Annexure I

DRAFT

THE ASSAM POLICE (AMENDMENT) ACT, 2016

No........ of 2016

An Act to amend the Assam Police Act, 2007

1. Short title, extent and commencement-
   (1) This Act may be called The Assam Police (Amendment) Act, 2016.
   (2) It shall come into force on such date as the state government may, by notification in the official gazette, specify in this behalf.
   (3) It extends to the whole of the state of Assam.

2. Amendment of section 6- In the Assam Police Act, 2007 (herein after referred to as the principal Act), in section 6, in place of sub section 3 the following provision shall be inserted, namely:-
   “Sub-Section 3- The Government shall ensure a minimum tenure of two years for police officers posted as Director General of Police provided that this tenure shall not be applicable in case of superannuation, promotion, reversion, suspension, leave etc.”

3. Insertion of new section 11 A , 11(4)A & 11(5)A In chapter II of the principal Act after section 11 the following section shall be inserted
   “11 A Police Station Diary- Every police station shall keep a General Diary in such a form as may be fixed by the Government from time to time and record therein the substance of all complaints made, First Information Reports, charges, the names and details of complaints, the details in offences charged against them and the properties including weapons that may have been seized from their possession or otherwise.”
“11(4) A Separation of investigation from law and order— (1) The Government may, having regard to the population of an area or the circumstances prevailing in an area, by order, separate the investigating police from the law and order police in such area as may be specific in the order to ensure speedy, effective and professional investigation.

(2) The Superintendent of Police of the district shall ensure the full co-ordination between the two wings of the police separated under sub-section(1).”

“11(5) A community Policing:

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

(2) The community Contact Committees shall have a fair representation of all categories of the society including persons from service and profession all sectors, women and persons belonging to SC/ST communities under the jurisdiction of the police station

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

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

(5) The community Contact Committee shall meet as required.
(6) The general public of that area may participate in the meetings of the committee.

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

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

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

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

4. Amendment of section 12- In section 12 of the principal Act in sub-section 3 the words “have a term of minimum one year” shall be deleted and the following shall be inserted namely

“following police officers in operational duties shall have a term of minimum two years”

and in proviso also in place of words “one year” the words “two years” shall be inserted.

5. Insertion of new section 48 A, 48B & 48 C - In chapter IV of the principal Act after section 48 the following sections shall be inserted

“48A Behaviour of Police Officer-

(1) All Police officers on duty, in their dealings with the public, shall exhibit courtesy, propriety and compassion appropriate to the occasion and use polite and decent language.

(2) The police officers shall not use force against anybody or threaten that force be used or take any adverse police action or legal action unless action it is necessary to carry out any lawful purpose.
(3) The police officers shall exhibit special sympathy in their dealings with the victims of crime and give due consideration to the special needs of women, children, senior citizens and the differently abled.

(4) The police officer shall give up unnecessary show of aggression and avoid intemperate behaviour even on provocation.

(5) The police officer shall not misbehave or use indecent language to anyone in their care or custody.

(6) The police officer shall ensure themselves that they appear in public place in good physical grooming and are not in a sloppy or unclean or untidy state, state, unless the same was caused by the diligent performance of any duty at that time.”

“48 B Police and public may keep audio or video or electronic records-

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

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

“48 C Police to behave decently towards witnesses:--

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

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

(3) Any such person who put to serious inconvenience leading to the loss of his wages for any day on account of assisting the police for seeking and understanding any facts or circumstance, shall be paid an amount from the criminal Justice Miscellaneous Expenses Fund as may be determined by the Director General of Police.”

Declaration: - The researcher would like to declare that some provisions of the draft Act is taken from the Kerala Police Act, 2011.
Annexure II
QUESTIONNAIRE PREPARED FOR THE COMMON PEOPLE

Q.1. Do you know that police service is important for peaceful society?
Q.2. Do you know that a state Police Act controls all police personnel in a State?
Q.3. Do you know that the Assam Police Act, 2007 is implemented for maintaining Police service in Assam?
Q.4. Do you know that earlier Police Act of 1861 was replaced by this new Act of 2007?
Q.5. Do you know that the Supreme Court direction in Prakash Singh case is responsible for new Assam Police Act, 2007?
Q.6. Do you know that the new act is comprehensive compared to the earlier as the present Act has 117 sections compared to only 47 sections in the earlier Act?
Q.7. Do you know that the Assam Police Act, 2007 has objective to provide for impartial and efficient Police?
Q.8. Do you know that the Assam Police Act, 2007 has objective to safeguard the interest of the common people of Assam and give due regard to the Rule of Law?
Q.9. Do you think that the Police are really serving the society?
Q.10. Do you think the purpose for enforcing the Assam Police Act, 2007 be achieved?
Q.11. Do you think that all the objectives of this new Act be fulfilled?
Q.12. Do you think that the new Act is responsible for not serving the purpose properly?
Q.13. Do you think that the Accountability mechanism should be more stringent to achieve the required goal?
Q.14. Do you think that awareness regarding the provisions of this act is required in larger way?
Q.15. Do you come across any violation of rules by Police Personnel?
Q.16. Do you think that if the provisions of the Accountability mechanism would be stricter then violation of rules by the Police Personnel would not took place?
Q.17. Do you think that the Assam Police Act, 2007 is a failure as common people are not happy with the Police?
Q.18. Do you think that the Assam Police Act, 2007 have measures to decrease the gap between the Police and People?
Q.19. Do you think that the Assam Police Act 2007 should be amended?
Q.20. Do you think the Assam Police Act, 2007 after amendment will be acceptable?

QUESTIONNAIRE PREPARED FOR THE POLICE PERSONNEL

Q.1. Do you know that the object of the Assam Police Act, 2007 is to provide for impartial and efficient Police force safeguarding the interests of the people with due regard to the Rule of Law?
Q.2. Please express your views about the implementation of the provisions of the Assam Police Act, 2007 fulfilling the objective of the act?
Q.3. Please express your views about the knowledge of the provisions of the Act by your subordinate police personnel?
Q.4. Please express your suggestions on the provisions of the Assam Police Act, 2007 where amendment be required.
Q.5. Please express your views whether the Assam Police Act, 2007 should be amended or to be replaced.

QUESTIONNAIRE PREPARED FOR ADVOCATES, JUDGES AND LAW TEACHERS

Q.1. Please express your opinion on the judgement of the Supreme Court in the Prakash Singh and others Vs. Union of India and others case (2006).
Q.2. Please express your opinion on the directions given by the Supreme Court in the Prakash Singh and others Vs. Union of India and others case (2006) and its implementation in the Assam Police Act, 2007.

Q.3. Please express your opinion on the implementation of the Assam Police Act, 2007 and achievement of the Act regarding fulfilling the object and purpose of the Police service.

Q.4. Do you think that the Assam Police Act, 2007 may solve the problems with amendments or this Act should be replaced?

Q.5. Please express your opinion and suggestions on the provisions of the Assam Police Act, 2007, which needs to be amended.