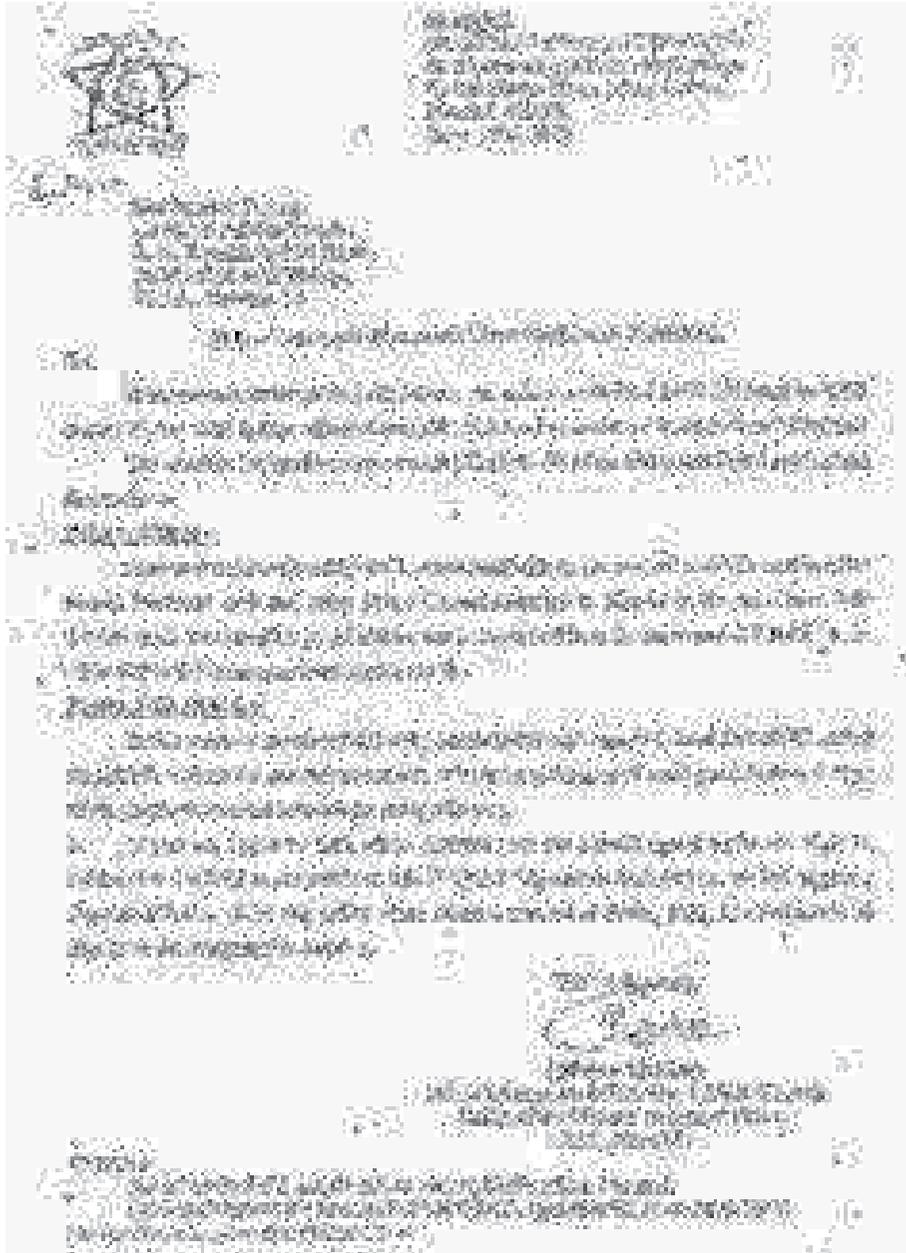
Annexe 9

Circular Issued by the Superintendent of Police, Baddi



Annexe 10

RTI reply recieved from the Police Headquarter, Maharashtra



SECRET

- 1. The Committee is directed to conduct a study of the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives.
- 2. The Committee is directed to investigate the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives.
- 3. The Committee is directed to investigate the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives.

SECRET

Whereas the Communist Party, U.S.A., and its branches, are engaged in a campaign to overthrow the Government of the United States and to establish a Communist dictatorship in this country; and whereas the activities of the Communist Party, U.S.A., and its branches, are a grave and continuing threat to the national security of the United States; and whereas it is the policy of the United States to oppose such activities; and whereas it is the duty of the Congress to take such action as may be necessary to carry out this policy; therefore, the Committee is directed to conduct a study of the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives.

The Committee is directed to conduct a study of the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives. The Committee is directed to investigate the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives.

The Committee is directed to conduct a study of the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives. The Committee is directed to investigate the activities of the Communist Party, U.S.A., and its branches, and to report thereon to the Senate and the House of Representatives.

101. A person who has been convicted of a crime and is under a sentence of imprisonment in a State or Federal institution shall be eligible for parole or probation if the State or Federal Board of Prison Commissioners or the State or Federal Board of Probation and Parole, as the case may be, shall so order, provided that the person has not been convicted of a crime which is a Class A felony or a Class B felony.

102. The State Board of Prison Commissioners or the State Board of Probation and Parole, as the case may be, shall have the power to suspend the sentence of any person who has been sentenced to imprisonment in a State or Federal institution or to probation, and to order that the person be confined in a State or Federal institution or to probation, as the case may be, if the person has violated the conditions of his parole or probation.

103. The State Board of Prison Commissioners or the State Board of Probation and Parole, as the case may be, shall have the power to order that a person who has been sentenced to imprisonment in a State or Federal institution or to probation, and who is confined in a State or Federal institution or on probation, be released from confinement or from probation, as the case may be, if the person has been sentenced to imprisonment in a State or Federal institution or to probation for a term of less than one year.

104. The State Board of Prison Commissioners or the State Board of Probation and Parole, as the case may be, shall have the power to order that a person who has been sentenced to imprisonment in a State or Federal institution or to probation, and who is confined in a State or Federal institution or on probation, be released from confinement or from probation, as the case may be, if the person has been sentenced to imprisonment in a State or Federal institution or to probation for a term of less than one year and if the person has not been convicted of a crime which is a Class A felony or a Class B felony.

105. The State Board of Prison Commissioners or the State Board of Probation and Parole, as the case may be, shall have the power to order that a person who has been sentenced to imprisonment in a State or Federal institution or to probation, and who is confined in a State or Federal institution or on probation, be released from confinement or from probation, as the case may be, if the person has been sentenced to imprisonment in a State or Federal institution or to probation for a term of less than one year and if the person has not been convicted of a crime which is a Class A felony or a Class B felony.

106. The State Board of Prison Commissioners or the State Board of Probation and Parole, as the case may be, shall have the power to order that a person who has been sentenced to imprisonment in a State or Federal institution or to probation, and who is confined in a State or Federal institution or on probation, be released from confinement or from probation, as the case may be, if the person has been sentenced to imprisonment in a State or Federal institution or to probation for a term of less than one year and if the person has not been convicted of a crime which is a Class A felony or a Class B felony.

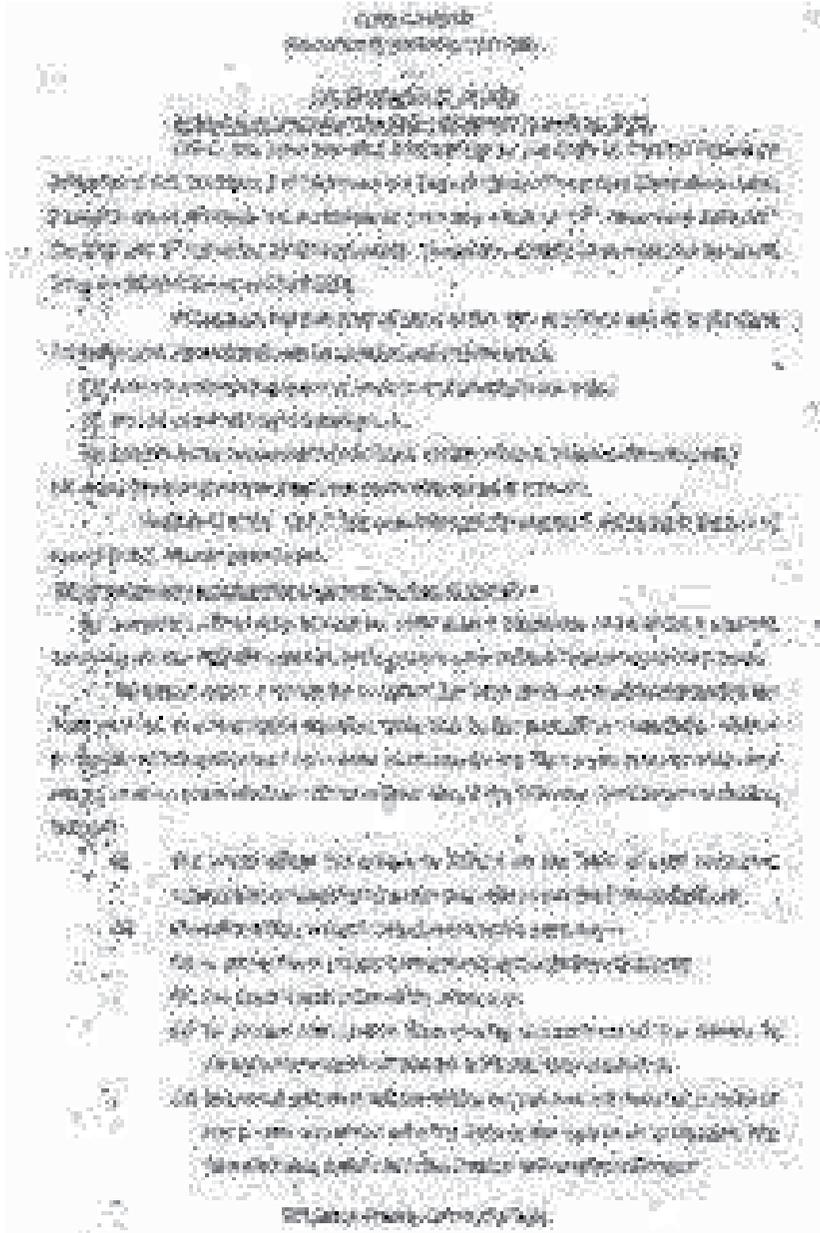
107. The State Board of Prison Commissioners or the State Board of Probation and Parole, as the case may be, shall have the power to order that a person who has been sentenced to imprisonment in a State or Federal institution or to probation, and who is confined in a State or Federal institution or on probation, be released from confinement or from probation, as the case may be, if the person has been sentenced to imprisonment in a State or Federal institution or to probation for a term of less than one year and if the person has not been convicted of a crime which is a Class A felony or a Class B felony.

108. The State Board of Prison Commissioners or the State Board of Probation and Parole, as the case may be, shall have the power to order that a person who has been sentenced to imprisonment in a State or Federal institution or to probation, and who is confined in a State or Federal institution or on probation, be released from confinement or from probation, as the case may be, if the person has been sentenced to imprisonment in a State or Federal institution or to probation for a term of less than one year and if the person has not been convicted of a crime which is a Class A felony or a Class B felony.

SECTION 109

Annexe 11

Circular Issued by the CID, Crime Branch, Odisha



41A. Notice of appearance before police officer:-

1. The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.
2. Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.
3. Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.
4. Where such person, at any time, fails to comply with the terms of the notice or in complying to identify himself, the police officer may, subject to such orders as may have been passed by a competent court in this behalf, arrest him for the offence mentioned in the notice.

41B. Procedure of arrest and duties of officer making arrest:-

Every police officer while making an arrest shall-

- a. Bear an accurate, visible and clear identification of his name which will facilitate easy identification;
- b. Prepare a memorandum of arrest which shall be-
 1. Attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;
 2. Countersigned by the person arrested; and
- d. Inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend named by him to be informed of his arrest.

41C. Control room at districts:-

1. The State Government shall establish a police control room -
 - a. In every district, and
 - b. At State level.
2. The State Government shall cause to be displayed on the notice board kept outside the control rooms at every district, the names and addresses of the persons arrested and the name and designation of the police officers who made the arrests.

Stressoren durch berufliche Anforderungen und zu hohen

Leistungsanforderungen an Arbeitsleistungen führen. Dies führt zu

Verlust der Kontrolle und zu einem Gefühl der Überforderung, das zu einer

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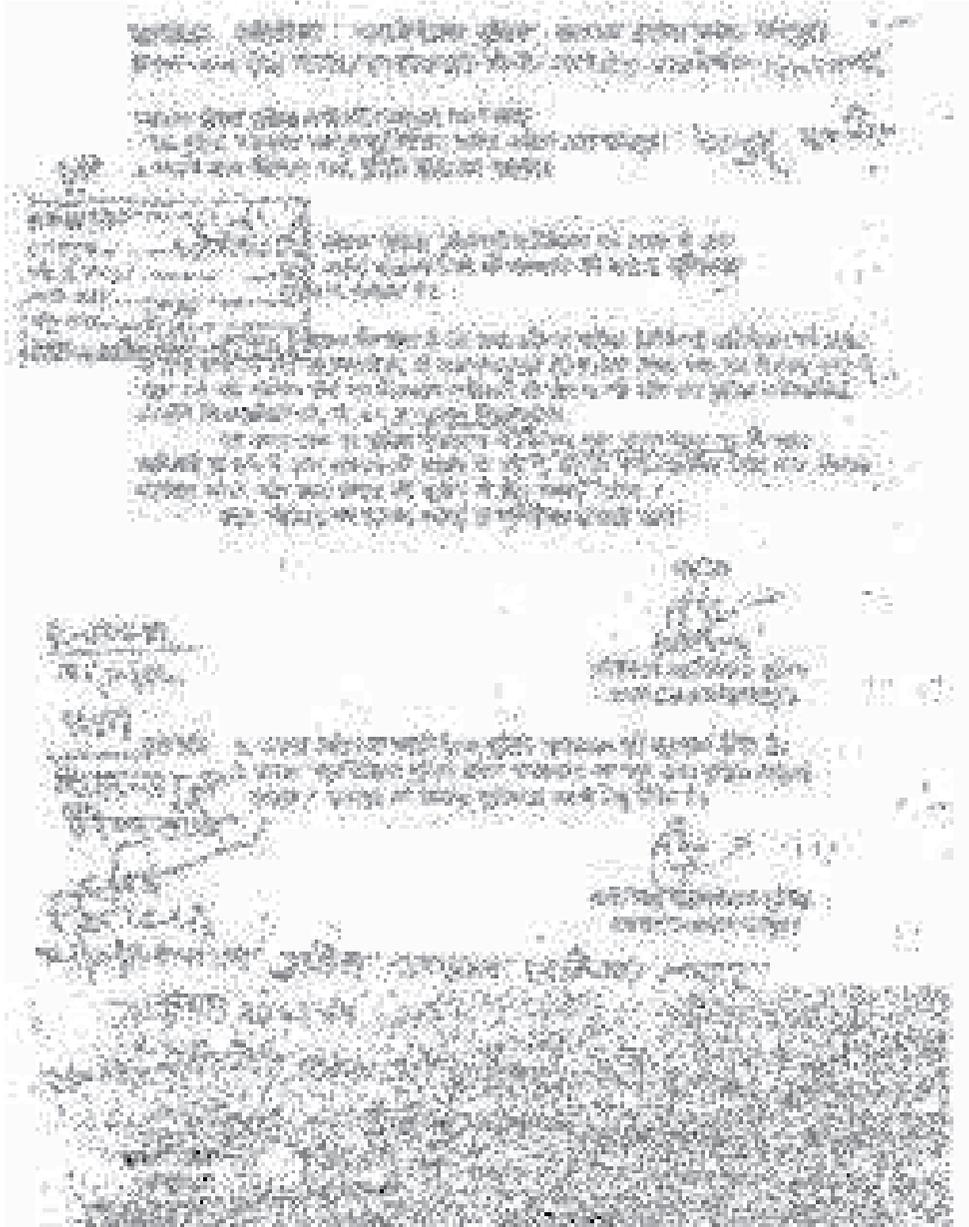
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Annexe 12

Circular Issued by the Crime Branch, Jaipur





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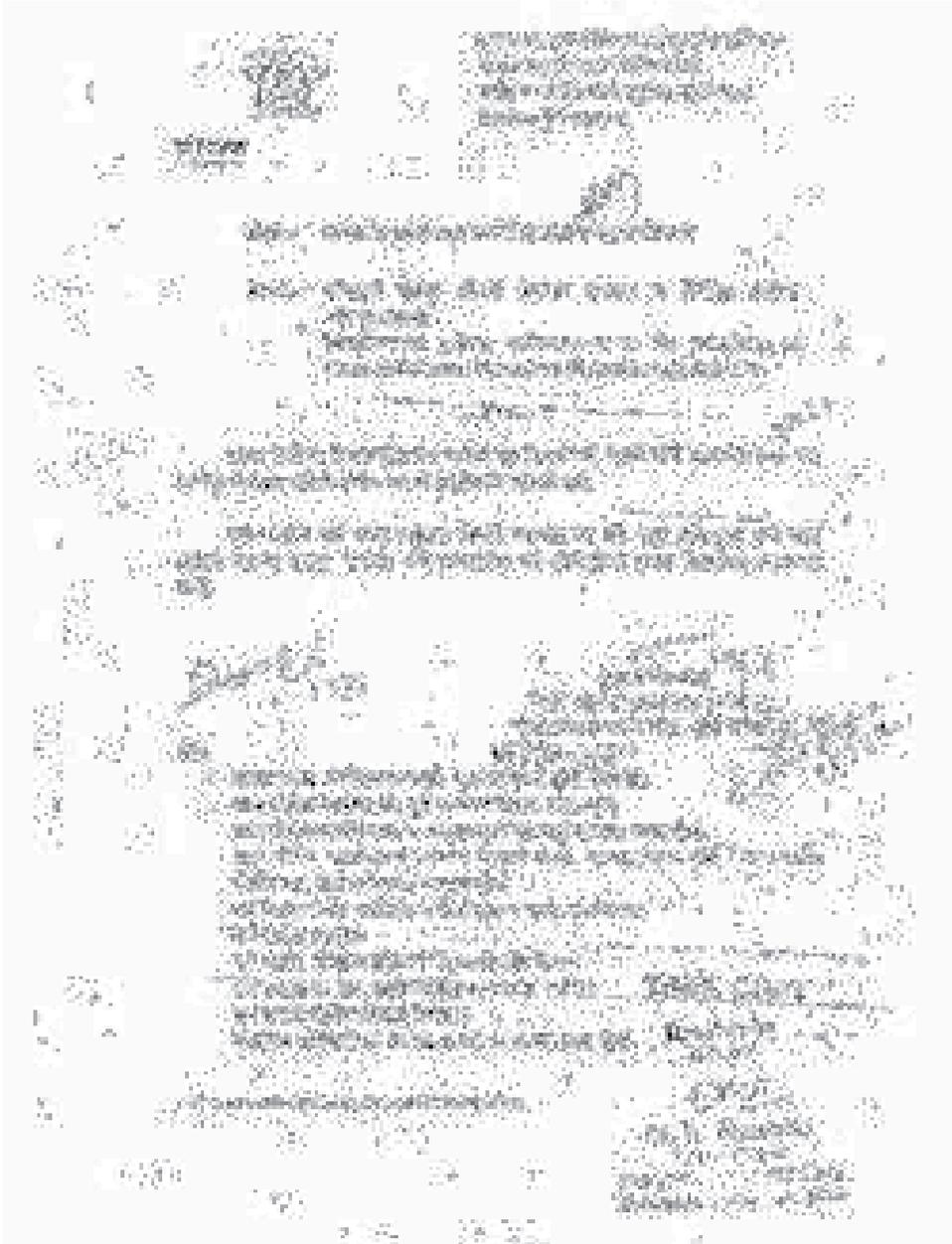
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Annexe 13

Circular Issued by the Police Headquarters, Maharashtra





**THE STATE OF CALIFORNIA DEPARTMENT OF
REGISTRATION, 2022-2023
(Fiscal Year 2022-2023, No.
7, 2022)**

As presented in the attached schedule of proposed budgetary priorities.

In accordance with the provisions of Article 13, section 2, of the

California Constitution, the following is the proposed budget for the Department of
Registration for 2022-2023:

I. Base line and assumptions

A. Base line for fiscal year 2022-2023 is based on the most recent available data for
2020.

B. The 2022-2023 budget is based on the following assumptions:
1. The Department will continue to receive the same level of funding as in 2020.
2. The Department will continue to receive the same level of funding as in 2020.

II. Assumptions of section 2

A. Section 2 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

B. Section 2 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

III. Assumptions of section 3

A. Section 3 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

B. Section 3 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

IV. Assumptions of section 4

A. Section 4 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

B. Section 4 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

V. Assumptions of section 5

A. Section 5 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

B. Section 5 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

C. Section 5 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

D. Section 5 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

E. Section 5 of the State of California Assembly Bill 1099, 2020-2021, requires that the
Department continue to receive the same level of funding as in 2020.

2022-2023 Budgetary Requirements for 2022-2023

2022-2023
Budgetary
Requirements
for 2022-2023

continued the said address.

- (d) also gather address in such-and-such, such address is registered.
- (e) to gather such persons from a residential area located within
- (f) to gather a residential area of the address for
- (g) to gather such persons from a residential area located at the
- (h) address as designated or designated, while such address is
- (i) registered to
- (j) to gather such persons from a residential area located at the
- (k) address as designated or designated, while such address is
- (l) registered to
- (m) to gather such persons from a residential area located at the
- (n) address as designated or designated, while such address is
- (o) registered to

The system which is being established is being established that in

the event of a disaster, the system will be established with

the system which is being established is being established that in

the event of a disaster, the system will be established with

the system which is being established is being established that in

the event of a disaster, the system will be established with

4. Properties of said systems 411, 412, 413 and 414

They are: 411, 412, 413 and 414, the following are the systems which

(1) 411. The system which is being established is being established that in

the event of a disaster, the system will be established with

the system which is being established is being established that in

the event of a disaster, the system will be established with

(2) 412. The system which is being established is being established that in

(3) 413. The system which is being established is being established that in

(4) 414. The system which is being established is being established that in

continued in the system, which is being established that in

415. Properties of said systems 415, 416, 417 and 418

They are: 415, 416, 417 and 418, the following are the systems which

(1) 415. The system which is being established is being established that in

STANLEY D. ...
 Director
 1/27/1954

- 10. The board shall have the authority to:
 - (a) prepare an annual budget for the school district;
 - (b) prepare an annual financial statement for the school district;
 - (c) prepare an annual report for the school district;
 - (d) prepare an annual report for the school district;

- 11. The board shall have the authority to:
 - (a) prepare an annual report for the school district;
 - (b) prepare an annual report for the school district;

- 12. The board shall have the authority to:
 - (a) prepare an annual report for the school district;
 - (b) prepare an annual report for the school district;

- 13. The board shall have the authority to:
 - (a) prepare an annual report for the school district;
 - (b) prepare an annual report for the school district;

- 14. The board shall have the authority to:
 - (a) prepare an annual report for the school district;
 - (b) prepare an annual report for the school district;

- 15. The board shall have the authority to:
 - (a) prepare an annual report for the school district;
 - (b) prepare an annual report for the school district;

- 16. The board shall have the authority to:
 - (a) prepare an annual report for the school district;
 - (b) prepare an annual report for the school district;

§ 175.10(1)(a) - (1)(j)

[Handwritten signature]
 State Education Department
 Albany, New York

STATE COURT OF CRIMINAL PROCEDURE
(ADJUDICATORY) PART 2015

10/1/1978

1/1/1978

STATE COURT OF CRIMINAL PROCEDURE (ADJUDICATORY) PART 2015
SECTION 2015.01 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.02 - DEFINITIONS

SECTION 2015.03 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.04 - DEFINITIONS

SECTION 2015.05 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.06 - DEFINITIONS

SECTION 2015.07 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.08 - DEFINITIONS

SECTION 2015.09 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.10 - DEFINITIONS

SECTION 2015.11 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.12 - DEFINITIONS

SECTION 2015.13 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.14 - DEFINITIONS

SECTION 2015.15 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.16 - DEFINITIONS

SECTION 2015.17 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.18 - DEFINITIONS

SECTION 2015.19 - PURPOSE AND SCOPE OF PART 2015
SECTION 2015.20 - DEFINITIONS

TRUE COPY
JAMES H. ...
10/1/1978
JAMES H. ...
10/1/1978
JAMES H. ...
10/1/1978

shall submit/prepare and take care with their preparation. The preparation of all such police personnel and possible interrogation of the arrested man to be entered in a register and in each diary.

3. The police officers standing out the arrest of the arrested shall receive a sheet of arrest at the time of arrest and each sheet shall be retained by at least two witnesses. All may be signed a number of the family of the arrested as a responsible sheet of the family from whom the arrest is made. It shall also be necessary signed by the arrested and shall contain the time and date of arrest.

4. A person who has been arrested or detained and is being held in custody in a police station or designated police premises or other place, shall be entitled to have one friend or relative or the police officer to him or his wife informed by the police being informed as soon as practicable, that he has been arrested and is being detained at the particular place, unless the arresting officers of the man or woman is himself a friend or a relative of the arrested.

5. The time, place of arrest and names of persons of an arrested man to be notified by the police shall not only be given by relatives of the arrested man outside of the district as soon as possible through the local A.M. organization, as the station and the police station of the man arrested telephonically telegraphically within a period of 2 to 14 hours after the arrest.

6. The person arrested shall be immediately of this right to have someone informed of his arrest and detention as soon as he is free under arrest or is released.

7. An entry shall be made in the diary at the place of detention regarding the arrest of the person who shall also declare the name of the person friend of the person who has been informed of the arrest and the names and qualifications of the police officials in whose custody he remains.

8. The arrested person shall be in custody he also retained at the time of his arrest and shall be retained in custody if any person or persons shall need to be retained in custody. The "Inspector" shall be placed with by the arrested and the police station attending the arrest and the man arrested to the arrested.

9. The arrested person shall be retained in custody by a special constable after every 12 hours taking his attention is ready by a constable in the area of arrested persons employed by the police, health services of the arrested man as being responsible, health services should provide such a period for all constables and retained or not.

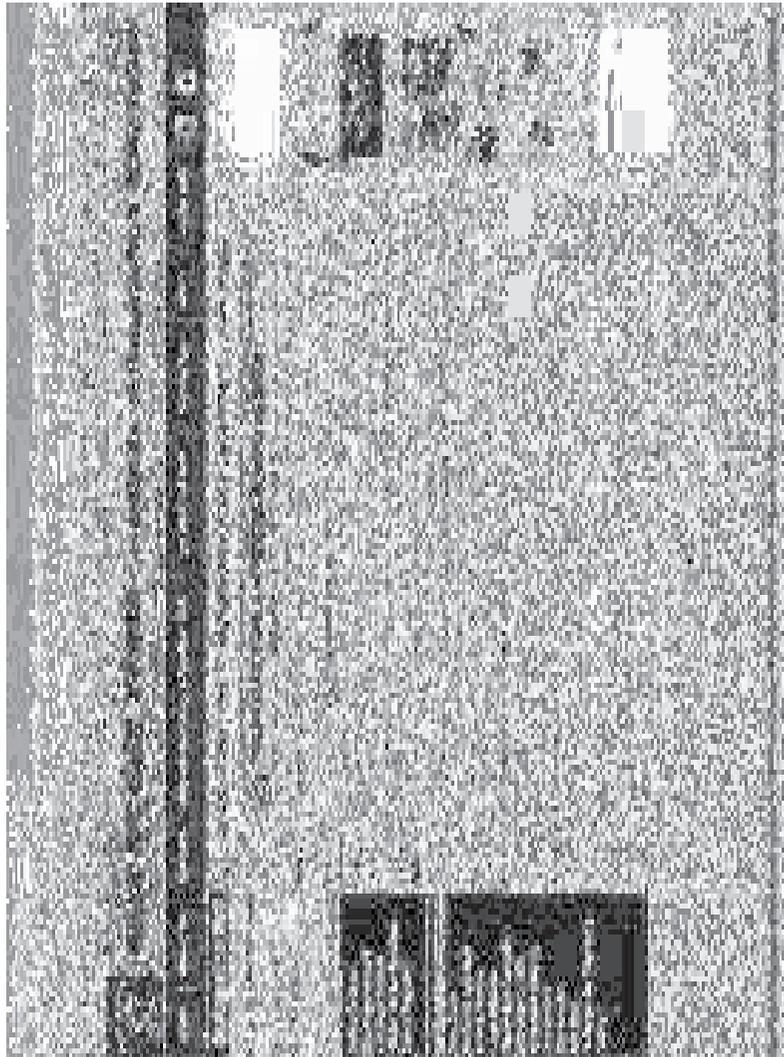
10. Copies of all the documents including the name of arrested, released or shown shall be sent to the Home Secretary for his record.

11. The arrested man shall be taken to the nearest police station, though not necessarily the nearest.

12. A police officer shall be provided in all districts and shall

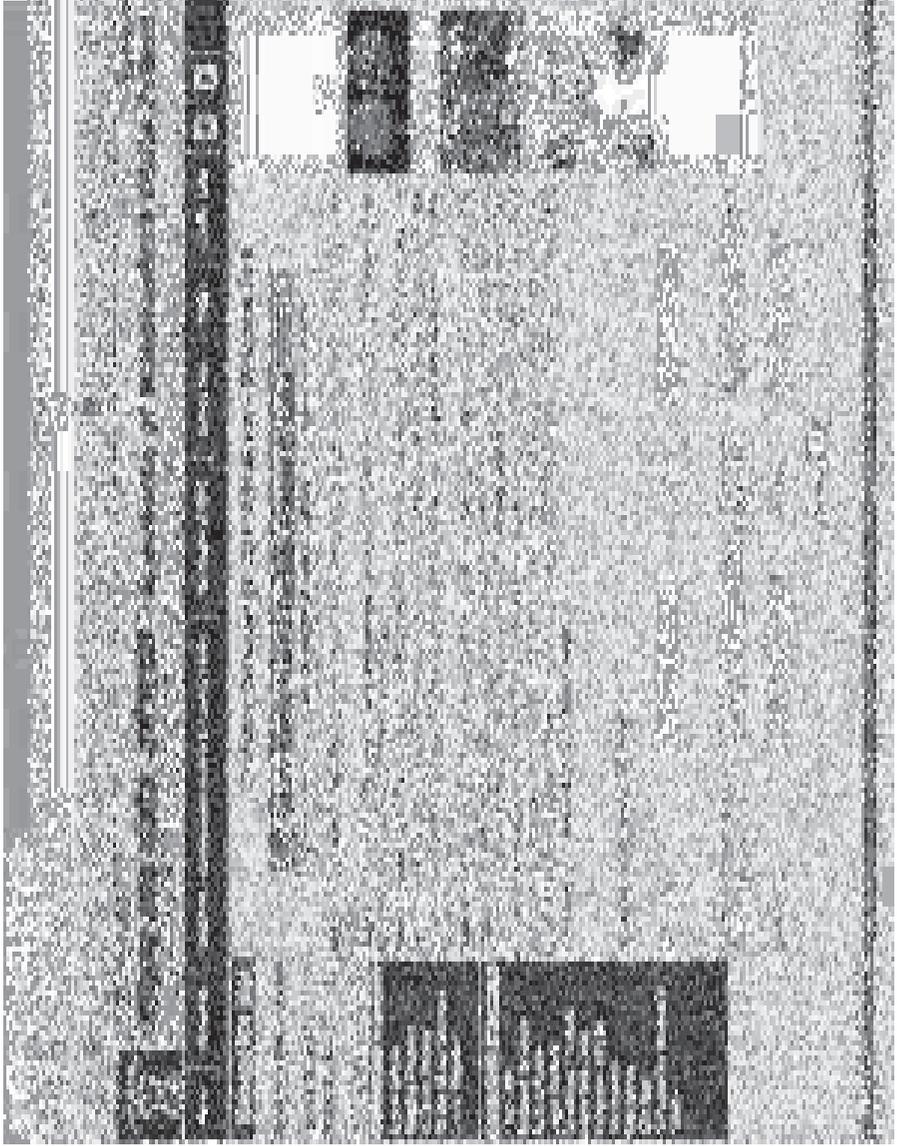
Annexe 15a

Screenshot of the “Arrest Details” Search Facility on the
Maharashtra Police Website



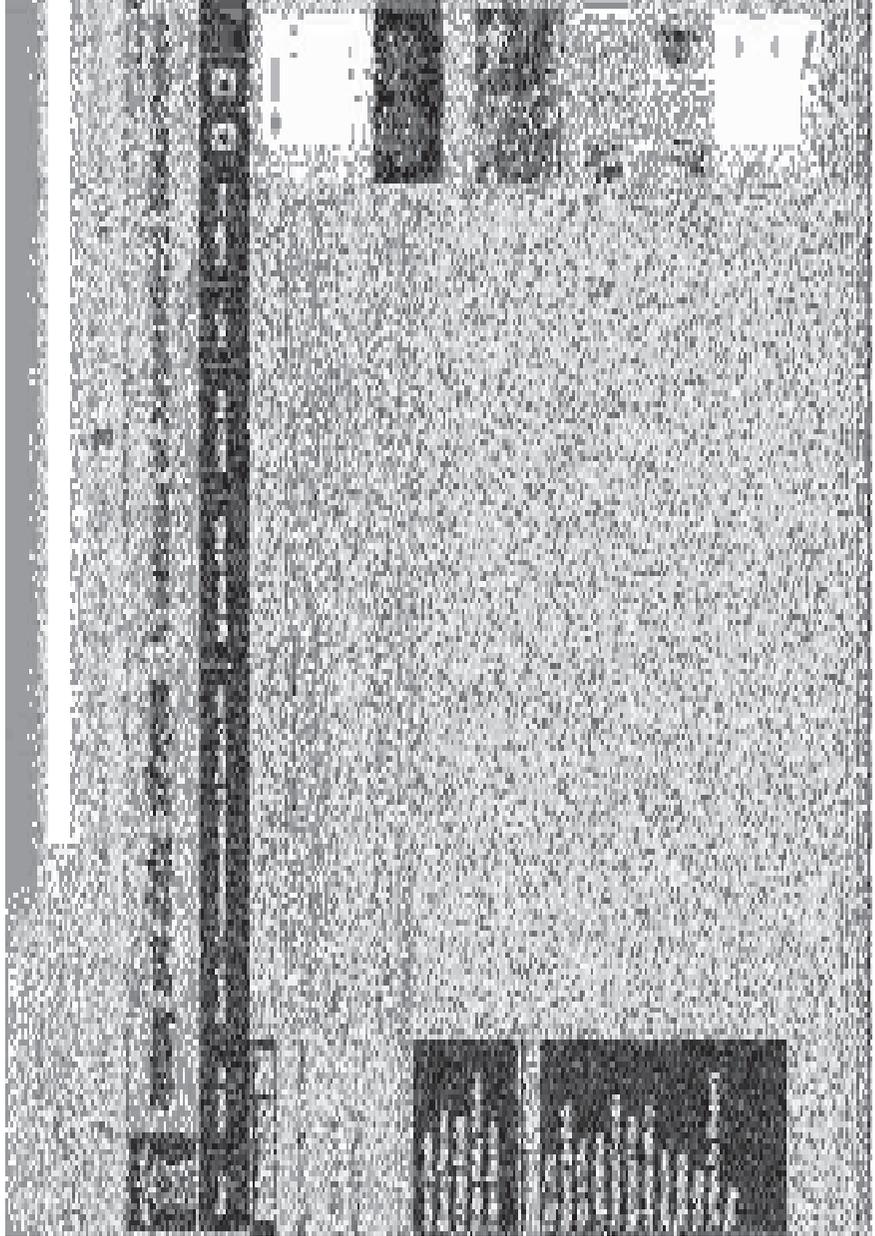
Annexe 15b

Screenshot of the Maharashtra Police Website with
“Search Criteria” entered



Annexe 15c

Screenshot of the Maharashtra Police Website showing search results for persons arrested by Hadapsar Police



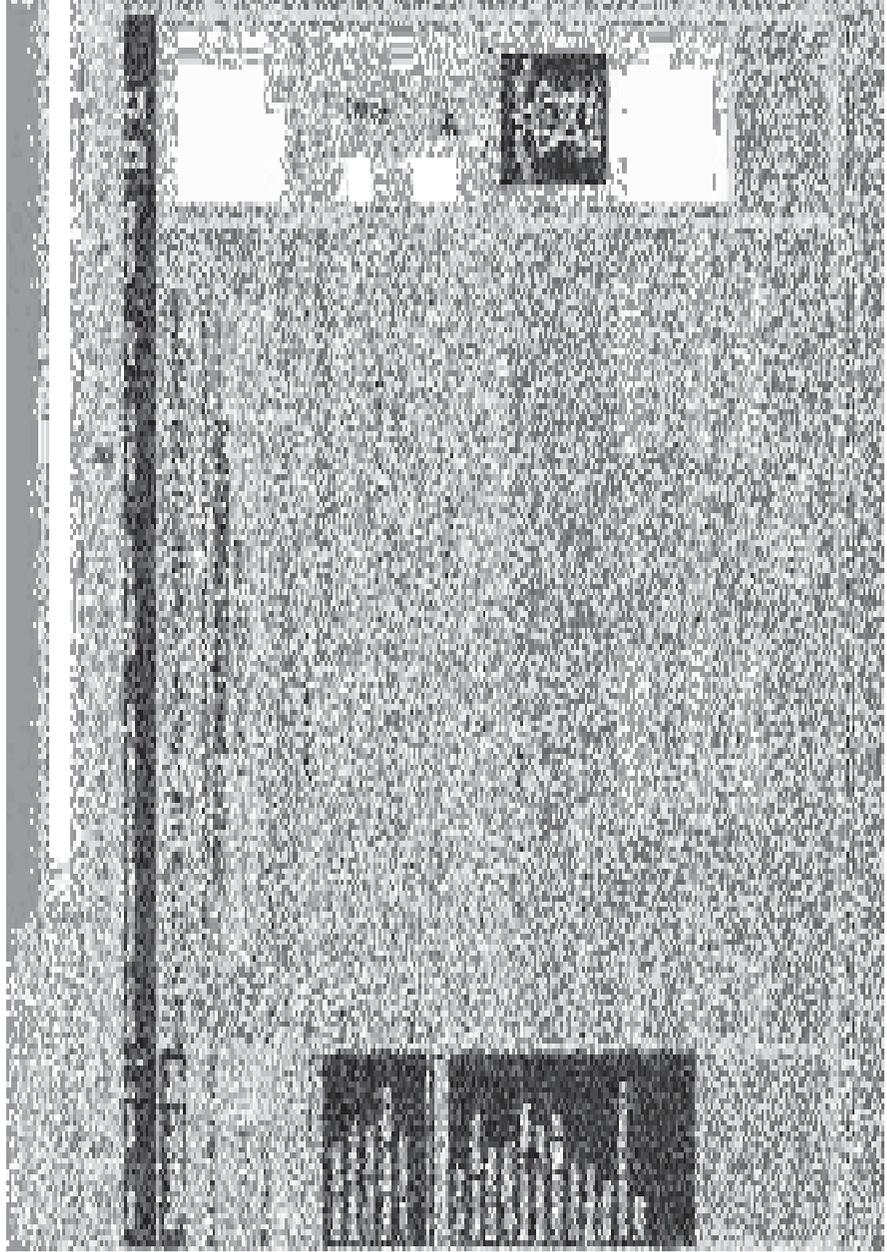
Annexe 15d

Screenshot of the Maharashtra Police Website showing
Arrest Details



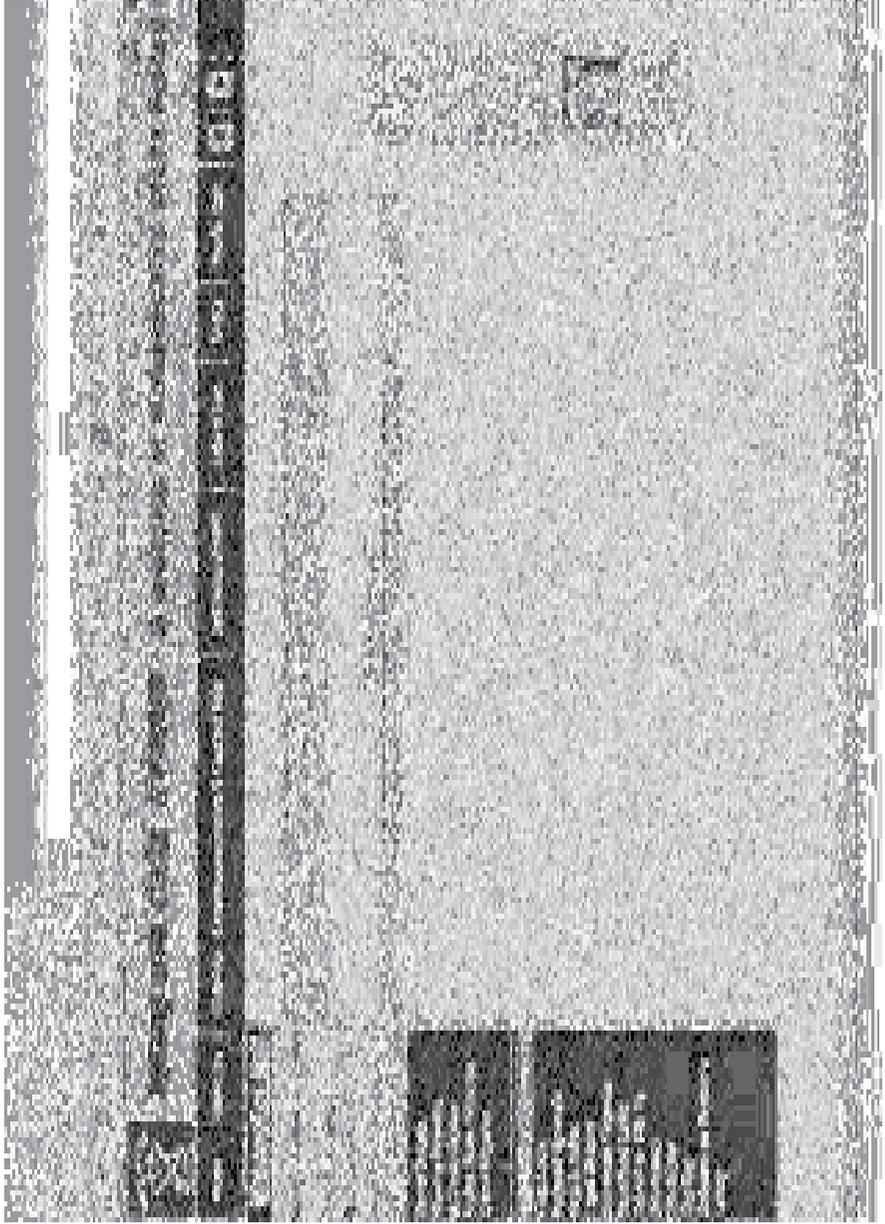
Annexe 16a

Screenshot of the Maharashtra Police Website showing alternate
“Search Criteria” entered



Annexe 16b

Screenshot of the Maharashtra Police Website showing
absence of Arrestee Details



QUESTION
QUESTION
QUESTION
QUESTION
QUESTION

2. The Commission for Enquiry, created to investigate the alleged irregularities in the award of the contract for the supply of 100,000 copies of the Constitution to the Government of Karnataka, has submitted a report to the Government. The Commission has recommended that the Government should take steps to ensure that the award of the contract is fair and equitable. The Commission has also recommended that the Government should take steps to ensure that the award of the contract is in the public interest.

(a) Discuss in detail the law relating to the award of the contract and also the remedies available.

OR

Part
I

- Q.14 - 20
- Q.15 - 12
- Discuss the law relating to the award of the contract and also the remedies available.
 - Discuss the law relating to the award of the contract and also the remedies available.
 - Discuss the law relating to the award of the contract and also the remedies available.
 - Discuss the law relating to the award of the contract and also the remedies available.
 - Discuss the law relating to the award of the contract and also the remedies available.
 - Discuss the law relating to the award of the contract and also the remedies available.

20. The provisions of section 10 of the Constitution are applicable to the award of the contract of the Government.

10. Law relating to contract

- Discuss the law relating to the award of the contract and also the remedies available.

ANSWER

QUESTION

1. Explain the following statement:
"The most important factor in the success of a business is the quality of its management."

Ans. The above statement emphasizes the role of quality management in the success of a business. It means that:

- Quality of products or services is the key to success.
- Quality of management is the key to success.

(A) Importance of quality

- Quality is the most important factor in the success of a business. It is the key to success.
- Quality is the most important factor in the success of a business. It is the key to success.
- Quality is the most important factor in the success of a business. It is the key to success.
- Quality is the most important factor in the success of a business. It is the key to success.
- Quality is the most important factor in the success of a business. It is the key to success.

(B) Quality is the key to success of a business

- Quality is the key to success of a business. It is the key to success.

(C) Quality is the key to success

- Quality is the key to success of a business. It is the key to success.
- Quality is the key to success of a business. It is the key to success.

(D) Quality is the key to success

- Quality is the key to success of a business. It is the key to success.

Section 1
REGISTRATION OF THE
COMPANIES OF THE UNITED KINGDOM
AND THE COMPANIES ACT 2006

201. Question:

- Which of the following would be a public company? (1 mark)

202. Multiple choice:

- Which of the following is not a requirement of a public company?
A. Share of minimum value of £100,000 to be paid for by the company
B. Share of value of £100,000 to be paid for by the company
C. Share of value of £100,000 to be paid for by the company
D. Share of value of £100,000 to be paid for by the company

203. The procedure which must be followed by the directors and in respect of which the Ministry of State Affairs has the a public company is:

- Share of value of £100,000 to be paid for by the company
A. Share of value of £100,000 to be paid for by the company
B. Share of value of £100,000 to be paid for by the company
C. Share of value of £100,000 to be paid for by the company
D. Share of value of £100,000 to be paid for by the company

204. Which of the following is the right of the directors of a public company?

- Share of value of £100,000 to be paid for by the company
A. Share of value of £100,000 to be paid for by the company
B. Share of value of £100,000 to be paid for by the company
C. Share of value of £100,000 to be paid for by the company
D. Share of value of £100,000 to be paid for by the company

ANNEX
of the National Curriculum Framework for School Education
Ministry of National Education, Government of India

- Detail of journey map of students regarding mobility to be shared upon the proposal and further, after getting the consent of concerned and relevant entities/organisations.

(ii) The provisions which have been approved by the Committee, but in respect of which Ministry is not in agreement with the Department are -

- Change in structure of institutes by either - increasing/adding seats,
- Change in list of subjects to be offered,
- Change in input structure of placement or education related activities,
- Change in other details to be added to proposal as mentioned in point (i) above before the Ministry,
- Change in other details to be added to proposal.

Handwritten note: *Change in structure of institutes by either - increasing/adding seats*

(iii) Modifications suggested by the Committee which the Ministry proposes to accept with further modifications -

- Change in course, its content to be included in the proposed revised guidelines, wherever applicable.

(iv) The provisions in respect of which the Committee has raised its observations but in which an amendment is needed in their documents

Handwritten note: *Change in structure of institutes by either - increasing/adding seats*

- Change in structure of institutes by either - increasing/adding seats,

The Ministry, after consulting the members of the Committee, through its office, is coordinating all the activities and the vision of Ministry is being diffused to relevant stakeholders.

1. The Commission has received information from the Government of Karnataka that the Government of Karnataka has decided to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

2. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

3. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

4. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

5. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

6. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

7. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

8. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

9. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

10. The Commission is pleased to note the Government's decision to set up a State Council for the promotion of women in public service. The Commission is pleased to note the Government's initiative in this regard.

REPORT
Cable & Wireless
Corporation of the Cayman Islands
Mortgage Trust of Cayman Islands Mortgage

6. Approved the Certificate, together appearing as:
- (a) The certificate to you is incorporated and
 - (b) Being a true and correct copy of the certificate and proof of the issue of the said Mortgage Trust of the CILM, including all the documents, records and other information for the purposes of the certificate to the extent of the requirements of the Cayman legislation and the rules of the Cayman Islands, and also to any to be completed and amended from time to time as necessary.
7. The terms of Law and other provisions of legal nature and legislative provisions have been and shall be taken into account.
8. The Statutes of the Cayman Islands are approved in full text.
9. The Statutes of the Cayman Islands are approved in full text.


Robert Thomas,
High Secretary to the Government of the
Cayman Islands

Received:
On April 24, 2016.

By:

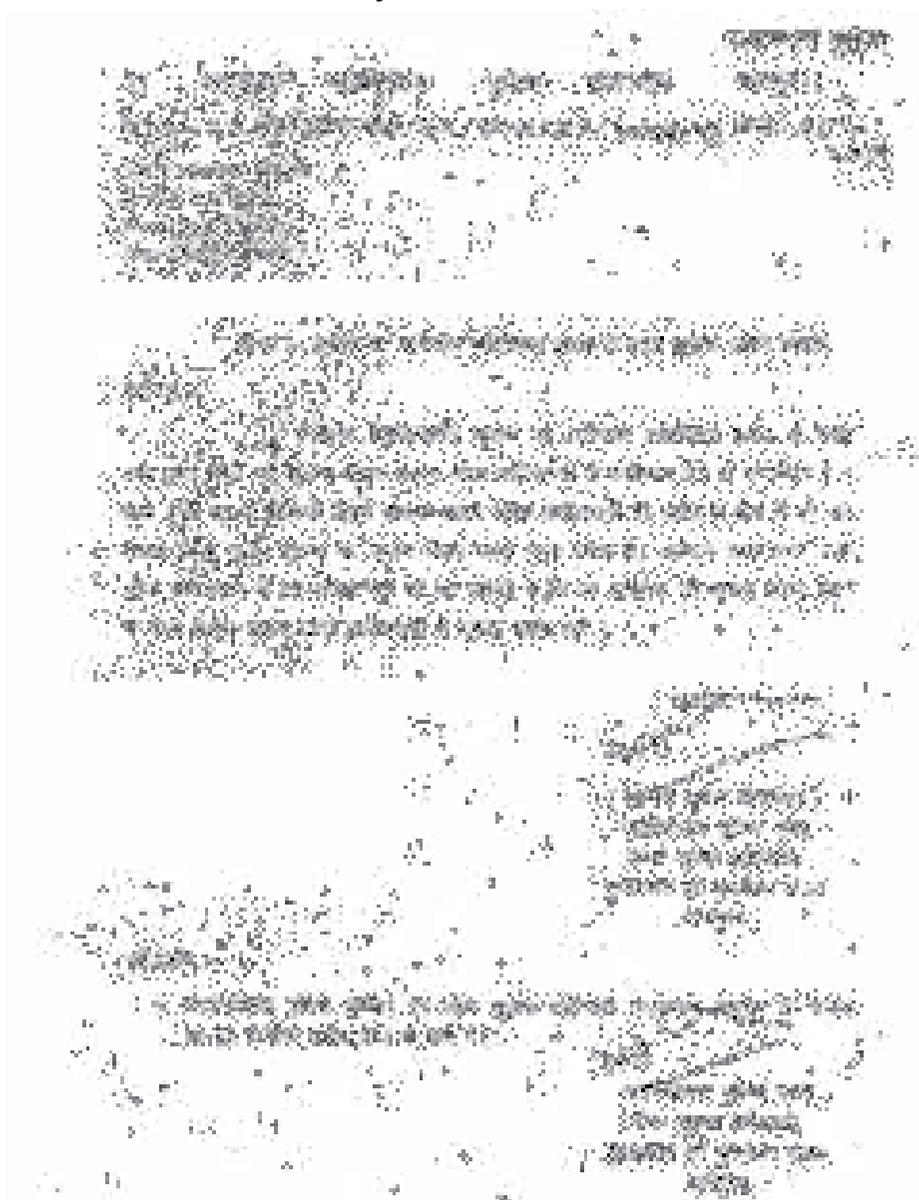
The United Kingdom,
Cayman Islands
Law Office

REPORT

8

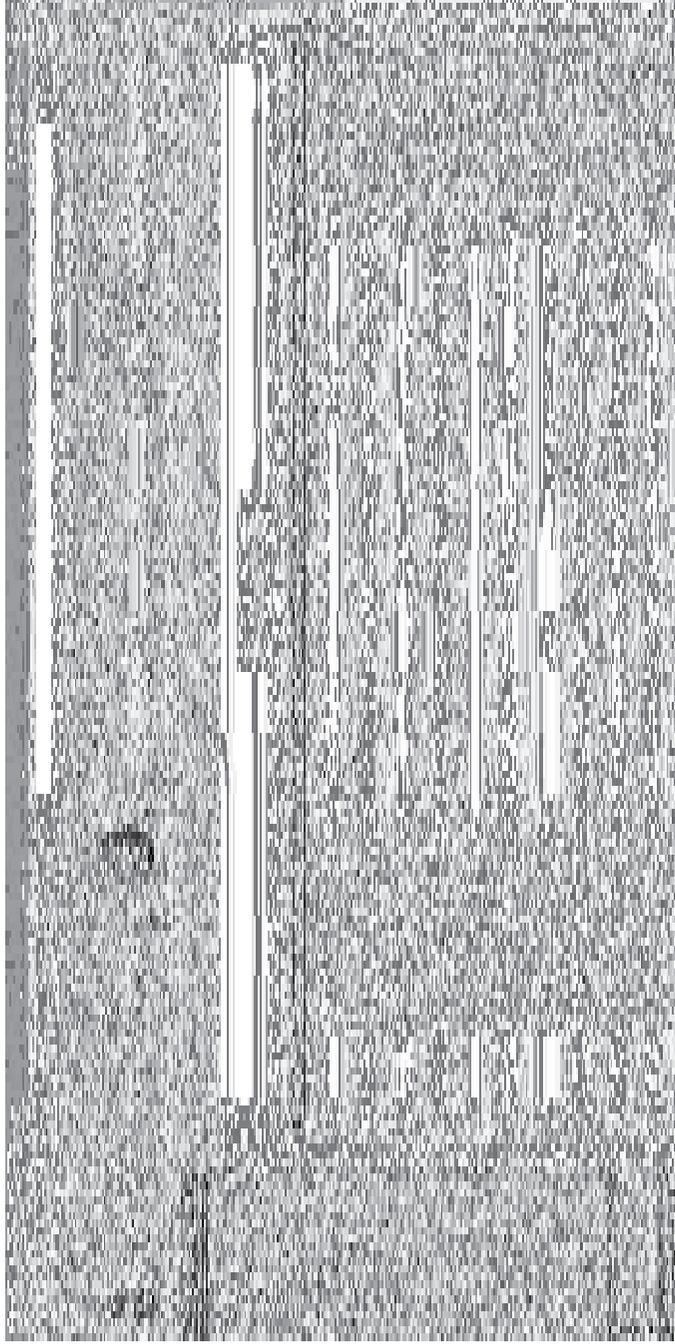
Annexe 18

RTI reply received from the IGP- Headquarters and Reorganisation,
Rajasthan Police



Annexe 19

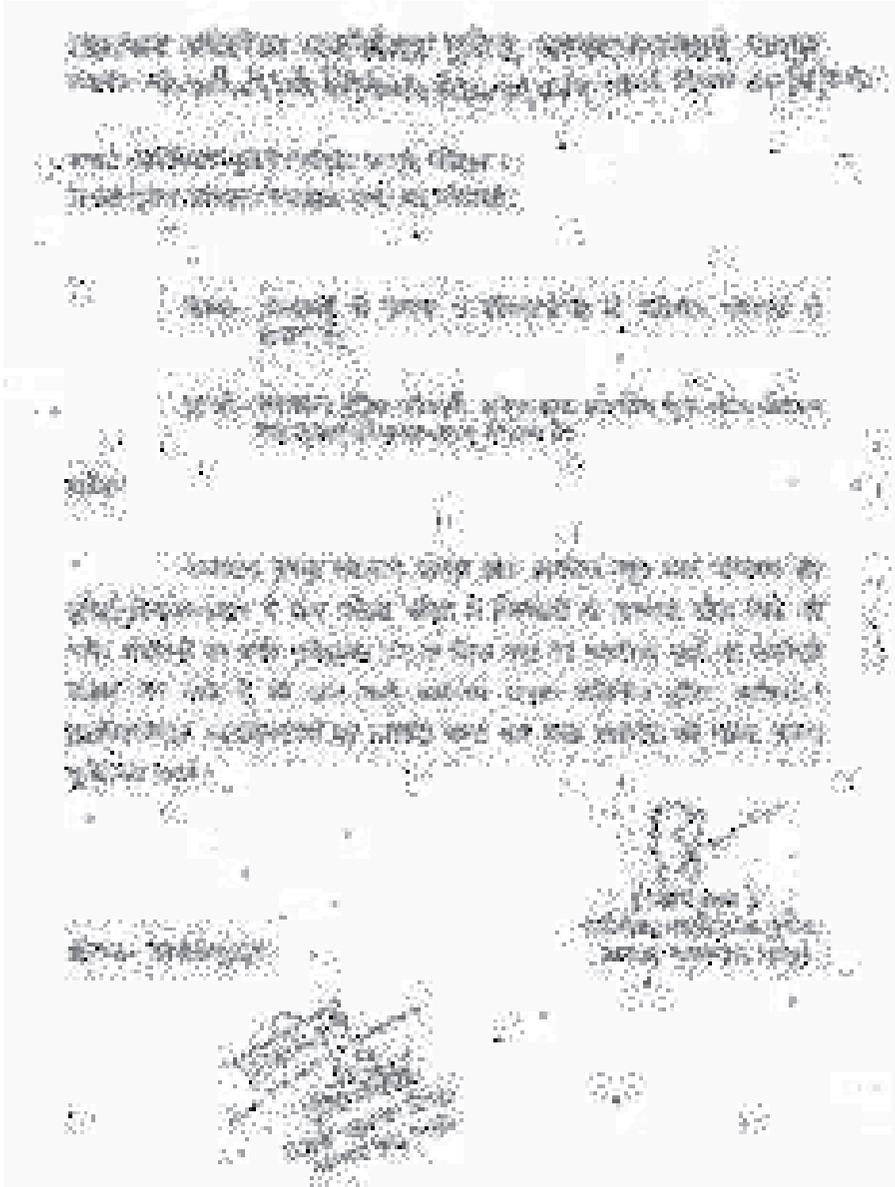
Screenshots of the “List of Arrestees” on the website of
Jodhpur Rural Police



日期	姓名	性别	年龄	职业	住址	联系电话	备注
2023.10.10	张三	男	35	教师	北京市海淀区中关村大街100号	13800138000	无异常
2023.10.11	李四	女	28	程序员	北京市朝阳区三里屯太古里	15000150000	无异常
2023.10.12	王五	男	45	医生	上海市浦东新区世纪大道100号	18000180000	无异常
2023.10.13	赵六	女	30	设计师	广州市天河区珠江新城	13900139000	无异常
2023.10.14	孙七	男	25	学生	北京市昌平区回龙观	15100151000	无异常
2023.10.15	周八	女	38	护士	深圳市福田区华强北	13700137000	无异常
2023.10.16	吴九	男	40	工程师	深圳市南山区科技园	18800188000	无异常
2023.10.17	郑十	女	32	记者	武汉市江汉区江汉路	13600136000	无异常
2023.10.18	冯十一	男	27	销售	成都市高新区天府大道	15200152000	无异常
2023.10.19	陈十二	女	33	会计	南京市鼓楼区鼓楼区	13500135000	无异常
2023.10.20	林十三	男	42	律师	上海市静安区南京西路	18900189000	无异常
2023.10.21	徐十四	女	29	模特	北京市朝阳区东三环	15800158000	无异常
2023.10.22	张十五	男	36	厨师	广州市荔湾区西关	13400134000	无异常
2023.10.23	李十六	女	26	歌手	北京市西城区前门大街	15900159000	无异常
2023.10.24	王十七	男	41	科学家	北京市海淀区中关村	18600186000	无异常
2023.10.25	赵十八	女	31	作家	上海市浦东新区川沙	13800138000	无异常
2023.10.26	孙十九	男	24	电竞选手	广州市天河区天河路	15700157000	无异常
2023.10.27	周二十	女	37	心理咨询师	深圳市福田区华强南	13600136000	无异常
2023.10.28	吴二十一	男	43	企业家	深圳市南山区华侨城	18800188000	无异常
2023.10.29	郑二十二	女	34	舞蹈家	武汉市江汉区江汉路	13900139000	无异常
2023.10.30	冯二十三	男	28	电竞解说	成都市高新区天府大道	15200152000	无异常
2023.10.31	陈二十四	女	39	画家	南京市鼓楼区鼓楼区	13500135000	无异常
2023.11.01	林二十五	男	44	哲学家	上海市静安区南京西路	18900189000	无异常
2023.11.02	徐二十六	女	29	电竞主播	北京市朝阳区东三环	15800158000	无异常
2023.11.03	张二十七	男	35	电竞选手	广州市荔湾区西关	13400134000	无异常
2023.11.04	李二十八	女	27	电竞解说	北京市西城区前门大街	15900159000	无异常
2023.11.05	王二十九	男	46	电竞选手	北京市海淀区中关村	18600186000	无异常
2023.11.06	赵三十	女	32	电竞解说	上海市浦东新区川沙	13800138000	无异常
2023.11.07	孙三十一	男	25	电竞选手	广州市天河区天河路	15700157000	无异常
2023.11.08	周三十二	女	38	电竞解说	深圳市福田区华强南	13600136000	无异常
2023.11.09	吴三十三	男	47	电竞选手	深圳市南山区华侨城	18800188000	无异常
2023.11.10	郑三十四	女	33	电竞解说	武汉市江汉区江汉路	13900139000	无异常
2023.11.11	冯三十五	男	29	电竞选手	成都市高新区天府大道	15200152000	无异常
2023.11.12	陈三十六	女	40	电竞解说	南京市鼓楼区鼓楼区	13500135000	无异常
2023.11.13	林三十七	男	48	电竞选手	上海市静安区南京西路	18900189000	无异常
2023.11.14	徐三十八	女	30	电竞解说	北京市朝阳区东三环	15800158000	无异常
2023.11.15	张三十九	男	36	电竞选手	广州市荔湾区西关	13400134000	无异常
2023.11.16	李四十	女	28	电竞解说	北京市西城区前门大街	15900159000	无异常
2023.11.17	王四十一	男	49	电竞选手	北京市海淀区中关村	18600186000	无异常
2023.11.18	赵四十二	女	34	电竞解说	上海市浦东新区川沙	13800138000	无异常
2023.11.19	孙四十三	男	26	电竞选手	广州市天河区天河路	15700157000	无异常
2023.11.20	周四十四	女	39	电竞解说	深圳市福田区华强南	13600136000	无异常
2023.11.21	吴四十五	男	50	电竞选手	深圳市南山区华侨城	18800188000	无异常
2023.11.22	郑四十六	女	35	电竞解说	武汉市江汉区江汉路	13900139000	无异常
2023.11.23	冯四十七	男	30	电竞选手	成都市高新区天府大道	15200152000	无异常
2023.11.24	陈四十八	女	41	电竞解说	南京市鼓楼区鼓楼区	13500135000	无异常
2023.11.25	林四十九	男	51	电竞选手	上海市静安区南京西路	18900189000	无异常
2023.11.26	徐五十	女	31	电竞解说	北京市朝阳区东三环	15800158000	无异常
2023.11.27	张五十一	男	37	电竞选手	广州市荔湾区西关	13400134000	无异常
2023.11.28	李五十二	女	29	电竞解说	北京市西城区前门大街	15900159000	无异常
2023.11.29	王五十三	男	52	电竞选手	北京市海淀区中关村	18600186000	无异常
2023.11.30	赵五十四	女	36	电竞解说	上海市浦东新区川沙	13800138000	无异常

Annexe 20

Circular Issued by CID, Rajasthan Police



Annexe 21

Circular Issued by the Home Department, Rajasthan

[The following text is extremely faint and illegible due to low contrast and scan quality. It appears to be a circular or official order from the Home Department of Rajasthan.]

GOVERNMENT OF BANGLADESH
OFFICE OF THE ADJUTANT GENERAL SECRETARY,
HOME AFFAIRS & JUSTICE DEPARTMENT, BANGLADESH, DAKSHIN

No.

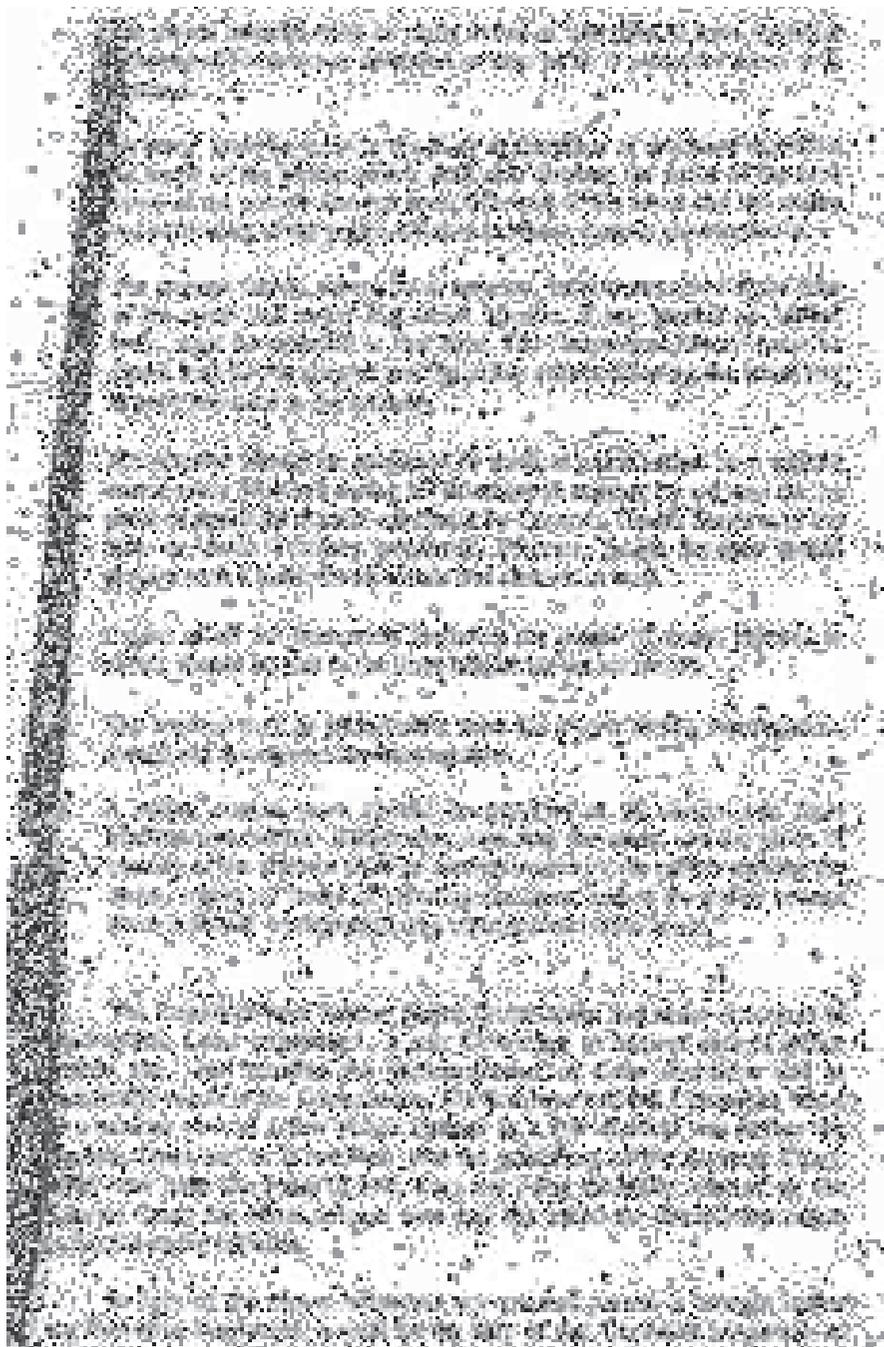
Date: 10 March, 1962

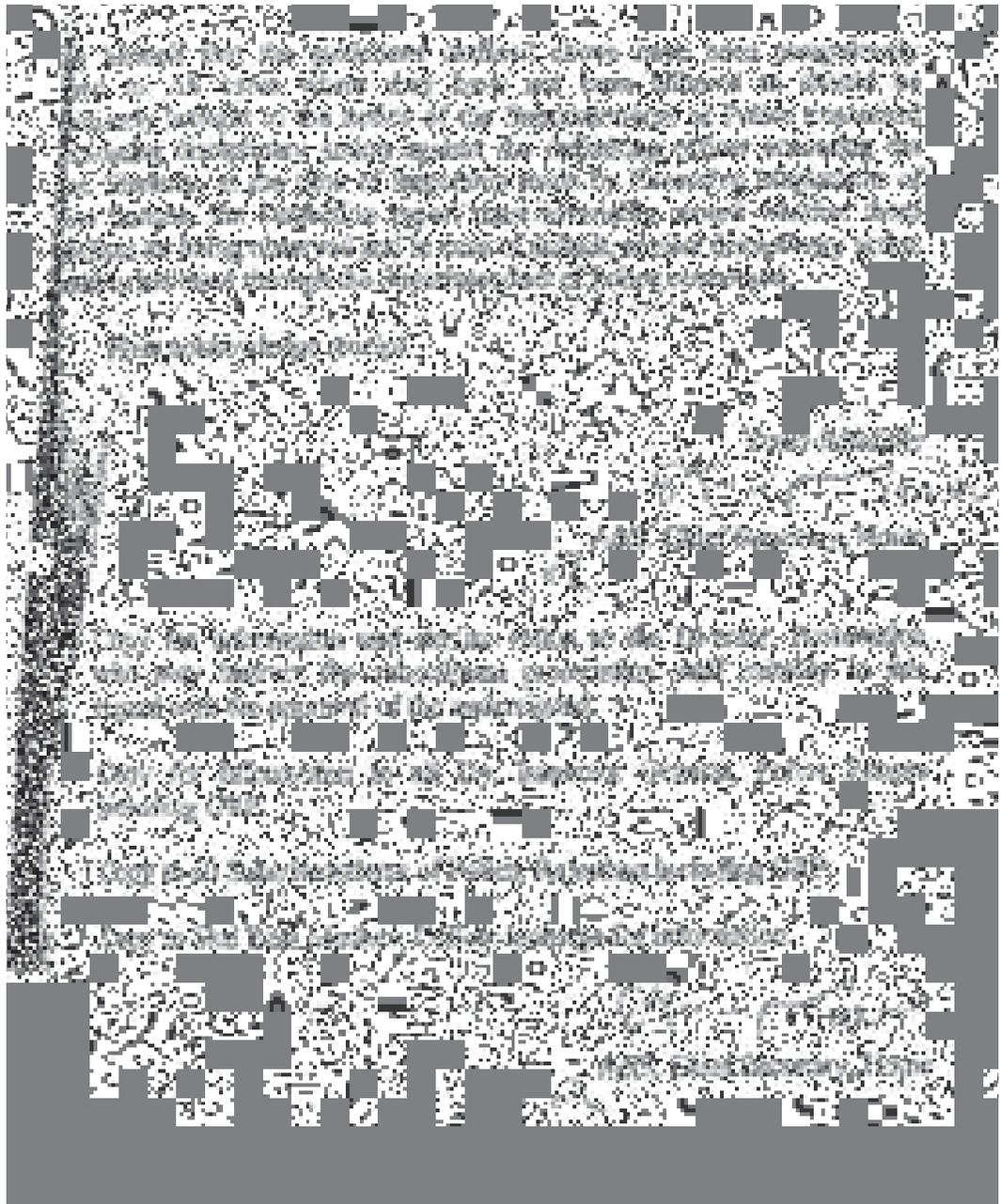
All District Commissioners, Bangladesh
All District Magistrates, Bangladesh

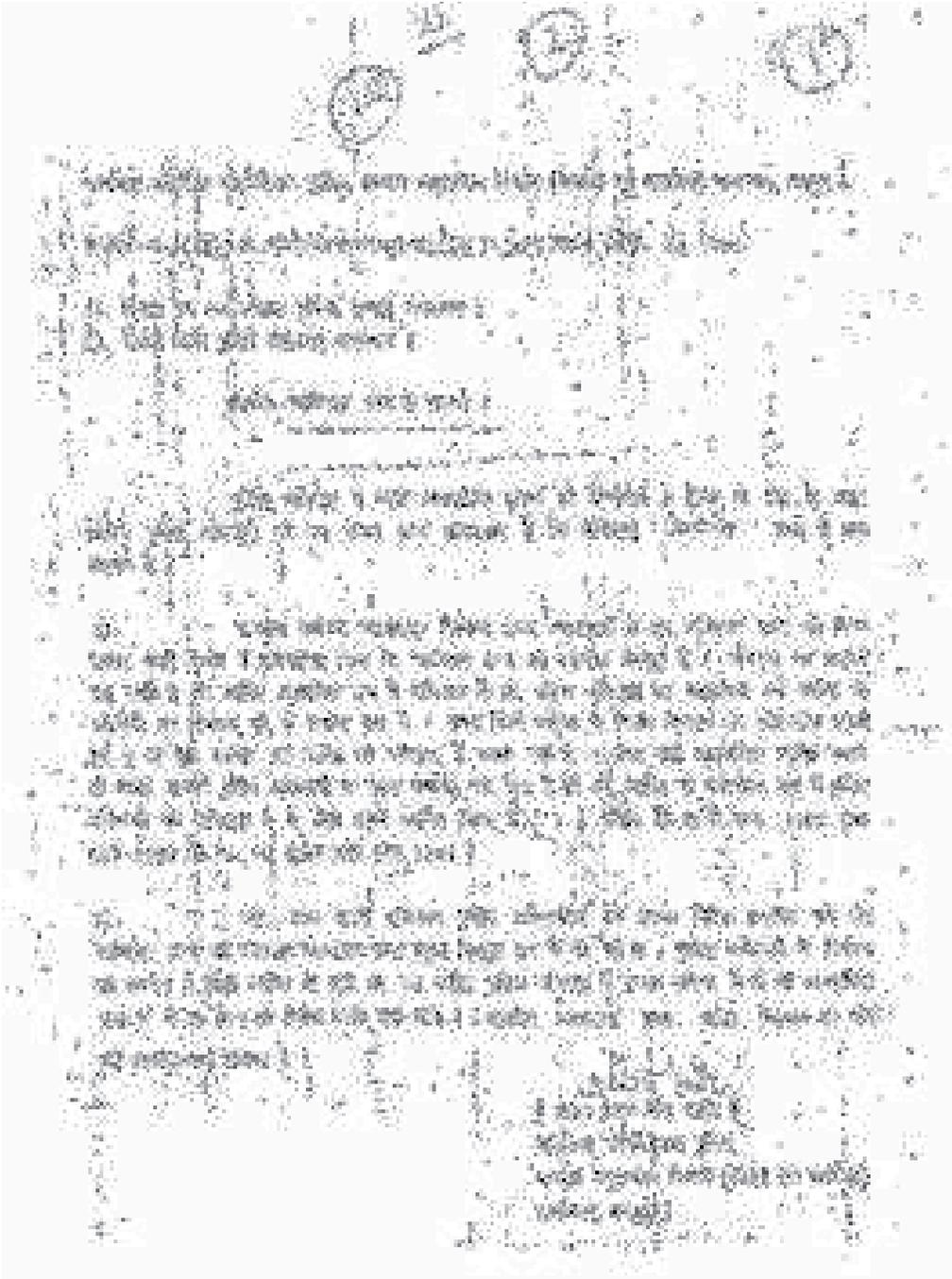
24.

You may be aware that the Hon'ble Supreme Court in its judgment dated 18.12.1958 in the case of D.K. Basu vs State of West Bengal had given you some following directions to regulate the arrest and subsequent interrogation of any person, in any case:-

1. The police personnel carrying out the arrest and handling the interrogation of the arrested should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who bear the responsibility of the arrest must be recorded in a register.
2. That the police officer carrying out the arrest of the arrested shall possess a copy of arrest or discharge of arrest and such copies shall be attested by at least one witness, who may either be a member of the family of the arrested or a responsible person of the locality from where the arrest is made. It shall also be counter-signed by the arrested and shall contain the time and date of arrest.
3. A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have his 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 arresting officers of the name of arrest is himself with a friend or a relative of the arrested.
4. The time, place of arrest and venue of custody of an arrested person must be notified by the police. Where the said friend or relative of the arrested has reached the district or state through the Legal Aid Commission in the District and the police station of the case concerned immediately within a period of 6 to 12 hours after the arrest.

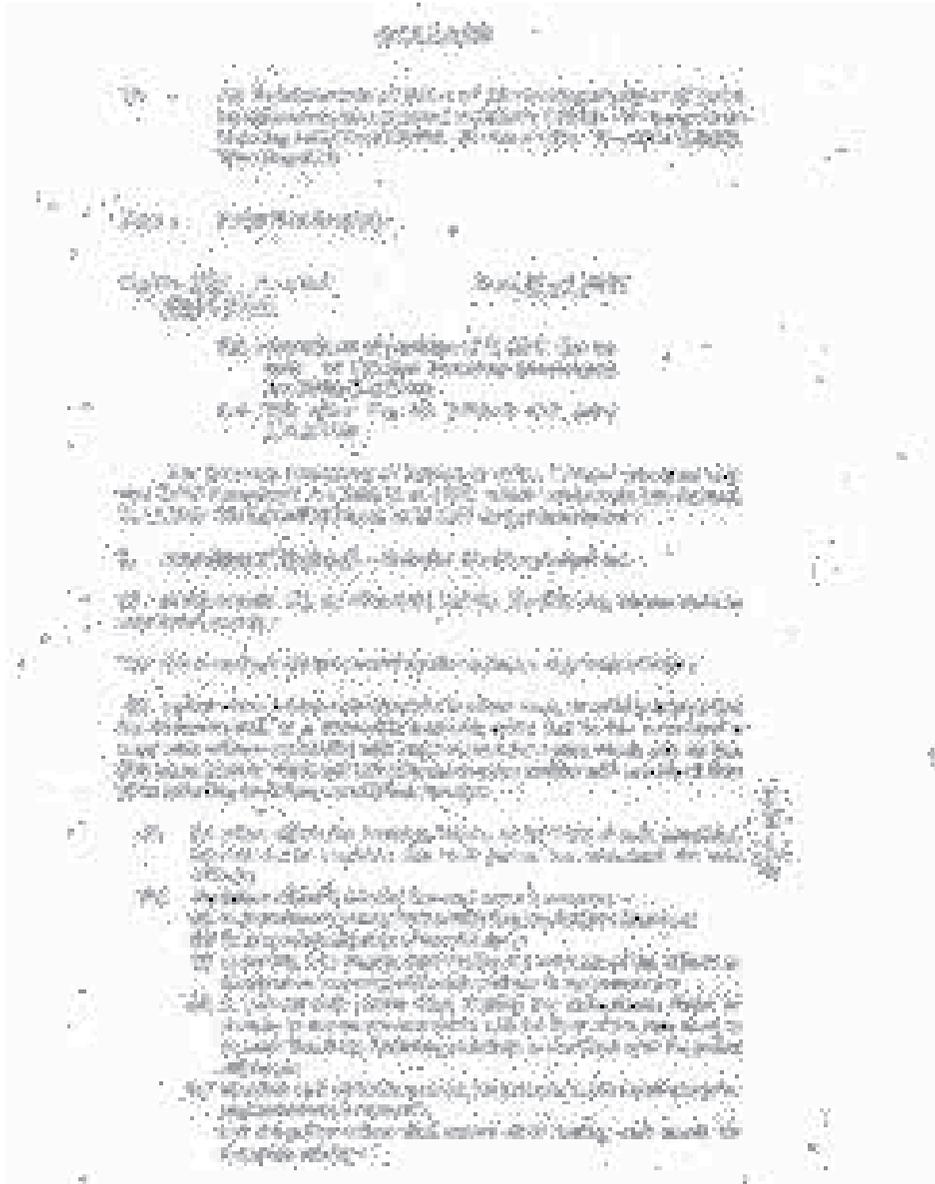






Annexe 22

Circular issued by the Director General of Police, West Bengal



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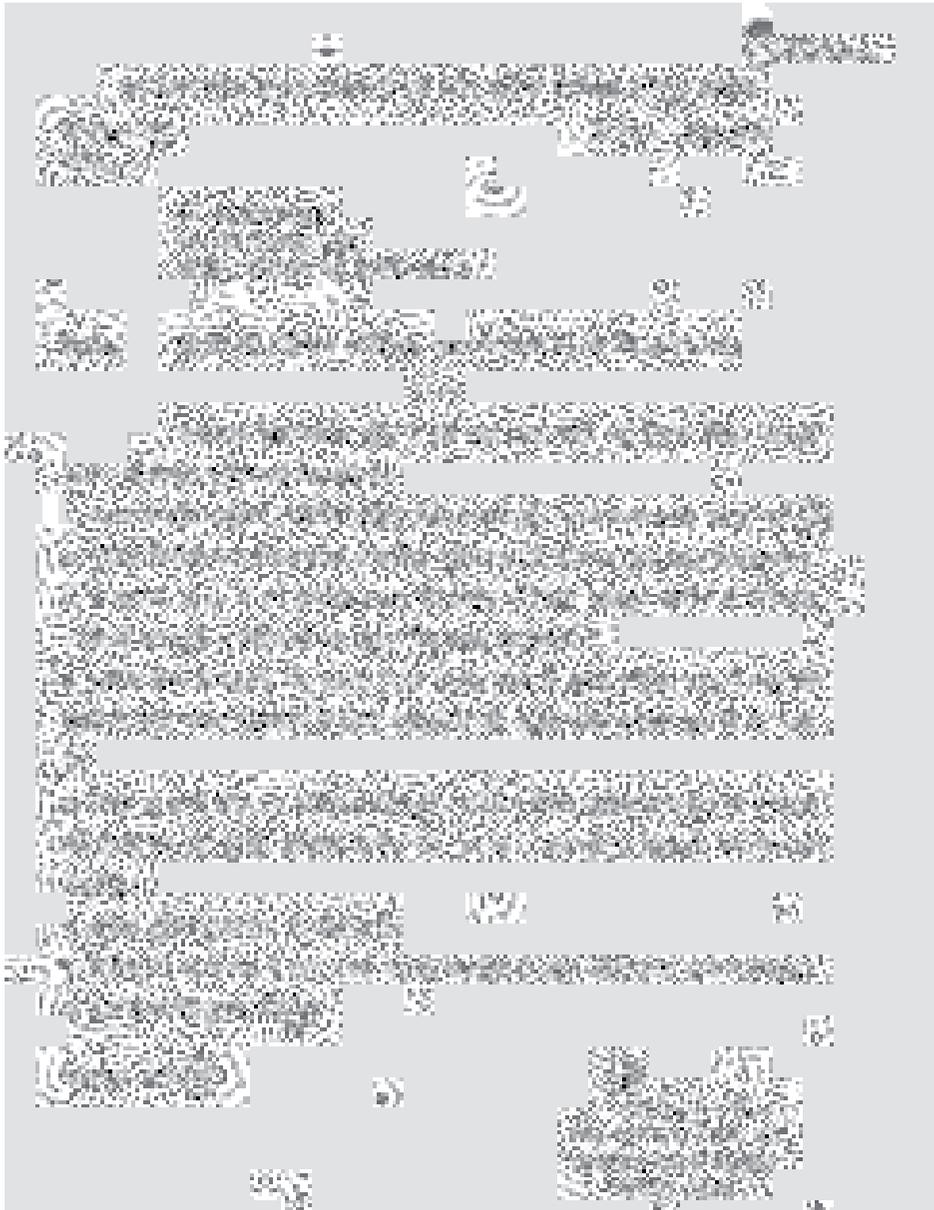
29) ... (text is mostly illegible)

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Annexe 23

RTI reply received from Jodhpur Police (Rural)



CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does this through research, publications, workshops, information dissemination and advocacy.

Access to Justice

Police Reforms: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focussed on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

Access to Information

CHRI is acknowledged as one of the main organisations working to promote access to information across the Commonwealth. It encourages countries to pass and implement effective right to information laws. We routinely assist in the development of legislation and have been particularly successful in promoting right to information in India, Bangladesh and Ghana where we are the Secretariat for the RTI civil society coalition. We regularly critique new bills and intervene to bring best practices into governments and civil society knowledge both in the time when laws are being formulated and when they are first being implemented. Our experience of working across even in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance we have been promoting knowledge about the value of access to information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law. In Ghana as and when the access to information law comes into being we intend to build public knowledge in parallel with monitoring the law and using it in ways which indicate impact of the law on system accountability – most particularly in the area of policing and the working of the criminal justice system.

Strategic Initiatives Programme

CHRI monitors member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: Advocating for and monitoring the Commonwealth's reform; Reviewing Commonwealth countries' human rights promises at the UN Human Rights Council and engaging with its Universal Periodic Review; Advocating for the protection of human rights defenders and civil society space; and Monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

In a series of amendments to the *Code of Criminal Procedure, 1973* (CrPC) in 2009, the Indian Parliament added provisions requiring the Police Headquarters in every State (except Jammu and Kashmir) and Union Territory to publicise information about all arrests made, such as the name of the person arrested, the name and designation of the officer making every such arrest, the time and date of arrest, and the crimes of which every arrested person stands accused. All this information must be collected from every police station every day and displayed at the police control room in every district. Every State Police Headquarters is required to create a database of this information about arrests made by the police and make it accessible to the people.

If implemented, this mechanism for transparency carries the potential to hold police accountable for unlawful arrest practices. Giving the public access to information on arrestees enables anyone to check whether those arrested have been deprived of their liberty legitimately and have had access to justice.

CHRI set out to test the efficacy of these new transparency provisions regarding arrests made by the police. Filing RTI applications in a total of twenty three States across India and in the Union Territory of Delhi, we found that although more than five years had passed since the CrPC's mandate came into effect, less than a handful of States have taken meaningful steps toward compliance with these transparency requirements.

The reasons for these failures are many. Most State Police Headquarters have not issued guidelines with sufficient detail to enable police stations to effectively comply with these transparency requirements. Further, police stations lack the personnel and financial resources to maintain the information, or make it available to the public online. Each of these barriers must be dismantled in order for both access to information and access to justice to be guaranteed. This reports contains our findings from the two-phase study and recommendations for implementing the transparency provisions relating to arrests made by the police.



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