

UP APO

LAW EXAMS

Tansukh Paliwal (Linking Sir)



एक क्लास

POLICE ACT, 1861

खल्लास*



**POLICE REGULATION
ACT, 1861**

पुलिस अधिनियम, 1861



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

Union

A 312

T P

'SP' / Dyan

Distraue

Police

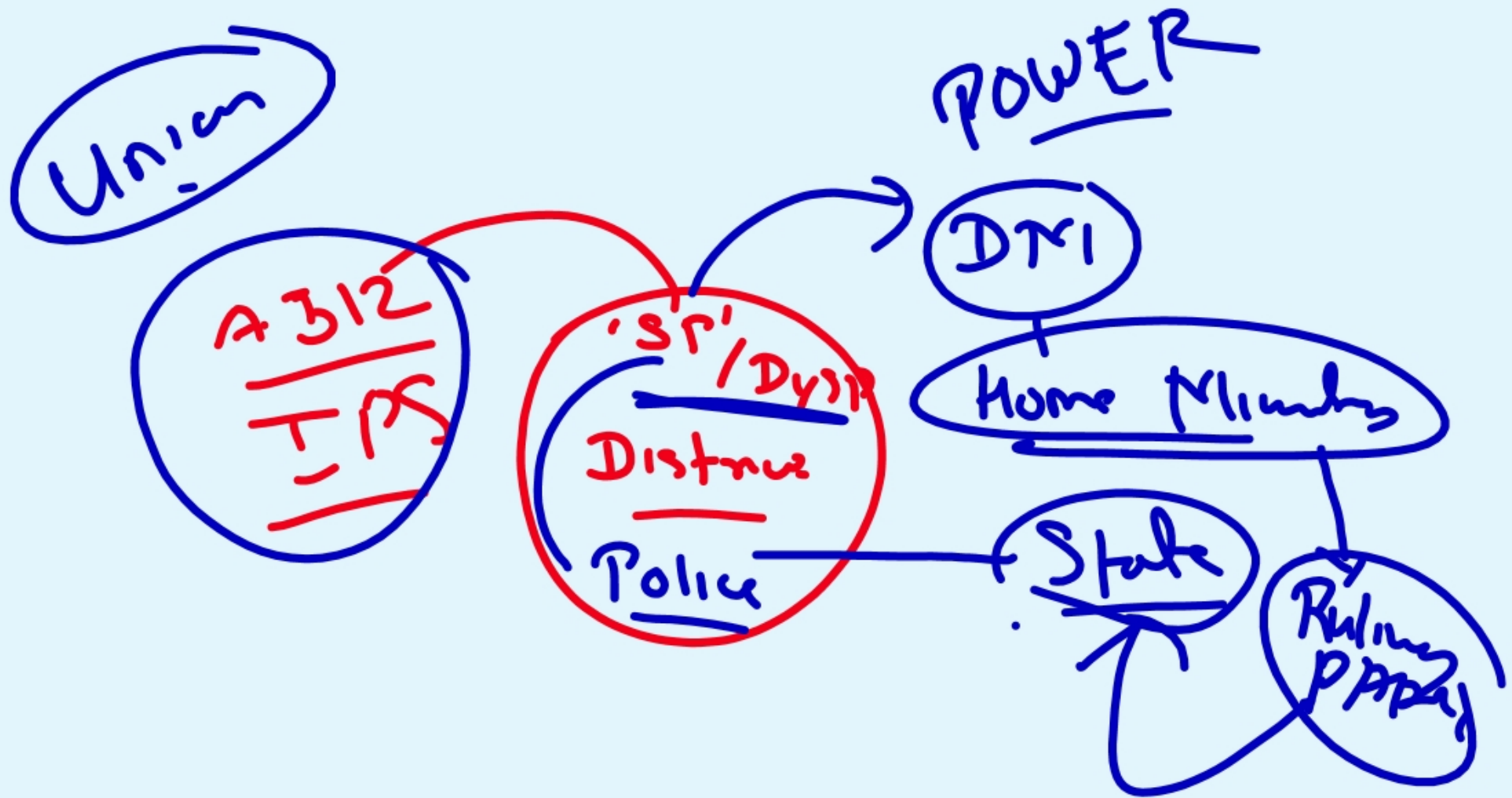
POWER

DTI

Home Ministry

State

Ruling Party



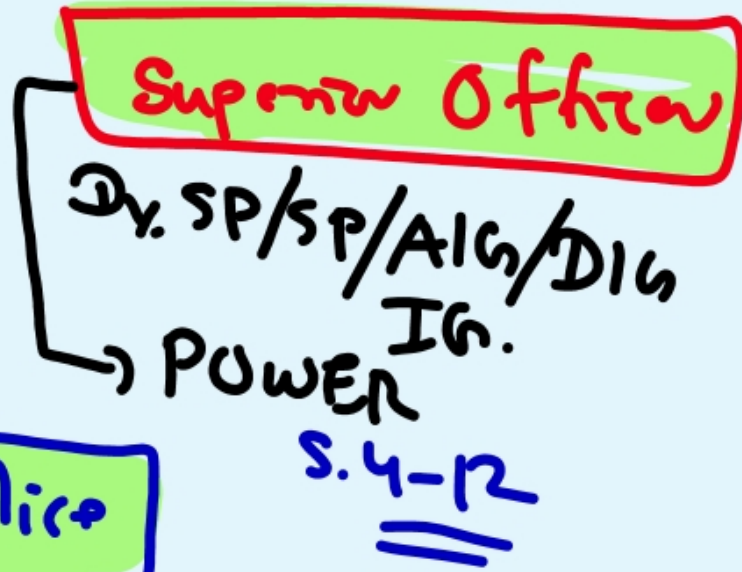
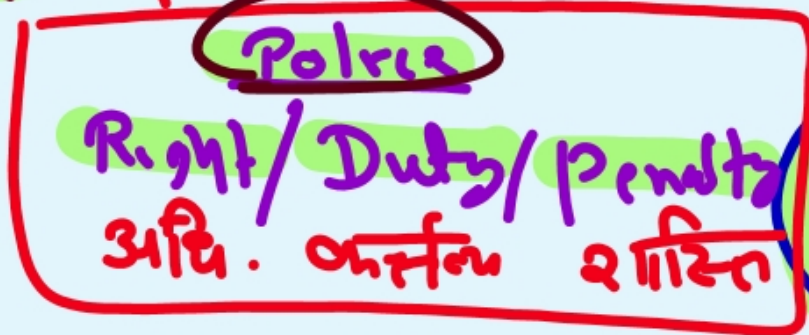
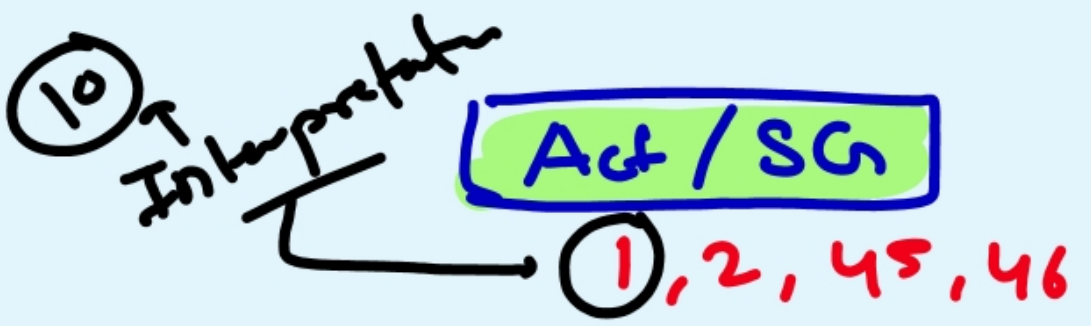
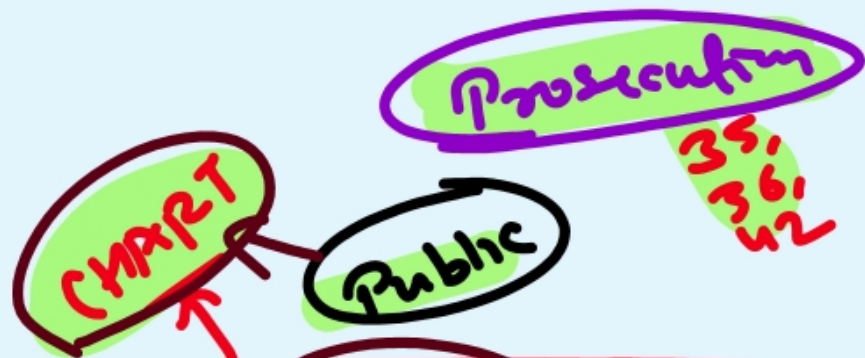
POLICE ACT, 1861

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</p>
<p>1996</p> <p>1998 ?w</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 (to replace the colonial 1861)</p>

Draft

*Model Police No
2006*



POLICE ACT, 1861

22nd
SEP.

2006

SC Verdict : Prakash Singh case : 7 Directions to State /UT : Prakash

Singh v. Union of India (22nd Sep. ,2006)

1. State Security Commission (SSC)
2. DGP is appointed through merit
3. minimum tenure of two years for Police
4. Separate the investigation and law and order functions of the police
5. Police Establishment Board (PEB) to decide transfers, postings
6. Set up a Police Complaints Authority (PCA) at state level to inquire into public complaints against police
7. Set up a National Security Commission (NSC) at the union level

(Fact : So far, only 14 states have either enacted the new Police Act or amended their existing laws to incorporate suggestions)

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	

POWER OF POLICE

IG Power
Study
↳ Distt.
↳ M.

4
5

Admp (Gen. Police Dept)

.. (Distt.: Local)

DSP
ASP

IG
Dv. IG
AIG

7
8

Non-Compliance (HART)

9

Not to Resign without Leave

DSP
Leave

10

Not to engage in Other employment

NOTICE: Min. 2M

[Except: IG. Expressly Allow]

Superna
Officer

12

IG Power to
Make Rules.

Addl. POLICE

13

✓ IG/DIG/AIG/DS
✓ On Application

→ Sub to. Direction
of Magistrate

✓ Withdraw: IM Notice

14

Addl
Police
at
Railway
pt
(IG)

15

Disturb
&
Dangerous
Area
(IG)

16

Recovery

Cyrc
421 422

141
146

SEC. 17

Unlawful Assembly
Riot
Peace 911

(+)

SEC. 19
250

Existing
Police
FORCE

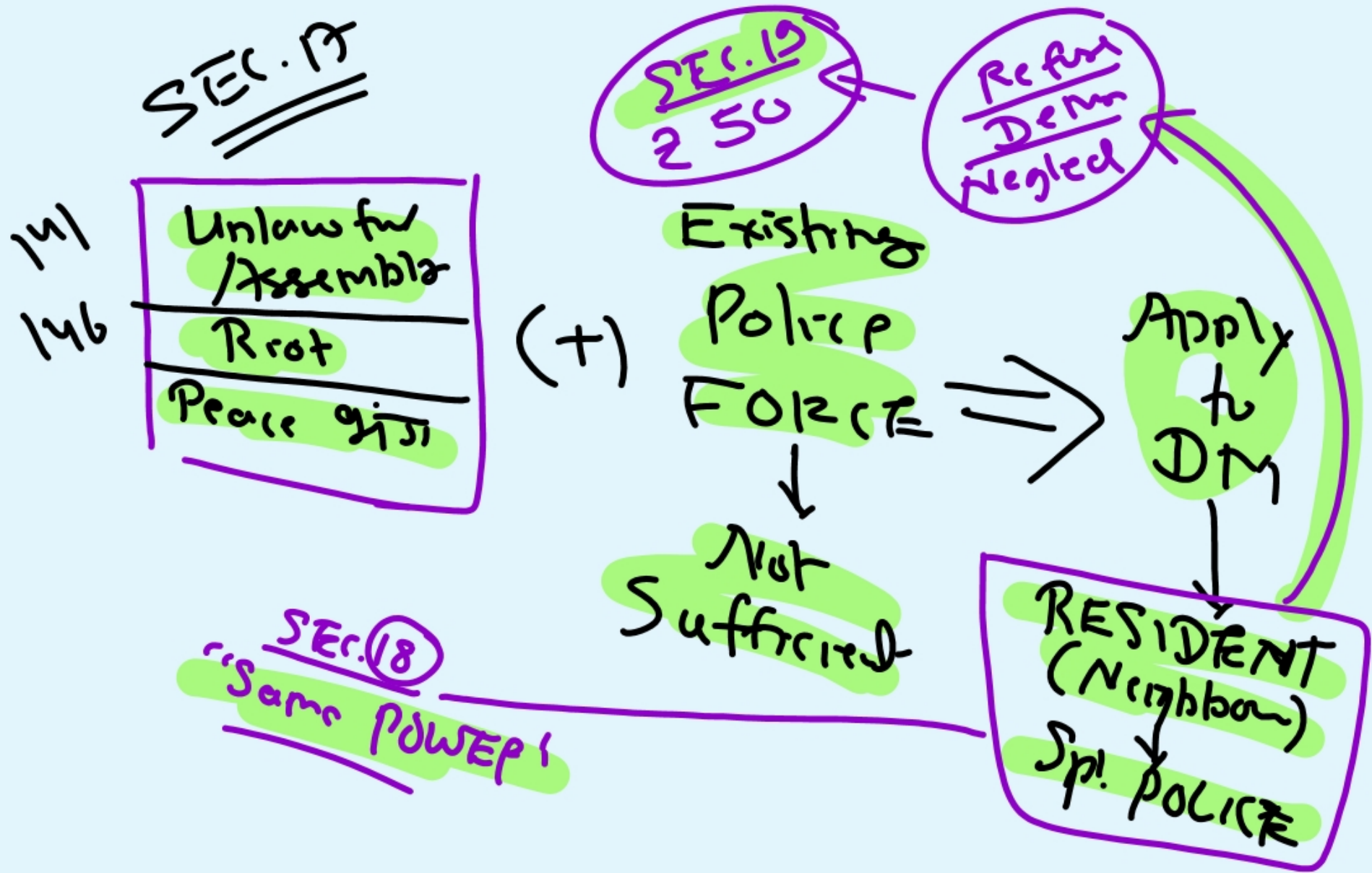
Not
Sufficient

Refused
Demanded
Neglected

Apply
to
DM

RESIDENT (Neighbour)
Sp. POLICE

SEC. 18
Same POWER



✓ Sec. 45 PO Return: FORM: SG

✓ Sec. 46
Scope

Sue Motu Apply (X)

SG: Publish: OG (✓)
(Wholly/PARTLY)

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

✓ Sec. 1 10 claim

SEC. 7

↳ "Magistrate" = DM

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

↳ Distt. Superintendent inc. **A.SP**

↳ Property, Mo., VS, Money
- - - - -

~~Army
etc~~

Police
Fun [Railway
Police / Village
Police]

कार्यवाही

Prosecution

Some
offences
→
Time
Bar
⊗

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]

POLICE ACT, 1861

Right/POWER

Authority & Duties of Police :

21, 22, 23, 30, 31, 34

सीता
Ltr

Sec.	Nature of Authority/Power	Sec.	Nature of Duty
20	Limited Authority रिस्ट्रिक्टेड पावर	21	Village Police Officer : Liable only if Enrolled
24	Inform and Apply to Magistrate for <u>Summon</u> , <u>warrant</u> etc	22	→ Always on <u>Duty</u> → Employed in any part of <u>District</u>
25	Take Charge of <u>Unclaimed Property</u> L/w : 26 Property detained & Issue	23	<u>Six Specific Duties :</u> आदेश 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

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/License</u> (Free)-- (By DSP/ADSP)
	(प्रतिद्वग)	31	<u>Keep order in public roads/places etc</u>
		44.	<u>OIC(PS) : Keep Diary</u> → Magistrate has right to inspect

मिस्ट्रियर

(अपराधी)

जनसभा

172
C.A.

OIC (PS) : Diary

21/11/21 1:20 PM

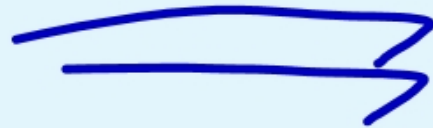
Penalty/Punishment

<u>Sec.</u>	<u>Non-Compliance (By Police)</u>	<u>Sec.</u>	<u>Non-compliance/Offence (By Public) / Other Person</u>		
<div style="border: 2px solid red; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 5px;">7</div> <div style="border: 2px solid red; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 5px;">ART. 311</div>	<p>Negligent in duty/Unfit (By IG/DIG/AIG/DSP)</p> <p>I. <u>Dismiss/Suspend/Rank Reduce</u></p> <p>II. Fine: <u>1 month pay</u></p> <p>III. Confine (max.15 days) <i>Quota</i></p> <p>IV. <u>Pay Deprivation</u></p> <p>V. Removal as to <u>Emolument</u></p>	<div style="font-size: 2em; font-weight: bold;">30A</div> <div style="font-size: 2em; font-weight: bold;">30A</div>	<p>Violation of Condition of License</p> <p>→ By <u>Magistrate/DSP/ADSP</u></p> <p>→ <u>Dispersal Order</u></p> <p>→ If not dispersed, declared it Unlawful assembly</p> <p style="font-size: 1.5em; color: blue;">(सिविल डिपार्ट)</p> <p style="font-size: 1.5em; color: blue;">S 141 IPC</p>		
28.	<p>Refuse to Deliver certificate</p> <p>Penalty: <u>Rs.200/-</u> /Imprison <u>6 months</u>/both</p>	32	<p>Disobey order u/s 30, 30A, 31</p> <p>(By Magistrate) ----- <u>Fine : Rs. 200/-</u></p>		
29.	<p>Neglect/Violation of Duties</p> <ul style="list-style-type: none"> • Penalty : <u>3 Months Pay</u> or • Imprison : <u>3 months</u> or <p style="text-align: center; border: 1px solid blue; border-radius: 50%; padding: 5px; display: inline-block;">both</p> <p style="font-size: 1.5em; margin-top: 10px;">[37] IPC: 64-70 CrPC: 421-424</p>	<div style="font-size: 2em; font-weight: bold;">34</div> <div style="font-size: 2em; font-weight: bold;">=</div>	<p>Punishment of Certain Offence :</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> i. Slaughtering cattle, furious riding, etc ii. Cruelty to Animals iii. Obstructing passengers iv. Exposing Goods for sale </td> <td style="width: 50%; padding: 5px;"> v. Throwing dirt into streets vi. Found drunk or riotous vii. Indecent exposure of person viii. Neglect to protect dangerous places </td> </tr> </table> <p style="text-align: right; margin-top: 5px;"> ➤ Fine :Rs. 50/- / Imprison : max. 8 days / Both ➤ Arrest without Warrant by Police </p>	i. Slaughtering cattle, furious riding, etc ii. Cruelty to Animals iii. Obstructing passengers iv. Exposing Goods for sale	v. Throwing dirt into streets vi. Found drunk or riotous vii. Indecent exposure of person viii. Neglect to protect dangerous places
i. Slaughtering cattle, furious riding, etc ii. Cruelty to Animals iii. Obstructing passengers iv. Exposing Goods for sale	v. Throwing dirt into streets vi. Found drunk or riotous vii. Indecent exposure of person viii. Neglect to protect dangerous places				
<p>37. Penalty and Fine Recover : IPC : Sec. 64-70 & CrPC : Sec. 421-424 apply.</p>					

Sec 8
CERTIFICATE

Sec. 7
Dismiss

Sec. 28
Returns
Certificate



SPECIAL FOR UP APO



एक Class Police Act, 1861
खल्लास
15th May 2022



एक क्लास
11 AM
POLICE ACT, 1861
खल्लास

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YouTube
LINKING LAWS

POLICE ACT, 1861
02:15 PM
MCQ PRACTICE
SESSION

LIVE
FREE
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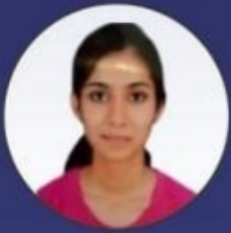
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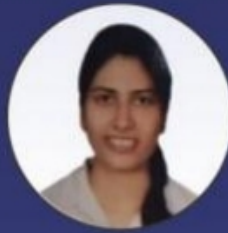
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Jain



Kundan



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