

HIGH COURT OF GUJARAT (D.B.)

PRAKASH KAPADIA

Versus

COMMISSIONER OF POLICE (AHMEDABAD CITY) AND ORS

Date of Decision: 08 November 2012

Citation: 2012 LawSuit(Guj) 1902

Hon'ble Judges: [Bhaskar Bhattacharya](#), [J B Pardiwala](#)

Eq. Citations: **2012 5 GLR 3825**

Case Type: Writ Petition (Public Interest Litigation)

Case No: 200 of 2012

Subject: Constitution, Criminal

Acts Referred:

[Constitution Of India Art 22](#), [Art 20](#), [Art 226](#), [Art 21](#), [Art 20\(3\)](#), [Art 20\(2\)](#)

[Indian Penal Code, 1860 Sec 331](#), [Sec 330](#)

[Code Of Criminal Procedure, 1973 Sec 163](#), [Sec 173](#), [Sec 162](#), [Sec 172](#)

[Evidence Act, 1872 Sec 25](#), [Sec 24](#)

Advocates: [R C Jani](#), [Tirthraj Pandya](#), [Prakash Jani](#), [Rashesh Rindani](#)

Cases Cited in (+): 1

Cases Referred in (+): 9

J.B.Pardiwala, J.

[1] By way of this petition under Article 226 of the Constitution of India, in the nature of a Public Interest Litigation, the petitioner, a public trust registered in the city of Ahmedabad, through its President, has prayed that taking into consideration that the police, who is entrusted with the task of law enforcement and management, usually take recourse of third degree methods i.e. torture and excessive use of force, etc. and also taking into consideration the gross violation of fundamental and human rights of the citizens during the course of custodial interrogation by the police, time has come that some positive, effective and concrete steps are taken to combat with the menace of custodial violence, and for that purpose, it has been prayed in the petition that appropriate writ, order or direction be issued on the respondents to install Close-Circuit

Television (CCTV) cameras or a Wi-Fi cameras at all the police stations of the State with the idea of thereby providing adequate safeguards against the police atrocity or custodial violence.

[2] It has been averred in the petition that violation of fundamental and human rights of the citizens is generally in the nature of non-enforcement and discriminatory application of the laws, so that those having clout are not held accountable even for blatant violations of laws and, in any case, not brought to the justice for the direct violations of the rights of citizens in the form of unauthorized detentions, torture, harassment, fabrication of evidence, malicious prosecution, etc. The petition sets out a glaring example of police atrocity or police inaction by citing a recent incident that occurred in the city of Ahmedabad.

[3] The petitioner has highlighted the case of one Mr.Lalbai Sindhi, a businessman residing in the city of Ahmedabad. The said Mr.Lalbai Sindhi had filed a complaint before Kalupur Police Station against one Mr.Avinash Shitaldas Jadwani, Mr.Gulshan Shitaldas Jadwani and Mr.Keshav Shitaldas Jadwani, all three brothers and carrying on the business of cloth since 1980 at 'Ashirwad' Market, Near Railway Station, Kalupur, Ahmedabad.

Pursuant to the complaint filed by Mr.Lalbai Sindhi, inquiry was initiated by one Mr.N.D.Chauhan, a Police Inspector of D.G.Vigilance Squad. Mr.N.D.Chauhan, after interrogation, came to the conclusion that the complaint of Mr.Lalbai Sindhi was purely of a civil nature and, therefore, no cognizance could be taken on such a complaint.

[4] It has been averred in the petition that on the same day, the three brothers also lodged a complaint with the Director General of Police, Gujarat State, Police Bhawan, Gandhinagar, as well as Additional Director General of Police, Gandhinagar, complaining that one Mr.P.S.Vasava, a Police Sub-Inspector, has tried to give colour of a criminal offence to a dispute which is purely of civil in nature. They also complained by bringing it to the notice of the Director General of Police that the original complainant Lalbai Sindhi, through one Mr.Haribhai Sindhi, Nandlal Sindhi and Hansraj Bhaiya, had administered threats and accordingly it was brought to the notice of the police. On 22nd August 2012 one PSI Mr.Paresh I.Solanki of the Crime Branch, Ahmedabad city, had called the three brothers at his office situated at Gaekwad Haveli, Ahmedabad. No sooner had the three brothers reached the office of the PSI Mr.Solanki, than the police officials started beating the three brothers and forced them to pay a sum of Rs.25 lac within a month to Mr.Lalbai Sindhi, the owner of 'Gopal' Emporium.

It has also been averred in the petition by the petitioner that at the relevant point of time he was standing outside the office of the PSI Mr.Solanki and he could hear the shouts of PSI Mr.Solanki as well as the beating to the three brothers. One of the brothers Mr.Gulshan Jadwani had become unconscious and Mr.Keshav Jadwani had also to be admitted in the hospital.

[5] The petitioner has also produced the papers of the medical treatment taken by the two brothers at V.S.Hospital. It is the case of the petitioner that Mr.Lalbhai Sindhi knew very well that the dispute was purely of a civil nature but he would succeed in recovering the money from the three brothers only if he would involve police in the matter. According to the petitioner, the only reason why Mr.Lalbhai Sindhi took shelter of the police was with an idea that the police would use third degree methods and thereby would succeed in pressurizing and coercing the three brothers in making the payment. Mr.R.C.Jani, the learned counsel appearing for the petitioner submitted that when the Parliament as a Law Making Authority conducts its working in-camera so that the people of this country could see how the elected representatives are working, then why the Law Implementing Authority should not be asked to take a decision to put cameras at each police station all over the State so that the functioning of the police officials at the police station could be recorded, and at the same time, a close watch could also be kept on such incidence of police atrocity or custodial violence.

[6] Mr.Jani also brought to our notice that in the city of Rajkot, a close-circuit television (CCTV) cameras have been installed in the police stations with the sole purpose of monitoring the functioning at the police stations, so that complaints of noncooperation by the police while dealing with the complainants could be verified by the authorities. Mr.Jani also submitted that a statement has been made by Mr.H.P.Singh, the City Police Commissioner, Rajkot city, that the CCTV cameras installed will be working round the clock and would be monitored by the City Police Commissioner.

[7] There is no doubt that the issue which has been raised by the petitioner in this petition is of great public importance. Judicial interference by way of a Public Interest Litigation is available if there is injury to public because of dereliction of constitutional or statutory obligation on the part of the Government as held by the Supreme Court in [Balco Employees Union v/s. Union of India and others](#), 2002 AIR(SC) 350 Courts will interfere only if there is a clear violation of constitutional or statutory provision or non-compliance by the State with its constitutional or statutory duties. Almost three decades back, the Supreme Court, in a landmark decision known as [Prem Chand v/s. Union of India and others](#), 1981 AIR(SC) 613 had posed a question "Who will police the police ?" We have no doubt in our mind that this question, even with the best of the efforts put in by one and all, more particularly the judiciary of this country, still

remains unanswered. We deem fit to quote the following observations made by the Supreme Court in paragraphs 1 and 8 :

"1. Who will police the police? Is freedom of movements unreasonably fettered if policemen are given power of externment for public peace? These twin problems of disturbing import, thrown up by this bizarre case, deserve serious examination. The former is as important as the latter, especially when we view it in the strange police setting painted by the petitioner. The constitutional question, which we will state presently and discuss briefly, has become largely otiose so far as the present petitioner is concerned because counsel for the State has assured the court that they will drop police surveillance or any, action by way of externment as proposed earlier. The police methodology with sinister potential to human liberty described by the petitioner, if true, deserves strong disapproval and constitutional counteraction by this Court. But before committing ourselves to any course, we must set out the factual matrix from which the present case springs.

. The petitioner's reply affidavit makes startling disclosures about the police methods of implicating innocent people. However, the version of the petitioner can hardly be swallowed since he is a self-confessed perjurer. Nevertheless, it is not too much to ask Government to take effective measures to prevent 'Police methods straying into vice. We hopefully remind the State about what Justice Brandise once observed : *Olmstead v. U. S.*,1928 277 US 438].

"Crime is contagious. If the government becomes a law breaker, it breeds contempt for law"

"To declare that in the administration of the criminal law the end justifies the means to declare that the government may commit crimes in order to secure the conviction of a private criminal-would bring terrible retribution. Against that pernicious doctrine this court must resolutely set its face."

In the same American decision we have just mentioned justice Holmes observed; "We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part."

[8] The National Police Commission (1979-81) has examined in details the issues pertaining to police functioning, inter alia, in eight reports. In its first report, the Commission observed :

"Police are frequently criticized for their use of third degree methods during investigation while examining suspected or accused persons. Police brutality in their handling suspect is referred to in some context or the other in the literature on

police forces in several countries of the world, and the Indian Police is no exception. Interrogation of a person, whether he be a witness or suspect or accused, is a difficult and delicate exercise for any police officer and calls for enormous patience and considerable understanding of human psychology. Unfortunately several police officers under pressure of work and driven by a desire to achieve quick results, leave the path of patient and scientific interrogation and resort to the use of force in different forms to pressure the witness/suspect/accused to disclose all the facts known to him. While law recognizes the need for use of force by the police in the discharge of their duties on some specified occasions like the dispersal of a violent mob or the arrest of a violent bad character who resists the arrest, etc., the use of force against an individual in their custody in his loneliness and helplessness is a grossly unlawful and most degrading and despicable practice that requires to be condemned in the strongest of terms and we do so. Nothing is so documenting as the conduct of police in practicing torture of any kind on a person in their custody."

[9] Besides the report submitted to the Government of India by the National Police Commission, various other high powered Committees and Commissions have examined the issue of police reforms, viz. (i) National Human Rights Commission; (ii) Law Commission; (iii) Ribeiro Committee; (iv) Padmanabhaiah Committee; and (5) Malimath Committee on Reforms of Criminal Justice System.

[10] In addition to above, the Government of India in terms of Office Memorandum dated 20.09.2005 constituted a Committee comprising Shri Soli Sorabjee, former Attorney General and five others to draft a new Police Act in view of the changing role of police due to various socio-economic and political changes which have taken place in the country and the challenges posed by modern day global terrorism, extremism, rapid urbanization as well as fast evolving aspirations of a modern democratic society. The Sorabjee Committee has prepared a draft outline for a new Police Act (9.09.2006).

[11] The Law Commission of India, in its Report No.239, has submitted few suggestions to the Supreme Court in Writ Petition (C) No.341 of 2004, Virendrakumar Ohri v/s. Union of India and others, on the subject of expeditious investigation and trial of criminal cases against influential personalities. One of the most important suggestions is with regard to modernization of police stations. The suggestions of the Law Commission of India are quoted hereinbelow :

(i) Networking of all police stations to establish a link with all the courts.

(ii) Digital videography to be installed at police stations. At the time of receiving FIR/complaint, videography should be made compulsory. By this process, the earliest version of the informant will be evident. So also, at the time of inspection

of the scene of offence and recovery of material objects, videography should be insisted upon. (iii) Interrogation Rooms : Each Police Station should be provided with secure interrogation rooms, with simultaneous audio-visual recording facilities by two cameras, one focusing on the close-up of the face of the witness or the suspect and the second giving a wide angled picture to show that there is no coercion to influence the statement of the witness or the suspect. Statement of all suspects and witnesses should, by law, be required to be recorded in such windowless interrogation rooms with mirrors on the two walls. The question of treating as admissible the statements of the accused and witnesses examined in secure interrogation rooms deserve serious consideration.

[12] Thus, it could be seen that even the Law Commission of India is in favour of installation of cameras at the police stations, more particularly in the interrogation rooms. The National Human Rights Commission has made the following observations in its annual report for the year 2005-06.

"The primary responsibility of the police is to protect life, liberty and property of citizens. Criminal justice system is to ensure protection of these rights. When an individual is in custody, it means that he is in the custody of the state and, therefore, to ensure that his human rights are protected, is the direct concern and responsibility of the state. The individuals are kept in custody in police station, in judicial custody in jail, juvenile homes and mental homes...(2.42 NHRC report 2005-06)"

[13] The Gujarat State Human Rights Commission has, in Chapter 6 of its First Annual Report at p.33, made the following observations on the issue of unlawful custody.

"Cases of unlawful custody have also been noticed in the state. Especially, there are examples of the accused persons who were taken on remand were not presented before the courts on the prescribed dates. The main reason for such delays was given that the officers were mostly busy in making urgent security requirement. For the matters taken under judicial custody for remand, day today pre-review should be carried out before hand for date given by the court, and for the date given by the court, and in such cases it is must that rulings of the Hon'ble Supreme Court on the arrests and custody must be strictly followed and that not even a single person be left unauthorized under the police custody even by a mistake."

Electronic recording of custodial interrogations in other countries of the world has emerged as a powerful innovation and fact-finding tool for the criminal justice system. The central objective of the criminal justice system is to accurately

ascertain the facts surrounding criminal offences in order to correctly identify the perpetrators so that they may be punished. The virtue of electronic recording of custodial interrogations, and its strength as a public policy, lies not only in its ability to help guard against false confessions, but also in its ability to develop the strongest evidence possible against the use of third degree methods and custodial violence. India had adopted and signed on 14th October 1997 a Convention against torture and other cruel, inhuman or degrading treatment or punishment at New York. Three broad types of justifications have been offered by countries all over the world for electronic recording of interrogations: promoting truth-finding, promoting efficiency, and protecting constitutional values. The list below summarises the major ways in which electronic recording furthers these goals :-

"A. Promoting Truth-Finding Truth-finding is promoted in seven ways :

1. Reducing Lying : Neither defendants nor police are likely to lie about what happened when a tape recording can expose the truth.
2. Compensating for Bad Witness Memories : Witness memories are notoriously unreliable. Video and audio recording, especially when both sorts of recording are combined, potentially offer a complete, verbatim, contemporaneous record of events, significantly compensating for otherwise weak witness memories.
3. Deterring Risky Interrogation Methods: "Risky" interrogation techniques are those reasonably likely to elicit false confessions. Police are less likely to use such techniques when they are open for public scrutiny. Clearly, harsh techniques that police understand will elicit public and professional disapproval, even if only rarely used today, are ones that are most likely to disappear initially. But more subtle techniques creating undue dangers of false confessions of which the police may indeed be unaware will, over time, fade away if exposed to the light of judicial, scientific, and police administrator criticism-criticism that electronic recording of events facilitates. Electronic recording thus most helps precisely the vast bulk of interrogators, who are hardworking, highly professional officers, to improve the quality of their interrogations and the accuracy of any resulting statements still further.
4. Police Culture : Taping enables supervisors to review, monitor, and give feedback on detectives' interrogation techniques. Over time, resulting efforts to educate the police in the use of proper techniques, combined with ready accountability for errors, can help to create a culture valuing truth over conviction. Police tunnel vision about alternative suspects and insistence on collecting whatever evidence they can to convict their initial suspect (the "confirmation bias") have been shown

to be major contributors to wrongful convictions. Tunnel vision and confirmation bias are not the result of police bad faith. To the contrary, these cognitive patterns are common to all humans but can be amplified by stress, time pressure, and institutional cultures that encourage zealous pursuit of even the loftiest of goals factors often present in law enforcement organizations. Moreover, these cognitive processes work largely at a subconscious level, thus requiring procedural safeguards and internal organizational cultures that act as counterweights. A more balanced police culture of getting it right rather than just getting it done would be an enormously good thing.

5. Filtering Weak Cases : By permitting police and prosecutors to review tapes in a search for tainted confessions, prosecutions undertaken with an undue risk of convicting the innocent can be nipped in the bud before too much damage is done because the tapes can reveal the presence of risky interrogation techniques that may ensnare the innocent.

6. Factfinder Assessments : Judges and juries will find it easier more accurately to assess."

[14] The phenomenon of custodial crime is not a new in India. Police in India, throughout the ages, have functioned as the principal law enforcement agency of the State. We had reference of torture and violence with the police in India, even since the Vedic age (2000-1400 B.C.). In the Epic period (1400- 800 B.C.) torture was practiced on prisoners by the police. Torture in various forms was widely prevalent in age of laws and philosophy (800 B.C. - 323 B.C.). Kautilya's Arthashastra speaks about various kinds of torture such as burning of limbs, tearing by wild animals, tramping to death by elephants and bulls, cutting of limbs and mutilation etc. Manu, the law giver of this age emphasized the necessity of torture to protect the society from the hands of the criminals. The Buddhist period (B.C. 300-300 A.D.) was an age of great humanitarianism and administration of justice had become correspondingly imbued with the humanitarian ideals. Torture in any form was strictly forbidden and special favors were shown to prisoners, who happened to be women, aged or who had many dependents. In Gupta Period (A.D. 320-500) if the facts against prisoners were not clearly established by evidence, recourse was to be held to the four kinds of ordeals, trial by ordeal fairly common. Under the Mughals, no criminal or civil code existed.

[15] The Police Commission, 1860 recommended the abolition of the military police as a separate organization and the constitution of a single homogenous force of civil constabulary under proposed Police Act, 1861. It is noteworthy to mention that present police system in the country is based on Police Act, 1861. Subsequently, enactments of criminal law and procedure namely Indian Penal Code, 1860, Indian Evidence Act,

1872 and Indian Code of Criminal Procedure, 1898, had incorporated various sections such as 162, 163, 172 and 173 of the Code of Criminal Procedure read with sections 24 and 25 of the Indian Evidence Act prohibited any form of torture of a person under interrogation along with sections 330 and 331 of the Indian Penal Code which made punishable to causing hurt or grievous hurt to extort confession or information in the custody of police.

[16] The Indian Police Commission (1902-03) had scrutinized the performance of the police after forty years of the working of Police Act, 1861. The Commission found that

"The police force is far from efficient; it is defective in training and organization; it is inadequately supervised; it is generally regarded a corrupt and oppressive; and it has utterly failed to secure the confidence and cooperation of the people". The Commission concluded that the police force throughout the country was in a most unsatisfactory condition, that abuses were everywhere and this involves great injury to the people and discredit to the Government and those radical reforms felt unavoidable and urgently. The landmark recommendations by the Commission were that at the educated Indians to be recruited in the police force at higher level and law and order wings separates from investigation wing, a cadre for Sub-Inspector of police at police station and Criminal Investigation Department (CID) at State levels. Presently, the police subinspector cadre at the police station level based on the recommendations of Indian Police Commission. However, in the following decades, the growth areas of freedom movements such as Swadeshi Movement and the Home Rule agitation, Non-Cooperation and Khilafat, Civil Disobedience and Quit India Movements, the phases of labour unrest and the emergence of a communist backed Kishan movement and rural insurrection deposed to favour coercive solutions rather than investigative grievances by colonial government (Arnold 1986). After Independence, several Police Commissions were appointed by Union and State Governments to look into the performance and methods of working of the State Police during 1950s, 1960s, the early 1970s and 1980s. All most all these Committees and Commissions had revealed the tale of third degree or torture in police custody due to political ends, practice of corruption and lack of infrastructure support of scientific aids and training etc. The recommendations of most of these Commissions were mainly concerned with the details of the administrative set up, the strength of the Police Force in different wings of the system, the relationship between Police and the Principal District Collector, pay and allowances for the Police in different ranks, qualifications for recruitments, setting up of training centers and the like.

Shah Commission (1978) observed the police brutality on a wide range during the emergency from 1975 to 1977. The Commission drew attention of the Government

that the way police behaved during the emergency as they were not accountable to any public authority. In its recommendations, the Commission told to the Government to take measures to insulate the police from illegitimate political and executive interference.

[17] The National Police Commission (1978-81) has examined in details the issues pertaining to police functioning inter alia in eight reports. In its first report, the Commission observed :

"Police are frequently criticized for their use of third degree methods during investigation while examining suspected or accused persons. Police brutality in their handling suspect is referred to in some context or the other in the literature on police forces in several countries of the world, and the Indian Police is no exception. Interrogation of a person, whether he be a witness or suspect or accused, is a difficult and delicate exercise for any police officer and calls for enormous patience and considerable understanding of human psychology. Unfortunately several police officers under pressure of work and driven by a desire to achieve quick results, leave the path of patient and scientific interrogation and resort to the use of force in different forms to pressure the witness/suspect/accused to disclose all the facts known to him. While law recognizes the need for use of force by the police in the discharge of their duties on some specified occasions like the dispersal of a violent mob or the arrest of a violent bad character who resists the arrest, etc., the use of force against an individual in their custody in his loneliness and helplessness is a grossly unlawful and most degrading and despicable practice that requires to be condemned in the strongest of terms and we do so. Noting is so documenting as the conduct of police in practicing torture of any kind on a person in their custody."

[18] The National Police Commission recommended that there should be mandatory judicial inquiry in cases of deaths and rapes in police custody. The judicial inquiry should be held by an Additional Sessions Judge nominated for this purposes in every district by the state government in consultation with the High Court. The nominated judge would be designated as the District Inquiry Authority (DIA) and assisted by assessor. The DIA shall send the report of the inquiry to the State Government. It will be mandatory on the part of government to publish the report and decisions taken thereon within two months of receipt of the report. The DIA shall also serve as an independent authority to oversee the ultimate disposal of complaints dealt with departmentally. To oversee the satisfactory implementation of the entire scheme, a public complaints Board should be set up at State level. At district level, surprise visits to police stations and similar units by the senior officers would help the immediate detection of person held in custody and subject to ill-treatment. Malpractices, if any, noticed during such visits should be met by swift and deterrent punishment.

Unfortunately, the valuable recommendations of the National Police Commission were overlooked by the government (First Report of National Police Commission, 1979).

Rebeiro Committee (1998) examined the relevance of valuable recommendations of the National Police Commission in changing environment in the country. The Committee recommended setting up of the Police Performance and Accountability Commissions at the State level, constitution of a District Complaint Authority to examine the complaints from the public of the police excesses includes arbitrary arrests and detention, false implications in criminal cases and custodial violence. Further the Committee recommended separation of investigation functions from law and order work and replacement of the Police Act, 1861 with a new Act etc. Padhmanabhaiah Committee on Police Reforms (2000) was constituted to study, inter alia, recruitment procedures for the police force, training, duties and responsibilities, police behaviours, police investigation and prosecution. The Committee observed that every Commissions and Committees in the past have repeatedly stressed the need for better utilization of scientific aid in investigation and to reduction of custodial violence. However, the state of forensic science in India and its use by police in investigation of crime are both in a pathetic state. Therefore, the Committee recommended that every police station should be equipped with 'investigation kits' and every sub-division should have a mobile forensic science kits.

[19] The Committee on Reforms of the Criminal Justice System (2003) highlighted various issues associated to the criminal justice system in general and police system in particular. The Committee has examined the fundamental principles of the functioning of the Criminal Justice System such as Right to Silence, Rights of the Accused, Presumption of Innocence and burden of proof, Justice to the victims to crimes etc. in details. The Committee observed :

"Manner in which police investigations are conducted is of critical importance to the functioning of the Criminal Justice System. Not only serious miscarriage of justice will result if the collection of evidence is vitiated by error or malpractice, but successful prosecution of the guilty depends on a thorough and careful search for truth and collection of evidence which is both admissible and probative. In undertaking this search, it is the duty of the police to investigate fairly and thoroughly and collect all evidence, whether for or against the suspect. Protection of the society being the paramount consideration, the laws, procedures and police practices must be such as to ensure that the guilty are apprehended and punished with utmost dispatch and in the process the innocent are not harassed. The aim of the investigation and, in fact, the entire Criminal Justice System is to search for truth. To achieve this objective, the investigating officers must be properly trained

and supervised and necessary scientific and logistical support should be made available to them". The Committee further observed, "if tortured, an accused should have the freedom to apprise the Magistrate of the incident, when produced before him. In such cases, the magistrate can remand him to judicial custody. This should be true of any violence or sexual offence perpetrated against an accused person in custody. In all such cases, there must be a detailed enquiry."

[20] The Committee recommended Audio/video recording of statements of witnesses, dying declarations and confessions should be authorized by law. Interrogations Centers should be set up at the District Headquarters, in each District, where they do not exist, and strengthened where they exist, with facilities like tape recording and or videography and photography etc. However, the Committee on Reforms of Criminal Justice System (Malimath Committee) report met with several criticism by the Amnesty International India and International Commission of Jurists, 2003 including other than human rights organizations in the country.

[21] The Supreme Court, in [Prakash Singh and others v/s. Union of India and others](#), 2006 8 SCC 1, considered three aspects of the role and performance of the police both as a law enforcing agency and as an institution to protect the rights of the citizens enshrined in the Constitution: autonomy, accountability and efficiency. The following observations made by the Supreme Court in paragraphs 12 and 26 in our opinion are very apt so far as the subject matter of the present petition is concerned :

12. The commitment, devotion and accountability of the police has to be only to the Rule of Law. The supervision and control has to be such that it ensures that the police serves the people without any regard, whatsoever, to the status and position of any person while investigating a crime or taking preventive measures. Its approach has to be service oriented, its role has to be defined so that in appropriate cases, where on account of acts of omission and commission of police, the Rule of Law becomes a casualty, the guilty Police Officers are brought to book and appropriate action taken without any delay.

26. Having regard to (i) the gravity of the problem; (ii) the urgent need for preservation and strengthening of Rule of Law; (iii) pendency of even this petition for last over ten years; (iv) the fact that various Commissions and Committees have made recommendations on similar lines for introducing reforms in the police set-up in the country; and (v) total uncertainty as to when police reforms would be introduced, we think that there cannot be any further wait, and the stage has come for issue of appropriate directions for immediate compliance so as to be operative till such time a new model Police Act is prepared by the Central Government and/or the State Governments pass the requisite legislations. It may further be noted that

the quality of Criminal Justice System in the country, to a large extent, depends upon the working of the police force. Thus, having regard to the larger public interest, it is absolutely necessary to issue the requisite directions. Nearly ten years back, in [Vineet Narain and Ors. v. Union of India and Anr.](#), 1998 1 SCC 226 this Court noticed the urgent need for the State Governments to set up the requisite mechanism and directed the Central Government to pursue the matter of police reforms with the State Governments and ensure the setting up of a mechanism for selection/appointment, tenure, transfer and posting of not merely the Chief of the State Police but also all police officers of the rank of Superintendents of Police and above. The Court expressed its shock that in some States the tenure of a Superintendent of Police is for a few months and transfers are made for whimsical reasons which has not only demoralizing effect on the police force but is also alien to the envisaged constitutional machinery. It was observed that apart from demoralizing the police force, it has also the adverse effect of politicizing the personnel and, therefore, it is essential that prompt measures are taken by the Central Government.

[22] The State Governments have started taking action as part of the Supreme Court's directions issued in *Prakash Singh and others*. As of June 2007, Assam, Bihar, Haryana, Himachal Pradesh, Karnataka, Kerala, Rajasthan and Tripura have enacted draft police legislation and many States Andhra Pradesh, Chhatisgarh, Jammu and Kashmir, Jharkhand, Orissa, Punjab, Sikkim, Tamil Nadu and West Bengal were in the process of drafting. Goa, Gujarat, Madhya Pradesh, Maharashtra, Manipur, Arunachal Pradesh, Mizoram, Nagaland, Uttar Pradesh and Uttarakhand have not complied with the order of the Supreme Court (CHRI 2007; ACHR 2008). Most recently, the 5th Report of Second Administrative Reforms Commission (2007) on Public Order and the Draft Report of the National Policy on Criminal Justice System (2007) emphasized that the issue of Custodial violence needs to look upon very seriously and dealt with seriously and with promptitude with a view to eliminating this malice from the system.

[23] The Constitution in its Part III deals with fundamental rights. The prohibitions imposed by Articles 20, 21 and 22 of the Constitution of India are directly relevant to the criminal process. Article 20(2) guards against double jeopardy for the same offence. Article 20(3) provides that no person accused of any offence shall be compelled to be a witness against himself. The expression "life and personal liberty" occurring in the Article has been interpreted by various decisions of the Supreme Court to include constitutional guarantee against the torture, assault or injury against a person arrested and in custody. The "Police" figure as Entry 2 in State List in the Seventh Schedule of the Constitution, thereby making State Government primarily responsible for maintaining public order. Invariably, police, which is a part of the civil

administration, is at the forefront in maintaining law and order under the framework of constitutional governance based on principles of "Sovereign Socialist Secular Democratic Republic to secure fundamental right of its citizens. In consonance with the idea of democratic policing, a Code of Conduct for the Police in India was adopted at the Conference of Inspectors General of Police in 1960 and circulated to all the State Governments. Code of Conduct for the Police in India (1960):

1. The police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizens as guaranteed by it.
2. The police are essentially a law enforcing agency. They should not question the propriety or necessity of any duly enacted law. They should enforce the law firmly and impartially, without fear or favor, malice or vindictiveness.
3. The police should recognize and respect the limitations of their powers and functions. They should not usurp or even seem to usurp the functions of the judiciary and sit in judgment on cases. Nor should they avenge individuals and punish the guilty.
4. In securing the observance of law or in maintaining order, the police should, as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.
5. The prime duty of the police is to prevent crime and disorder and the police must recognize that the test of their efficiency is the absence of both and not the visible evidence of police action in dealing with them.
6. The police must recognize that they are members of the public, with the only difference that in the interest of the society and on its behalf they are employed to give full time attention to duties, which are normally incumbent on every citizen to perform.
7. The police should realize that the efficient performance of their duties would be dependent on the extent of ready cooperation that they receive from the public. This, in turn, will depend on their ability to secure public approval of their conduct and actions and to earn and retain public respect and confidence. The extent to which they succeeded in obtaining public cooperation will diminish proportionality the necessity of the use of physical force or compulsion in the discharge of their functions.

8. The police should always keep the welfare of the people in mind and be sympathetic and considerate towards them. They should always be ready to offer individual service and friendship and render necessary assistance to all without regard to their wealth and/or social standing.

9. The police should always place duty before self, should maintain calm in the face of danger, scorn or ridicule and should be ready to sacrifice their lives in protecting those of others.

10. The police should always be courteous and well mannered; they should be dependable and impartial; they should possess dignity and courage; and should cultivate character and the trust of the people.

11. Integrity of the highest order is the fundamental basis of the prestige of the police. Recognizing this, the police must keep their private lives scrupulously clean, develop self-restraint and be truthful and honest in thought and deed, in both personal and official life, so that the public may regard them as exemplary citizens.

12. The police should recognize that their full utility to the State is best ensured only by maintaining a high standard of discipline, faithful performance of duties in accordance with law and implicit obedience to the lawful directions of commanding ranks and absolute loyalty to the force and by keeping themselves in the state of constant training and preparedness.

[24] In view of the growing menace of police misdeeds to women, the 84th Report of Law Commission on Rape and Allied Offences dealt inter alia with an important issue, viz. Association of women social workers with investigation into these cases. The Commission also suggested a number of other amendments in Code of Criminal Procedure, 1973 to provide for adequate protection or legal remedies to women in the matters concerned with their arrest and interrogation by police and detention under police custody. 113th Report of Law Commission dealt with the question of extending the powers of the police to take coercive measures during interrogation in police custody and inflicted injury on suspects. The Commission recommended an insertion of Section 114B(1) in the Indian Evidence Act, 1872 for prosecution of a police officer for an offence constituted by an act alleged to have caused bodily injury to a person. If there is evidence that the injury was caused during period when that person was in custody of the police, the court may presume that the injury was caused by police officer having custody of that person during the period of police custody.

In 1989, the Law Commission of India in its 135th Report on Women in Custody" dealt with women in custody and suggested a new draft to be added in the Code of Criminal Procedure, 1973, incorporating specific safeguards for the protection of

women in custody. The 152nd Report of Law Commission of India on Custodial Crimes (1994) observed that generally, the victims of custodial crimes are poor, women, children, disadvantage people and weaker section of society. The poor, the downtrodden and the ignorant with little or no political or financial power are unable to protect their interests. Affluent members are not generally subjected to torture as the police afraid of their resourcefulness. The members of the weaker or poorer sections of society are arrested informally and kept in custody for days together without any entry of such arrests in the police records. During the informal detention they are subjected to torture, which sometimes resulted in death. In event of death in custody, the body of the deceased is disposed off stealthily or thrown to a public place making out a case of suicide or accident. Records are manipulated to shield the police personnel. The relatives or friends of the victim are unable to seek protection of law on account of their poverty, ignorance and illiteracy. Even if some voluntary organizations take up their case or public interest litigation is initiated against the erring public officers, no effective or speedy remedy is available to them, which results in the erring officers go scot-free. This situation gives rise to a belief that the laws' protection is meant for the rich and not for the poor in the country like India, which is governed by Rule of Law. The report went on various issues pertaining to custodial crimes and to secure custodial justice. The report recommended several changes in the existing laws and procedures including preventive, punitive, compensatory and remedial measures to be inserted in the Indian Penal Code, 1860, Indian Evidence Act, 1872 and Indian Criminal Procedure Code, 1973. The major recommendations of the report was fixation of compensations amount (Rupees twenty five thousand in case of bodily injury and Rupees One lakh in case of death). Further suggestion was that the Government may recover any amount paid by it as compensation under this section wholly or partially as it may think proper, from the delinquent police officers. This was an innovative approach of restorative justice based on individual accountability suggested by the report while dealing with custodial crimes.

The 177th Report of Law Commission on Law relating to Arrest (2001) made certain recommendations for safety and wellbeing of detainee in custody of police and also proposed to amend the Code of Criminal Procedure, 1973. A central issue facing all criminal justice systems is to strike a balance between the extent which an accused could be used as a source of information and his/her right against self incrimination. Right to silence is a natural corollary of the maxim that no person can be forced to give evidence against one's own self. The right to silence is a legal protection enjoyed by an accused person during investigation. 180th Report of the Law Commission has elaborated about the Right to Silence,

"The right to silence has various facets. One is that the burden is on the State or rather the prosecution to prove that accused is guilty. Another is that an accused is presumed to be innocent till he is proved to be guilty beyond reasonable doubts. A third is the right of the accused against self incrimination, namely, the right to be silent and that he cannot be compelled to incriminate himself. There are exceptions to the rule. An accused can be compelled to submit to investigation by allowing his photographs taken, voice recorded, his blood sample tested, his hair or the bodily material used for DNA testing etc.

The Supreme Court in [Munshi Singh Gautam and others v/s. State of Madhya Pradesh](#), 2005 9 SCC 631 passed the following observations :

"Rarely in cases of police torture or custodial death, is direct ocular evidence available of the complicity of the police personnel, who alone can only explain the circumstances in which a person in their custody had died. Bound as they are by the ties of brotherhood. It is not known that police personnel prefer to remain silent and more often than not even prevent the truth to save their colleagues."

[25] In the historic judgment in [D.K.Basu v/s. State of West Bengal](#), 1997 AIR(SC) 610 the Supreme Court initiated the development of "Custodial Jurisprudence" including torture to arrestee infringement of fundamental rights, citizen entitled to receive compensation from State, quantum of compensation would depend on peculiar fact of each case and punishment under section 330 of Penal Code is inadequate to repair the wrong done to citizen. The Supreme Court of India lamented on the control of police power of arrest and issued guidelines in carry out arrest and detention by police and law enforcement agencies in the country. They also have the force of law (Article 141 of the Constitution states that the law declared by the Supreme Court is binding on all courts in India). An officer who willfully or inadvertently ignored Supreme Court directives can be tried in court under relevant provisions of the Indian Penal Code and/or under the Contempt of Courts Act, 1971. Obligation of Police officer after arrest : (D.K.Basu's Case)

1. 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;
2. That the police officer carrying out the arrest of the arrestee shall prepare the memo of the arrest at the time of the 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

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 the date of arrest;

3. A person who has been arrested or detained and being held in custody in 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;

4. 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 Organization in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest;

5. The person arrested must be made aware of his right to have someone informed of the arrest or detention as soon as he put under arrest or detained;

6. 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 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;

7. The arrestee should, where he/she requests, be also examined at the time of his/her arrest and major and minor injuries, if present on his/her body, must be recorded at the 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.

8. 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 concerned State or Union Territory. Director, Health services should prepare such a panel for all tehsils and districts as well;

9. Copies of all the documents including the memo of the arrest, referred to above, should be sent to the nearest Magistrate for his record;

10. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation; 11. 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 central room it should be displayed on a conspicuous notice board (The court said that failure to comply, the official liable with departmental action, would render the defaulter to liable with punishment for contempt of court).

THE PREVENTION OF TORTURE BILL, 2010 A BILL to provide punishment for torture inflicted by public servants or any person inflicting torture with the consent or acquiescence of any public servant, and for matters connected therewith or incidental thereto. STATEMENT OF OBJECTS AND REASONS

[26] The Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment was adopted by the United Nations General Assembly on 9th December, 1975 [Resolution 3452 (XXX)]. India signed the Convention on 14th October, 1997. Ratification of the Convention requires enabling legislation to reflect the definition and punishment for "torture". Although some provisions relating to the matter exist in the Indian Penal Code yet they neither define "torture" as clearly as in Article 1 of the said Convention nor make it a criminal offence as called for by Article 4 of the said Convention. In the circumstances, it is necessary for the ratification of the Convention that domestic laws of our country are brought in conformity with the Convention. This would necessitate either amendment of the existing laws such as Indian Penal Code or bringing in a new legislation.

2. The matter was examined at length in consultation with the Law Commission of India and the then Learned Attorney General of India. After considerable deliberations on the issue, it was decided to bring in a stand alone legislation so that the aforesaid Convention can be ratified. The proposed legislation, inter alia, defines the expression "torture", provides for punishment to those involved in the incidents of torture and specifies the time limit for taking cognizance of the offence of torture.

3. The Bill seeks to achieve the above objects. WHEREAS India is a signatory to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; AND WHEREAS it is considered necessary to ratify the said Convention and to provide for more effective implementation.

[27] BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows :-

1. Short title, extent and commencement. (1) This Act may be called the Prevention of Torture Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions. In this Act, unless the context otherwise requires,--

(a) words and expressions used in this Act shall have the same meanings respectively assigned to them in the Indian Penal Code; and

(b) any reference in this Act to any enactment or any provision thereof shall in any area in which such enactment or provision is not in force be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

3. Torture. Whoever, being a public servant or being abetted by a public servant or with the consent or acquiescence of a public servant, intentionally does any act for the purposes to obtain from him or a third person such information or a confession which causes,--

(i) grievous hurt to any person; or

(ii) danger to life, limb or health (whether mental or physical) of any person, is said to inflict torture: Provided that nothing contained in this section shall apply to any pain, hurt or danger as aforementioned caused by any act, which is inflicted in accordance with any procedure established by law or justified by law.

Explanation.--For the purposes of this section, 'public servant' shall, without prejudice to section 21 of the Indian Penal Code, also include any person acting in his official capacity under the Central Government or the State Government.

4. Punishment for torture. Where the public servant referred to in section 3 or any person abetted by or with the consent or acquiescence of such public servant, tortures any person--

(a) for the purpose of extorting from him or from any other person interested in him, any confession or any information which may lead to the detection of an offence or misconduct; and

(b) on the ground of his religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, shall be punishable with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

5. Cognizance of offences. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of an offence under this Act unless the complaint is made within six months from the date on which the offence is alleged to have been committed.

6. Previous sanction necessary for prosecution. No court shall take cognizance of an offence punishable under this Act, alleged to have been committed by a public servant during the course of his employment, except with the previous sanction,--

(a) in the case of a person, who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;

(b) in the case of a person, who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office. The Supreme Court in [Sube Singh v/s. State of Haryana and others](#), 2006 CrLJ 1242, acting on the letter received from the petitioner of that case, alleging illegal detention, custodial torture and harassment to family members, made the following observations at paragraphs 20 to 24:

"20. Cases where violation of Article 21 involving custodial death or torture is established or is incontrovertible stand on a different footing when compared to cases where such violation is doubtful or not established. Where there is no independent evidence of custodial torture and where there is neither medical evidence about any injury or disability, resulting from custodial torture, nor any mark/scar, it may not be prudent to accept claims of human right violation, by persons having criminal records in a routine manner for awarding compensation. That may open the floodgates for false claims, either to mulct money from the State or as to prevent or thwart further investigation. Courts should, therefore, while jealously protecting the fundamental rights of those who are illegally detained or subjected to custodial violence, should also stand guard against false, motivated and frivolous claims in the interests of the society and to enable Police to discharge their duties fearlessly and effectively. While custodial torture is not infrequent, it should be borne in mind that every arrest and detention does not lead to custodial torture.

21. In cases where custodial death or custodial torture or other violation of the rights guaranteed under Article 21 is established, courts may award compensation in a proceeding under Article 32 or 226. However, before awarding compensation,

the Court will have to pose to itself the following questions : (a) Whether the violation of Article 21 is patent and incontrovertible, (b) whether the violation is gross and of a magnitude to shock the conscience of the court, (c) whether the custodial torture alleged has resulted in death or whether custodial torture is supported by medical report or visible marks or scars or disability. Where there is no evidence of custodial torture of a person except his own statement, and where such allegation is not supported by any medical report or other corroboration evidence, or where there are clear indications that the allegations are false or exaggerated fully or in part, courts may not award compensation as a public law remedy under Article 32 or 226, but relegate the aggrieved party to the traditional remedies by way of appropriate civil/criminal action.

22. We should not, however, be understood as holding that harassment and custodial violence is not serious or worthy of consideration, where there is no medical report or visible marks or independent evidence. We are conscious of the fact that harassment or custodial violence cannot always be supported by a medical report or independent evidence or proved by marks or scars. Every illegal detention irrespective of its duration, and every custodial violence, irrespective of its degree or magnitude, is outright condemnable and per se actionable. Remedy for such violation is available in civil law and criminal law. The public law remedy is additionally available where the conditions mentioned in the earlier para are satisfied. We may also note that this Court has softened the degree of proof required in criminal prosecution relating to such matters. In [State of M. P. v. Shyamsunder Trivedi](#), 1995 4 SCC 262, reiterated in [ABDUL GAFAR KHAN and MUNSHI SINGH GAUTAM](#), this Court observed :

"Rarely in cases of police torture or custodial death, direct ocular evidence of the complicity of the police personnel would be available..... Bound as they are by the ties of brotherhood, it is not unknown that the police personnel prefer to remain silent and more often than not even pervert the truth to save their colleagues..... The exaggerated adherence to and insistence upon the establishment of proof beyond every reasonable doubt, by the prosecution, ignoring the ground realities, the fact-situations and the peculiar circumstances of a given case....., often results in miscarriage of justice and makes the justice delivery system a suspect. In the ultimate analysis the society suffers and a criminal gets encouraged. Tortures in police custody, which of late are on the increase, receive encouragement by this type of an unrealistic approach of the Courts because it reinforces the belief in the mind of the police that no harm would come to them, if an odd prisoner dies in the lock-up, because there would hardly be any evidence

available to the prosecution to directly implicate them with the torture." Improving the present situation

23. Unfortunately, police in the country have given room for an impression in the minds of public, that whenever there is a crime, investigation usually means rounding up all persons concerned (say all servants in the event of a theft in the employer's house, or all acquaintances of the deceased, in the event of a murder) and subjecting them to third-degree interrogation in the hope that someone will spill the beans. This impression may not be correct, but instances are not wanting where police have resorted to such a practice. Lack of training in scientific investigative methods, lack of modern equipment, lack of adequate personnel, and lack of a mindset respecting human rights, are generally the reasons for such illegal action. One other main reason is that the public (and men in power) expect results from police in too short a span of time, forgetting that methodical and scientific investigation is a time consuming and lengthy process. Police are branded as inefficient even when there is a short delay in catching the culprits in serious crimes. The expectation of quick results in high-profile or heinous crimes builds enormous pressure on the police to somehow 'catch' the 'offender'. The need to have quick results tempts them to resort to third degree methods. They also tend to arrest "someone" in a hurry on the basis of incomplete investigation, just to ease the pressure. Time has come for an attitudinal change not only in the minds of the police, but also on the part of the public. Difficulties in criminal investigation and the time required for such investigation should be recognized, and police should be allowed to function methodically without interferences or unnecessary pressures. If police are to perform better, the public should support them, Government should strengthen and equip them, and men in power should not interfere or belittle them. The three wings of the Government should encourage, insist and ensure thorough scientific investigation under proper legal procedures, followed by prompt and efficient prosecution. Be that as it may.

24. Custodial violence requires to be tackled from two ends, that is, by taking measures that are remedial and preventive. Award of compensation is one of the remedial measures after the event. Effort should be made to remove the very causes, which lead to custodial violence, so as to prevent such occurrences. Following steps, if taken, may prove to be effective preventive measures :

a) Police training should be re-oriented, to bring in a change in the mindset and attitude of the Police personnel in regard to investigations, so that they will recognize and respect human rights, and adopt thorough and scientific investigation methods.

- b) The functioning of lower level Police Officers should be continuously monitored and supervised by their superiors to prevent custodial violence and adherence to lawful standard methods of investigation.
- c) Compliance with the eleven requirements enumerated in D. K. Basu should be ensured in all cases of arrest and detention.
- d) Simple and fool-proof procedures should be introduced for prompt registration of first information reports relating to all crimes:
- e) Computerization, video-recording, and modern methods of records maintenance should be introduced to avoid manipulations, insertions, substitutions and ante-dating in regard to FIRs, Mahazars, inquest proceedings, Post-mortem Reports and Statements of witnesses etc. and to bring in transparency in action.
- f) An independent investigating agency (preferably the respective Human Rights Commissions or CBI) may be entrusted with adequate power, to investigate complaints of custodial violence against Police personnel and take stern and speedy action followed by prosecution, wherever necessary. The endeavour should be to achieve a balanced level of functioning, where police respect human rights, adhere to law, and take confidence building measures (CBMs), and at the same time, firmly deal with organized crime, terrorism, white-collared crime, deteriorating law and order situation etc."

[28] Thus, it is very clear that it may be a legitimate right of any police to interrogate or arrest any suspect on some credible materials, but such an arrest must be in accordance with the law and the interrogation does not mean inflicting injuries. It should be in its true sense purposeful, namely, to make the investigation effective. Torturing a person and using third degree methods could definitely be termed as barbaric and contrary to law. The police would be accomplishing behind their closed doors precisely what the demands of our legal order forbid.

[29] As observed by the Supreme Court in Sube Singh that custodial violence requires to be tackled from two ends, that is, by taking measures that are remedial and preventive, and effort should be made to remove the very causes, which lead to custodial violence.

[30] We are of the view that installing of CCTV cameras at each police station and recording of interrogation of a suspect could be a positive step in tackling custodial violence as one of the preventive measures. Just as some times courts like to peruse the case diaries maintained by the investigating officers, in the same manner whenever there is a complaint of custodial violence or torture, then in such circumstances

recording could be of immense help for the higher authorities as well as the courts to inquire into the allegations. Before we proceed to pass any further order in this regard, we would like to know the views of the State Government in this regard. We, therefore, direct the State Government to file an affidavit-in-reply explaining as to how and in what circumstances the decision to install CCTV cameras at all police stations in the district of Rajkot was taken and why such CCTV cameras should not be installed at all police stations all over the State. Such reply shall be filed within a period of fifteen days from the date of reopening i.e. after the Diwali vacation.

Registry shall notify this matter before this Court for further hearing on 6th December 2012.

