

MISSION STATEMENT OF MEGHALAYA POLICE

Our goal is to prevent crime, maintain public order, uphold justice, ensure the Rule of Law, and have honesty, integrity and fairness in all our dealings. We are committed to the safety and security of all our citizens in partnership with the people.

OBJECTIVES

- Provide an honest efficient, effective, law abiding, courteous, responsive and a professionally competent law enforcement machinery.
- Protect lives and properties of people from criminals and anti social elements.
- Maintain law and order in society by taking all possible measures to prevent breach of peace and in case breach of peace takes place, to bring the situation back to normal with utmost speed.
- Strict enforcement of legal provisions with regard to human rights.
- Earn goodwill, support and active assistance of the community.
- Equal treatment to all irrespective of religion, caste, social, economic status and political affiliation.
- Effective prevention and detection of crime.
- Effective management of traffic.
- Take firm and prompt action against the anti-social and rowdy elements.
- Maintain public order during fairs, festivals, public functions, processions, strikes, agitations, etc.

Provisions with regard to First Information Report and Investigation of Crime:

- Any citizen who has knowledge of preparation or commission of any crime can approach the Police Station and furnish such information, orally or in writing.
- If any such information furnished to the police at the Police Station discloses the commission of a cognizable offence (case in which a police officer can arrest the offender without warrant, a case shall be registered in the PS and a copy of the FIR shall be given forthwith to complainant, free of cost (Sec. 154 CrPC).
- If the complaint/information is given orally, it is the duty of the O/C of the Police Station to reduce the same into writing, read it over to the complainant and obtain his signature on the same.
- If the O/C of the Police Station refuses to take cognizance of the complaint which discloses a cognizable offence, the complainant can send the substance of the complaint in writing by post or hand it over in person to the Superintendent of Police of the district having jurisdiction over that Police Station. The concerned Superintendent of Police, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any Police Officer subordinate to him (Sec. 154 Cr.P.C).
- If such a complaint is made in writing, the O/C of the Police Station must issue an acknowledgement for having received the complaint.
- If the complainant is not satisfied by the refusal of the police to register case on his complaint, he can approach the court and if directed by Court in writing, the concerned police officer shall register the case and investigate as per orders of the Court. In such cases, the Police Officer does not have power to arrest without warrant.

- In case, the place of occurrence of the offence does not fall in the jurisdiction of the Police Station at which the complaint has been made or the FIR has been registered, the O/C of the Police Station after registering the F.I.R., should transfer the case to the Police Station having jurisdiction over the place of occurrence and inform the complainant regarding this transfer. This fact has to be mentioned in the F.I.R. itself.
- After completion of investigation, the investigating officer should send written information under acknowledgement to the complainant informing him of the exact nature of the final report of the investigation in the case.
- In the event of the complaint being closed as false or mistake of fact or mistake of law or undetected, the complainant has the right to challenge the police report in the court.

Legal and constitutional rights available to people:

- No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.
- No person shall be prosecuted and punished for the same offence more than once.
- No person accused of any offence shall be compelled to be a witness against himself (Art. 20 of Constitution).
- No person shall be deprived of his life or personal liberty except according to procedure established by law (Art. 21 of Constitution).

Guidelines laid down by the Hon'ble Supreme Court in D.K. Basu Vs State of West Bengal which are required to be followed while making arrest.

- The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations.

The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

- The police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.
- A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he' has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
- The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
- The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
- An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.
- The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any

present on his/her body, must be recorded at that time. The inspection memo must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

- The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.
- Copies of all the documents including the memo of arrest. referred to above should be sent to the Ilaqa Magistrate for his record.
- The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
- A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.
- Failure to comply with the requirements hereinabove mentioned shall apart from rendering the official concerned liable for departmental action, also render him liable to be punished for contempt of court and the proceedings for contempt of court may be instituted in any High Court of the country, having territorial jurisdiction over the matter.
- The requirements, referred to above flow from Articles 21 and 22(1) of the-Constitution and need to be strictly followed.

Legal rights available to people with regard to arrest:

- The person arrested shall not be subjected to more restraint than is necessary to prevent escape (Sec. 49 CrPC).
- When any person is arrested and detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order (Art. 22 of Constitution).
- Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested (Art. 22 of Constitution & Sec. 50 CrPC).
- No person who is arrested shall be detained in custody without being informed as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.
- Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf (Sec. 50 CrPC).
- When a person who is arrested, alleges that the examination of his body will afford evidence which will disprove the commission by him of any offence, the Magistrate shall, if requested by the arrested person to do so, direct the examination of the body of such person by a registered medical practitioner unless the Magistrate considers that the request is made for the purpose of causing delay or for defeating the ends of justice (Sec. 56 CrPC).
- The police officer shall bring the person arrested before the Court within 24 hours exclusive of the time necessary for the journey from the place of arrest to the court (Art. 22 of the Constitution & Sec. 57 & 76 CrPC).

Legal rights available to people with regard to search and seizure:

- In case after searching an arrested person any article is seized from him, a receipt showing the articles taken in possession by the police officer shall be given to such person.
- Whenever it is necessary to cause a female to be searched, the search is required to be made by another female with strict regard to decency (Sec. 57 CrPC).
- Before making a search of any place which is liable to search, the police officer making search shall call upon two or more independent and respectable inhabitants of the locality or of any other locality if no such inhabitant of the said locality is available or is willing to be a witness to the search, to attend and witness the search.
- The search shall be made in presence of witnesses, and a list of all things seized in the course of such search and of the places in which they are found shall be prepared by such officer and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.
- The occupant of the place searched, or some person in his behalf, shall be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person.
- When any person is searched, a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person (Sec. 100 CrPC).

REFUSAL TO ATTEND AND WITNESS A SEARCH WILL BE AN OFFENCE:

- Any person who, without reasonable cause, refuses or neglects to attend and witness a search when called upon to do so by an order in writing delivered or tendered to him,

shall be deemed to have committed offence under Section 187 of the Indian Penal Code.

Restriction with regard to examination by the police in connection with a criminal case:

- No male person under the age of fifteen years or woman can be summoned by police as witness to depose about the facts and circumstances in a case under investigation at any place other than the place in which such male person or woman resides (Sec. 160 CrPC).

Legal rights available to people with regard to bails:

- When any person other than a person accused of non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail; Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided (Sec. 436 CrPC).
- In a non-bailable case, the arrested person or his counsel can move the appropriate court for bail, which may be granted or denied keeping in view the legal provisions and the facts and circumstances of the case (Sec. 437 CrPC).
- When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of a Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail and may also include conditions or directions in the light of the facts of the particular case, as it may think fit (Sec. 438 CrPC).

Duties of citizens:

- According to Article 51 A of the Constitution of India, it is the duty of every citizen of India to safeguard public property and to abjure violence.
- Every person is bound to assist a Magistrate or police officer reasonably demanding his aid in the taking or preventing the escape of any other person whom such Magistrate or police officer is authorized to arrest ; or in the prevention or suppression of a breach of the peace ; or in the prevention of any damage attempted to be committed to any public property (Sec. 37 CrPC).

Public to give information of commission of or of intention to commit certain offences :-

- Every person, aware of the commission of, or of the intention of any other person to commit certain offences, is required by law to forthwith furnish the information to the nearest Magistrate or police officer of such commission or intention. This includes offences against the State or against the public tranquillity, offences relating to illegal gratification, adulteration of food and drugs, etc, offences affecting life, offence of theft after preparation made for causing death, hurt or restraint, robbery and dacoity, criminal breach of trust by public servant, etc, mischief against property, house-trespass, lurking house-trespass, and offences relating to currency notes and bank notes (Sec. 39 CrPC).

A member of the public required by law to render assistance to the public servant:

- Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be liable for punishment; Similarly,

if such assistance is demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, the person concerned will be liable for punishment (Sec. 187 IPC)

Search of place entered by person sought to be arrested :

- If any person acting under a warrant of arrest, or any police officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within any place, any person who is residing in or is in charge of such place, shall, on demand of such person acting as aforesaid or such police officer, allow him to enter the said place, and afford all reasonable facilities for a search therein (Sec. 47 CrPC).
- If any such place is an apartment in the actual occupancy of a female (not being the persons to be arrested) who according to custom, does not appear in public, such person or police officer shall, before entering such apartment, give notice to such female that she is at liberty to withdraw from the apartment and shall afford her every reasonable facility for doing so, and may then break open the apartment and enter it (Sec. 47 CrPC).

When a private citizen can arrest a person:

Any person can arrest or cause a person to be arrested if he is a proclaimed offender or a person who has committed a cognizable and non-bailable offence in his presence (Sec. 43 CrPC).

Special provisions with regard to children:

- ***Act of a Child under seven years of age_-***
Nothing is an offence which is done by a child under seven years of age (Sec. 82 IPC).
- ***Act of a Child above seven and under twelve of immature understanding -***
Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion (Sec. 83 IPC).
- ***Arrest and trial of juvenile offenders-***
No Juvenile offender shall be sentenced to death or life imprisonment or committed to prison and no juvenile offender shall be charged with or tried for any offence together with adults. [The Juvenile Justice (Care and Protection of Children) Act, 2000].

CLAIMS FOR COMPENSATION IN THE MOTOR ACCIDENT CASES

In all cases of road accidents, Motor Accidents Claims Tribunal can be approached for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of motor vehicles or damages to any property of a third party so arising or both.

The Tribunal can be approached by

- the person who has sustained the injury; or
- the owner of the property; or
- Where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
- any agent duly authorised by the person injured or all or any of the legal representatives of the deceased as the case may be.

Application for the claim can be made either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claim Tribunal within the local limits where the claimant or defendant resides. The Claims Tribunal has all the powers of a Civil Court.

SOME OTHER PROVISIONS UNDER THE M.V. ACT, 1988

- Persons with valid driving license issued by the Regional Transport Officer only can drive a motor vehicle.
- Owners of vehicles who allow their vehicles to be driven by persons without valid driving license are liable for prosecution.
- Police Officers of and above the rank of Sub-Inspector are empowered to impose fine in respect of violations under Motor Vehicles Act.
- When a Police Officer in uniform demands production of a driving license, it should be produced by the concerned Motor Vehicle driver. Police Officer is authorised to seize any document if he suspects that the document produced is a false one. Whenever such documents including the Driving License are seized, due acknowledgement should be given by the Police Officer who seizes it.

Provisions regarding Fire Arms

- Every Citizen who wishes to possess a fire arm may apply to the District Magistrate giving reasons for the possession of weapon.
- The licensing authority for the grant of Fire Arm license is the District Magistrate of the concerned district. The License is granted in respect of a Fire Arm of the non-prohibited category to acquire and possess for self protection by the citizen. The District

Magistrate to whom the application is made has the power to issue the license restricting the validity to the district level only. In suitable cases, the validity could be extended to the State level by the District Magistrate. The power to extend the validity of the license to cover the whole country vests with the State Government.

- After due verification of antecedents as well as the necessity to possess the fire arm sought for, such license will be granted after collecting prescribed fee.
- Those who possess fire arms, on expiry of the arms license have to immediately deposit the weapon possessed by them with the nearest Police Station or the Arms Dealer till their license is renewed.
- In case of death of the licensee, the next of kin should deposit the weapon for safe custody either with the nearest Police Station or with any licensed Arms Dealer. The next of kin of the licensee may claim the weapon after obtaining Arms License for himself.

Natural calamity/man made disaster:

In the event of a calamity or man made disaster, it will be the duty of every police officer to render such measures as appear necessary for the preservation of life and property and the maintenance of law and order. All possible assistance should be rendered by the police to the Civil Defence, Revenue, Public Works, Fire Service and other Departments engaged in rescue, relief and rehabilitation work, so that remedial measures taken may be expeditious and effective.

Redressal of public grievances:

Citizens who may have any grievances against the police may complain in respect of their grievances to the Director General of Police, Meghalaya, Shillong, DIG (Eastern Range), Shillong, DIG (Western Range), Tura or to the SP of the concerned District.