

Know your Rights

*A handbook for political activists,
social workers, trade unionists, etc.*

**Committee for the Protection of Democratic Rights
Bombay**

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FOREWORD

According to a member of the National Police Commission: "In Azad Maidan police station of Bombay, the number of persons arrested was 1537 persons under section 41 Cr. P. C. in one year,—1978. Out of these, 1280 persons were released after 15 days as no case was made out. In other words, in one single police station of Bombay city, 1280 persons were kept under an unwarranted restraint and deprived of liberty for no fault of theirs."

Such is the story of Bombay, the habitat of the enlightened and the elite, who ought to know about their rights under the laws and the Constitution. But, obviously, they do not. If this be the extent of knowledge of the elite, what could be the knowledge of common people like Dalits, slum dwellers, pavement dwellers, ordinary workers etc., who throng the metropolis daily for their livelihood, and who are usually the target of the police, about whom an ex-Judge of the Allahabad High Court remarked, "I say it with all sense of responsibility that there is not a single lawless group in the whole of the country whose record of crimes is anywhere near the record of the organized unit, which is known as the Indian Police Force."

If the police are callous and brutal, magistracy indifferent and the citizens ignorant of their rights,—then what happens? The citizens—the innocent citizens—suffer for no fault of theirs and are branded as common criminals, when they are not. Even if they are released, say, after a fortnight without a charge, no compensation is paid for the extreme inconvenience caused to them and they still remain suspect in the eyes of their more fortunate neighbours.

According to the same member of the National Police Commission, whom I quoted earlier, "On 30-6-79 in 1065 jails of India there were 138893 inmates of whom 57,683 (41.5%) were convicts, and 79,248 (57%) were undertrials."

If the citizens knew about their legal rights and acted promptly and firmly, when their legal and constitutional rights were being

violated, so many undertrials at least would not have wasted months and even years in prisons, under inhuman circumstances.

The Committee for the Protection of the Democratic Rights has done a commendable and timely job by bringing out this booklet, which tells the citizen, in simple language, as to what is his legal and constitutional right and how he can protect the same.

Citizens will be grateful for this booklet, small in size, but magnum in content.

Gobinda Mukhoty
Chairman
People's Union for
Civil Liberties and
Democratic Rights (Delhi)

30-6-80

INTRODUCTION

The constitution of India guarantees the people of India the freedom to participate in the political life of the country and to express themselves as political beings. But this freedom is hedged in by so many legal restrictions that even the minimum of political activity may amount to an infringement of the law. Also, it is well-known, that the law itself is circumvented with the power of money.

The general ignorance of our legal rights made CPDR feel the need to bring out this booklet. It is a humble effort to explain in simple language the laws regarding a citizen's participation in public activities. This should enable people to deal with the authorities with the confidence derived from knowledge.

The topics are vast and volumes could be written on them; but it is beyond the scope of such a booklet. Therefore, we have mainly confined our efforts to the explanation of the procedure which public activists have to follow to avoid a brush with the government machinery, or else how to deal with them without being cowed down. Yet, this booklet is not a substitute for legal advice in specific cases.

Attention of readers needs to be drawn to a few things. The 'police' is a state subject. Every state has its own police act. This booklet refers to the Bombay Police Act only. But it need not detract from the utility of the booklet to the people of other states because all police acts have been enacted on almost the same lines.

Another thing which has to be noted is that most of the powers which are exercised by the Commissioner of Police in the city of Bombay, are exercised in the districts by the district magistrate or the Superintendent of Police authorized by the state government. Barring some such minor differences, the Bombay Police Act applies uniformly to the whole of Maharashtra.

The other facts in the booklet which are mainly based on the constitution and the criminal procedure code are valid all over India without any variations.

We hope this booklet will make its small contribution to the cause of civil liberties and democracy and we shall be glad if any shortcomings could be pointed out to us.

Sd/-Vijay Tendulkar
President, CPDR

Bombay, Aug. 1, 1981

CONSTITUTIONAL RIGHTS

The Constitution guarantees you, as a citizen of India, certain fundamental rights. These are not privileges or favours but basic rights which you and every other citizen is entitled to. Most public activities, such as putting up posters, organising unions, arranging meetings and demonstrations, and staging plays, fall well within the framework of the Constitution. The specific fundamental rights that guarantee these activities are the Freedom of Speech and Expression [Article 19 (1) (a)], the Right to Assemble [Art 19 (1) (b)], Right to form Associations [Art. 19 (1) (c)], and the Right to move freely and to settle anywhere in India, [Art. 19 (1) (d) & (e)], laid down in the Constitution.

However these rights are not unlimited. Within the Constitution itself they are restricted on various grounds.

The Government can restrict the *Freedom of Speech and Expression* in order to protect:

- (a) the sovereignty and territorial integrity of India
- (b) the country's security;
- (c) friendly relations with foreign countries;
- (d) public order;
- (e) social norms of decency and morality;
- (f) and in order to prevent contempt of court, defamation and action which can incite people to break the law.

A Magistrate empowered by the government, can under Section 144 of the Cr. P. C. order you not to exercise this right when he feels your actions will cause or lead to a riot or public disturbance. Besides under Section 124A of the I.P.C., if he feels that you will bring this Government into disrepute, arouse disloyalty or hatred against it or bring it into contempt, the Magistrate can impose a fine or even imprisonment upto 3 years after a trial.

While you are allowed to assemble peacefully and without arms, the *Right to Assemble* can be curtailed (1) to protect the country's sovereignty and territorial integrity, or (2) in the interests of public order.

The Right to form Associations allows you to form associations and unions to promote various objects, but the Government can

restrict this right to maintain (i) the sovereignty of India; (ii) the territorial integrity of India; (iii) public order (iv) morality.

Finally, the *Right to move freely throughout India and settle anywhere in India* can be curtailed by the government on two grounds : (i) in the interest of the general public and (ii) for the protection of any scheduled tribe.

As is obvious, the government or the police could use these broadly defined restrictions to curtail your activity to serve their interests. Besides, in conducting public activities, regulations under the criminal laws, such as the Indian Penal Code (IPC), and specific laws, such as the Press and Registration of Books Act in the case of publications, have to be complied with, further complicating problem of organising such activities. Most activists are therefore unsure what procedures are to be followed and to what extent they can exercise their rights. The first chapter describes basic procedures and what can, and cannot be done, with reference to:

- Public meetings and processions

- Use of loudspeakers

- Distribution of leaflets and use of placards

- Picketing

- Publication of books, newspapers etc.

- Screening of films and staging of plays.

Curtailement of the right to move freely has been dealt with under Externment, the last section in this chapter.

CHAPTER—I

PUBLIC ORDER

(A) Public Meetings and Processions

Public meetings and processions are means to express your ideas and to spread them among the people. This is a part of your fundamental right to freedom of speech and expression. However, your right to hold public meetings and to take out processions can be controlled by the police.

The police can—

1. direct the behaviour and conduct of persons who constitute meetings or processions on or along the streets;
2. prescribe in the case of processions—
 - (a) the route by which the procession may or may not pass,
 - (b) the order in which the procession may pass, and
 - (c) the time at which the procession may or may not pass;
3. issue directions regarding the admission of the public to meetings and processions in the interest of public order, safety etc;

If you resist, refuse or omit to conform to any such direction the police may arrest you and either take you before a magistrate or, in trivial cases release you on the spot.

Breach of a specific direction given by a police officer of a specified rank with regard to the route of a procession or the behaviour of processionists, the participants of a public meeting etc. is a cognizable offence and you can be arrested without a warrant.

Section 41 of the Bombay Police Act, 1951, says that the police have been given this power in order to prevent disorder or breach of the law. This power can be exercised by any police officer other than a constable.

The police have free access to a place of public meeting or procession.

You don't need the prior permission of the police to hold a public meeting or to take out a procession. But the Commissioner of Police has power to prohibit public meetings and processions in specified areas (Section 37 of the Bombay Police Act). This prohi-

bition must be by an order in writing which must be publicised, for example, by announcing it in the newspapers. Whenever there is such a prohibition, you need a licence from the police to hold public meetings and to take out processions. Normally there is such an order of prohibition around places like Mantralaya. But once the police come to know that you have planned to hold a meeting or to take out a procession, they can, in the name of keeping the peace or regulating traffic, regulate the conduct of the meeting and the procession.

Public meetings are those meetings which the public is entitled to attend. Meetings to which the public is not invited are private meetings. The police can in no way regulate private meetings.

Public meetings cannot be held on private property without the consent of the owner.

Railway properties are government properties, and can be used by the public only if they have been declared open to the public. Otherwise the permission of the Railway authorities is required.

(B) Use of Loudspeakers

You have a right to use mechanical instruments like loudspeakers and amplifiers. But the police can restrict the use of such devices as regards the time, place and manner of using them, if they are likely to cause a disturbance or nuisance to the community.

Under the Bombay Police Act, the police can, either orally or in writing, regulate and control the use of loudspeakers in or near any public place or in any place of public entertainment.

The Commissioner of Police of Bombay is empowered to make rules to regulate the use of loudspeakers (Section 33 of Bombay Police Act). The Commissioner has exercised this power and made rules for the use of loudspeakers. Therefore, you need a police licence to use a loudspeaker. You have to make an application to the Inspector of the police station under whose authority the place where you intend to install the loudspeaker falls. The licence which the police grants lays down the following conditions:

1. The loud speaker should be of core 6" type minimum 3-5 output.
2. Horn type loudspeakers are prohibited except for public meetings.
3. Playing of gramophone records is prohibited except for religious functions where only classical and devotional songs

are permitted.

4. The tone and volume of the loudspeaker are controlled in such a way as to cause no annoyance to the residents or persons carrying on businesses in the locality.
5. Particular care is taken not to cause any inconvenience or disturbance to the inmates of the undermentioned places when loudspeakers are being used in the vicinity thereof
(a) any hospital, (b) Court or public office during working hours (c) a place of worship during the hours of worship, (d) educational institutions during study hours.
6. No loudspeaker should be installed or operated from a position which overlooks a road or from any terrace. •
7. Loudspeaker should not face the road or be operated from any terrace.
8. This permission does not entitle the holder to hold a programme of entertainment such as dramas, variety entertainment, etc, for which separate permission is necessary.

(C) Use of Placards and Distribution of Leaflets, etc.

Your right to use placards and leaflets can be restricted on such grounds as public order, decency and morality, security of the state, etc. The Bombay Police Act, 1951, empowers the Commissioner of Police to ban and confiscate such articles for the preservation of public peace and security (Section 37).

You are free to stick posters, or to write and draw slogans and paintings on public walls. But the same cannot be done on private walls without the permission of the owners.

The stick attached to a placard can be considered as a weapon for causing physical violence. Such sticks can be seized by the police and forfeited to the State provided that the Commissioner of Police has, by notification, prohibited the carrying of such weapons in the area concerned (Section 37 of the Bombay Police Act, 1951).

The police can also seize weapons or instruments capable of being used as weapons from you under Section 52 of the Cr. P.C..

* *

Some commonly asked questions on the above provisions :

- (i) Is police permission necessary to hold a public meeting:
(a) indoors (b) outdoors?

It does not matter whether a meeting is held indoors or outdoors. What matters is whether the meeting is public or private. You do not need police permission in advance to hold a public meeting. For more information, see the passage on public meeting.

(ii) If a public address system is to be used, is police permission necessary?

Police permission is necessary. Refer to the passage on loudspeakers.

(iii) Have the police to be informed in advance of a morcha arranged? Do you have to get police permission for the route along which the morcha passes?

There is no need to inform the police in advance of a morcha arranged. You don't need police permission for the route along which the morcha will pass. But the police may regulate the route.

(iv) Is carrying placards, etc. legal?

Carrying placards, etc., is absolutely legal. But if the message which they convey is illegal (for example, something obscene or something which incites the people to violence), the placards can be confiscated by the police.

(v) Is the distribution of leaflets in public places legal?

It is legal provided the contents of the leaflet are legal.

(D) Unlawful Assembly

A gathering of five or more people will be considered unlawful if the aim of the gathering is—

- (i) to threaten by force parliament or any state legislature, or State or Central Government, or any public servant on duty;
- (ii) to resist the enforcement of any law;
- (iii) to commit any trespass or mischief or other offences;
- (iv) to forcibly take away someone's private property or try to enforce any of your rights, real or imaginary, other than through legal means,
- (v) to force anyone to do anything against the law.

An unlawful assembly can be dispersed by an Executive Magistrate, the officer in charge of a police station, or any police officer of the rank of Sub-Inspector or above. Force can be used to disperse such an assembly and its members can be arrested without warrant. The police can seek the help of the male members of the public for the dispersal of the unlawful assembly. Your refusal to help the

police, when required, is punishable.

The seniormost Executive Magistrate on the spot can use armed forces to disperse the unlawful assembly.

(E) Picketing

Peaceful picketing is lawful. But you, as pickets, must not use violence or obstruct or intimidate others. You must not loiter around a place with the aim of causing intimidation or obstruction or using force. Otherwise you can be punished with imprisonment upto six months, fined, or both. (Section 7 Cr. Law Amendment, 1932 Act). Picketing during an industrial dispute, with the intention of peacefully persuading your co-worker to join you on strike is lawful (Sec. 18 of Trade Unions Act).

(F) Unlawful Associations

Part II of the Criminal Law Amendment Act, 1908, deals with unlawful associations. Any combination, or body of persons, whether it is known by any distinctive name or not constitutes an "association". An "unlawful association" is an association which encourages or aids persons to commit acts of violence or intimidation.

The State Government can declare an association as unlawful on the grounds given below :

- (i) Danger to public peace;
- (ii) interference with the maintenance of public order;
- (iii) interference with the administration of the law.

The Government must specify the grounds on which the association is declared unlawful, and the members of the association must be given opportunity to make a representation as regards the ban.

The persons connected with an unlawful association can be arrested without warrant and be punished with imprisonment.

The State Government can take possession of the properties of an unlawful association and forfeit its funds.

(G) Publication of Books, Pamphlets, etc., and the Screening of films, Staging of Plays, etc.

Article 19 (1) (a) of the Constitution grants you the freedom to acquire knowledge, to publish and read books, periodicals, etc., to screen films and to stage plays, etc. This freedom is subject to reasonable restrictions only.

Section 292 of the I.P.C. makes it an offence to sell obscene publications or to possess them for selling.

The Government can ban books, etc, and prohibit the performance of plays, films, etc. which, they think are likely to defame, scandalise, corrupt, or deprave the people and which can create disloyalty against the Government. *But nothing can be banned only because it is against the politics of the ruling party.*

1. PUBLICATION OF BOOKS, PAMPHLETS, PERIODICALS, ETC.

Whatever matter you wish to publish is regulated by the Press and Registration of Books Act, 1867. This Act gives the following definitions :—

Book includes every volume, part or division of a volume and pamphlet.

Newspaper means any printed periodical work containing public news or comments on public news.

Paper means any document, including a newspaper, other than a book.

Printing includes cyclostyling and printing by lithography.

When bringing out any publication you are required to :

- (a) Print legibly on every book or paper printed within India
 - (1) the name of the printer and the place of printing,
 - (2) (if the book or paper be published) the name of the publisher and the place of publication (Section 3).
- (b) Print clearly on every copy of a newspaper the names of the owner and editor, and also the date of its publication.

Before a newspaper is printed and published, its printer and publisher must appear and declare before a magistrate all the particulars like the name of the printer, the name of the paper, etc.

The Magistrate will not sign and seal this declaration unless he is, on inquiry from the Press Registrar, satisfied that there is no other newspaper with the same title as yours, in the same language in the country.

When you cease to be the printer or publisher of a newspaper, appear before the magistrate and make a declaration to that effect.

If your name wrongly appears on a copy of a newspaper as printer or publisher or as someone connected with it, appear, within two weeks of your becoming aware of that fact, before the magistrate and declare that your name has been wrongly published.

- (c) Publish in every copy of a newspaper the retail selling

price of each copy. When there is no such selling price, publish at an appropriate place that it is for free distribution.

Unlike for newspapers, for the publication of a book the prior permission of the Government is not required. The only restriction regarding the publication of a book is that the name of the printer, publisher, etc. must be written on the book.

If you print and circulate a paper for private circulation only, and this is stated in the paper, there are no formalities to be complied with.

After publication, books and newspapers have to be delivered to relevant authorities of the Government by the printers and publishers.

- (a) Within 48 hours of publication of an issue of a newspaper, send one copy of the issue to the Press Registrar by post or by messenger.
- (b) Within 48 hours of the publication of the newspaper, send two copies of each issue of the newspaper to the Examiner of Books and Publications and one copy to the Curator of Libraries in Bombay.
- (c) Within one month after the book is out of the press, send copies of the book to the Examiner of Books and Publications in Bombay.
- (d) Deliver one copy of the book to each of the following public libraries :
 - (i) The Central Library, Town Hall, Bombay.
 - (ii) The Maharashtra Regional Library, Poona.
 - (iii) The Central Library, Nagpur, in the case of books in Marathi.

Along with each copy of a book delivered, you have also to deliver a memorandum containing the particulars, i.e. the name of the author, the subject, the place of printing, the place of publication, etc.

The Examiner of Books and Publications maintains a catalogue of books which contains a brief, descriptive and impersonal comment on each book and other details. He forwards a copy of every book to the Home Department to be sent to the Government of India.

The publication of any newspaper, book or document which may promote sedition, disharmony among various sections, or which is prejudicial to national integration or an insult to religious feelings

is punishable under the I.P.C. Such publications may be forfeited by the Government.

2. THE SCREENING OF FILMS, STAGING OF PLAYS, ETC AND THE COLLECTION OF MONEY.

Section 33 of the Bombay Police Act gives power to the Commissioner of Police to make rules for the regulations of films, plays, etc. The rules have been framed under Section 33.

To hold a musical, dancing, dramatic, mimetic, theatrical or other performance for public amusement, you are required to have a licence from the licensing authority, i.e. the Commissioner of Police in Bombay City. The application for the licence should be accompanied by :—

- (a) A true copy of the certificate of *suitability of the script* from the Stage Performance Scrutiny Board;
- (b) In case there is no script, a synopsis of the performance together with a true copy of the certificate of suitability of the synopsis from the Board;
- (c) a true copy of the premises licences for the place in which the performance is to be held.

If the admission is on payment of money or with the intention that money may be collected from those admitted, the application should be accompanied by another application for the grant of a "Sale of Tickets licence".

A performance licence can be granted for performance either at one place or at several places according to the discretion of the licensing authority.

The following acts are prohibited on the stage or in any part of the auditorium :

- (a) any profanity (showing contempt for god or sacred things) or impropriety of language;
- (b) any indecency of dress, dance, movement or gesture;
- (c) any offensive presentation or representation of any individual;
- (d) anything which promotes sedition or political discontent (this restriction can be unconstitutional);
- (e) anything which may cause riot, etc;
- (f) any dangerous performance with a wild beast except in a circus;
- (g) anything involving danger to the audience or the public;

(h) any item not covered by the licence.

Music is not supposed to be played in public places between 10 p.m. and 5.00 a.m. or between such hours as may be fixed by the Commissioner of Police. (Playing music includes the playing of gramophone, phonographs, radio amplifiers, radio-grammaphones, bands, tomtoms, drums, symbols and other similar instruments).

No ticket of admission can be sold without a licence. Tickets can be sold only at the booking offices. In the case of charitable shows, the permission may be granted to sell the tickets at places other than the booking office. The price charged and entertainment tax, if any, must be printed on every ticket. A price list showing the various rates for the tickets should be conspicuously displayed in the premises or the booking office. Records have to be maintained, and they can be subjected to inspection by a police officer not below the rank of a sub-inspector.

The rules for screening a film are almost the same as the rules for staging of plays, etc.

No place will be allowed to be used as a cinema (a place wherein any exhibition by means of cine-projector is given) unless the owner, tenant or occupier of the place has obtained a licence therefore.

Plays etc, can be staged and films can be screened at public places without tickets provided that they don't obstruct traffic or don't cause nuisance to the people. E.g. a street play is lawful provided there is no obstruction to traffic and no nuisance caused.

DUTY ON ENTERTAINMENT—

The State Government can levy a duty on the sale proceeds of all tickets. The duty is quite high.

No person can be admitted to the place of an entertainment unless he has a ticket with a government stamp thereon showing that the duty has been paid.

But there need not be any entertainment duty if the Commissioner of Police is satisfied that—

- (a) The whole collection of money will be used for philanthropic or charitable purposes; or
- (b) the entertainment is of a wholly educational character; or
- (c) the entertainment is provided partly for educational or partly for scientific purposes by an organisation established with no profit motive.

In the cases mentioned above, the money collected from the entertainment cannot be used for the expenses of the entertainment. If it is so used, the duty will have to be paid. But if the expenses do not exceed 20 per cent of the collection, the duty paid will be refunded.

The State Government has the power to exempt any entertainment or class of entertainment from liability to duty. This exemption is granted by the Commissioner of Police.

(H) Externment

Under the Indian Constitution all Indians have a fundamental right to travel freely throughout India or stay anywhere in India [Article 19 (1) (d).] But this right is subject to restrictions in the interests of the general public or for the protection of scheduled tribes and scheduled castes.

The Bombay Police Act allows the Commissioner of Police to extern people on the following grounds:

- (i) The movement or stay of some particular group of people in the area in his charge causes or is calculated to cause danger or alarm;
- (ii) The Commissioner of Police has reasonable suspicion that the group of people in question intends to carry out some unlawful activity;
- (iii) the movement or acts of any person are causing or calculated to cause alarm; danger or harm to person or property;
- (iv) the Commissioner of Police reasonably believes that someone is engaged or is about to be engaged in an offence involving force or violence, or in such an offence as murder, theft or counterfeiting coins;
- (v) witnesses don't come forward to give evidence in public against such person because they are afraid of the safety of their person or property;
- (vi) the Commissioner of Police reasonably believes that a person convicted of an offence like murder or theft may again commit the same type of crime.

The externment cannot be for more than two years.

Before a person is externed he will be informed of the charges against him but he will not necessarily be given the particulars of charges. He will be given an opportunity to deny the charges. He is entitled to present his case with the help of an advocate. The

courts can interfere and over-rule the decisions of the police only in exceptional cases like denial of natural justice or mala fide use of the power.

The police may temporarily allow you to re-enter the area from where you were externed.

The Government can directly exercise the power of externment which the Commissioner of Police has, and directly extern you.

In recent years, often, the Government and the police have used the power of externment against trade unionists, political activists, not just against anti-social elements.

CHAPTER—II

CONFRONTING THE POLICE

In the pursuit of any activity you may come into confrontation with the police. Knowing the law and your rights will help you to deal with the police without panicking and giving them more than is required. To help you tackle such a situation, this chapter first defines the various terms that you may come across in your dealings with the police and the criminal law. Then it deals with your rights and the powers of the police when you are to be arrested, and/or interrogated. The next chapter will deal with your rights in police custody.

DEFINITION OF TERMS

- (a) OFFENCE is—
an act or omission made punishable by law.
- (b) SUMMONS is—
an order issued by a Court, addressed to a person calling for his attendance in court or requiring him to produce a document or an article.
- (c) WARRANT is—
an order issued by a court to a police officer to arrest and produce an offender or to search his premises for a particular thing.

- (d) **COGNISABLE OFFENCE** is—
an offence for which a police officer may arrest without warrant. In the First Schedule of the Cr. P.C., offences have been classified and enumerated as cognisable and non-cognisable. The more serious offences such as murder and rape, robbery and theft, waging war against the State and joining an unlawful assembly are cognisable.
- (e) **NON-COGNISABLE OFFENCE** is—
an offence for which a police officer cannot arrest you without a warrant from a Magistrate. The list of non-cognisable offences is given in the First Schedule of the Cr. P.C. The offences considered not serious are non-cognisable. For example, offences like simple hurt and assault.
- (f) **BAIL** is—
a sum of money fixed by the Court as security, after undertaking payment of which the accused will be allowed to go free until the time of the trial. If the accused fails to turn up for the trial, the bail will be forfeited to the Government.
- (g) **BAILABLE OFFENCE** is—
an offence in which the accused *must* be released on bail.
- (h) **NON-BAILABLE OFFENCE** is—
the offence in which the court may or may not release the accused on bail. The release on bail will depend upon the gravity of the situation.
- (i) **WARRANT CASE** is—
a case in which the punishment is death or imprisonment for more than two years.
- (j) **SUMMONS CASE** is—
a case which is not a warrant case.

A) ARREST

1. Detention

You often hear that so and so was detained by the police for questioning and wonder what the difference is between arrest and detention.

The police in India don't have any power to detain anybody for questioning unless he is arrested. The law on the point is very clear.

Section 41 of the Cr. P.C. 1973, enables a police officer to arrest

without a warrant from a Magistrate any person against whom “(1) a reasonable complaint has been made, or (2) credible information has been received, or (3) a reasonable suspicion exists” of his having been concerned in any cognizable offence.

But the arrest must be made observing all the formalities. In particular, the police officer must “forthwith communicate to him that he is being arrested and the full particulars of the offence for which he is arrested or other grounds for his arrest”. This requirement of lawful arrest (Section 50) is mandatory.

In regard to interrogation, the Code makes an altogether different provision (Section 160). The Police officer investigating a crime must make *an order in writing* should he require the attendance of any person who “appears to be acquainted with the facts and circumstances of the case, and such person shall attend as so required”. *A male below 15 years, and a woman can only be interrogated at their residence.*

But, it is judicially recognised that the police officer cannot compel attendance by use of force, still less can he detain or arrest even for a single moment a person whose statement is required for purpose of investigation. The only sanction against non-attendance, in obedience to an order of a competent public servant, is prosecution under Section 174 of the Penal Code which makes such defiance a punishable offence.

If the police illegally detain you without arrest, you have the right to resist such false imprisonment in sheer exercise of the right to self-defence or you can take legal action both in civil and criminal law against the police who illegally detain you.

You can also file a habeas corpus petition for your release from custody (see page 26).

2. What is Preventive Detention ?

Preventive Detention was first introduced by the British government in 1880. It was used against political workers participating in the national movement.

The Indian Constitution too provides for Preventive Detention. It is well known that in India the Government has made good use of this provision through laws such as MISA. Especially during the Emergency, MISA was used against political opponents. Other parliamentary democracies such as America and France have not resorted to preventive Detention even in times of war. England

resorted to it only during World War II, to detain a Nazi.

If you are arrested under a law like MISA which provides for Preventive Detention:

- (a) You will be informed of the grounds for the arrest. For example, you will be told that your activities are prejudicial to the security of the State. However, the Government is not obliged to tell you precisely what activities of yours are prejudicial to the security of the State.
- (b) It follows, therefore, that you may never know whether there is any basis for your detention or not.
- (c) You cannot be kept in jail under a law of Preventive Detention for a period of more than two months unless an Advisory Board recommends that there is sufficient ground for your detention.
- (d) However, Parliament may, by law, prescribe Preventive Detention for a period of more than two months without obtaining the opinion of the Advisory Board.
- (e) You have no right to be represented by a lawyer before the Advisory Board.
- (f) Even if the Advisory Board does recommend your release after two months the State is not compelled to release you.

3. How you can be arrested and what you can do about it—

If you are arrested:

- (a) You must be informed of the grounds for your arrest;
- (b) You have a right to consult a lawyer of your choice;
- (c) You must be produced before the nearest magistrate within 24 hours;
- (d) You have a right to be told that you are entitled to be released on bail, if you are arrested for a bailable offence.

However if you are arrested under any law for Preventive Detention or if you are a foreigner considered to be an enemy the above provisions will not apply to you.

WHO CAN ARREST YOU ?

- (a) A police officer, (Sec. 42, Cr.P.C.)
- (b) A private person if a non-bailable and cognisable (Sec. 43, Cr. P.C.) offence is committed in his presence.
- (c) A magistrate, when the offence is committed in his presence. (Sec. 44. Cr. P.C.)

An arrest can be made:

***By a police officer, on a warrant issued by a court for a non-cognisable offence. You have a right to see the warrant (Section 75 Cr. P.C.)**

***By a police officer, without a warrant for, a cognisable offence. You have a right to be told the reason for your arrest.**

WHEN CAN YOU BE ARRESTED ?

1. If you are involved in a cognisable offence or if there is a reasonable complaint, information or suspicion that you have committed a cognisable offence;
2. If you carry any tool for house-breaking;
3. If you are declared to be an offender under some law;
4. If you obstruct a police officer on duty, if you escape or attempt to escape from police custody;
5. If you desert the armed forces;
6. When you are out of India, commit an offence punishable in India and for which you may be arrested under some Indian law;
7. If you break restrictions imposed by the court on your movements. E.g. having been convicted twice for certain offences like forging currency notes, after your release from jail, you may be required to keep the police informed about your movements.
8. If you are suspected of preparing to commit a cognisable offence;
9. If you are a habitual criminal;
10. If you have committed a non-cognisable offence in the presence of a police officer and have refused to give your name and address to him or have given him wrong name and address;
11. If you possess stolen property;
12. And when you are required by a police officer of another police station who suspects that you have committed a cognisable offence.

SEARCH FOR A PERSON

- (a) Can be made by a police officer with a warrant;
- (b) Can be done without a warrant if the police officer believes that the case is one in which the warrant may be issued, but

the accused may escape before the warrant is issued and he is arrested.

If permission to enter is refused, he can break open the place (Section 47). (See page 31 for details)

ARREST BY THE POLICE AS PREVENTIVE ACTION

You may be arrested by a police officer without a warrant, if he knows that you are planning to commit some cognisable offence and there is no other way of preventing you from committing that offence (Sec. 151 Cr. P.C.). You cannot, however, be detained for more than 24 hours unless it is allowed by a magistrate.

ARREST UNDER THE BOMBAY POLICE ACT

Any one found between sunset and sunrise

- (a) armed with a dangerous instrument with intent to commit an offence;
- (b) Masked or disguised with intent to commit an offence;
- (c) In any building, etc. without having adequate reason;
- (d) Being a known thief, loitering in any public place and without any sufficient reason;
- (e) Having any tool of housebreaking without good reason, can be arrested without warrant.

(See Sections 122 and 72, Bombay Police Act)

If you are arrested by a Police officer under these circumstances, insist on being told the reasons for the arrest.

CAN YOU BE HANDCUFFED ?

1. When people are to be escorted in police custody and are capable of offering resistance, they may be handcuffed if they are—
 - (a) accused of a non—bailable offence punishable with more than three years rigorous imprisonment;
 - (b) accused of an offence such as rioting, armed with deadly weapons;
 - (c) liable to enhanced punishment because of previous convictions for offences like counterfeiting coins or theft;
 - (d) desperate characters;
 - (e) violent, disorderly or obstructive or likely to provoke popular demonstration;

- (f) likely to attempt to escape or to commit suicide or be the object of an attempt at rescue;
- 2. The use of handcuffs will be dispensed with when—
 - (a) The prisoner is confined in a lock up;
 - (b) The prisoner is in a court and the removal of handcuffs is ordered by the court.

The handcuffs are not used while escorting the following types of prisoners unless there are compelling reasons—

- (i) Members of Parliament and Legislators;
- (ii) Military personnel in uniform;
- (iii) *Prisoners charged with political offences like fighting against the Government;*
- (iv) Sick or aged undertrial prisoners or accused persons in hospitals, except in consultation with the medical officer;
- (v) Young offenders unless they are definitely of desperate nature or are likely to make an attempt to escape or commit suicide;
- (vi) Women prisoners.

WHAT HAPPENS IF YOU RESIST ARREST ?

If you resist arrest the police officer can use any method to arrest you. He can even cause your death provided you are charged with an offence punishable with death or life imprisonment. However, they may not use force more than necessary to obtain your arrest.

Excuses of death being caused during arrest are to be found in the so-called encounters between the police and political workers in Andhra Pradesh, Punjab, West Bengal and other places.

4. Police Powers to :

SEARCH YOUR BODY

1. A police officer has the right to search the person of anyone arrested and to take charge of his belongings. Insist on getting a receipt for all things taken from you.
2. A woman can be searched only by another woman.

SEARCH YOUR PROPERTY

You are seen in a public place with some property which the police officer suspects is stolen property. The police officer may

search for and seize the property and can even report the matter to a magistrate (Section 65 of Bombay Police Act).

MEDICALLY EXAMINE YOU

1. A police officer not below the rank of a sub-inspector may require you to be medically examined if he feels that this may furnish evidence to prove your offence.
2. He may even use force to have the medical examination performed.
3. The accused can also demand that he be medically examined to prove that he has not committed the offence.
4. In cases of police torture under arrest this provision of law must be taken advantage of and the victim should demand in court that he be medically examined to prove police torture.
5. A woman has a right to demand that she be examined by a woman doctor (Section 53, 54 Cr. P.C.).

(B) AFTER ARREST

i. Bail

Bail means releasing an arrested person until his trial. Refusal of bail results in going to police lock-up or jail until the trial.

Bail gives you the freedom to seek advice from friends or organisations, obtain and consult an advocate easily, trace witnesses and collect evidence for your defence, keep your job.

Remand means sending you back from a court of law into custody so that the investigation may be completed or more evidence may be obtained.

A surety is a person, usually a friend or relative of a person charged with an offence, who pledges to pay the amount of bail before the police or the court, should the accused fail to attend his trial. Surety is also the sum of money pledged.

Bail can be obtained for all offences. Yet in legal language, some offences are classified as non-bailable and others as bailable. The difference is this:

1. In the case of bailable offences, the granting of bail is a matter of legal right unless the accused is required for further investigations. This means that bail cannot be refused and shall be granted by a police officer.
2. For non-bailable offences only the court can order release

on bail. However, if the police officer feels that the complaint needs further investigation he may also release the accused on bail. (Sec. 437(2) Cr.P.C.) In cases of charges punishable with death or life imprisonment, where normally only the Sessions or High Court may grant bail, if there is no material against the accused, a Magistrate may grant bail.

ii. How to get yourself released immediately

You can be released immediately from police custody without being produced before a magistrate in the following cases:

1. When the magistrate endorses on the warrant that you may be released on executing a bond with sureties (Sec. 71).
2. When the offence with which you are charged is a bailable offence and you have been arrested without a warrant; you may be released on bail.

The police officer has the discretion to release you on a bond without sureties instead of insisting on bail (Section 436 of Cr. P.C.).

iii. At the police station

1. Ask for bail at the police station and exercise your statutory right of demanding full particulars of the offence for which you are arrested (Section 50 Cr. P.C.). Whenever you are arrested for a bailable offence without warrant the police must inform you that you are entitled to bail. Nevertheless don't expect the police to say this to you.
2. Don't make statements incriminating yourself in exchange for an offer of bail. A statement made by you to the police may be proved against you if as a direct outcome of your statements a fact is discovered, e.g. recovery of a weapon from a place of concealment. The Constitutional guarantee against self incrimination does not apply in this case.
3. You must be released either on bail or on personal bond unless:
 - (a) You are accused of a non-bailable offence;
 - (b) You are brought before the magistrate within 24 hours of your arrest.
4. If you are not granted bail immediately, you have the right to telephone your advocate, a friend or a relative of yours. Give your advocate the names and addresses of possible sureties. If you don't have an advocate tell your friend or

relative :

- (a) The name of the magistrate's court where you will appear.
- (b) The time the court starts.
- (c) To take to the court anyone else who is prepared to stand surety.
- (d) To contact an advocate if possible.

If you can deal with these matters before you go the court you may be saved an unnecessary remand in the custody.

REMEMBER : POLICE PRACTICES VARY

Bail is not granted automatically in the case of non-bailable offences.

iv. At the Magistrate's Court

The question of bail arises because no case in these courts is ever finished on the first day you are brought before it—except if for minor offences.

5. Ask for bail. The court is under no obligation to ask you if you want bail.

The court must grant you bail unless you are charged with a crime punishable with life imprisonment or death or special circumstances apply—usually because you have been previously imprisoned, you jumped bail on a previous occasion or you have no fixed address, or you are charged with an offence of violence or you will disappear or you are likely to intimidate or threaten witnesses. (The above applies only to non-bailable offences.)

The Court may grant you bail for any offence and whatever the circumstances. If the crime is one punishable with life imprisonment or death, this power can be exercised only as given on Pg. 21.

But women, children and infirm people can be released on bail by a magistrate even if charged with offences punishable with death or life imprisonment.

6. Objection to bail may be raised by the police. Most common objections to bail are:
- (a) You will not appear at your trial;
 - (b) You will interfere with witnesses or with material evidence,
 - (c) You will commit further offences while on bail;

- (d) Police enquiries are not complete;
- (e) Further charges might follow;
- (f) Stolen properties have not been recovered either fully or partially;
- (g) The co-accused are still absconding;
- (h) The victim of the crime is fatally wounded or hurt and is in a critical condition.
- (i) The weapon with which the crime was committed has not yet been recovered.

Do not let the decision to refuse bail be taken without discussion.

Normally the police make an application for remand. Insist on seeing this remand application in which the police give their reasons for your further detention in custody. Refute the reasons given by the police to the extent possible.

Tell the Magistrate:

- (a) If the police or prosecution say anything about you with which you disagree.
 - (b) If refusal of bail would put your study, your job, or your accommodation at risk.
 - (c) If you have members of your family who are dependent on you and who would suffer hardship if you are held in custody.
7. Reasons for refusal of bail must be given by the Magistrate. Ask for reasons before you leave court. This will be important to enable you to appeal. Always put in a written application for bail so that the magistrate has to record his reasons for refusal. In fact written bail applications are the rule.

Bail conditions:

8. The Magistrate may grant bail:
- (a) Without any conditions,
 - (b) Subject to special condition,
 - (c) Subject to your providing a bond and/or sureties.

Special conditions usually state that you must report to the police station at specified times or surrender your passport. Conditions may sometimes be harsher than this but they should not restrict your civil rights unduly nor should they disrupt your working life.

9. You can challenge in court any conditions which the magistrate imposes. If he refuses to lift those conditions, your

choice is to accept the conditions (and be released) or reject them and go to prison (at least until your appeal is heard).

v. Sureties

10. It is very important that you have possible sureties in court with you.
11. They may be asked to go into the witness box and tell the court under oath that they are prepared to act and have sufficient funds.
12. The sureties can file an affidavit before the court stating the facts which will show that they have sufficient funds to pay the surety, and that they are even otherwise fit to be sureties.
13. The Magistrate has the power to reject the surety without giving any reason. If your sureties are not in court, you will be kept in custody until the police have interviewed them and found them to be satisfactory.
14. Sureties must be over 18, have a permanent address and have sufficient money to cover the amount of surety after payment of all their debts. Ask the sureties to carry to the court documents such as ration cards, rent receipts, provident fund slips, salary slips and income tax challans.
15. The police and magistrate have no right to reject sureties on grounds of their personal character, political opinions, criminal records or sex, unless they are professional sureties.

Subsequent Appearance

16. You cannot be remanded in police lock-up for more than 15 days. At the end of 15 days you must be produced before the magistrate. If there are adequate grounds for detaining you beyond the period of 15 days, the magistrate can order your detention in judicial custody (jail). But the total period of detention cannot exceed 60 days, whether the investigation of crime against you has been completed or not. But you may continue in jail/beyond 60 days if you do not furnish bail. This is at the stage of investigation. Once you are charged with a non-bailable offence, you may be kept in jail until the trial is over.
17. If you are committed for trial, there will be no further appearances in court until the hearing of your case.

18. If you are granted bail a date will be fixed for your next appearance in court.

vi. After conviction

19. If you are found guilty, the magistrate will pass the sentence immediately, or he may want further information or reports about your past record before sentencing you. Always ask for bail. If you want to appeal against your sentence in a higher court, the court by which you are convicted must release you

- (i) when you are sentenced to imprisonment for a term not exceeding three years, or
- (ii) when the offence for which you are convicted is a bailable one and you are already on bail. This release will be for such a period as will give you sufficient time to present your appeal and get the orders of the appellate court.

Once you file an appeal against your conviction, the appellate court may suspend your sentence and release you on bail or on personal bond.

vii. Bail Appeals

- 20. If you are refused bail by the magistrate, you may appeal to a Sessions Court or High Court.
- 21. If you can afford an advocate, he can make an application and represent you before the judge.
- 22. If you cannot afford an advocate, you may make a written application to the judge. Get an application form (though officially there is no such thing as an application form, unofficially it is available) from the prison staff, or ask a friend or relative of yours to collect a bail application form and complete it as fully as possible, (Remember: the judge knows nothing about you or your case, except what you tell him in the form and what the police say.) This application will cost you nothing.
- 23. Bail applications must contain all the facts which will weigh the judge's mind in favour of releasing you on bail. Mention any special grounds on which you think bail should be allowed. Make sure you put down :
 - (a) full details of your accommodation outside prison, including whether it is furnished/unfurnished, rented/

- mortgaged, who is responsible for rent/ mortgage payments, how long you have been there, whether you are likely to be evicted if you are not given bail.
- (b) Full details of your job at the time of your arrest, including wages, type of work, how long you have been working there, whether you are likely to lose your job if you are not given bail.
 - (c) The names and ages of any members of your family dependent upon you and what will happen to them in your absence.
 - (d) Any illness you have and which may get worse if you are kept in prison.
 - (e) Essential : Mention any comments you may have about police objections to bail in the magistrate's court or the magistrate's reasons for refusing bail. Mention if no reasons were given in court. If your application is rejected, you may try again after your next court appearance.

END OF INVESTIGATION

In summons cases investigation cannot take more than six months. However, an investigating officer can get an order from the magistrate for the extension of the investigation on account of special circumstances.

DISCHARGE OF THE ACCUSED

Criminal proceedings can be started either on a police report or on a private complaint. A complaint of an offence can be filed by any person except in cases of offences relating to marriage or defamation.

If the complainant is absent on the day fixed for the hearing the magistrate may discharge the accused.

A magistrate may also discharge the accused in a warrant case, if after hearing all the evidence, he comes to the conclusion that the charge is groundless. (Section 245).

viii. Habeas corpus

If you are arrested illegally or you are not produced before the magistrate within 24 hours, a relative or friend of yours can file a writ of Habeas Corpus in the High Court or the Supreme Court.

An inland letter written by Madhu Limaye to the Chief Justice of India was treated as a Habeas Corpus and the Supreme Court asked the Government to produce Mr. Madhu Limaye before the Court and to show reason why he should not be released. Therefore you can use whatever means are available to bring your illegal arrest before the High court or Supreme Court.

CHAPTER—III

IN POLICE CUSTODY

This chapter deals with your rights and the rights and powers of the police when you are in police custody. A person can be in police custody either when he is under arrest or when remanded to police custody by a court.

(A) Identification

When you are in police custody, under the Identification of Prisoners Act, 1920, a police officer is authorised

1. To take your photograph; and
2. to take your measurements (mainly fingerprints and footprints).

However, the police can do this only if:

- (a) You have been convicted of an offence which is punishable with rigorous imprisonment for a year or more.
- (b) You have been convicted of an offence which would render you liable to enhanced punishment on a subsequent conviction.
- (c) You are ordered by a police officer to give security for good behaviour under Section 117 of the Cr. P.C.
- (d) -A Magistrate orders it in connection with an investigation or proceeding under the Cr. P.C. provided that you have been arrested in connection with such proceeding or investigation.

A police officer is authorised to take measurements but not photographs if you are arrested for an offence punishable with rigorous imprisonment for a year or more.

In the cases above, you cannot resist the police officer carrying out his duty. If you do so then the police officer can use all the means necessary to take measurements or photographs. Resistance by you to the taking of measurements or photographs may be construed as obstructing a public servant in the discharge of his public functions. It is punishable with imprisonment which may extend to two months. It may or may not be punishable with a fine.

Thus normally a police officer can take your photographs and measurements (finger prints, footprints, etc.) only when you have been either arrested or convicted with an offence punishable with rigorous imprisonment for a year or more. Therefore before you allow yourself to be photographed or measured, you must be prudent enough to ascertain whether the offence of which you are convicted or for which you are punished is punishable with rigorous imprisonment for a year or more or not. Unfortunately there are only few offences which are not punishable with rigorous imprisonment for a year or more.

In all other cases you are perfectly within your rights when you resist the police officer who attempts to take your measurements and/or photographs.

All your photographs, both negatives and copies, and measurements, taken by the police, must be destroyed or handed over to you if you are released without trial, discharged or acquitted by a court of law. However, you are not entitled to get back your photographs or measurements if you have been previously convicted of an offence punishable with rigorous imprisonment for a year or more and if the court has ordered the retention of these things.

Under Section 73 of the Indian Evidence Act, the court can order any person present in court to write any words or figures. The court may compare the words or figures so written with the words or figures alleged to have been written by such person on a previous occasion. This power vests in the court, not in the police officer.

B. Interrogation

Under section 161 of the Cr. P.C. a police officer is authorised to examine you, even though you may not have been charged, arrested or convicted. This implies that you are obliged to answer truthfully questions that may be put to you. You are not, however, obliged to answer questions that you may consider incriminating. Since it is

difficult for common people to judge what is self-incrimination and what is not, is it advisable to ask for legal advice.

You have the right to insist on your lawyer's presence when you are being examined by the police. If your lawyer is not already with you, then you are allowed to contact him or her by sending a message, via a telephone or any other means at your disposal. It would be perfectly within your rights to refuse to answer those questions which you consider self-incriminating.

Refusal by the police to allow you to contact your lawyer and allow your lawyer to be present at the time of questioning you is illegal. You are entitled to make a complaint to the court on this point. This can be done orally or in writing but it is always preferable to do it in writing.

There is no obligation on you to sign any statement that you may make to the police. No such statement can be used against you in any enquiry or trial, except for contradicting your subsequent statements. Only if you happen to sign a statement in the presence of a magistrate can it be used in court against you.

Although the information that you give cannot be proved against you, the information or part of it can be used against you if it leads to the discovery of a fact as a direct outcome of the information.

This procedure is susceptible to a lot of abuse. It is in this context confessions are sought to be extracted by force through third degree methods. It is an easy way out. Although torture, physical or mental, has never had any legal standing in any country, it is widely used and recognised by the police as a necessary evil.

C. Torture in Police Custody (Section 330 of I.P.C., Section 197 of Cr. P.C. & Section 25, 66, etc. of Bombay Police Act.)

The police are as much bound by the law as anybody else. It is thus the duty of every police officer to arrange for proper sustenance and shelter for every person under his custody. Further, the police are required to act with utmost decency and reasonable gentleness while dealing with women and children. A police officer is like any other individual liable for any illegal act that he may commit. All forms of torture whether physical or mental, are illegal.

The causing of hurt and grievous hurt, for the purpose of extorting a confession from a person, are offences under the Indian Penal Code. The first is punishable with a sentence upto seven years.

imprisonment and the second upto ten years' imprisonment. Where brutality occurs independent of an attempt to extort a confession of information, it will still constitute an offence of assault (even if no blow was actually struck but only threat used) or hurt.

If you are tortured you should :

1. Note down the name and the number of the person responsible,
2. Contact a lawyer, a friend or relatives if possible,
3. Get yourself medically examined by a registered medical practitioner, preferably a government doctor, and obtain a certificate.
4. Make a complaint to a magistrate who may then order a medical examination.

Launching a successful prosecution against a police officer who commits an illegal act is not an easy task. In fact successful prosecutions are virtually unknown. At any rate you can make a complaint against the police officer concerned, addressed to the Commissioner of Police, with copies to the Home Minister. It is advisable to release the complaint to the press. Alternatively, you can also make a private complaint in a magistrate's court as you would do against any private individual.

It is possible that, when you are in police custody, you fear that you may be beaten up badly or even killed. In that case you have the right of private defence against the police as against any individual. However, you should not use more force than it is necessary, the implication being that you should use only that amount of force to prevent the harm that may be done to you. In context the right of private defence allows you to kill a person to prevent yourself being killed.

CHAPTER—IV

MISCELLANEOUS

A. Search of premises and seizure of property

Your person and your premises can be searched and things can be seized. Compulsory search does not violate the constitutional guarantee against self incrimination under Article 20 (3) of the Constitution. A search warrant is addressed to an officer and not to the person whose premises or property is to be searched. It is not an act of the accused, but of a third person. But the accused himself cannot be compelled to produce any document or property which is likely to involve him in any criminal charge. Hence, the police have to get a warrant issued by a court of law.

The police have no general power to enter or search your premises without your consent.

1. POLICE POWER TO ENTER PRIVATE PREMISES

The police may enter :

- * if they are allowed to enter by the occupant,
- * when the court issues a search warrant for a search or inspection with a view to recovering some document or article which may not be produced before the court otherwise,
- * if the magistrate thinks that there are stolen properties or some objectionable material like counterfeit currency notes on your premises and a search warrant is issued.
- * when the magistrate issues a warrant to enter and search for publications banned by the Government,
- * when the magistrate issues a warrant to search for persons wrongfully confined by you,
- * when a police officer acting under a warrant of arrest, or while investigating a cognisable offence, believes that the person to be arrested is hiding himself in your premises,
- * if a magistrate believes that a person is confined by you under such circumstances that the confinement amounts to an offence and issues a search warrant.

In any of these circumstances, police may use force to effect a legal entry provided that they announce who they are and why they

bound to give to the accused, free of cost, a copy of each of the following: —

- (i) the police report;
- (ii) the first information report;
- (iii) statements made by any person supposed to be acquainted with the facts and circumstances of the case;
- (iv) the confessions and statements made before the judicial magistrate;
- (v) all documents on which the prosecution proposes to rely.

If the police officer reports to the magistrate that the disclosure of some documents is not essential in the interest of justice or is inexpedient in public interest, the magistrate may order that the concerned document need not be supplied.

If the document is very voluminous, the magistrate may order that the accused or his advocate must be allowed to inspect the document and he will not be supplied with a copy of the document concerned.

All these documents are available to the accused, their families or their lawyers only.

The Committee for the Protection of Democratic Rights (CPDR) came into existence in April 1977, as part of the outburst against emergency rule. It is a Bombay based organisation, not affiliated to any political party. Its chief aims have been to create in citizens an awareness of their rights, investigate cases of infringement of rights and support the ongoing struggles of the people for justice and a better life. CPDR has investigated and taken up various cases, whether of ordinary people killed in police custody, students and teachers fighting authoritarian measures, workers, peasants and tribals struggling against exploitation, slum dwellers facing eviction or casteist tyranny.

CPDR has also tried to enhance the democratic consciousness of the citizens of Bombay through talks, slide shows, films, plays, public meetings, demonstrations and its bulletin—Raksha.

Throughout, the Committee for the Protection of Democratic Rights has tried to protest against the arbitrary and undemocratic actions of those in power and safeguard the rights of our people. But faced with the enormity of the task, its efforts have been a small contribution to the movement. It is with the support and help of more, that such efforts can become more meaningful.

Other publications:

Police Terror in Telengana

Know your Rights (Marathi)

Peddi Shankar: Death By Encounter

The Gujarat Agitation and Reservations