

POLICE ORDER No. 259

SUBJECT—Protection of Harijans and weaker sections of the Community—Duties of Police thereof.

The Protection of Civil Right Act, 1955 has come into force with effect from the 19th November, 1976. The basic provision of the law have been communicated to the District S. P. in C.B. Memo. No. 6052-Law, dated the 19th March, 1977. The Ss. P. and other inspecting officers should ensure that the basic provisions of the law are well understood by subordinate Police Officers at different levels particularly at the level of Police-stations.

(2) A cell has been opened in Crime Branch for the collection of information regarding harassment of Harijans and weaker sections of the community. The Cell would also investigate into important cases registered under Protection of Civil Rights Act, 1955. It furnishes statements to Government every month regarding grave offences and offences which come within the purview of Protection of Civil Rights Act directly or indirectly, as indicated in Office Order N.490, dated the 4th May 1977, copy communicated to District Ss. P. vide C.B. Memo. No. 10255-C.B., dated the 4th May 1977.

(3) Atrocities on Harijans and weaker sections of community include grave offences like murder, rape, grievous hurt, setting fire to and destruction of properties of the members of scheduled caste and scheduled tribe and also those which come within the purview of Protection of Civil Rights Act, 1955. All these cases may be treated as Special Report cases, whether these are based on caste consideration or otherwise. It shall be the duty of the all Officers-in-charge of Police-Stations and other subordinate officers that as soon as a case of this nature comes to their notice, either in the form of written report, oral report or information, legal action should be taken on them and the Ss. P. should be informed through a special messenger. Wherever, other means of communication like wireless, etc. are available immediate wireless message should be sent followed by information through messenger.

(4) In grave offences involving rape, death, looting of properties, arson, demolition of house, etc. the Officer-in-charge of the Police Station or C.I. of Police and other officers should send verified information on the subject to the State Police Headquarters Control Room with intimation to D.I.-G., Intelligence, D.I.-G., C.I.D. Range D.I.-G. and District Ss. P. without loss of time.

(5) Untouchability is an evil of the society as a section of people are being treated as out-caste by caste Hindus. Similarly Adivasis are being exploited both by Adivasis and non-Adivasis. It is, therefore, the duty of the Officer-in-charge and C. I. and District Police Officers that they should not merely act on the information received which reveal a cognizable offence but also collect information during the course of their tours or otherwise, regarding practice of untouchability in particular areas and harassment to Harijans and weaker sections of the community. In cases which involve caste consideration or which are serious offences against weaker sections of the community it shall be the duty of every Officer-in-charge to take legal action basing on his own information including drawing up F. I. R. etc. even if there is no complainant to give a report. Whenever Police has any scope for the exercise of discretion regarding registration of cases or otherwise, it should invariably be exercised in favour of Harijans and weaker sections of the society.

(6) Where the offences does not come within the purview of any cognizable offence the Officer-in-charge should duly warn the person who had practised untouchability in one form or other and make a Station Diary Entry to this effect.

The Officers-in-charge will explain to the Grama Rakshis that they will be suitably rewarded if they bring to their notice any offences relating to untouchability or any serious offences committed against Harijans and the weaker sections of the community. Conversely if a case is not brought to the notice of the Officer-in-charge, action will be recommended against the defaulting Grama Rakshi.

The Home Guards should be suitably instructed to keep their eyes and ears open regarding the practice of untouchability in the society. Any such information coming to their notice should be brought to the notices of the respective O. I. /Cs. without loss of time. In addition they also will collect information of the locality where they are residing or visiting on duty. This should be made clear to them during their training. Home Guards should also be encouraged to pass on prompt information of this nature to the O. I. /Cs. of P.-S. under promise of suitable cash rewards.

Recently Government has issued instructions saying that :—

- (a) There should be periodical drives to reassure the Harijans and weaker sections of the community that their rights should be fully protected.
- (b) Areas where such incidents of ill-treatment are prone to occur should be identified and adequate preventive measures should be taken.
- (c) Offences involving caste considerations should be investigated as Special Report cases and entrusted to selected investigating officers.
- (d) Prosecution in such cases should receive continuous and effective attention.
- (e) Victims of serious atrocities on this nature should be given immediate relief and if there is any procedural difficulties in the way, they should be immediately brought to the notice of Government for remedial action.
- (f) Imposition of collective fines under the provisions of Protection of Civil Rights Act, 1955 should be resorted to in deserving cases.
- (g) Provision of legal assistance to the members of scheduled castes and scheduled tribes should be made.
- (h) Non-official agencies should be mobilised to arouse the conscience of the people.

Wherever possible the Police Officers should associate themselves closely with the implementation of the guide lines even if some of them might not come within the strict purview of police duties.

The Officer-in-charge and C. Is. of Police should bring to the notice of the S. P. cases where —

- (a) immediate relief to the affected families should be given.
- (b) where some legal assistance should be provided,
- (c) serious cases of arson and looting by a combined group necessitating imposition of collective fine.

The C. Is. have an important role to play in implementing the guide lines issued by the Government. They should scrutinise the Station Diary and case records to find out if Harijans and weaker section of the community have been the victim in certain cases including land eviction cases, etc. and should suggest action to be taken. They should take up investigation of serious cases without waiting for the direction from the S. P.

Since wilful negligence in investigation amounts to an offence u/s. 10 of the Protection of Civil Rights Act, 1955, the supervising officers are to scrutinise to find out if there has been any wilful negligence or not on the part of the investigating officer. If, in case, there is wilful negligence on the part of I. O., they will get cases under section 10 of Act registered against the I. Os. and take up the investigation themselves or entrust it to an officer of the rank of Circle Inspector.

In short, it is enjoined on every Police Officer to ensure that in due course practice of untouchability is rooted out from the society. The police personnel have a major and effective role to play in bringing necessary relief to the needy and distressed among the Harijans and weaker section of the community.

(P.C.R.-3/77)