

Circular No. 24/2009

Sub: - KAAPA –Active Antisocials- Identification, Discreet surveillance and
Action - Procedure by Police –Instructions issued.

1. The responsibility for preliminary identification of persons who fit the definition of Known Goonda or Known Rowdy (K.G/K.R) under KAAPA will lie primarily on the Sub Divisional Police Officer. SDPOs should frequently visit Police Stations and ensure that the identification of such persons is carried out effectively at the Police Stations. The CI of Police also will have immediate supervisory liability in this matter
2. Lack of proper documentation is found to be the reason for insufficient Police action under the KAAPA. List of persons who fit the conditions for classification as K.G/K.R must be prepared in every Police Station going back, year by year, checking crime records up to 2003.
3. While preparing the first list of K.G/ K.R, particular care may be taken to exclude those types of cases which are excluded from the calculation as per the provision of Section 2(p) of the Act. Cases which ended in acquittal, cases which were withdrawn, cases which were referred etc. may also be not taken into account. Only cases in respect of offences which occurred less than seven years back need only be taken into account.
4. It shall be the responsibility of the SDPO to meet Excise Officers, Forest Officers, Customs Officers, Revenue Officers and to collect details of persons in his jurisdiction who are actively involved in antisocial activities, which have come to the notice of other Departments.
5. Every Police Station shall separately make out a list of persons belonging to other jurisdictions who are involved in reported cases of the Station. SDPOs shall consolidate the list station wise in respect of each such jurisdiction and communicate the particulars to the Police Station where such persons are resident. Thus, and thus only, can a foolproof list of K.G/K.R can be prepared. Special attention of SDPOs and SPs is required in this task.
6. The nature of activities of the persons in the K.G/K.R list should be initially vetted by SI/CI/DySP to decide whether they were actually concerned in antisocial activities as defined in KAAPA. In this regard the meaning of the word "Antisocial Activity" must be carefully understood as specially defined in section 2(a) of KAAPA. It must be some activity as is likely to cause danger or fear to the public or any activity as covered under clauses 2(c), (e), (g), (h), (i), (l), (m), (n), (q) or (s). If they had been so concerned and if there is likelihood that they may continue such activities then their names should be entered in the "Register of Antisocials" and their activities should be kept under discreet surveillance, with a Police Officer checking their current activities every week. The Register of Antisocials will be maintained with separate History sheets set apart for each Antisocial, along the lines of Station Crime History Part V.

7. When a person is identified as an Antisocial included in the Register of Antisocials, then it should be watched every week whether he is actively pursuing antisocial activities at present. It should be ensured that cases /petitions against such potential law breakers are not burked at the Police Station level. While visiting Police Stations or disposing of petitions or interacting with the public, both the SDPO and the CI should be alert to the need for initiating proceedings under KAAPA in suitable instances against Active Antisocials whose activities are noticed by the public, Press or by individuals. During their visits to Police Stations, this must be one of their active responsibilities and priorities. The SDPO will also be competent to direct, for good and sufficient reason, that a name may be removed from the Register of Antisocials either temporarily or permanently, if it appears that he is not likely to indulge in any antisocial activity as defined under section 2(a) of KAAPA. All such removals may be reported to the Superintendent of Police, who will be competent to cancel the removal.
8. The criteria for initiating direct action under KAAPA must be that the Antisocial is currently active in an Antisocial activity of a type as defined in the Act.
9. It is for the SPs/CPs/DCPs to decide whether a person who fulfills the condition of being an Active Antisocial should actually be proceeded against under KAAPA. But it is for SDPOs to point out to the SP, the cases of all those persons who fulfill the conditions of being an Active Antisocial. It is for the SP to decide whether there is actual need to proceed against such person. In this he may seek the inputs from the District Special Branch or the Internal Security Wing of the State Special Branch.
10. Action can be initiated U/S 3, 15, and Sec.17 of the KAAPA as may be appropriate. Besides detention, requirement of notification of residence, restriction of movement and seizure of property should be resorted in those instances where the same is legally possible.
11. Property offenders also come under the purview of the KAAPA. The facilitators and the financiers who are extending help to the active antisocials are also to be brought under discreet surveillance by Police. Knowingly employing Antisocials for implied or open physical violence or antisocial activity will make them also criminally liable for the antisocial activities in which the Antisocials are involved. Those institutions which are seen to be engaging any Antisocial for activities which strengthen and facilitate antisocial activities may also be lawfully proceeded against in suitable instances.
12. Provisions u/s 6 of KAAPA are to be invoked in cases where the person against whom a detention order has been issued has absconded. Delay in execution due to absconding of the detenu cannot be well explained if proper steps are not taken u/s 6 of KAAPA.
13. In case of those Antisocials who are ostensibly engaged in lawful activities requiring a license/ permit, the authorities concerned shall be informed about his antisocial activities. Wherever legally possible, Police may recommend for the cancellation of the license/ permit already issued and shall not recommend further issuing or renewal of such license/ permit.
14. Proactive steps should be taken for containing the antisocial activities. There should not be any reluctance for registration of cases against Active Antisocials even for minor incidents. Maximum number of Antisocials should be brought within the

purview of law by initiating legal action in all incidents in which they are involved. recourse should also be made to proceedings under 107, 109 and 110 of the Cr.P.C.

15. Officers may also note that proceedings under Sec 15 and Sec 17 of KAAPA will also be generally very effective in controlling active antisocial behaviour. The act of detention, since it involves a very serious restriction of individual liberties, entails great care and highly elaborate documentation.

16. Every Police Station in the State shall maintain the following registers in respect of KAAPA. Police Headquarters will issue detailed instruction on the manner of maintenance of each register.

- a. Register of Antisocials supplemented by individual History Sheets similar to those maintained under SCH Part V.
- b. Register of Active Antisocials against whom Sec 3 of the Act has been invoked.
- c. Register of Active Antisocials against whom action u/s 15 has been initiated. (in two parts – Part 'A' for those of the station and Part 'B' for those of other Stations)
- d. Register for action taken u/s 17.

17. All these registers will be checked every month by the CIs and every quarter by the S.D.P.O.

18. Additional Director General of Police (Intelligence) will be the State Nodal Officer for the implementation of KAAPA. He will be assisted by Deputy Inspector General of Police (Internal Security). DYSPs /ACs of District Special Branch will be the District Nodal Officer for the District / City.

19. Action taken under KAAPA shall be regularly monitored at the District and State levels with such frequency as may be ordered by the Director General of Police from time to time.

20. Action against Antisocials and keeping a close watch on them will be deemed to be a part of the daily and continuous responsibility of every S.H.O., C.I. and every S.D.P.O.

Director General of Police