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LAW EXAMS

Tansukh Paliwal (Linking Sir)

एक क्लास

POLICE
ACT, 1861

खल्लास*



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POLICE REGULATION ACT, 1861

पुलिस अधिनियम, 1861

The Police
Act, 1861.

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POLICE ACT, 1861

SCHE. VII
2.

CONSTITUTION BACKGROUND

- **State List : 2.** : Police (including railway and village police)
- **Union List 80.** : Extension of the powers and jurisdiction of members of a police force belonging to any State to any Area/Railway Area **outside that State.**
- **Union List 2A.** : Deployment of any armed force of the Union in any State in aid of the civil power
- **Article : 312(2)** : IAS & **IPS Services** : : India Police Service is trained, recruited and managed by the **central government.** The service also deploys the senior offices to the states.
- **Central government : Coordinating Role** & State Government is in charge of **Supervising its police force.**

IPS

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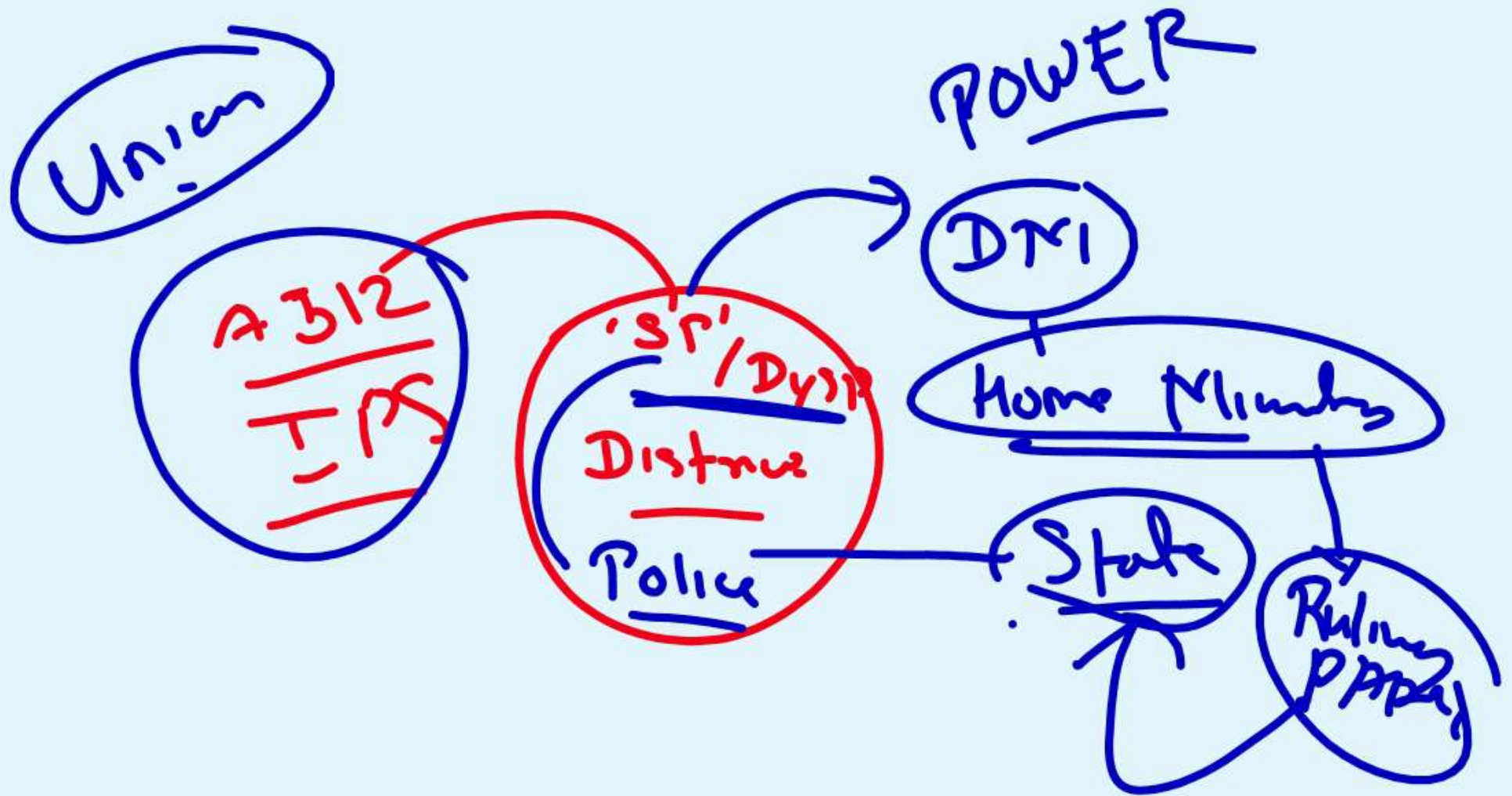


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POLICE ACT, 1861

Police Reform :

<p>1979</p>	<p>National Police Commission (NPC) : To report on policing and give recommendations for reform : Fact : The Commission produced 8 reports, various recommendations and also a Model Police Act <i>Draft</i></p>
<p>1996 1998 ?..</p>	<p>Public Interest Litigation (PIL) by former Director General's of Police (DGPs) in the Supreme Court asking the Court to direct governments to implement the NPC recommendations. ----- 10 year long battle in Court ----- .>> Ribeiro Committee in 1998 >>> Padmanabhaiah Committee in 2000 >>>> The Police Act Drafting Committee (PADC) or Soli Sorabjee Committee >>>>> A new model Police Bill ,2006 <i>Model Police No 2006</i> (to replace the colonial 1861) <i>Zeng</i></p>

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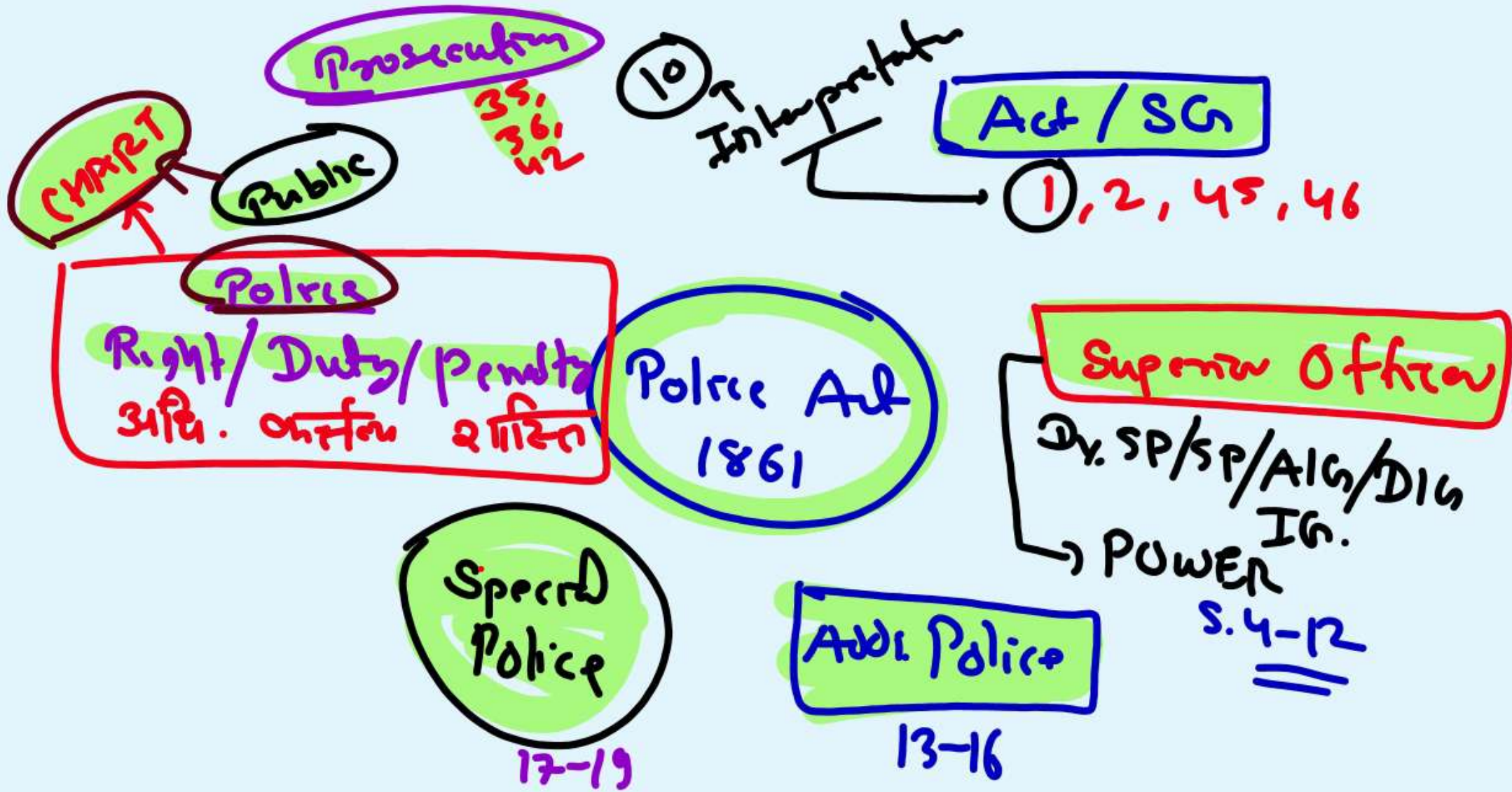
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POLICE ACT, 1861

22 nd Sep.	2006	<p>SC Verdict : Prakash Singh case : 7 Directions to State /UT : Prakash Singh v. Union of India (22nd Sep. ,2006)</p> <ol style="list-style-type: none">1. State Security Commission (SSC)2. DGP is appointed through <u>merit</u>3. minimum tenure of <u>two years</u> for Police4. Separate the investigation and law and order functions of the police5. Police Establishment Board (PEB) to decide transfers, postings6. Set up a <u>Police Complaints Authority (PCA)</u> at state level to inquire into public complaints against police7. Set up a <u>National Security Commission (NSC)</u> at the union level <p>(Fact : So far, only 14 states have either enacted the new Police Act or amended their existing laws to incorporate suggestions)</p>
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POLICE ACT, 1861

BIRD VIEW of Police Act, 1861

✓ Act : General Provision & Role of State Government	1.	10 Interpretation Clauses
	2.	Police Force : Entire Police establishment
	45.	Forms of Returns
	46.	Scope of Act
Power of Superior Police Officer	4 - 12	
Additional Police	13 - 16	
Special Police	17 - 19	
Police Duties & Power	-----see table-----	
Non compliance by Police , Public or other person	-----see table-----	
Prosecution under Act	35 , 36 , 42	

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POWER OF POLICE

IG Power
 Study
 ↳ Distt. : Local
 ↳ M

- 4 : Admn (Gen. Police Dept) → IG
 ↳ (Distt. : Local) DSP
 ↳ ASP
 ↳ Div. IG
 ↳ AIG
- 7 : Non-Compliance CHART
- 8 : do
- 9 : Not to Resign without Leave → DSP
- 10 : Not to engage in other employment
 NOTICE: Min. 2M
 ↳ Except: IG. Expressly Allow. ↳ Superior Officer
- 12. IG Power to Make Rules.



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Addl. POLICE

13

✓ IG/DIG/AIG/DS
✓ On Application

→ Sub to. Direction
of Magistrate

✓ Withdraw: 1M Notice

14

Addl
Police
at
Railway
pt
(IG)

15

Disturb
&
Dangerous
Area
(IG)

16

Recovery

CrPc
421 422

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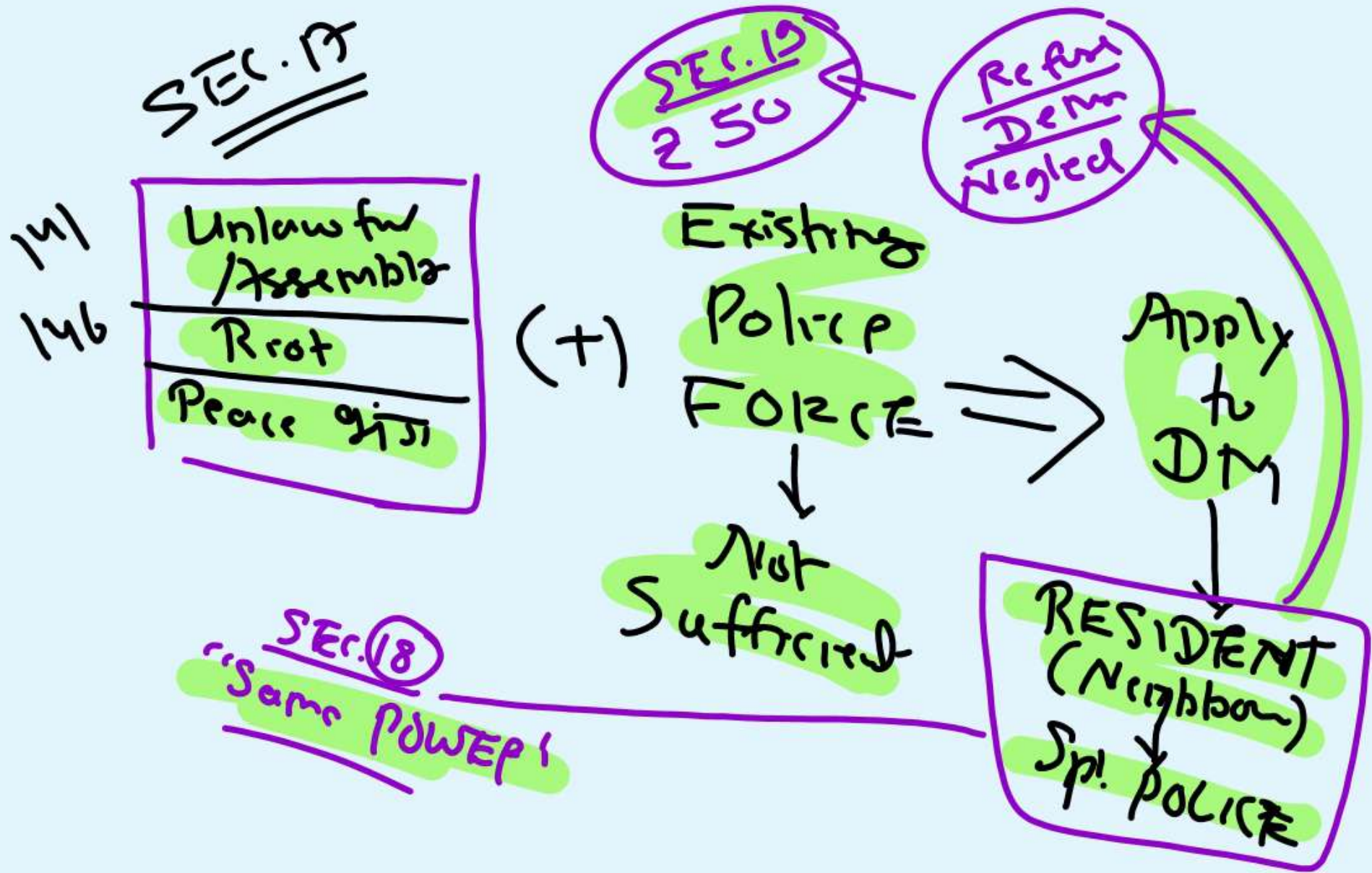
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✓ Sec (45) PO Return: FORM: SG

✓ Sec. 46
Scope

Sur Motu Apply (X)

SG: Publish: OG (✓)
(Wholly/PARTLY)

✓ Sec. 2: Entire Police Estt = POLICE FORCE
(within State)

✓ Sec. 1 10 Clause

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SEC. 7

✓ "Magistrate" = DM

✓ General Police Distt. = PLACE
(सामान्य पुलिस जिला) ↓ Act लागू

✓ Distt. Superintendent inc. **A.SP**

✓ Property, Mo., VS, Money

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~~Army
etc~~

Police
Force

[Railway
Police / Village
Police]

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कार्यवाही

Prosecution

Some offences
Tense
Prosecution
⊗

35

Offence Ag.
PO (> Constable)
⇓
DM

42

3 मही
Limitation
from Date
of
Commit.

36

Not Affected
Prosecution
under other
LAW
[Sub to. S. 300
CrPc]



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POLICE ACT, 1861

Right/POWER

Authority & Duties of Police :

21, 22, 23, 30, 31, 34

*सीमा
Ltr*

<u>Sec.</u>	<u>Nature of Authority/Power</u>	<u>Sec.</u>	<u>Nature of Duty</u>
<u>20</u>	Limited Authority <i>सीमा अधिकार</i>	21	Village Police Officer : Liable only if Enrolled
<u>24</u>	Inform and Apply to Magistrate for <u>Summon</u> , <u>warrant</u> etc	<u>22</u>	→ Always on <u>Duty</u> → Employed in any part of <u>District</u>
<u>25</u>	<u>Take Charge of Unclaimed Property</u> L/w : <u>26</u> Property detained & Issue	23	<u>Six Specific Duties :</u> <i>आदेश</i> i. To obey and execute orders ii. To collect & communicate <u>intelligence</u> affecting the public peace; iii. To <u>prevent offences</u> & public nuisances;

→

सूचना

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POLICE ACT, 1861

1882

1898

1973

	<u>Proclamation</u> (by Magistrate) <u>27. Confiscation of Property</u> , if no claimant appear		iv. To detect & bring offenders To justice v. To <u>apprehend</u> person, whom <u>apprehension</u> is required vi. To <u>enter & inspect</u> any drinking-shop, gaming-house or other place of resort of loose and disorderly characters
43.	Right to take plea of act done under <u>Authority of warrant</u>	30	<u>Regulation of Public Assembly/Procession</u> -- <u>Conduct/Route</u> /License(Free)-- (By DSP/ADSP)
	(प्रतिस्वग)	31	<u>Keep order in public roads/places etc</u>
		44.	<u>OIC(PS) : Keep Diary</u> → Magistrate has right to inspect

जिस्ट्रेट

(अपराधी)

जनसभा

172
Case

OIC (PS) : Diary

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Penalty/Punishment

2/2/2021 1:20 PM

Sec.	Non-Compliance (By Police)	Sec.	Non-compliance/Offence (By Public) / Other Person								
7	<p>Negligent in duty/Unfit (By IG/DIG/AIG/DSP)</p> <p>I. Dismiss/Suspend/Rank Reduce</p> <p>II. Fine: 1 month pay</p> <p>III. Confine (max.15 days) <i>Quota</i></p> <p>IV. Pay Deprivation</p> <p>V. Removal as to Emolument</p>	30A 30A	<p>Violation of Condition of License</p> <p>→ By Magistrate/DSP/ADSP</p> <p>→ Dispersal Order</p> <p>→ If not dispersed, declared it Unlawful assembly</p> <p><i>S 141 IPC</i></p> <p><i>(लिटरे डिमर)</i></p>								
28.	<p>Refuse to Deliver certificate</p> <p>Penalty: Rs.200/- /Imprison 6 months/both</p>	32	<p>Disobey order u/s 30, 30A, 31</p> <p>(By Magistrate) ----- Fine: Rs. 200/-</p>								
29.	<p>Neglect/Violation of Duties</p> <ul style="list-style-type: none"> Penalty : 3 Months Pay or Imprison : 3 months or <p><i>both</i></p> <p>[37] IPC: 64-70</p> <p>CrPC: 421-424</p>	34 ==	<p>Punishment of Certain Offence :</p> <table border="1"> <tr> <td>i. Slaughtering cattle, furious riding, etc</td> <td>v. Throwing dirt into streets</td> </tr> <tr> <td>ii. Cruelty to Animals</td> <td>vi. Found drunk or riotous</td> </tr> <tr> <td>iii. Obstructing passengers</td> <td>vii. Indecent exposure of person</td> </tr> <tr> <td>iv. Exposing Goods for sale</td> <td>viii. Neglect to protect dangerous places</td> </tr> </table> <p>➤ Fine :Rs. 50/- / Imprison : max. 8 days / Both</p> <p>➤ Arrest without Warrant by Police</p>	i. Slaughtering cattle, furious riding, etc	v. Throwing dirt into streets	ii. Cruelty to Animals	vi. Found drunk or riotous	iii. Obstructing passengers	vii. Indecent exposure of person	iv. Exposing Goods for sale	viii. Neglect to protect dangerous places
i. Slaughtering cattle, furious riding, etc	v. Throwing dirt into streets										
ii. Cruelty to Animals	vi. Found drunk or riotous										
iii. Obstructing passengers	vii. Indecent exposure of person										
iv. Exposing Goods for sale	viii. Neglect to protect dangerous places										
<p>37. Penalty and Fine Recover : IPC : Sec. 64-70 & CrPC : Sec. 421-424 apply.</p>											

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Sec 8
CERTIFICATE

Sec. 7
Dismiss

Sec. 28
Returns
Certificate



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एक Class Police Act, 1861
खल्लास
15th May 2022

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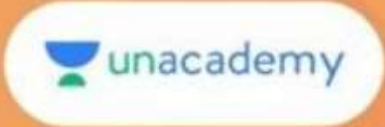
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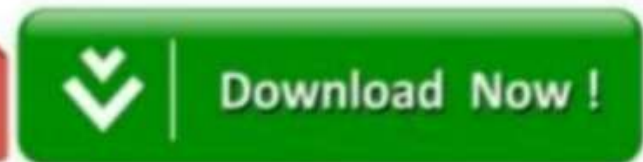
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