

Kerala Police Act, 2011

8 of 2011

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title, Extent And Commencement
2. Definitions

CHAPTER 2 :- DUTIES AND FUNCTIONS OF POLICE

3. General Duties Of Police
4. The Functions Of The Police

CHAPTER 3 :- THE POLICE STATION

5. Establishment Of Police Stations
6. Government To Provide Sufficient Facilities At Police Stations
7. Citizens Have The Right To Efficient Police Service
8. Rights Of The Public At A Police Station
9. Expenses For Persons In Custody
10. Police Stations To Be Always Functional
11. Special Police Station
12. Police Station Diary
13. Persons Competent To Verify The Station Diary And Custodial Facility

CHAPTER 4 :- GENERAL STRUCTURE OF THE POLICE FORCE

14. Kerala Police
15. Government To Specify Police Structure
16. Police District
17. District Police Chief
18. State Police Chief
19. Co-Ordination By District Magistrate
20. Police Manual
21. Special Wings, Units, Branches, Squads
22. A Police Officer May Himself Perform The Duties Of His Subordinate
23. Separation Of Investigation From Law And Order
24. State Security Commission
25. Functions Of The Commission
26. Evaluation Of Police Performance

CHAPTER 5 :- DUTIES AND RESPONSIBILITIES OF A POLICE

OFFICER

27. Duty Of A Police Officer
28. Response Of A Police Officer
29. Behaviour Of Police Officers
30. Police Officers To Maintain Good Health
31. Police To Keep Information Confidential
32. Police Officers Liable To Explain
33. Police And Public May Keep Audio Or Video Or Electronic Records
34. How To Make Complaints To The Police
35. Police To Behave Decently Towards Witnesses
36. Personal Details For Identification Be Furnished On Demand
37. Entry Of Police In Private Places
38. Police To Interfere For Preventing Offence
39. Lawful Directions Of Police To Be Complied With
40. Removal By Police
41. Police Action In Offences Requiring Special Authorisation
42. Maintenance Of Law And Order And Prevention Of Danger
43. Police Uniform To Be Distinctive, Exclusive And Easily Identifiable
44. Police Duty Vehicles To Be Distinctive, Exclusive And Identifiable
45. Special Powers In Disturbed Areas
46. Restraint On Arrested Persons
47. Keep In Custody Of Insane Persons, Drunkards And Persons With Illness
48. Medical Examination Of The Accused
49. Medical Treatment Of The Accused
50. Action In Respect Of Injury Of Those In Police Custody
51. Service Providers To Maintain Records
52. Service Providers To Give Information To Police
53. Verification Of Antecedents Of Service Providers
54. Service Providers To Report On Stolen Or Lost Or Seeking Articles
55. Storage And Disposal Of Articles Seized By Police
56. Police Action In Respect Of Unclaimed Articles
57. Police To Attempt To Locate Missing Persons
58. Police To Keep Registers In Respect Of Missing Properties
59. Police To Give Certificates Of Non-Involvement In Offences
60. Police To Give Security Advice
61. Police To Regulate And Control Traffic
62. Security Be Given To Individuals And Private Institutions
63. Police Action In Disputes Which May Lead To Cognizable Offence
64. Community Policing
65. Service Of Beat Police
66. Reward To General Public
67. Taking Over Possession Of Building And Premises For Preventing Riot

- 68. Handling Of Accidents Or Disaster
- 69. Actions On The Occasion Of Fire, Disaster Or Accident
- 70. Police Equipment To Be Exempted From Licensing
- 71. Police Officer To Furnish Information, Etc

CHAPTER 6 :- POLICE REGULATIONS

- 72. Traffic Regulatory Committees
- 73. Regulation Of Physical Training
- 74. Power To Cancel Permit
- 75. Power To Prohibit Mass Drill
- 76. Power To Reserve Any Street Or Public Place
- 77. Regulating Nuisance Caused By Noise
- 78. Regulation To Prevent Violence
- 79. Regulation Of Public Assemblies
- 80. District Magistrate To Make Regulations
- 81. Maintenance Of Law And Order At Assemblies Where Disputes Exist
- 82. Persons To Render Essential Services
- 83. Special Security Zones

CHAPTER 7 :- SERVICE CONDITIONS

- 84. Government To Specify Conditions Of Service
- 85. Police Officers Be Subject To Discipline
- 86. Disqualifications For Appointment As A Police Officer
- 87. Oath To Be Taken By Police Officer
- 88. Police Officers Be Given Certificate Of Authority
- 89. Police Officers Be Always On Duty
- 90. Police Officers To Serve In Any Branch
- 91. Police Officers Not To Withdraw From Duty
- 92. Police Officers Not To Engage In Other Employment
- 93. Police Officers Under Suspension Not To Exercise Power
- 94. Duty Time Of Police Officers
- 95. Police Officers Not To Show Cowardice
- 96. Police Officers To Report Corruption And Torture
- 97. Minimum Tenure Of Police Officers
- 98. Special Police Officers
- 99. Prohibition On Acts Of Personal Servitude
- 100. An Act To Be Performance Of Duty Or Not
- 101. Departmental Enquiry Proceedings
- 102. State Police Chief To Codify The Penalties
- 103. Appeal And Revision
- 104. Police Welfare Bureau
- 105. Police Establishment Board
- 106. Functions Of The Board
- 107. Redressal On Complaints Of Subordinates
- 108. Insurance Coverage, Allowances And Medical Facilities
- 109. Police Associations
- 110. Police Complaints Authority
- 111. Complaints Be Given By Elected Representatives

112. Procedure Of The Complaints Authorities Be Expedited

CHAPTER 8 :- OFFENCES AND PUNISHMENTS

113. Protection Of Action Taken In Good Faith

114. Dereliction Of Duty By A Police Officer

115. Bribe Taking And Extortion By Police Officer

116. Vexatious Arrest, Search, Seizure, Violence, Etc

117. Penalty For Interfering In The Functions Of The Police

118. Penalty For Causing Grave Violation Of Public Order Or Danger

119. Punishment For Atrocities Against Women

120. Penalty For Causing Nuisance And Violation Of Public Order

121. Punishment For Offences For Which There Is No Separate Provision

122. Offences By Companies

123. Prosecution Under Other Laws Not Barred

124. Procedural Irregularity Not Material

125. Cognizable Offences And Bailable Offences

126. Compounding Of Offences

127. Criminal Justice Miscellaneous Expenses Fund

128. Power Of Government To Give Directions

129. Power To Make Rules

130. Power To Remove Difficulties

131. Repeal And Saving

Kerala Police Act, 2011

8 of 2011

An Act to consolidate and amend the law relating to the establishment, regulation, powers and duties of the Police Force in the State of Kerala and for matters connected therewith and incidental thereto. Preamble.- WHEREAS it is expedient to provide for a professional, trained, skilled, disciplined and dedicated police system to protect the integrity and security of State and to ensure the rule of law with due transparency and by giving due regard to life, property, freedom, dignity and human rights of every person in accordance with the provisions of the Constitution of India; AND WHEREAS, it is necessary to make capable the police by giving adequate statutory powers and responsibilities to exercise the powers and discharge the duties efficiently; AND WHEREAS, it is necessary to have a Police system which functions in consonance with the modern democratic society and maintains public harmony and law and order; AND WHEREAS, it has become imperative to ensure that the powers vested in the Police shall not be abused and that the activities of the Police are subject to statutory and effective controls; NOW, THEREFORE, it has become imperative to

codify and amend the Law relating to the establishment, regulation, powers and duties of Police force in the State of Kerala; BE, it enacted in the Sixty-first year of Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Kerala Police Act, 2011.
- (2) It extends to the whole of the State of Kerala.
- (3) It shall come into force at once.

2. Definitions :-

- (1) In this Act, unless the context otherwise requires,-
 - (a) "Commission" means the State Security Commission constituted under section 24;
 - (b) "District Magistrate" means the officer responsible for the executive administration of a district, by whatever designation such officer is called;
 - (c) "Government" means the Government of Kerala;
 - (d) "Place" includes any building, tent, booth, vehicle or other constructions, either permanent or temporary and any area including land, sea, backwaters, rivers, canals and atmosphere either enclosed or open;
 - (e) "Police" means and includes all persons exercising the duties and functions specified under sections 3 and 4 and who are authorised under section 88 to do so;
 - (f) "Police Force" means the police force referred under section 14;
 - (g) "Police district" means the local area declared under section 16;
 - (h) "Police officer" means any member of the Police Force and includes in it an officer of the Indian Police Service;
 - (i) "Property" includes money, valuable security and all properties either movable, immovable or digital;
 - (j) "Public place" means any place in which the public have access either as of right or not and includes in it,-
 - (i) any public building, monument and premises thereof; and
 - (ii) any place accessible to the public for drawing water or washing or bathing or for the purpose of travel, recreation, food, rest, treatment, trade, etc. or for any other service;
 - (k) "Service provider" means any person or agency or employee or person in charge of such agency who provide any service to the public or any section thereof with or without collecting any payment

and includes those who provide services such as phone, internet, computer, vehicle, food, water, finance, rent, pawning, hospital, laboratory, sanitation, repair, electricity, deposit, share, construction, security, trade, loan, fuel, rest, recreation and any such other agency which provides any service to the public on demand;

(l) "Street" includes any highway, bridge, way, causeway, road, lane, footpath, square, courtyard, garden path, channel or passage, etc. accessible to the public whether or not it is a thoroughfare;

(m) "Traffic" means any kind of movement of persons, animals, vehicles, vessels or goods along any public place and includes the disposition of vehicles, living things and static objects either temporary or permanent situated in or near any such place affecting in any manner such movement, individually or collectively, of any component among them;

(n) "Vehicle" means any means of transport which carries any person, animal or object and includes in it a carriage, cart, van, truck, handcart, boat, bicycle, tricycle, rickshaw, motor vehicle, vessel or aeroplane.

(2) Words and expressions used and not defined in this Act, but defined in the Indian Penal Code, 1860 (Central Act 45 of 1860) or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall have the meanings respectively assigned to them therein.

CHAPTER 2 DUTIES AND FUNCTIONS OF POLICE

3. General Duties Of Police :-

The Police, as a service functioning category among the people as part of the administrative system shall, subject to the Constitution of India and the laws enacted thereunder, strive in accordance with the law, to ensure that all persons enjoy the freedoms and rights available under the law by ensuring peace and order, integrity of the nation, security of the State and protection of human rights.

4. The Functions Of The Police :-

The Police Officers shall, subject to the provisions of this Act, perform the following functions, namely:-

(a) to enforce the law impartially;

(b) to protect the life, liberty, property, human rights and dignity of all persons in accordance with the law;

(c) to protect the internal security of the nation and act vigilantly

- against extremist activities, communal violence, insurgency, etc;
- (d) to promote and protect arrangements ensuring public security and maintain public peace;
 - (e) to protect the public from danger and nuisance;
 - (f) to protect all public properties including roads, railways, bridges, vital installations and establishments;
 - (g) to prevent and reduce crimes exercising lawful powers to the maximum extent;
 - (h) to take action to bring the offenders to the due process of law by lawfully investigating crimes;
 - (i) to control and regulate traffic at all public places where there is movement of people and goods;
 - (j) to strive to prevent and resolve disputes and conflicts which may result in crimes;
 - (k) to provide all reasonable help to persons affected by natural or manmade disaster, calamity or accident;
 - (l) to collect, examine and, if necessary, to disseminate information in support of all activities of the police and in the maintenance of security of the State;
 - (m) to ensure the protection and security of all persons in custody in accordance with law;
 - (n) to obey and execute lawfully all lawful commands of competent authorities and official superiors;
 - (o) to uphold and maintain the standards of internal discipline;
 - (p) to instill a sense of security among people in general;
 - (q) to take charge of and ensure the security of persons, especially women and children found helpless and without support in any public place or street;
 - (r) to discharge any duties imposed by any law for the time being in force;
 - (s) to discharge such other functions as may be lawfully assigned to them by the Government, from time to time.

CHAPTER 3 THE POLICE STATION

5. Establishment Of Police Stations :-

- (1) The Government may, by notification, and subject to the provisions of section 2 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) establish police stations for every local area for the purposes of this Act.
- (2) The area of jurisdiction of every Police Station and the premises in which it shall function shall be as specified in the notification

issued under sub-section (1).

(3) A Police officer of such rank as may be fixed by the Government and designated as the Station House Officer shall supervise the functions of each police station and that officer shall be the officer in charge of the Police Station.

6. Government To Provide Sufficient Facilities At Police Stations :-

(1) The Government shall, subject to the resources available, ensure that every Police Station has adequate manpower and infrastructure facilities to provide basic police services to all who need the same.

(2) The facilities under sub-section (1) shall include sufficient infrastructure for all police personnel attached to the police station to discharge their duties efficiently, reception area for public with adequate facilities, sufficient storage space for the safe keeping of articles in custody, official records and official arms and ammunition, sufficient facilities for the safe custody of the accused and those in custody, proper communication facilities and sufficient mobility and sufficient equipment including security equipment, electronic devices, arms and forensic equipments to discharge adequately the lawful responsibilities entrusted to the officers of the Police Station.

(3) The State Police Chief shall arrange to review every year the adequacy of facilities available in every police station in the State and take steps to establish facilities which conform to proper standards.

7. Citizens Have The Right To Efficient Police Service :-

All citizens shall have the right to efficient police services from any Police Station.

8. Rights Of The Public At A Police Station :-

(1) Subject to reasonable practicality, all persons shall have the right to receive lawful services from a police station and for peaceful entry and reception at any time at any Police Station.

(2) Any member of the public shall, subject to reasonable restrictions, have the right to meet the officer in charge of any Police Station and to give information on matters and this right shall not be denied without sufficient reasons.

(3) Every police station shall have the facility for women to submit complaints with privacy in the presence of women police.

(4) Any member of the public shall have the right to receive a receipt acknowledging the complaint given by him and to know the stage of the Police action or investigation in respect of the complaint.

(5) The substance of any complaint made orally or in writing by any member of the public in a police station shall be entered in a chronologically and contemporaneously maintained permanent register kept at the police station.

(6) Any citizen shall have the right to know whether any particular person is in custody at the police station.

9. Expenses For Persons In Custody :-

The State Government shall provide with each police station a sum proportionate to the number of persons in custody every month and the period of their custody at the existing Government rate of half the minimum daily wages for unskilled labour for giving food, water and other primary needs of every person in custody.

10. Police Stations To Be Always Functional :-

Every police station shall always be functional for the performance of Police duty and alert for those who need police services.

11. Special Police Station :-

(1) Government may establish Special Police Stations in any area for any particular period or for any particular purpose or for enforcement of any particular law or laws in addition to the police stations notified for any area under section 5.

(2) The buildings in which such special police stations are located, their area, jurisdiction, purpose, period etc shall be notified in the manner specified under section 5.

(3) Nothing contained in sub- sections (1) and (2) shall be deemed to prevent the Government from establishing a special police station in a mobile vehicle or in any temporary office.

(4) Any action taken by a regular police station shall not be invalidated on the ground that it was a matter which could have been entrusted with a special police station.

(5) Each special police station shall be so named as to denote its special purpose and special nature.

(6) The State Police Chief may, by special order, exempt the Station House Officer of a special police station from any responsibility associated with a regular police station and may also entrust him with additional or special responsibilities or that are not assigned to the Station House Officer of a regular police station.

12. Police Station Diary :-

Every police station shall keep a General Diary in such form as may be fixed by the Government from time to time and record therein the substance of all complaints made, First Information Reports, charges, the names and details of complainants, opposite parties and all arrested persons, the details in respect of the offences charged against them and the properties including weapons that may have been seized from their possession or otherwise.

13. Persons Competent To Verify The Station Diary And Custodial Facility :-

(1) All Chairpersons and members of the State Human Rights Commission or the State Womens Commission or the State SC/ST Commission or the State or District Police Complaints Authorities may enter in a Police Station and directly verify the entries in any General Diary maintained under section 12 and the condition of any person kept in custody.

(2) Any person visiting the police station under sub-section (1) shall make a contemporaneous record of his visit in the diary and also communicate as soon as possible to the District Police Chief the summary of his observations and the District Police Chief shall take, as soon as possible, further actions as may be necessary on such observations.

CHAPTER 4 GENERAL STRUCTURE OF THE POLICE FORCE

14. Kerala Police :-

(1) There shall be one unified Police Force for the State of Kerala named the Kerala Police and it may be divided into as many Sub-units, Units, Branches or Wings on the basis of geographical convenience or functional efficiency or any special purpose as may be decided by the Government from time to time.

(2) In the Kerala Police Force, subject to the limit that there being no rank higher than that of the State Police Chief, the officers of various ranks as may be fixed by the Government from time to

time shall be included and these ranks shall, in ascending order, be as follows:-

- (a) Police Constable;
- (b) Police Head Constable;
- (c) Assistant Sub-Inspector of Police;
- (d) Sub-Inspector of Police;
- (e) Inspector of Police;
- (f) Deputy Superintendent of Police;
- (g) Superintendent of Police;
- (h) Deputy Inspector General of Police;
- (i) Inspector General of Police;
- (j) Additional Director General of Police;
- (k) Director General of Police;
- (l) Director General of Police & State Police Chief.

(3) The Government may, by general or special order, specify that any other phrases used to denote any Police rank either in the Kerala Police or any other State or Central Government shall be deemed to be equivalent to anyone among the above ranks.

(4) Nothing contained in sub-section (2) shall be deemed to prevent the power of the Government in creating a new rank or in giving a new designation to a rank specified therein.

15. Government To Specify Police Structure :-

(1) Subject to the provisions of this Act, the Police Force shall consist of such numbers in each rank and have such structure, form, offices, jurisdictional patterns, chain of command and such administrative powers, duties and functions as may be fixed by the Government by general or special order.

(2) In metropolitan areas having more population and complex law and order problems, a Metropolitan Police system having more expertise, unitary nature, lawful power and responsibility should be established.

(3) Government shall by notification constitute a special police structure for metropolitan areas sufficient to deal with the problems in such areas.

(4) In a metropolitan area for the administration of the police a Police Officer not below the rank of a Deputy Inspector General of Police shall be appointed as Commissioner.

(5) The Commissioner and such other officers under the Commissioner shall have such powers and responsibilities as may be fixed by the Government:

Provided that the Commissioner and other officers shall function under the control of the Director General of Police.

(6) In areas having Metropolitan police system the Commissioner may exercise all or any of the powers vested with a District Magistrate under this Act or the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or any other State Laws subject to the terms and conditions as may be fixed by the Government.

16. Police District :-

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

Provided that in one Police District areas of more than one revenue District shall not be included.

17. District Police Chief :-

(1) The police and the police stations of a Police District shall, subject to such orders as may be issued by the Government and subject to the supervision and lawful command of the State Police Chief, function under the supervision and control of a District Police Chief of such rank as may be fixed by the Government and such police officers of such rank as may be fixed by the Government shall assist him in the matter.

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

18. State Police Chief :-

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

(2) The State Police Chief shall be appointed by the Government from among those officers of the State Cadre of the Indian Police Service who have already been promoted to the rank of Director General of Police, taking into account the ability to lead the Police Force of the State, the overall history of service, professional knowledge and experience:

Provided that where in a case or disciplinary proceedings, for and on behalf of the State a change has been given or is pending against an officer before any Court or Tribunal or departmental

agency, that officer shall not be appointed as the State Police Chief.

(3) Any person who performs any functions of the police in the State of Kerala in exercise of the powers under this Act shall be officers subordinate to the State Police Chief.

(4) Such number of officers of different ranks as may be decided by the Government from time to time shall assist the State Police Chief.

(5) No officer senior to the State Police Chief shall be appointed in the Kerala Police.

19. Co-Ordination By District Magistrate :-

(1) In order to ensure the efficient general administration of the District, the District Magistrate shall have the authority to co-ordinate the functioning of the Police in the following matters with other agencies connected with the administration of the District:-

a) matters relating to the promotion of land reforms and the settlement of land disputes;

b) matters relating to extensive disturbance of the public peace and restoration of tranquility;

c) matters relating to the conduct of elections to any public body;

d) matters relating to handling of natural calamities and the rehabilitation of the persons affected by natural calamity;

e) matters relating to situations arising out of any external aggression; and

f) any other similar matters that does not come within the purview of any one department and affecting the general welfare of the people of a District.

(2) For the purpose of such co-ordination the District Magistrate may,-

a) call for information of a general or special nature, as may be necessary, from the Police and other agencies connected with the general administration of the District;

b) call for a report regarding the steps taken by the Police or other agencies in handling the situation;

c) give such directions to the Police and the connected agencies in respect of matters as the District Magistrate deems necessary;

d) for the purpose of co-ordination, the District Magistrate may ensure that all departments of the District whose assistance is required for the efficient functioning of the Police is rendering all necessary assistance to the District Police Chief.

20. Police Manual :-

(1) The State Police Chief may, from time to time, issue and compile, subject to the power of the Government to modify or annul, standing orders and guidelines, not inconsistent with this Act and the rules made there under, generally for the efficient discharge of all Police duties and functions and specially for the supervision of the Police, administration of the police force, the special duties of the members or of each rank or of each category of the police force, internal system of inspection, records to be maintained, arms, equipments, objects necessary for the execution of duties, collection and communication of intelligence and information, the manner of performance of duties and the manner of prevention of abuse of power and the failure in the performance of duties.

(2) The compilation of such orders and guidelines issued by the State Police Chief, and of any orders and directions issued by the Government in respect of the same shall be known as the Police Manual.

(3) The State Police Chief may, subject to the approval of the Government, amend any provision in the Manual, if circumstances so warrant.

21. Special Wings, Units, Branches, Squads :-

(1) Government may, in order to assist the State Police Chief or other Police functionaries or District Police Chiefs or to assist the police in general in their duties and functions, by general or special order, create and maintain any Wing or Special Unit, Specialized Branch or Special Squad, etc. of such strength, internal units, powers, duties, jurisdiction and internal or external supervisory structure as may be fixed by the Government by order.

(2) The Government may create units or make special arrangements inter alia, for the following matters, namely:-

(a) collection of intelligence directly or indirectly affecting National Security, security of the State, maintenance of law and order, maintenance of public safety, prevention of crime, security of vital installations and individuals facing grave threats from terrorists or extremists;

(b) investigation of complicated, heinous, sensational or specially important crimes;

(c) traffic control;

(d) police service related to coastal, river and backwater areas and

police service for the protection of tourists and pilgrims;

(e) police service on the Railways;

(f) collection, collation, indexing and analysis of data and intelligence relating to crime and criminals and the functioning of a Bureau of Missing Persons;

(g) Juvenile Police Units for the special protection of children who reach the Police Station either as accused or as victims of crime.

(h) helping Police offices and officers in selecting, using and utilizing computers and other digital services and developing software necessary for the purpose;

(i) maintenance of the telecommunication and digital communication networks for Police purposes;

(j) identification of individuals and objects by means of fingerprints, photography or any digital or biometric technique;

(k) maintaining a well-trained reserve force with proper chain of command to be deployed whenever and wherever the district police or the local police stations fall short of manpower for the proper discharge of any police function;

(l) training of recruits and of those in service, in respect of general matters related to police services and for any other individual or group as may be fixed by the Government;

(m) specialised response units like control rooms equipped to respond to crime, calamity or accident etc;

(n) enforcement of any local or special law or special enforcement of law in any area;

(o) digital and cyber policing;

(p) forensic support services for effectively assisting in the duties and functions of the police;

(q) administrative support services for Police functioning in terms of processing of matters of administration, finance and documentation;

(r) general support services necessary to help in the functioning of Police institutions and offices of various types and to discharge essential functions like cleaning, grooming, cooking, maintenance of equipments and areas etc;

(s) studies, research and development support for various policing related social and professional matters and for the development of modern Police services and preventive - investigative techniques.

(3) The Government shall equip these units and arrange necessary training to officers to enable such units to function at a high level of technical and professional competence.

(4) The Units constituted under sub-section (1) may consist of Police

Officers of designated ranks or non-police personnel or both as may be specified by the Government and the Government may prescribe their conditions of service, special allowances payable to them, special qualifications and skills necessary and special facilities to be made available to them individually or collectively.

22. A Police Officer May Himself Perform The Duties Of His Subordinate :-

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

23. Separation Of Investigation From Law And Order :-

(1) The Government may, having regard to the population of an area or the circumstances prevailing in an area, by order, separate the investigating Police from the law and order Police in such area as may be specified in the order to ensure speedy, effective and professional investigation.

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

24. State Security Commission :-

(1) The Government shall, by notification in the official Gazette, constitute a State Security Commission for discharging such functions and duties assigned under this Act.

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

(i) the Minister in-charge of Home Department who shall be the Chairman;

(ii) the Minister in-charge of Law;

(iii) the Leader of Opposition;

(iv) a retired Judge of the High Court nominated by the Chief Justice of the High Court of Kerala;

- (v) the Chief Secretary- ex-officio;
 - (vi) the Secretary to Government, Home Department- ex-officio;
 - (vii) the State Police Chief- ex-officio;
 - (viii) three non-official members, who shall be persons of eminence in public life with wide knowledge and experience in maintenance of law and order, administration, human rights, law, social service, management of public administration, nominated by the Governor of whom one shall be a woman.
- (3) The State Police Chief shall be the Secretary of the Commission.
- (4) Every nominated member shall, unless they vacate their offices earlier by resignation, death or otherwise, hold office for a period of five years and shall be eligible for re-nomination.
- (5) If a nominated member of the Commission is absent without sufficient cause for more than three consecutive meetings thereof, the Chairman of the Commission may remove such member from the membership of the Commission:
- Provided that no member shall be removed under the provisions of this sub-section except after giving him a reasonable opportunity for showing cause against such removal.
- (6) Any nominated member of the Commission may resign his office by giving notice in writing of his intention to do so to the Chairman and on such resignation being accepted, he shall be deemed to have vacated his office.
- (7) The vacancies arising in the Security Commission shall be filled up within three months.
- (8) The Commission shall regulate its own procedure and the conduct of the business transacted by it.
- (9) The fees and allowances payable to the nominated members of the State Security Commission and their conditions of service shall be such as may be prescribed.

25. Functions Of The Commission :-

- (1) The Commission shall have the following functions, namely:-
- (a) to frame general policy guidelines for the functioning of the Police in the State;
 - (b) to issue directions for the implementation of crime prevention tasks and service oriented activities of the Police;
 - (c) to evaluate, from time to time, the performance of the Police in the State in general;
 - (d) to prepare an annual report of the activities of the Commission and submit it to the Government; and

(e) to prepare the guidelines for the changes to be carried out, from time to time, in the state police;

(f) to discharge such other functions as may be assigned to it by the Government.

(2) The report submitted by the Commission under clause (d) of sub-section (1) shall, on receipt, be placed before the Legislative Assembly.

(3) No act or proceedings of the Commission shall be deemed to be invalid merely by reason of any vacancy in the Commission at the time any such act or proceedings was done or issued.

(4) Notwithstanding any guidelines or directions issued by the Commission, the Government may lawfully issue such directions as it deems necessary on any matter, if the situation so warrants, to meet any emergency.

(5) The directions of the Commission shall be binding on the Police Department:

Provided that the Government may, for reasons to be recorded in writing, fully or partially, reject or modify any recommendation or direction of the Commission.

26. Evaluation Of Police Performance :-

(1) The State Security Commission, shall every year, appoint a panel of three experts, familiar with the functioning of the Police or public administration or sociological or criminological studies, to evaluate the performance of the Police in the previous financial year and to suggest the performance standards for the succeeding financial year.

(2) The members of the panel appointed under sub-section (1) shall not be continued as members continuously for more than two terms.

(3) The State Security Commission may fix the criteria for evaluating the performance of Police activities by discouraging the preparation by Police the crime statistics by consciously limiting the registration of crimes and taking care to avoid considering such statistics as proof of reduction of crime and taking care to evolve standards of qualitative excellence in relation to manpower utilization and resource utilization in the Police Department, different services rendered by Police and Police activities in all fields.

(4) The State Security Commission shall every year fix performance

standards to be attained by various units and branches in the succeeding financial year and the same shall be communicated to the concerned before the first day of March in the current financial year.

CHAPTER 5 DUTIES AND RESPONSIBILITIES OF A POLICE OFFICER

27. Duty Of A Police Officer :-

It shall be the duty of every police officer to undertake all reasonable and lawful activities for the efficient and effective discharge of police duties specified under this Act in respect of the discharge of duties entrusted with him.

28. Response Of A Police Officer :-

Every police officer on duty shall remain in a state of mental and physical alertness and respond as quickly as practically possible to any situation that comes to his notice in respect of which Police are lawfully required to discharge their duties.

29. Behaviour Of Police Officers :-

- (1) All Police officers on duty, in their dealings with the public, shall exhibit courtesy, propriety and compassion appropriate to the occasion and use polite and decent language.
- (2) The police officers shall not use force against anybody or threaten that force be used or take any adverse police action or legal action unless it is necessary to carry out any lawful purpose.
- (3) The police officers shall exhibit special sympathy in their dealings with the victims of crimes and give due consideration to the special needs of women, children, senior citizens and the differently abled.
- (4) The police officer shall give up unnecessary show of aggression and avoid intemperate behaviour even on provocation.
- (5) The police officer shall not misbehave or use indecent language to anyone in their care or custody.
- (6) The police officer shall ensure themselves that they appear in public place in good physical grooming and are not in a sloppy or unclean or untidy state, unless the same was caused by the diligent performance of any duty at that time.

30. Police Officers To Maintain Good Health :-

(1) All police officers shall maintain good physical and mental health.

(2) The State Police Chief may, subject to any direction that may be issued by the Government in this regard, specify the standards of physical and mental efficiency to be maintained by a police officer, by giving due consideration for age, gender, nature of duties and the general standards prevalent in the society.

(3) No police officer shall be discriminated by reason of failure in maintaining the physical health standard according to the standards specified under sub-section (2) due to any injury or the circumstances faced in the discharge of duty or a long time chronic ailment:

Provided that subject to the norms and procedures prescribed by the Government, a person who is physically and mentally unfit to discharge Police duties shall be discharged from service by giving compulsory pension or special benefits.

(4) Government shall, subject to resources, provide special arrangements for giving incentives and infrastructure facilities for the promotion of physical and mental health among members of the Kerala Police.

31. Police To Keep Information Confidential :-

(1) All information collected by the police in respect of the activities of any individual or institution, in the course of discharge of their duties shall be kept confidential except for the purpose of using such information for any official needs.

(2) Official purposes shall include publication of the said information for the detection of or prevention of crimes.

(3) No persons in custody shall be paraded or allowed to be photographed and no press conference shall be conducted without the permission of State Police Chief for the purpose of publishing the same in the news paper or in any visual media.

32. Police Officers Liable To Explain :-

(1) Any person or his representative in interest shall have the right to seek and be informed of the reason for any police action which adversely affected his body or property or reputation.

(2) A Police Officer while performing any act which is likely to endanger or adversely affect the body, property or reputation of any person, shall, as is reasonably practicable under each particular

circumstance, maintain records of his actions which are done under any law or order of the State Police Chief which governs such acts as may be prescribed by any law governing such act or as ordered by the State Police Chief:

Provided that nothing in this section shall prevent the denial of furnishing information to any person on the ground that it will be prejudicial to the interest of an ongoing investigation or trial or security of the State.

33. Police And Public May Keep Audio Or Video Or Electronic Records :-

(1) The Police may make and keep audio or video or electronic records of any activity performed by them during the discharge of their duties and such records may be used in any proceedings in which the correctness of Police action is called in question.

(2) No Police Officer shall prevent any member of the public from lawfully making any audio or video or electronic record of any Police action or activity carried out in a public or private place.

34. How To Make Complaints To The Police :-

Subject to the provisions of the Criminal Procedure Code, 1973 (Central Act 2 of 1974), a complaint to the Police may be made orally or in writing or by gestures or by signals or by digital or electronic means and the concerned Police Officer is bound to take appropriate legal action thereon.

35. Police To Behave Decently Towards Witnesses :-

(1) Where any person who is acquainted with the facts and circumstances of any matter which is to be legally enquired into by a Police Officer in his official capacity may take steps to seek and understand that matter from such person, ensuring that such person is not unnecessarily disturbed.

(2) All such persons shall, normally, be approached at their residence or place of work when they are available there and no children, women or senior citizens shall be summoned to the police station for the purpose.

(3) Any such person who put to serious inconvenience leading to the loss of his wages for any day on account of assisting the Police for seeking and understanding any fact or circumstance, shall be paid an amount from the Criminal Justice Miscellaneous Expenses

Fund as may be determined by the State Police Chief, subject to the norms as may be prescribed.

36. Personal Details For Identification Be Furnished On Demand :-

(1) Every person shall furnish his personal details to identify him if so required by a Police Officer on sufficient reasons.

(2) Such police officer may take appropriate and reasonable steps for establishing the identity of a person and for this purpose, such Police Officer may create and prepare such personal identification records as may be appropriate for each circumstance.

(3) No person shall, by reason of the authority under this section, be arrested or kept in custody or subjected to any restriction on movement in any manner, merely on the ground that the details of identity furnished by such person needs to be verified.

(4) All police officers exercising authority under this section shall wear identity badge or card in such a manner as to be visible to others and show such official identity record on demand by any person.

37. Entry Of Police In Private Places :-

Every Police Officer, if he has good and sufficient reasons, for which he shall be accountable and responsible, shall have power to enter in any private place by giving due consideration for custom, decency, privacy and propriety, for the purpose of ensuring security or for preventing imminent danger:

Provided that the Police Officer shall, as far as possible, strive to obtain the cooperation and consent of the person in charge of the building and premises before exercising the said power.

38. Police To Interfere For Preventing Offence :-

(1) Any Police Officer shall lawfully interfere to prevent and stop to the best of his ability any offence going on or about to take place in his presence or vicinity.

(2) For this purpose, he may lawfully demand and accept the services of any able-bodied adult person on the place and no person shall disobey, without reasonable cause, the lawful and reasonable directions so given by the said Officer present at the place.

(3) No Police Officer shall arrest or remove a person solely on the

ground that he disobeyed such directions. Moreover, no legal proceedings shall be initiated against such person without the prior permission of the District Police Chief, on the ground that he failed to render the services sought for.

39. Lawful Directions Of Police To Be Complied With :-

(1) All persons shall comply with the lawful directions given by a Police Officer for the discharge of his functions under the Act.

(2) For ensuring the compliance of any lawful direction during the discharge of any lawful duty conferred on any Police Officer under this Act or any rule, regulation or order made thereunder, a Police Officer may,-

(a) warn a person, who is about to commit an offence punishable under any law or any rule or order made under any law, for preventing the same;

(b) require any person to comply with any law which specifies the manner in which such person shall act on his own matter or in the matter of another person or on any matter under his charge;

(c) subject to the provisions of clauses (a) and (b), a police officer may arrest any person who is committing an offence or has committed an offence in his presence if such arrest is considered lawfully necessary;

(d) seize any articles which is used or about to be used for committing the offence;

(e) seize any article relating to which an offence has been committed, if such seizure of that article is necessary for preventing such offence or for investigating such offence.

40. Removal By Police :-

(1) Where five or more persons, at a place where the public are present, resist, refuse or fails to comply with any direction given by a police officer, such police officer may, without prejudice to any other action he may take under any provision of this Act or any other law remove such persons to a nearby and advertised area where the public have entry and they shall be released at the earliest after seeking and recording their names and addresses:

Provided that under any circumstance, the persons so removed shall not be kept for more than three hours.

(2) Such mass removal and release thereof within three hours shall not be deemed to be an arrest in respect of an offence.

41. Police Action In Offences Requiring Special Authorisation :-

(1) A Police Officer, who is not authorised by rank or jurisdiction under any special law to arrest or seize a person or object who had manifestly involved in a cognizable offence, may keep that person or object for a maximum period of six hours so as to render it possible for another legally competent police officer or authority to come and take lawful action.

(2) The authority under sub-section (1) shall be used by a police officer only in circumstances under which there is the reasonable possibility that the accused is likely to escape or that evidence may be destroyed due to the absence of competent officer or authority, unless he acts as such.

(3) A Police Officer acting as such shall, subject to legal practicability, in the presence of competent witnesses available, keep the person or the object at a place which is reasonable, suitable and appropriate under that special circumstance.

42. Maintenance Of Law And Order And Prevention Of Danger :-

(1) In order to prevent serious disorder or breach of peace or manifest and imminent danger to persons assembled at any place, any police officer present at such a place having jurisdiction may give such lawful directions in respect of the conduct of persons at such places as he considers necessary and all persons shall be bound to comply with such directions.

(2) Any police officer shall for giving effect to the provisions of sub-section (1) have free entry in every public place including private establishments where members of the public are present.

43. Police Uniform To Be Distinctive, Exclusive And Easily Identifiable :-

(1) The State Police Chief may, with the prior approval of the Government, specify the uniform of all ranks and categories of Police Officers keeping in view the need that such uniform shall be distinctive, exclusive and easily identifiable.

(2) The State Police Chief may specify the occasions and the manner of wearing the uniform and the duties for which uniforms are to be compulsorily worn, optionally worn or not worn.

(3) A Police Officer shall always maintain his uniforms neatly,

properly, suitably and in a state of good repair.

(4) No person other than a Police Officer discharging official purpose shall, except for artistic or scientific purpose, wear any police uniform or any dress which is likely to have a feeling that it is a police uniform.

(5) An officer authorised by the State Police Chief shall decide on the basis of the observation of the observer whether a particular dress worn by a person creates such an impression that person wearing such dress is a police officer when the person wearing such a dress is standing at a distance of twenty five meters from the observer.

44. Police Duty Vehicles To Be Distinctive, Exclusive And Identifiable :-

(1) The State Police Chief may, with the prior approval of the Government, specify the colour, markings, equipments and accessories to be fitted to every police duty vehicle keeping in view the need that such vehicles shall be distinctive, exclusive and easily identifiable.

(2) All police duty vehicles with such specified appearance shall respond to any emergency call for help from any person and be used for giving Police assistance which is reasonable and appropriate to the occasion unless it is engaged in some other emergent or important duty at that time.

(3) No person, other than a Police Officer acting for official purpose shall keep, except for artistic or scientific purpose, any vehicle in such a condition as to create an impression that the said vehicle is a Police vehicle and an Officer authorised by the State Police Chief may decide whether a particular vehicle creates such an impression that such vehicle appears like a police duty vehicle to an ordinary observer standing at a distance of hundred meters away from the vehicle.

45. Special Powers In Disturbed Areas :-

(1) The Government may declare any area as a "disturbed area" when such area is widely and intolerably beset with violence or disruptive activities or destruction of public property on account of communal or political causes or violence or terrorist or anti-national activities.

(2) When an area is declared as a "disturbed area", an Officer, not below the rank of Deputy Superintendent of Police and deputed by

the District Police Chief, in the interest of maintenance of law and order, may -

- (a) impose reasonable restrictions on the movement of persons and vehicles in such area;
- (b) order to any person, who in the opinion of the Police, may carry on activities prejudicial to the maintenance of law and order if restrictions are not imposed on his activities, to keep the Police informed of his whereabouts in the manner directed by the Police;
- (c) suspend arms and explosive licences in such area and direct the licencees to lodge their weapons with the Police for keeping them;
- (d) search any person or vehicle or container entering into or leaving from such area.

46. Restraint On Arrested Persons :-

(1) A Police Officer may use appropriate restrictive measures to ensure that the person arrested by him does not escape from custody unlawfully and may use necessary force against such person who is trying to escape.

(2) Handcuffs shall not be used on an arrested person unless the Police Officer arresting the person has sufficient ground to believe that the arrested person shall escape from custody or injure himself or others if not handcuffed or the Police Officer has not recorded such grounds in writing.

(3) Where any person is arrested and kept in the custody of the Police, he shall be permitted to wear the dress which is decent and appropriate under the circumstances and which he is used to wear.

47. Keep In Custody Of Insane Persons, Drunkards And Persons With Illness :-

(1) The Police may take into protective custody of any person who is found incapable of looking after himself due to insanity, lunacy, use of intoxicating substances or otherwise.

(2) For the protection of the interest of the person taken into such protective custody, a medical institution may be requested to keep such person under observation or for treatment for a period not exceeding 24 hours if such an emergent action is necessary and the authorities of such institution shall be bound to comply with such request.

(3) If any Magistrate competent under any existing law to decide on the treatment and custody of such person, the fact thereof shall be informed to such Magistrate without any delay and further

action shall be taken in accordance with the order of the Magistrate.

48. Medical Examination Of The Accused :-

Any qualified medical practitioner shall be bound to conduct medical examination of an accused or suspect person who is produced before him by a Police Officer for medical examination on the request of such officer.

49. Medical Treatment Of The Accused :-

(1) All hospitals shall render sufficient facilities as far as practicable under the circumstances for the treatment of persons in Police custody under adequate police surveillance and observation.

(2) Hospital authorities, on requisition by Police shall be bound to produce copy of all medical records relating to the treatment of such persons.

(3) Any person admitted initially to a private hospital in an emergency shall be shifted to a Government hospital at the earliest with the permission of the doctor who examined his medical condition.

(4) The copy of the report of the medical examination and treatment of a person in police custody shall be given on the request of the accused or their relatives.

50. Action In Respect Of Injury Of Those In Police Custody :-

When any person is taken into Police custody in a physically injured condition or any person who is physically injured due to the use of force by a police officer complains about his physical injury or the matter of sustaining injury comes to the notice of the police officer such person shall be taken before the nearest qualified medical practitioner and the medical practitioner shall seek and understand about the injury and the manner of its causation and record the same and shall render necessary treatment:

Provided that such person is medically fit to be taken before a Magistrate, he shall be produced by the Station House Officer before the Judicial Magistrate having jurisdiction or before an Executive Magistrate if it is outside the jurisdiction of such Judicial Magistrate and the said Magistrate shall seek and understand details of the injured in respect of the matter in which the injury

was caused:

Provided further that the injured is not in a condition to be produced before a Magistrate, the details of the incident and circumstances shall be furnished forthwith by the Station House Officer to such Magistrate and a copy of the said report shall be given to the medical officer and the injured and proper acknowledgement shall be obtained from them in writing.

51. Service Providers To Maintain Records :-

All service providers, belonging to such categories as may be notified for the purpose by the Government from time to time, shall maintain accurate records in respect of the identity of persons to whom they have provided services along with the details of the nature of service provided and all such records shall be kept for such periods as may be fixed by the Government.

52. Service Providers To Give Information To Police :-

(1) All service providers who render any service shall, on demand by a police officer in the course of discharge of official duties, furnish the details and records of any particular service or different services provided by such service providers, which are connected with any Police enquiry being conducted in accordance with law.

(2) Such records, description and information shall be furnished, as expeditiously as possible, within the reasonable time limit fixed by the requisitioning police officer concerned.

53. Verification Of Antecedents Of Service Providers :-

The Government may, by notification, direct that service providers of any type of service or of any area shall, before they start providing any service to the public, obtain a police verification certificate from the District Police Chief or such other Police authority as may be specified in respect of themselves and their employees and shall furnish, in the circumstances of each service, such reasonable and necessary information to the Police about their contemporary and past activities as may be reasonably necessary and also direct that they shall be subjected to such repeated verification after such periods as may be specified:

Provided that the information so obtained from a service provider, other than the information which is necessary to be used for preventing or investigating a crime or for any public purpose shall

be kept confidential and shall not be disclosed to any person or to the public.

54. Service Providers To Report On Stolen Or Lost Or Seeking Articles :-

(1) Any Police Officer may deliver to any service provider, a list of any articles lost or stolen or required to be located by reason of any crime, with available details of their identification.

(2) If any such article comes to the notice of such service providers thereafter, he shall seek and ascertain the name and address of the person in the possession of such article and after detaining the property, immediately report such situation to the nearest police station.

(3) The service provider under sub-section (1) may also detain any person in the possession of such articles for a period not exceeding one hour until the Police arrives if he has sufficient reason to believe that such person is not giving his correct address.

55. Storage And Disposal Of Articles Seized By Police :-

(1) Every Police Station shall have sufficient space for the storage of articles seized by the Police and which came into the possession of the Police:

Provided that the Government may notify a suitable place other than the police station for keeping such articles in case sufficient space is not available there.

(2) The Police may destroy after collecting samples for forensic analysis, dangerous articles such as explosives, harmful chemicals, etc. in the presence of competent experts and after giving prior intimation to courts:

Provided that such sample collection may be dispensed with if any accident due to explosion or harm is imminent.

(3) Articles that are not likely to be useful later for any lawful purpose and subject to speedy decay shall be disposed of by auction under the orders of the District Police Chief and such proceeds thereof shall be deposited in the Criminal Justice Miscellaneous Expenses Fund.

(4) (a) When any article seized by the Police or under the control of the Court is ordered by any Court to be kept by the Police, the Police Officer with whom the custody of the article is entrusted may if suitable place is not available under his control for the safe custody of such article, shall report that matter before the court.

(b) If such a situation is noticed, the court may permit such police officer to locate a suitable place for the storage of such articles and to keep that article there.

(c) The expenses incurred in connection with the safe custody and storage shall completely be met by the Government directly or from the Criminal Justice Miscellaneous Expenses Fund.

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

56. Police Action In Respect Of Unclaimed Articles :-

(1) Every Police Officer shall under take temporary charge of the following movable articles,-

(i) all movable articles found by him or transferred to him or in his possession which are not claimed by any one or refused to take over by anyone;

(ii) movable articles found lying in any public street, which are not being removed by anyone within a reasonable time, despite the owner or the person in charge thereof have given direction to remove the same by a notice affixed on or near the said articles.

(2) The police officer undertaking the charge of the articles under sub-section (1) shall furnish the details in respect of the article and its value to the District Police Chief and to the Executive Magistrate having jurisdiction after getting its approximate market value in writing assessed by a respectable merchant of that area who usually deals with such articles.

(3) If such article is subject to speedy natural decay or is livestock, then the station House Officer may forthwith sell the same in public auction.

(4) The District Police Chief shall issue a proclamation, specifying the details of the articles undertaken in charge under sub-section (1), requiring any person who may raise a claim thereon to appear before the officer specified in the proclamation within thirty days from the date of such proclamation and to establish his claim.

(5) The District Police Chief, may on satisfying the right of any person to the possession of the property specified in the proclamation, order the same to be released to him, after realizing the fees fixed for its seizure and custody:

Provided that such order shall not in any manner affect the legal right of another person to recover such article partially or fully from

the person who got possession of such article by such order.

(6) The District Police Chief may obtain such security as he thinks proper from the person to whom the said article is handed over under sub-section (5):

Provided that the District Police Chief may take action under sub-section (8) for any delay of more than two days in taking away the article in respect of which the right of possession was given without reasonable grounds.

(7) If no person establishes his claim on such article within the period specified in the proclamation, the article may be used in the Police Department in lieu of any article which was required to be ordinarily purchased for official purpose or such property may be sold in auction under the orders of the District Police Chief and the sale proceeds thereof shall be credited to the Criminal Justice Miscellaneous Expenses Fund.

(8) (i) The State Police Chief may fix the norms from time to time for fixing the rates of fee to be levied for keeping such articles taking into account the size and nature of such article undertaken in the charge of the police under sub-section (1).

(ii) The District Police Chief may, on any day, sell the said article in auction after the fee to be levied from the claimant for keeping such article becomes half the market value of the article:

Provided that no such charges shall be collected from the actual owner of the article for the first seven days after the article was undertaken by the Police or for any period after the date of such article being taken for Government use.

(9) Where an unclaimed article had been sold in auction and later it is found that the actual owner had been wrongfully dispossessed of the article by another person and at the appropriate time he had reported that matter legally to the concerned authorities in time, the entire sale proceeds of such article shall be returned to the actual owner without deducting any amount as fees.

(10) No police officer shall keep in custody any unclaimed livestock or article liable to speedy decay for more than one day and such officer shall not be held liable for any loss caused to anyone by reason of conducting auction of such articles forthwith.

(11) No Police Officer shall make good, any loss, real or notional, caused to anybody by reason of the conducting auction as such of any unclaimed article referred to in sub-section(1) after thirty days from the date on which the article came into the possession of the police.

57. Police To Attempt To Locate Missing Persons :-

(1) Whenever a Station House Officer receives any information from which he reasonably suspects that any person is missing and there are circumstances to believe that,-

(a) such person is in danger or not under the protection of lawful guardianship; or

(b) such person may be subjected to some dangerous offence ; or

(c) such person is absconding himself to prevent someone from implementing a lawful right declared by any court,

such officer shall register the information in a manner similar to the procedure prescribed for a cognizable offence and take immediate action to locate the missing person.

(2) During such enquiries such officer or any officer deputed by him may examine and record the statement of any witness and search any place.

(3) All persons shall answer truthfully to any question by a Police Officer enquiring this matter and a copy of such statement recorded by that officer shall be given to the witness and after getting such copy, the witness shall sign and acknowledge that such copy has been received.

(4) All searches under this section shall be done in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(5) The missing person if found on enquiry shall forthwith be handed over to the responsible guardian or produced before the Magistrate having jurisdiction.

(6) Where the person so produced is a woman or a child the Magistrate shall take such steps as are needed to safeguard the privacy and interest of that person.

58. Police To Keep Registers In Respect Of Missing Properties :-

Any Station House Officer who receives any credible information that any valuable property or security belonging to any person is lost, such officer may on satisfying that the value and the nature of the missing property justifies such a procedure, record the information in a register maintained for that purpose and may cause enquires as may be reasonably necessary to locate the property and give, to those who demand so, a certificate recording the said loss.

59. Police To Give Certificates Of Non-Involvement In Offences :-

The District Police Chief or the Station House Officer may, on the application of any person, give a certificate to the effect that such person is not involved in any offence after suitable enquiries and after realising such charges as may be fixed by the Government in this regard.

60. Police To Give Security Advice :-

Any District Police Chief on receiving any information that at any place within his jurisdiction very valuable movable properties are kept or that any place of public importance is facing grave security threat, then he may, on his own motion in consultation with the person or persons in charge of such place, cause a suitable security inspection and on the basis of such inspection, the persons in charge of the premises may be directed to take necessary security precautions:

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

61. Police To Regulate And Control Traffic :-

A Police officer on duty may, for avoiding disorder, obstruction and danger, regulate and control traffic in any public place and for that purpose give reasonable directions to all concerned and they shall be bound to obey such directions.

62. Security Be Given To Individuals And Private Institutions :-

(1) The District Police Chief or the State Police Chief or the Station House Officer may, on the basis of information available, take a decision to deploy free of cost, additional police force in any public place or private place for preventing the commission of any imminent offence or for preventing any imminent danger against the public or any individual or the Government or any institution.

(2) No individual or institution shall have any right to be deployed with police force in an enhanced rate exclusively for them free of cost or on levying fees other than the circumstances under which in addition to the general and normal rates of police arrangements

available for the public as part of normal police services, the State Police Chief or the District Police Chief or the Station House Officer is otherwise satisfied that there is imminent danger for the occurrence of a grave offence.

(3) The Government or the State Police Chief may fix the norms and procedure for deploying more police force to an individual or institution or groups exclusively for the protection of their properties, the rate of fees to be levied and the circumstances under which such fees may be levied.

63. Police Action In Disputes Which May Lead To Cognizable Offence :-

If anyone brings to notice of the circumstance of a dispute between any individuals or groups which if not resolved at the earliest is likely to culminate into a cognizable offence, the Station House Officer shall take steps,-

(a) to ascertain the facts and circumstances of the matter by interacting with the individuals concerned or to others acquainted with such facts; or

(b) to give warning in writing to any individuals or all groups involved in the dispute against the doing of any unlawful act in continuation of the dispute; or

(c) to encourage individuals or groups involved in the dispute to redress the dispute through mutual discussion or through mediation; or

(d) to advise individuals or groups to approach the competent court having jurisdiction for redressing the dispute; or

(e) to require the individuals or groups to seek redressal of the dispute by appearing before an Executive Magistrate having jurisdiction; or

(f) to report facts before the Magistrate having jurisdiction for taking suitable action against any individual or all groups under the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

64. Community Policing :-

(1) The District Police Chief shall constitute Community Contact Committees for each police station, comprising the local residents of the area as representatives of the community, to give general assistance to the Police in the discharge of their duty.

(2) The Community Contact Committees shall have a fair

representation of all categories of the society including persons from service and professional sectors, women and persons belonging to SC/ST communities under the jurisdiction of the police station.

(3) No person who had been sentenced to imprisonment by a criminal court or who had been dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct in the previous five years shall be nominated as a member of the Community Contact Committee.

(4) The Community Contact Committee shall identify the existing and emerging needs for Police services of common nature in the area which needs due consideration by police and also to develop action plans for ensuring the security of the area or any part thereof.

(5) The Community Contact Committee shall meet as may be required.

(6) The general public of that area may participate in the meetings of the Committee.

(7) The Community Contact Committee shall encourage every citizen to bring to the notice of the police information about the offences happened and the possibility for the occurrence of offences.

(8) The Community Contact Committee may form sub-committees for any specific purpose or for particular areas or for the specific functions.

(9) The Community Contact Committee may formulate programmes for promoting security awareness, safety awareness, prevention of crimes and legal literacy, etc.

(10) Community Contact Committee shall not undertake themselves any lawful authority of Police force such as investigation of crimes or maintenance of law and order.

65. Service Of Beat Police :-

(1) The area of jurisdictions of every police station shall be divided into various beats and sufficient beat patrols shall be provided to each beat area for beat patrols on permanent basis.

(2) The following matters shall be the duties and responsibilities of the beat patrols along with other matters,-

(a) keep contact with the members residing in the Community Contact Committee area and the citizens who have active

participation in community life;

(b) review during every visit the steps to prevent offences in the beat area;

(c) collect information in respect of criminals, terrorists and anti-social elements, if any, in the area and communicate the same to the officer in charge of the police station;

(d) observe the criminals subjected to special observation, if any, in the beat area and those having criminal background and those with bad character;

(e) understand about the local disputes having a chance for violence and inform all the available details to the officer-in-charge of the police station;

(f) carry out any other police task in respect of the area entrusted by the supervising officers;

(g) inform the officer in charge of the police station, in writing, about the grievances and complaints from the general public in respect of Police service, and;

(h) maintain a record of the works performed during the time of visit and submit the same to the officer-in-charge of the police station.

66. Reward To General Public :-

The District Police Chief may, subject to Government orders and instructions, promise rewards and award the same to the general public for excellent services rendered or providing information for the prevention of offence or for the investigation of crime for the maintenance of law and order or security or traffic safety.

67. Taking Over Possession Of Building And Premises For Preventing Riot :-

(1) The senior most police officer not below the rank of Inspector present at the spot may temporarily close or take over any building or other place for a period not exceeding twenty four hours for preventing or suppressing any imminent riot or grave disturbance of peace and may remove all or any persons therefrom or allow entry thereon only for such fixed persons on such conditions as he deems fit and all persons concerned shall be bound to behave themselves in accordance with such orders:

Provided that while taking such steps the difficulties caused to women, children, senior citizens and differently abled persons, etc. shall be taken into account and such difficulties shall be avoided as

far as possible:

Provided further that for giving and implementing such directions, beyond twenty four hours and upto sixty days, orders in writing of the District Magistrate shall be necessary.

(2) The District Magistrate may, on his own motion or on the application of any aggrieved person by an order under sub-section (1), cancel or amend any such order.

68. Handling Of Accidents Or Disaster :-

At the time of occurrence of a serious accident or disaster at any place if it appears to the senior most police officer present at the spot that any dispute or conflict of opinion or contention or confusion etc exists there which may be a ground for the possibility of an imminent and grave disturbance of the peace or violation of law and order or causes great inconvenience to the general public or danger, he may give such orders as the circumstances may warrant as to the behavior of all persons and all persons concerned shall obey such orders.

69. Actions On The Occasion Of Fire, Disaster Or Accident :-

(1) On the occasion of a fire, disaster or accident any police or any member of the fire services or any Magistrate or in the absence of any such person any public servant may do the following matters, namely:-

- (a) remove or order to remove those causing hindrance in the rescue and relief operations for protecting life or property;
- (b) close any street or passage, public or private, needed for the purpose of rescue and relief operations;
- (c) enter, open, break down, or allow passage of any hose pipe or other equipments by himself or by those acting under his orders in any premise, public or private, needed for the purpose of rescue and relief operations for protecting life and property;
- (d) take such appropriate and reasonable immediate steps as may deem necessary for the protection of life and property;
- (e) require equipments or other things, public or private, needed for the protection of life and property and those in possession of such articles shall give the same under the direction of the police officers.

(2) Any damage happened in pursuance of the directions given under sub-section (1) shall be deemed to be a damage by fire, disaster or accident etc eligible for insurance coverage within the

meaning of any insurance policy against fire, disaster or accident, etc. and in the absence of such insurance the Government may pay to the concerned parties a reasonable amount as compensation, as may be assessed by the District Magistrate.

(3) Nothing in this section shall exempt any police officer or any member of the fire services or any Magistrate or public servant from the liability for damages caused on account of any acts done by him without reasonable grounds.

70. Police Equipment To Be Exempted From Licensing :-

The Government may exempt any equipment or articles in official use, held under the ownership of the Police department for the purpose of discharging any of its functions, from the conditions of obtaining a license for the same under any law or from the payment of any annual fee or license fee to any governmental agency or public authority.

71. Police Officer To Furnish Information, Etc :-

Any police officer may furnish any official information before a Magistrate and apply for the issue of summons or warrant or search warrant or such other lawful processes under law against any person who had committed an offence or for the discovery of a thing.

CHAPTER 6 POLICE REGULATIONS

72. Traffic Regulatory Committees :-

(1) In every Grama Panchayat, Municipality and Corporation Traffic Regulatory Committees shall be constituted as may be prescribed, for regulating matters in respect of traffic.

(2) The concerned head of the Local Government institution shall be the Chairman of the Traffic Regulatory Committee and the nominees of the District Magistrate, the District Police Chief, the Regional Transport Officer and the Executive Engineer of Public Works Department shall be the members of the said committee.

(3) The Traffic Regulatory Committee shall issue orders, not inconsistent with the provisions of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and the Kerala Road Safety Act, 2007 (Act 8 of 2007) and the rules made thereunder, for preventing danger, obstruction and inconvenience caused to the general public in respect of traffic in the following matters. Such orders issued shall

be complied with by the Government Departments concerned, the officers and the general public, namely:-

(a) regulate the manner and time of traffic of all kinds in public places;

(b) regulate the gateways, festoons, banners, hoardings, signs, representations, illuminated displays, construction activity, trade, welding, environmental pollution, nuisance by noise, blasting of rocks, mining, bursting of crackers, flying of kites and fireworks etc. seen in any property in the manner having the possibility of distracting attention of the public road users or causing danger to them;

(c) regulate the manner and mode of conveyance of timber, poles, ladders, iron girders, beams, iron bars, boilers, hay, soil and articles difficult in handling, etc. along the streets;

(d) regulate the carrying of any explosive substances or hazardous chemicals along public places which may cause danger to road users;

(e) close certain streets or instruct that no one shall enter in certain places under circumstances that there is reasonable apprehension of danger from buildings which are on the verge of collapse or due to other reasons;

(f) regulate the manner and means of entry from streets and public places to private buildings and places situated on the road side;

(g) fix the manner in which the members of the general public may voluntarily assist in traffic management without causing any financial liability in that respect to the State or the Police Department.

(4) Subject to the approval of the Traffic Regulatory Committee, the District Police Chief may issue orders on the above matters and such orders shall be submitted before the concerned Traffic Regularity Committee within seven days.

(5) The orders submitted in such manner shall be considered by the Traffic Regulatory Committee and appropriate decision shall be taken thereon:

Provided that the orders issued by the District Police Chief shall remain in force until a decision is taken by the Traffic Regulatory Committee.

(6) A District Level Traffic Regulatory Committee shall be constituted, in the manner prescribed by the Government, for coordinating the activities of the Traffic Regulatory Committees in a District and to establish traffic regulations for the district as a whole in the above matters.

73. Regulation Of Physical Training :-

(1) No person shall impart or organize any physical training which involves method of exercises regarding an attack or self defence to the public or any person or persons or to participate therein except in accordance with the provisions in the permit given for this by an authority which as may be prescribed:

Provided that the provisions of the sub-section shall not apply to any training,-

(i) conducted by an educational institution owned or controlled by the Government or affiliated to any University in the State as part of its curriculum or course of study; or

(ii) given by a club or gymnasium recognized by the Kerala Sports Council.

(2) No person shall permit any person having no permit in the matter to use any building or premises owned or possessed by him for conducting such physical training.

(3) The permit under sub-section (1) shall be given subject to such conditions and restrictions and on payment of such fees as may be prescribed.

(4) Any Police Officer, not below the rank of a Sub Inspector, shall have free entry in any place where training is conducted for ensuring that such training is conducted in accordance with this Act and the Rules made thereunder.

74. Power To Cancel Permit :-

(1) The authority prescribed under sub-section (1) of section 73 may, by order, cancel or suspend a permit granted under the said section,-

(a) if any fee payable by the holder of such permit is not duly paid; or

(b) in the event of any violation of the terms and conditions of such permit, by the holder of such permit or by his servant or by any person acting on his behalf with his express or implied permission; or

(c) if the holder of such permit is convicted by a court of law for any offence involving moral turpitude or antisocial activity; or

(d) if the holder of such permit is found, after due enquiry, involved in any anti social activity as defined in the Kerala Anti Social Activities (Prevention) Act, 2007 (34 of 2007).

(2) An appeal against an order under sub-section (1) shall be filed

before the Inspector General of Police having jurisdiction over the area where the place of such training is situated.

75. Power To Prohibit Mass Drill :-

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

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

(2) No prohibition under this section shall remain in force for more than three months:

Provided that if the Government consider it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, it may, by order published in the Official Gazette, direct that any such order of prohibition issued by the District Magistrate under sub-section (1) shall remain in force for such further period not exceeding six months from the date of expiry of such order.

76. Power To Reserve Any Street Or Public Place :-

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

77. Regulating Nuisance Caused By Noise :-

(1) The District Police Chief may, in order to prevent nuisance, harm, odium, damage or risk to the public or to any person residing in an area if he is satisfied that it is necessary to do so, issue necessary special or general directions for preventing or regulating in any street, open space or any other building,-

(a) any vocal or instrumental music or speech;

(b) any sound caused by the use in any manner whatsoever of any instrument or contrivance which is capable of making, producing,

reproducing or amplifying sound; or

(c) any trade, vocation or activity which creates or causes any sound or noise.

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

78. Regulation To Prevent Violence :-

(1) The District Police Chief may, if it is satisfied from the circumstances that it is necessary for the preservation of public peace or public safety, by notification, either proclaimed or specifically addressed to individuals, prohibit or control in any manner for a period not exceeding fifteen days in any place, -

(a) the preparation, storage or transport of destructive material, explosives, gun powder, stones or other missiles or instruments which can be used for the making of or launching of missiles or any weapon or any other object which can be used for attack; or

(b) the exhibition of living persons or corpses; or

(c) the preparation, exhibition, representation, distribution or dissemination of pictures, symbols, placards, printed matter, pamphlets, books, audio-video recordings, digital records, posters which may inflame communal or religious passions or offend general standards of public morality or seriously affect public peace or endanger security of the nation.

(2) Any article used or carried by any person in contravention of any prohibition under sub-section (1) may be seized by a Police Officer on duty.

79. Regulation Of Public Assemblies :-

(1) The District Police Chief may, if in his considered opinion, such action is justified in the interest of maintenance of law and order or preservation of public peace or public safety, by notification proclaimed, permit, control or regulate any public assembly or procession in any manner.

(2) No notification proclaimed under sub-section (1) shall remain in force for more than fifteen days from the date of such proclamation.

(3) The State Government may either on its own motion or after due enquiry on the application of any person rescind, modify or alter or extend the period of validity of any such notification issued under sub -section (1).

(4) The State Government may, by general or special order, on busy thoroughfares, specify that such demonstrations, rallies or assemblies should be carried out only at certain specified places or along specified routes in urban areas for ensuring that demonstrations on busy public roads do not seriously affect public life.

80. District Magistrate To Make Regulations :-

(1) The District Magistrate may in consultation with the Local Self Government and with the District Police Chief make and notify regulations, from time to time, in any local area, as he deems fit, for the following purposes:-

(a) preventing any activity, damaging, defiling or destroying of public property, or endangering public hygiene or environment or defiling water bodies and water sources;

(b) preventing the dumping of any material in any public place other than at such times and places specified by the competent authority including the Local Self Government;

(c) controlling the movement, not in conformity with regulations specified in this regard, of any waste or hazardous materials through public streets and to or from houses and buildings on public streets, in order to ensure necessary hygiene;

(d) regulating the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or human beings, or parts of such carcasses or waste from abattoirs or deadly biological or chemical products;

(e) regulating the construction, repair and demolition of buildings, platforms and other structures which may endanger the users of any street or public place;

(f) formulating and regulating the steps for co-ordination among Departments and between the Police and such Departments before undertaking any work on the streets for purposes such as provision for electricity, water, sewage, exchange of information, communication, removal, repairs, advertising, digging, separation etc. in a manner affecting the traffic, prior to commencement of such work so as to enable the Police to make suitable alternative arrangements during the period of such work and to reduce inconvenience caused to the public;

(g) making arrangements to ensure that owners or occupiers of property, clean and disinfect their respective houses and surroundings and shifting the persons and animals deceased or

suspected to be deceased, in order to prevent spreading of epidemic or contagious diseases;

(h) regulating, in order to prevent obstruction, inconvenience, annoyance, risk, danger, injury etc. to passers-by or to the residents in the vicinity,-

(i) activities relating to places of public resort;

(ii) arrangements relating to public safety in streets, public places and buildings in such places;

(iii) the blasting of rocks;

(iv) any construction, repair or maintenance work;

(v) any commercial activities.

(2) Every such regulation shall be published at the place where it is to be implemented and all persons concerned shall be liable to comply with the same.

81. Maintenance Of Law And Order At Assemblies Where Disputes Exist :-

(1) Where the District Magistrate is satisfied that a dispute or contention exists, relating to the organization of or participation in any function or procession, exhibition or organized assembly and that such dispute or contention is likely to lead to the disturbance of peace the District Magistrate may give such appropriate orders as to the conduct of the persons concerned as he deems necessary under the circumstances.

(2) The District Magistrate shall, while issuing such orders, give due regard to the apparent legal rights of the persons and parties concerned and to any established practice.

(3) Every such order shall be published at the place wherein it is to be implemented and all persons concerned shall be liable to comply with the same.

(4) Any order under sub-section (1) shall be subject to any judgment or order made by a court having jurisdiction and shall be recalled or modified by the District Magistrate, if he is satisfied that such order is inconsistent with such judgment or order.

82. Persons To Render Essential Services :-

(1) The District Magistrate or the Government may after considering the situation prevailing in any local area for the purpose of maintaining peace or for the avoidance of danger to the public or for the prevention of any danger to life and property arising from any type of accident or disaster, request the professional, mental or

physical services of any person or group of persons, institutions and such persons or groups or institutions shall be bound to render such services to the best of their ability.

(2) The persons or institutions who render such services shall be eligible for reasonable remuneration as well as reimbursement of expenses incurred by them and the District Magistrate shall take appropriate action for such payments to them.

83. Special Security Zones :-

(1) The Government may, on the recommendation of the State Police Chief or otherwise by reason of high security threats faced by any distinguished or protected person present in an area or any important institution or premises situated therein, notify such area as a Special Security Zone.

(2) The Government may direct in areas so notified under sub-section (1) reasonable restrictions with respect to the use of building premises and vehicles and in respect of the movement of persons, vehicles and objects and police officers may issue, to all concerned, such directions as are necessary for the compliance of such restrictions.

CHAPTER 7 SERVICE CONDITIONS

84. Government To Specify Conditions Of Service :-

The Government may, subject to the provisions of the Kerala Public Services Act, 1968 (19 of 1968) and rules framed thereunder, by general or special order, specify appointment, training, pay, allowances, transfer and other conditions of service of police officers:

Provided that conditions of service in respect of officers belonging to the Indian Police Service shall be governed by the All India Services Act, 1951 (Central Act 63 of 1951) and the rules made thereunder.

85. Police Officers Be Subject To Discipline :-

The police officers and persons undergoing training after selection for appointment as a police officer, shall be subject to the provisions of discipline and are liable to,-

(a) accept reasonable restrictions, as may be fixed by the Government or the State Police Chief, on public expression of opinion, formation of associations, political activity, withdrawal from

duty and on the standards of public and private conduct expected from them;

(b) discharge to the best of their abilities their lawful duties in a lawful manner with due courage, determination and impartiality;

(c) utilize their capabilities lawfully to the maximum for preventing the commission of cognizable offences and for enforcing the law always;

(d) carry out lawfully the orders of the authorized superior officers, magistrates and judicial officers and not to withdraw themselves from their duties without the specific permission of their superior officers ;

(e) wear the uniforms in the manner fixed by the competent authority on specific occasions and for the performance of specific duties ;

(f) conduct themselves in accordance with the general or special order issued by the State Police Chief, while engaging in each duty and on other occasions.

86. Disqualifications For Appointment As A Police Officer :-

(1) No person shall be eligible for appointment as a police officer or shall have the right to continue in employment as a police officer if that person,-

(a) is not a citizen of India; or

(b) has been convicted by a court of law for an offence involving proclivity for violence or moral turpitude;

(c) is found mentally, physically or behaviourally unfit for carrying out the duties of police; or

(d) is a member of a political party and is not prepared to terminate his membership even after recruitment; or

(e) is an office bearer of any social, religious, cultural or scientific organization and is not prepared to give up or terminate such position even after instructions from Government, State Police Chief or the District Police Chief; or

(f) is or has been, a member of any banned organization.

(2) A person against whom a criminal case for an offence involving proclivity of violence or moral turpitude is pending before a court of law shall be entitled to appear for recruitment, to get selected and to undergo training, but shall be entitled for permanent appointment only after being acquitted.

(3) A police officer, at any time after appointment is found belonging to any of the categories under (a) to (f) of sub-section

(1),the appointing authority may immediately place the said officer under suspension and after giving reasonable opportunity to prove otherwise, dismiss, remove or compulsorily retire the officer as the case may be.

87. Oath To Be Taken By Police Officer :-

(1) Every member who joins the Police Force under this Act shall on satisfactory completion of training take an oath in the fixed format before the appointing authority or an officer nominated by him.

(2) The appointment of an officer shall become null and void if the officer refuses to take such an oath.

88. Police Officers Be Given Certificate Of Authority :-

(1) A person, on appointment as a police officer, shall be given a Certificate of Authority so as to enable him to discharge the functions of a police officer under the Act:

Provided that no person shall be appointed as a police officer unless he has successfully completed the course of training as may be fixed by the Government.

(2) The training period of a person who successfully completes the training shall be treated as duty in the manner as may be prescribed.

89. Police Officers Be Always On Duty :-

Every police officer, except on leave or specifically exempted or under suspension, shall for all purposes of this Act, be liable at all times to discharge duties and be deployed as a police officer in any part of India as may be decided by the State Police Chief.

90. Police Officers To Serve In Any Branch :-

All police officers of the State Police shall be appointed temporarily in any wing for the performance of any duty if so ordered by the State Police Chief, irrespective of the fact that they are selected and posted to any particular Branch.

91. Police Officers Not To Withdraw From Duty :-

(1) No police officer shall resign from his office or withdraw himself from the duties of his post unless expressly allowed to do so by the State Police Chief or by any other officer authorized by him.

(2) A police officer who is absent from duty after lawfully entering on leave and fails without reasonable cause to report back for duty on the expiry of such leave, shall be deemed, within the meaning of this section, to have withdrawn himself from the duties of his office.

92. Police Officers Not To Engage In Other Employment :-

No Police officer, other than a Special Police Officer, shall engage in any other trade or employment other than his duties under this Act.

93. Police Officers Under Suspension Not To Exercise Power :-

(1) The powers and special privileges vested in a police officer shall cease when he is placed under suspension from the post he holds.

(2) Such police officer placed under suspension shall continue to be subject to the same disciplinary rules and control of the superior authorities as was applicable before his suspension.

(3) Any officer may, at any time, restrain any officer lower in rank acting under his direct supervision from discharging all or any part of his duties fixed even if he is not placed under suspension.

(4) Any officer acting under sub-section (3) shall communicate the facts and the reasons for the action to the appointing authority within twenty four hours of such restraint being imposed and if the appointing authority does not confirm or modify such action within seven days, the restraints imposed shall cease to have any effect.

94. Duty Time Of Police Officers :-

(1) Police officers, though liable to perform duties for any length of time as may be required, shall not normally be expected to work for more than eight hours a day.

(2) The duty hours of police officers may exceed beyond eight hours in a day in case of any unavoidable or emergent duty:

Provided that no police officer shall refrain from discharging any duty assigned to him or withdraw himself from any urgent or essential duty without the permission of superior officers on the ground that he has worked for more than eight hours in any twenty four hour period.

95. Police Officers Not To Show Cowardice :-

- (1) All police officers, shall be prepared to face possible physical danger warranted by the circumstances during the course of discharge of their lawful duties.
- (2) No police officer, during the discharge of his duties shall withdraw from his lawful acts or engage in any unlawful acts on account of cowardice.
- (3) If a police officer withdraws from the lawful discharge of his duties on account of fear of any person or object, that officer shall be deemed to be guilty of cowardice.
- (4) Nothing in this section shall compel a police officer to do any act by himself under the circumstances that there is reasonable apprehension of imminent death or grievous injury.

96. Police Officers To Report Corruption And Torture :-

- (1) Every police officer shall be liable to inform directly to the Deputy Superintendent of Police or the District Police Chief in respect of any act of corruption or of physical torture against any person with the intention of admitting the commission of an offence or creating evidence which such officer believes in good faith is going on in his presence under the circumstances he knows very well.
- (2) No such report, made in good faith, shall be deemed to be a violation of discipline on the reason that the officer reported on was an officer lower in rank than the officer against whom the report was given.
- (3) No police officer shall be deemed to have acted as a partner, protector or an accomplice in the said corruption or torture solely due to the reason that the officer has not informed as such:
Provided that the police officer not informed as such shall be subjected to departmental disciplinary proceedings.

97. Minimum Tenure Of Police Officers :-

- (1) The Government shall ensure a minimum tenure of two years for police officers posted as State Police Chief, Inspectors General in charge of Ranges, Superintendents of Police or Commissioners in charge of Police Districts and Station House Officers:
Provided that this tenure shall not be applicable in cases of superannuation, promotion, reversion, suspension, leave, etc.
- (2) The Government or the appointing authority may, without prejudice to the right to initiate any legal or departmental action, transfer any police officer before completing the normal tenure of

two years, on being satisfied prima facie that it is necessary to do so on any of the following grounds stated in (a) to (f), namely:-

- (a) the officer is subjected to disciplinary action;
- (b) it is found prima facie on investigation that the officer is involved in a corrupt practice or in a criminal offence involving proclivity for violence or moral turpitude;
- (c) the officer is physically or mentally incapable of discharging his duties ;
- (d) a superior officer evaluating the work of an officer, reports, in writing, that the officer is not carrying out his duties efficiently ;
- (e) cause serious dissatisfaction in the general public about efficiency of police in his jurisdiction;
- (f) the officer requests, in writing, for a transfer from the place where he is working.

98. Special Police Officers :-

(1) The District Police Chief may, subject to Government orders, by order in writing, appoint temporarily any able- bodied and willing person of good character between the age of 18 and 60 years as a Special Police Officer for the purpose of assisting the police in the maintenance of law and order.

(2) Every such special police officer so appointed shall, -

- (a) receive a certificate approved by the Government;
- (b) have the same powers and protection and shall be subject to the same administrative and disciplinary controls like an ordinary police officer ;
- (c) receive such remuneration as may be ordered by the Government.

(3) Appointment of a person as special police officer shall not be deemed to be an employment either temporary or permanent, in Government and he shall have no preferential claim in future for being selected in the Police Force on this ground.

(4) Special police officers may be appointed only under such special circumstances where a large number of people are urgently required for the maintenance of law and order.

(5) Special police officers so appointed shall be from ex-service men, retired police officers or persons having experience in the National Service Scheme, National Cadet Corps, Student Police Cadet or any similar group as may be fixed by Government from time to time.

(6) The service of special police officers may be terminated at any

time without any prior notice and without showing any reason or offering any compensation by the District police chief.

(7) No special police officer shall be issued with any weapon or entrusted with the investigation of cases and complaints.

99. Prohibition On Acts Of Personal Servitude :-

(1) No police officer shall be asked or compelled to do any act of personal servitude in a manner demeaning and lowering the dignity of the police force on the personal demand of another person:

Provided that nothing contained in this section shall give a right to a police officer to abstain from doing any act which is needed for the lawful performance of any duty.

100. An Act To Be Performance Of Duty Or Not :-

On the occasion of considering whether any financial assistance, legal assistance or other facilities shall be given to a police officer in respect of any legal proceedings or treatment or compensation or in respect of welfare matters connected with the performance of duties and it is to decide whether,-

(a) the action of a police officer was as part of performance of his official duty;

(b) the act happened due to circumstances connected with the lawful performance of official duties by a police officer or as a result of animosity arose from police actions done by that officer or other police officers.

(c) the injury sustained by a police officer happened during the performance of official duties.

(d) the injury or loss sustained to a police officer was as a consequence of the animosity arose by the lawful performance of official duties by that police officer or other police officers.

The State Police Chief or District Police Chief may on an application by the concerned police officer, after conducting a suitable enquiry arrive at a decision in respect of granting financial assistance or legal assistance or other facilities to that police officer:

Provided that the Government may re-examine such decision, if there is sufficient reason to do so, and take an appropriate decision finally.

101. Departmental Enquiry Proceedings :-

(1) Any police officer, who commits any misconduct or offence

under this Act or any other Act for the time being in force or rule or order made thereunder may be subjected to departmental enquiry proceedings under the Kerala Police Departmental Enquiries, (Punishment and Appeal) Rules, 1958 notified by the Government.

(2) The State Police Chief may order initiation of action against any police officer, before the Court in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) in addition to the Departmental Inquiry Proceedings under the said Rules.

(3) A police officer on being found guilty on enquiry under this section and subjected to any penalties shall not be construed as a criminal under any other Act including this Act or sentenced to any punishment under the Criminal law.

(4) The competent officer or the Government may impose any of the following penalties mentioned in items (a) to (q) below against any police officer found guilty on completion of the department level inquiry,-

(a) fine;

(b) extra duty including drill and physical training;

(c) recovery of loss caused to Government from salary;

(d) recovery of loss sustained to the concerned party from salary;

(e) giving training to improve work and conduct;

(f) prohibit from performing fixed particular duties or assigning fixed particular rank;

(g) warning;

(h) censure;

(i) barring increment without cumulative effect;

(j) barring increment with cumulative effect;

(k) withholding of promotion;

(l) reducing pay without cumulative effect;

(m) reducing pay with cumulative effect;

(n) reduction in seniority or rank;

(o) compulsory retirement;

(p) removal;

(q) dismissal.

(5) The penalties stated in item (g) to (q) above may be given separately or in addition to any punishment stated in items (a) to (f) mentioned above.

(6) The penalties stated in items (a) to (j) above shall not be treated as a bar for the promotion of a police officer.

(7) Nothing contained in this section prevents any police officer from bringing matters in respect of disciplinary action before the

concerned authority or any Court.

(8) (1) Department level enquiry proceedings may be initiated against any police officer for the same matter even though he was exonerated by a criminal court after trial, he shall not be subjected to penalties on the basis of the same facts in department level enquiry.

(2) A police officer if convicted for an offence involving moral turpitude or serious misconduct the disciplinary authority concerned or the State Police Chief or the Government may, after considering the nature of the offence, make him compulsorily retire or remove or dismiss that officer from service.

(9) The penalties stated in items (a) to (h) may be decided by the authorised officer after giving reasonable opportunity to the police officer concerned to prove his innocence and without following the detailed procedures specified in the Kerala Police Departmental Enquiries (Punishment and Appeal) Rules, 1958.

(10) The authorities competent to impose different penalties on police officers belonging to each rank shall be such as may be specified in the Kerala Police Departmental Enquiries (Punishment and Appeal) Rules, 1958.

102. State Police Chief To Codify The Penalties :-

The State Police Chief shall subject to the directions of the Government, fix and codify the maximum and minimum disciplinary penalties for misconduct of a similar nature:

Provided that under any circumstances if a penalty different from the one as codified is to be imposed it shall be done with the approval of the State Police Chief.

103. Appeal And Revision :-

The department level inquiry proceedings initiated against police officer shall be as per the provisions contained in the Appeal and Revision Rules.

104. Police Welfare Bureau :-

(1) There shall be a Police Welfare Bureau in the State Police under the leadership of an officer not below the rank of an Additional Director General of Police to advise and assist the State Police Chief on matters in respect of the welfare of police personnel and to implement the same.

(2) The functions and duties of the Bureau, interalia, with other matters including the administration and monitoring of welfare matters of police officers shall be the following, namely:-

- (a) health care schemes for health care, particularly to those affected with chronic and serious ailments and retired police officers and their dependents;
- (b) quick and liberal medical assistance to police officers injured while on duty;
- (c) financial security of the legal heirs of those dying while on duty;
- (d) financial security of police officers after their retirement;
- (e) group house constructions and group credit facilities;
- (f) schemes useful for mitigating the mental stress of police officers;
- (g) educational facilities for the dependents of police officers;
- (h) engaging legal facilities for effectively defending the police officers who are facing legal proceedings directly relating to the lawful performance of duties or due to animosity which arose from the performance of such duty.

(3) The Bureau shall consist such number of advisory members not exceeding ten as may be fixed by the State Police Chief and they shall be nominated by the State Police Chief from different ranks in the Police force for a period of two years.

(4) The Bureau shall fix the policies and norms in respect of the welfare of the police and supervise the welfare activities of the various police units.

(5) A Police Welfare Fund shall be constituted under the control and administration of the Bureau for the welfare activities and schemes for police officers and the following amount shall be credited to the Fund, namely:-

- (a) financial assistance from Government and other types of deposits and loans granted by Government;
- (b) contribution from police officers;
- (c) fine realized from police officers as penalties in inquiry proceedings;
- (d) contribution from individuals or institutions as may be permitted by Government from time to time;
- (e) operational profit from institutions or programmes conducted as part of welfare activities;
- (f) a fixed percentage of amount as may be permitted by Government, collected for police service from individuals or institutions.

105. Police Establishment Board :-

(1) The Government may constitute a department level Police Establishment Board with the Director General of Police as Chairman and other four senior police officers, not below the rank of Additional Director General of Police of the Department, as members.

(2) The Government may, by order, direct the term of office of the members of the Board, procedure for the working of the Board and norms to be followed by the Board in the discharge of its responsibilities.

106. Functions Of The Board :-

(1) The Board shall discharge the following functions, namely:-

(a) to decide on complaints and appeals in respect of service matters like transfer, promotion, etc. of police officers of and below the rank of Inspector after detailed examination of related Acts and rules or submit suitable recommendations in this regard;

(b) to study the particular problems in respect of women police officers, decide on grievances in respect of the same and submit recommendations in necessary matters;

(c) to review the activities of State Police in general or in respect of special subjects; and

(d) such other functions as may be entrusted to the Board by Government from time to time.

(2) The Government shall give due consideration to the recommendations of the Board.

(3) The Government may, either suo-motu or on a complaint by the person concerned, for reasons to be recorded in writing, modify or cancel any decision or order of the Board.

107. Redressal On Complaints Of Subordinates :-

(1) The State Police Establishment Board shall nominate an officer of the rank of Deputy Superintendent of Police in each district and such nominated officer shall set apart one day in a week to hear or receive complaints from police officers of and below the rank of Sub Inspector.

(2) Such officer shall examine and study the complaints and give recommendations in respect of appropriate redressal measures to the District Police Chief and if the matter is beyond the jurisdiction of the District Police Chief then to the State Police Establishment

Board through the District Police Chief.

108. Insurance Coverage, Allowances And Medical Facilities

:-

(1) The Government shall provide adequate insurance coverage for all police officers against any injury, disability, death etc. occurred in the course of their duties or attacks due to animosity arose from the performance of their official duty.

(2) The police officers posted in special wings such as Counter-Terrorism Units, Bomb Disposal Squads, Commando Groups and other like units as may be fixed by the State Police Chief having high possibility of risk shall be paid special risk allowance in proportion to the risks involved in those duties.

(3) The police officers shall be provided with medical insurance coverage for enabling them to maintain good health and physical fitness.

(4) The Government shall suitably and adequately compensate a police officer suffering from injury or disability as a result of violence in the course of performance of his official duties or attack due to animosity arose from the due performance of his duty:

Provided that such compensation shall be in addition to the medical expenses for which he is entitled under the rules.

(5) A police officer dies in the course of his duty as stated under sub- section (4), his legal heirs shall suitably and adequately be compensated by the Government:

Provided that such compensation shall be in addition to the benefits to which his family is ordinarily entitled under the rules.

(6) A police officer sustaining any injury in the course of discharge of his duties, shall be entitled to adequate and improved treatment at the expense of the Government and he may be treated in any institution as recommended by the doctor who examines him immediately after sustaining such injury.

109. Police Associations :-

The Government may, subject to such restrictions as may be prescribed, grant permission for the formation of Associations for different ranks and categories of police officers.

110. Police Complaints Authority :-

(1) The Government shall constitute a State Police Complaints

Authority for examining and inquiring the,-

- (i) complaints on all types of misconduct against police officers of and above the rank of Superintendent of Police;
- (ii) grave complaints against officers of other ranks in respect of sexual harassment of women in custody or causing death of any person or inflicting grievous hurt on any person or rape, etc.

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

- (i) a retired Judge of a High Court who shall be the Chairperson of the Authority;
- (ii) an officer not below the rank of Principal Secretary to Government;
- (iii) an officer not below the rank of Additional Director General of Police;
- (iv) a person as may be fixed by the Government, in consultation with the Leader of Opposition, from a three member panel of retired suitable officers not below the rank of Inspector General of Police furnished by the Chairman of the State Human Rights Commission; and
- (v) a person as may be fixed by the Government, in consultation with the Leader of Opposition, from a three member panel of retired suitable District Judges furnished by the State Lok Ayuktha.

(3) The Government shall constitute the Police Complaints Authority at district level for examining and inquiring the complaints against police officers of and up to the said rank of Deputy Superintendent of Police.

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

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

Provided that the Chairperson of one District Authority may be appointed as the Chairperson of more than one District Authorities.

(5) The terms and conditions of service, salary of the members of the State Authority and District Authorities and the procedure of the authorities shall be such as may be prescribed.

(6) Government shall, in consultation with the authority or authorities, establish and give all necessary facilities for their proper functioning.

(7) The State Authority and the District Level Authorities shall, on conducting inquiries, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5

of 1908) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit; and
- (d) any other matter as may be prescribed.

(8) All officers of the Government shall render all possible assistance to the authority for ensuring the production of records necessary for the functioning of the Complaints Authorities, examination of the records and provision of expert assistance in needed matters, etc.

(9) All concerned officers shall be bound to carry out the recommendations given by the authority in respect of matters of initiation of department level inquiry, registration of criminal case etc. against a police officer.

111. Complaints Be Given By Elected Representatives :-

The Presidents of Three-tier-Panchayats, Chairpersons of Municipal Councils, Members of Legislative Assemblies, Members of Parliament, Mayors of the Corporations, etc. may give all types of complaints against the police officers that have come to their notice or have been brought to their notice, to the Police Complaints Authority and the Authority shall, after conducting necessary inquiry, inform the result of such inquiry to the representative concerned.

112. Procedure Of The Complaints Authorities Be Expedited :-

(1) The Police Complaints Authorities shall take immediate steps on the complaints coming before it for their consideration.

(2) The Authority may require any officer to do any of the following matters where it is convinced that there is merit in a complaint which came before it for consideration and such officer shall carry out the same,-

- (a) to question and record the statement of any witness;
- (b) to trace, examine and seize any relevant records;
- (c) to conduct any inspection or test in which the said officer has authority or competence or expertise;
- (d) to render such reasonable assistance taking into account the nature of each complaint.

(3) Complaints Authority may call for a report from the Police or

Government in respect of important matters in a complaint which is under its consideration.

(4) In connection with the inquiry being conducted by the Complaints Authority, the police officer concerned may be permitted to produce evidence to depose directly and to cross examine witnesses on occasions suitable and practicable.

CHAPTER 8 OFFENCES AND PUNISHMENTS

113. Protection Of Action Taken In Good Faith :-

(1) No suit, prosecution or other legal proceedings shall lie against the Government or any Police officer or any public servant duly appointed or authorized under this Act for anything done or intended to be done in good faith in the due discharge of official duties under the provisions of this Act.

(2) No court shall take cognizance of any offence under this Act and alleged against police officer except with the prior permission of the Government.

114. Dereliction Of Duty By A Police Officer :-

Whoever, being a police officer,-

(a) violates or neglects to obey any legal provision, procedure, rule or regulation applicable to members of the police force under this Act; or

(b) pretending to have illness or pretends to have illness or injury or voluntarily hurts himself with a view to evade from duty; or

(c) acts in any other manner unbecoming of a police officer; or

(d) is guilty of cowardice,

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

Provided that in respect of an act considered to be an offence under this section, the disciplinary authority concerned may decide that departmental disciplinary proceedings shall alone be taken without resorting to criminal proceedings.

115. Bribe Taking And Extortion By Police Officer :-

Any police officer who in connection with his duties, either directly or indirectly, by threat or by coercion demands or accepts or attempts to accept any bribe or unauthorized favour or reward shall on conviction be punished with imprisonment for a period which may extend to seven years or with fine not exceeding his salary for

twelve months or with both.

116. Vexatious Arrest, Search, Seizure, Violence, Etc :-

Whoever, being a police officer,-

(a) enters into or conducts unnecessary searches or causes to be searched without lawful authority or reasons in any building, vessel, tent or place for causing annoyance; or

(b) seizes the property of any person or detains a person in custody or conducts search or arrests any person illegally for causing annoyance and without reasonable cause; or

(c) deliberately subjects, any person in custody or with whom he comes into contact in the course of his duties, to torture or any kind of inhuman or unlawful personal violence or grave misconduct; or

(d) deliberately, knowingly and maliciously with intent to implicate an innocent person in a criminal offence records a false statement or make a forged document or raises a false allegation of attack on the police ; or

(e) deliberately and directly aids or abets for the commission of an offence which, as a police officer, he is bound to prevent, shall on conviction, be punished with imprisonment for a term which may extend to three years or fine or with both:

Provided that nothing in this section shall preclude any court from punishing any police officer, under any other law for the time being in force, if the same matter is an offence under the provisions of that law.

117. Penalty For Interfering In The Functions Of The Police :-

Whoever,-

(a) abets any member of the police force not to do his duties or to commit violation of discipline; or

(b) unlawfully undertake any function or power of police; or

(c) personates as a police officer other than innocently for the purposes of entertainment; or

(d) deliberately makes a false statement to a police officer with intent to mislead the police in material particulars in a police investigation or due performance of police duty; or

(e) threatens, obstructs or assaults a police officer with the manifest intention of preventing such officer from discharging any of his duties,

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

118. Penalty For Causing Grave Violation Of Public Order Or Danger :-

Any person who,-

- (a) is found in a public place, in an intoxicated manner or rioting condition or incapable of looking after himself; or
 - (b) knowingly spreads rumours or gives false alarm to mislead the police, fire brigade or any other essential service; or
 - (c) knowingly and willfully causes damage to an essential service, in order to create general panic among the public; or
 - (d) causes annoyance to any person in an indecent manner by statements or verbal or comments or telephone calls or calls of any type or by chasing or sending messages or mails by any means; or
 - (e) knowingly does any act which causes danger to public or failure in public safety; or
 - (f) transports explosive articles or dangerous substances without being lawfully authorized to do so; or
 - (g) is found under suspicious circumstances, in a public place, being a goonda or a rowdy in possession of equipments which are intended to be used for any activity in the neighbourhood for facilitating any anti-social activity as defined under the Kerala Anti-Social Activities (Prevention) Act, 2007 (34 of 2007) ; or
 - (h) violates the provisions of section 73 or imparts physical training in contravention of the said provision; or
 - (i) gives or sells those who are below eighteen years any intoxicating substance or to children any articles or substances which are harmful for their physical and mental health or procure the same near school premises for that purpose,
- shall, on conviction be punishable with imprisonment for a term which may extend to three years or with fine not exceeding ten thousand rupees or with both.

119. Punishment For Atrocities Against Women :-

(1) Any person who,-

- (a) performs, in public places, any sexual gestures or acts degrading the dignity of women; or
 - (b) takes photographs or records videos or propagates them at any place in a manner affecting the reasonable privacy of women,
- shall, on conviction, be punished with imprisonment which may

extend to three years or with fine not exceeding ten thousand rupees or with both.

(2) Where any service provider or person in charge of a public place, who fails by deliberate omission to take reasonable action for the time being to prevent such a criminal act, if the victimized woman complains that an offence under sub-section (1) had taken place in their presence or fails to inform the authorities concerned shall be an offence which on conviction be punishable with fine upto one thousand rupees.

120. Penalty For Causing Nuisance And Violation Of Public Order :-

If any person,-

- (a) cleans furniture, article or vehicle or slaughters any animal or cleans any carcass or grooms any animal in a public place causing annoyance or inconvenience to the public;
- (b) causes any vehicle or conveyance to remain in such a manner causing obstruction, inconvenience or danger to the public;
- (c) defaces or covers a traffic sign or signboard reducing its visibility or readability;
- (d) defaces walls, buildings or other structures without the prior permission of the custodian of the property;
- (e) defiles water sources or water supply or cause hindrance to public sanitation activities or make public place dirty or causes serious damage to environment unlawfully;
- (f) trespasses into a Government building or Government land;
- (g) drives, drags or pushes any non-motorised vehicle at any time between half an hour after sunset and one hour before sunrise without sufficient light;
- (h) drives or drags or pushes any non-motorised vehicle without actual necessity or sufficient reason for such deviation and does not keep,-
 - (i) on the right side of any other vehicle while overtaking;
 - (ii) the left side of the street when any other vehicle is coming from the opposite direction.
- (i) transport through the street any vehicle or vehicles carrying any article which projects more than five feet in front or behind the vehicle or vehicles;
- (j) causes any injury or damage by any negligence or ill-usage in driving, management or care of any animal or vehicle;
- (k) knowingly defecates or urinates in a public place with a view to

cause annoyance to others;

(l) does not take due care of pets under ones care or control and thereby causing inconvenience to neighbours or public by carelessly letting them loose ;

(m) buys any ornament, watch, pen, cycle, utensil or any valuable article from any person apparently under the age of fourteen years or takes any article on pawn or pledge from such a person without the knowledge and consent of the owner ;

(n) without adequate precautions and without taking into account public safety, undertakes or allows any dangerous activity at a place or premise under his control; or

(o) causing, through any means of communication, a nuisance of himself to any person by repeated or undesirable or anonymous call, letter, writing, message, e-mail or through a messenger ;

(p) breaks any queue, in any public place, formed for the purpose of orderly delivery or receipt or use of any service, whether public or private;

(q) pastes or affixes any document anywhere which is of a defamatory or threatening nature concealing the identity of the author thereof,

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

121. Punishment For Offences For Which There Is No Separate Provision :-

(1) Any person who violates any of the provisions of this Act or commits any act of commission or omission in violation of the provisions of this Act or any rules or any order made thereunder shall, on conviction, if no other punishment is prescribed for the same offence under this Act, be punishable with imprisonment for a term not exceeding six months or with fine which may extend to two thousand rupees or with both.

(2) Where the offence is committed by more than one person each of them shall be punished severally.

122. Offences By Companies :-

(1) Where an offence under this Act has been committed by a Company, every person who, at the time the offence was committed, was in charge of and was responsible for, the conduct of the business of the company, as well as the company, shall be

deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of any Director or Manager or Secretary or any other officer, such Director or Manager or Secretary or such other officer of the company shall also be deemed to be responsible for the offence and such person shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section,-

(a) "Company" means a body corporate and includes a firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm.

123. Prosecution Under Other Laws Not Barred :-

Nothing contained in this Act shall be construed as preventing any person from being prosecuted or being made liable for any penalty or punishment fixed under any other Act for an offence made punishable under any other Act and by this Act in addition to the action taken under this Act.

124. Procedural Irregularity Not Material :-

No rule made by or under this Act or any rule, order, direction, adjudication, investigation, trial, notification, action taken, issued or published basically consistent with the said rule, shall not be deemed to be illegal or invalid or void or incomplete on the ground of any defect or irregularity in the procedure or form unless such defect or irregularity shall not prejudicially cause any material harm or fault.

125. Cognizable Offences And Bailable Offences :-

(1) Offences under sections 116,117,118 and 119 of this Act shall be cognizable and bailable and an offence under section 115 shall be cognizable and non-bailable.

(2) Notwithstanding the provisions of sub-section (1), a police officer shall have power to arrest a person only if,-

(a) his arrest is necessary to prevent or not to continue any offence; or

(b) it is manifestly evident that locating such person subsequently

is not possible; or

(c) such person is likely to hurt himself or any other person; or

(d) there is any special and emergent circumstances warranting the arrest.

(3) All other offences under this Act shall be non-cognizable and bailable:

Provided that a police officer present at the spot may remove a person temporarily for the purpose of preventing the continuance of an offence in his presence.

126. Compounding Of Offences :-

(1) The Station House Officer may, on application of the accused, compound all non-cognizable offences under the Act.

(2) The District Police Chief may, on any application made by the accused, compound offences under sections 117, 118 and 119(2) if he deems that the matter is not serious enough to be prosecuted before a court:

Provided that no such compounding shall be made in a matter in which the court has already initiated action, after submission of charge sheet by police, and on such occasions, the offences may be compounded before such court.

(3) The compounding fees to be levied in respect of each category of offence while compounding shall be such as may be prescribed by the Government and the Station House Officer concerned shall collect such compounding fees in accordance with the manner notified by the State Police Chief.

(4) Compounding shall not be deemed to be conviction but may be used to prove the previous conduct in any proceeding where such previous conduct is relevant.

127. Criminal Justice Miscellaneous Expenses Fund :-

(1) There shall be a Fund called the Criminal Justice Miscellaneous Expenses Fund maintained and administered centrally by the State Police Chief and from the Fund, the following expenses may be met, namely:-

(a) expenses including medical expenses of those in custody;

(b) expenses incurred in respect of investigation of criminal cases including allowances or reimbursement of expenses to witnesses, other than the expenses incurred by police officers or allowances paid to police officers;

(c) expenses relating to maintenance and storage of articles kept in

custody;

(d) expenses incurred for activities connected with the removal of dead bodies and for giving emergent help for injured persons and for victims of accidents and disasters.

(2) The administration of the Fund shall be in accordance with the orders issued by the Government.

(3) All compounding fees levied and collected by the Police while compounding the offences under the Act and all amounts realised by the sale of unclaimed properties and perishable properties shall be remitted to the Fund.

(4) Government may, from time to time, provide amount to the Fund for ensuring that there is sufficient amount in the Fund to meet the expenses.

128. Power Of Government To Give Directions :-

Notwithstanding anything contained in the foregoing provisions of this Act, Government may give lawful directions to the State Police Chief for taking actions in accordance with the provisions of the Act.

129. Power To Make Rules :-

(1) The Government may by notification in the Gazette, make rules either prospectively or retrospectively to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) all matters expressly required or allowed by this Act to be prescribed; and

(b) all other matters which are or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the

Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

130. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, Government may by order do anything not inconsistent with the provisions of this Act which appears to them necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly.

131. Repeal And Saving :-

(1) The Kerala Police Act, 1960 (5 of 1961) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any proceedings initiated under the repealed Act shall be deemed to have been done or taken or initiated under the corresponding provisions of this Act:

Provided that any notification or order or rule or bye-law made or issued under the repealed Act and not inconsistent with the provisions of the Act shall continue to remain in force until the same is superceded by any notification or order or rule or bye-law made or issued under this Act and the same shall be deemed to have been made or issued under the provisions of this Act.