

# Police- Powers & Duties

BA-I Sem. 1<sup>st</sup>

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# Police

- ▶ Police is the function of that branch of the administrative machinery of government which is charged with the preservation of public order and tranquility, the promotion of the public health, safety, and morals, and the prevention, detection, and punishment of crimes. The police Act, 1861 is an important statute which highlights the functions and powers of police officers.
- ▶ The preamble to this Act states,  
“it is expedient to reorganize the police and to make it a more efficient instrument  
for the prevention and detection of crime”.
- ▶ Therefore, another definition of ‘Police’ can be construed from the preamble which is  
Police is an instrument whose objective is the prevention and detection of crime.

# Police Acts

- ▶ The Police Act, 1861- It is the main statute and it talks about overall administration of police statewise. According to the Section 2 of the Act, the number of officers or men employed in police shall be decided by the respective state government from time to time and will be enrolled formally. The entire working of police force in the state is in the hands of Director- General of Police whereas as per Section 4 of the Act, the administration throughout the district is in the hands of District Superintendent of Police under the directions of District Magistrate.
- ▶ The Police Act, 1888- The objective of this Act according to Section 2 is “the Central Government may, by notification in the Official Gazette, create a special police district embracing parts of two or more States, and extend to every part of the said district the powers and jurisdiction of members of a police force belonging to a State specified in the notification.”
- ▶ The Police Act 1949- This Act has made the provisions for administration of police force in Union Territories. According to Section 5 of the Act, superintendence of police throughout general police district is exercised by Central Government. All the provisions of The Police Act, 1861 are applicable for the administration of Police in UTs.
- ▶ The Delhi Special Police Establishment Act, 1946- This Act has played a pivotal role in the functions of the police officers. It provides for a special police force in Delhi and this body can also integrate or aid the police of other states with the concurrence of respective State Governments.
- ▶ The Model Police Act, 2006- This Act lays down the constitution, appointment, powers, role, responsibilities of police officers.

# Duties and responsibilities of Police

- ▶ The role and functions of the police shall broadly be:
- ▶ to uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;
- ▶ to promote and preserve public order;
- ▶ to protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;
- ▶ to protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;
- ▶ to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;
- ▶ to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;

# Duties and responsibilities of Police, Contd....

- ▶ To register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend the offenders, and extend requisite assistance in the prosecution of offenders;
- ▶ to create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity;
- ▶ to provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures; to aid individual, who are in danger of physical harm to their person or property , and to provide necessary help and afford relief to people in distress situations;
- ▶ to facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;
- ▶ to collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.
- ▶ to take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.”

# Powers of Police

- Registering FIR- Police has power to lodge FIR. Section 154 of the Code of Criminal Procedure, 1973 says that police has to record the information related to any cognizable offence.
- Power to investigate and procedure of investigation- Section 156 gives the power to police officer to investigate any cognizable offence without the order of a Magistrate and the proceedings
- Of the police cannot be called in question on the ground that this section does not empower police officer to investigate.
- ▶ For investigation as mentioned under Section 156 of the Code, the police has to send a report to the Magistrate first and then start the investigation. The police officer on completion of investigation has to send the police report as per Section 173(2). The police report should contain the following:
  - Names of the parties; nature of information;
  - Names of persons who appear to be acquainted with the circumstances of the case;

# Powers of Police, Contd.....

- Whether any offence appears to have been committed and, if so, by whom;
- Whether the accused has been arrested; whether he has been released on his bond and, if so, whether with or without sureties;
- Whether he has been forwarded in custody under section 170.

Investigation in non- cognizable offences can be carried out by police after an order has been passed by the Magistrate.

- Power to inquire and report on suicide- Section 174 of the Code empowers police to inquire and report the cases of suicide, or when has been killed by another person, by an animal, machinery, accident or has died under circumstances raising reasonable suspicion that some other person has committed an offence.
- Power to require attendance of witnesses- According to Section 160(1) of the Code, police can order the witnesses (except the ones mentioned in the proviso to Section 160(1)) to present before himself or any other person provided the order is in writing, the person is acquainted with the facts of case and person is within the limits of police station.
- Power of preventive arrest- Section 151 of the Code empowers police to arrest a person without the orders of Magistrate if it appears to the police that the person is planning to commit any cognizable offence. In *Medha Patkar v. State*, the landowners of MP and some other people gathered on road and were shouting slogans and their demands. Police arrested those people along with women and children under Section 151. It was held that there was no danger that the gathering will commit a





Thanks

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the image, creating a modern, layered effect against the white background.

