

THE MODEL POLICE BILL, 2010

Contents

Chapter	Title	Sections	Page No.
	Preamble		2
I	Preliminary: Definitions & Interpretation	1-2	3
II	Constitution and Organisation of Police Service	3-24	4
III	Primary Rank in Civil Police	25-28	10
IV	Armed Police Units	29-39	11
V	Superintendence and Administration of Police	40-57	14
VI	Role, Functions, Duties and Responsibilities of Police	58-61	18
VII	Rural Policing and Village Police System	62-85	19
VIII	Policing in Metropolitan Areas, Major Urban areas and other Notified areas	86-107	22
IX	Policing in the Context of Public Order and Internal Security Challenge	108-113	28
X	Community Policing	114-115	28
XI	Effective Criminal Investigation including use of Science and Technology in Investigation	116-131	29
XII	Training, Research and Development	132-146	31
XIII	Regulation, Control and Discipline	143-153	32
XIV	Police Accountability	154-180	34
XV	Welfare and Grievance Redressal mechanisms for Police Personnel	181-184	42
XVI	General Offences, Penalties and Responsibilities	185-204	43
XVII	Miscellaneous	205-218	47

Preamble

WHEREAS respect for and promotion of the human rights of the people, and protection of their civil, political, social, economic and cultural rights, is the primary concern of the Rule of Law;

AND WHEREAS, it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens;

AND WHEREAS such functioning` of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law;

AND WHEREAS it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights;

AND WHEREAS it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency;

NOW, THEREFORE, since it is necessary for this purpose to enact a new law relating to the establishment and management of the Police Service, it is hereby enacted as follows:

Chapter I

Preliminary: Definitions & Interpretations

1. (a) This Act may be called the Uttar Pradesh Police Act, 2011.

(b) It shall come into force on such date as the State Government may, by notification in the official Gazette, specify in this behalf.

(c) It extends to the whole of the state of Uttar Pradesh.
2. (1) In this Act, unless the context otherwise requires
 - (a) Act means the Uttar Pradesh Police Act, 2011;
 - (b) Cattle include cows, buffalos, elephants, camels, horses, asses, mules, sheep, goats and swine;
 - (c) Core functions mean duties related to sovereign functions of the State, including arrests, search, seizure, crime investigation, crowd control and allied functions that can only be performed by the police as the agency of the State;
 - (d) Group 'C' Posts mean the posts so categorised under the relevant State Service Rules;
 - (e) Headquarters Company means a unit performing administrative and other support functions of a State Armed Police Battalion;
 - (f) Insurgency includes waging of armed struggle by a group or a section of population against the state with a political objective including the separation of a part from the territory of India;
 - (g) Internal Security means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;
 - (h) Militant activities include any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its political objectives;
 - (i) Municipality means the Municipal Committee, the Cantonment Board or any other municipal body, established by or under any law for the time being in force in or any part of the state of Uttar Pradesh;
 - (j) Non-core police functions mean such functions which are not core functions as defined;
 - (k) Organised crime includes any crime committed by a group or a network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;
 - (l) Place of public amusement and public entertainment includes such places as may be notified by the State Government;
 - (m) Police District means the territorial area notified under Section 11 of Chapter II of this Act, as distinct from a revenue district;
 - (n) Police Officer means any member of Uttar Pradesh Police Service constituted under this Act;
 - (o) Prescribed means prescribed under this Act;
 - (p) Public place means any place to which the public have access and includes:
 - (i) a public building and monument and precincts thereof; and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
 - (q) Publish means posting the information prominently on the state police website and additionally, posting notices in the office of the District Magistrate, Tehsil office, and Panchayat office of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it by the beat of drums or by advertising in local newspapers or by publishing in the Gazette and other media or by any other means as the District Superintendent of Police may deem fit.
 - (r) Regulations mean regulations made under this Act;
 - (s) Rules mean rules made under this Act;

- (t) Service Companies mean units of State Armed Police Battalions and District Armed Reserve which are deployed for law and order and other duties in support of civil police;
- (u) Service means the Police Service constituted under this Act;
- (v) Subordinate Rank means all ranks below the rank of Assistant or Deputy Superintendent of Police;
- (w) Terrorist activity includes any activity of a person or a group using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe the Government established by law.

(2) Words and expressions used in this Act but not defined specifically shall have the same meaning as provided in the General Clauses Act 1897, the Code of Criminal Procedure 1973, and the Indian Penal Code 1860.

Chapter II

Constitution and organisation of the Police Service

3. One Police Service for the state

There shall be one Police Service for the state. Members of the Police Service shall be liable for posting to any branch of the Service in the state, including any of its specialised wings.

4. Administration of Police

(a) The State Government shall establish a police system which is capable of handling the typically complex problems of crime, public order and internal security in the state, which call for quick and comprehensive response springing from purposeful direction, unitary chain of command, professional competence, functional specialisation, and legal authority coupled with accountability, in accordance with the provisions of this Act.

(b) It shall be the responsibility of the State Government to ensure an efficient, effective, responsive and accountable Police Service for the entire state of Uttar Pradesh. For this purpose, the power of superintendence of the Police Service shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

(c) The State Government shall exercise its superintendence over the police in such manner and to such an extent as to promote the professional efficiency of the police and ensure that its performance is at all times in accordance with the law. This shall be achieved through laying down policies and guidelines, setting standards for quality policing, facilitating their implementation and ensuring that the police performs its task in a professional manner with functional autonomy.

(d) The State Government may give directions to the Director General of Police on matters of Government policy relating to

- i) the prevention of crime;
- ii) the maintenance of public safety and public order;
- iii) the delivery of police services; and
- iv) general areas of law enforcement.

(e) The State Government shall not give directions to the Director General of Police in relation to the following:

- i) enforcement of the criminal law in particular cases or classes of cases
- ii) non-enforcement of any particular law or provision of law
- iii) matters that relate to an individual or group of individuals
- iv) decisions on individual members of the police

- (f) If a dispute arises between the State Government and the Director General of Police in respect of legality of any direction, the State Government shall, as soon as practicable after the dispute arises,
- i) provide that direction to the Director General of Police in writing; and
 - ii) publish the facts of the dispute including the reasons for the directions; and
 - iii) present a copy to the State Legislatures.

5. Constitution and composition of the Police Service

Subject to the provisions of this Act:

- 1) The Police Service shall consist of such numbers in various ranks and have such organisation as the State Government, in consultation with the Director General of Police, may by general or special orders determine.
- 2) The direct recruitments to non-gazetted ranks in the Police Service shall be made through a state-level Police Recruitment Board by a transparent process, adopting well-codified and scientific systems and procedures through appropriate rules to be framed by the State Government and which shall be notified and published.
- 3) The recruitment to the Indian Police Service and to the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the State Public Service Commission respectively.
- 4) The composition of the Police Service shall, as far as possible, reflect adequate representation of all sections of society, including gender representation.
- 5) The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules from time to time. These shall always be commensurate with the arduous nature of their duties.
- 6) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed.

6. Appointment of Director General, Additional Directors General, Inspectors General, Deputy and Assistant Inspectors General

- 1) For the overall direction and supervision of the Police Service, the State Government shall appoint a Director General of Police who shall exercise such powers, perform such functions and duties, and have such responsibilities and such authority, as may be prescribed.
- 2) The post of Director General of Police shall be the senior-most position in the hierarchy of the Police Service of the state and no other officer senior or equivalent in rank to the incumbent Director General of Police shall be posted to any position within the police organisation to ensure that the unity of command is maintained at all times:
Provided that any other police officer holding the rank of Director General shall be appropriately appointed outside the state police organisation.
- 3) The State Government may appoint one or more Additional Director General, and as many Inspectors General, Deputy and Assistant Inspectors General as necessary.
- 4) The State Government may, by a general or special order and in consultation with the Director General of Police, direct in what manner and to what extent an Additional Director General or an Inspector General or a Deputy or Assistant Inspector General shall assist and aid the Director General of Police in the performance, exercise and discharge of his functions, powers, duties, and responsibilities.

7. Selection and term of office of the Director General of Police

- 1) The State Government shall appoint the Director General of Police from amongst three senior-most officers of the state Police Service, empanelled for the rank.
- 2) The empanelment for the rank of Director General of Police shall be done by the State Security Commission created under section 42 of Chapter V of this Act, considering, *inter alia*, the following criteria:
 - a) Length of service and fitness of health, standards as prescribed by the State Government;
 - b) assessment of the performance appraisal reports of the previous 15 years of service by assigning weightages to different grading, namely, 'Outstanding', 'Very Good', 'Good', & 'Satisfactory';
 - c) range of relevant experience, including experience of work in central police organisations, and training courses undergone;

- d) indictment in any criminal or disciplinary proceedings or on the counts of corruption or moral turpitude; or charges having been framed by a court of law in such cases.
- 3) The Director General of Police so appointed shall have a minimum tenure of two years irrespective of his normal date of superannuation :
Provided that the Director General of Police may be removed from the post before the expiry of his tenure by the State Government through a written order specifying reasons, consequent upon:
 - a. conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or
 - b. punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower post, awarded under the provisions of the All India Services (Discipline and Appeal) Rules 19- or any other relevant rule; or
 - c. suspension from service in accordance with the provisions of the said rules; or
 - d. incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or
 - e. promotion to a higher post under either the State or the Central Government, subject to the officer's consent to such a posting.

8. Appointment of Legal Advisors and Financial Advisor

- 1) The State Government shall appoint a Legal Advisor and a Financial Advisor to aid and advise the Director General of Police on legal and financial matters respectively.
- 2) The State Government shall also appoint in every District Police Unit and City Police Commissionerate one or more Legal Advisors to advise the police on legal issues and matters including the adequacy or otherwise of the available evidence as deemed necessary in various cases investigated by them.
- 3) Appointment of officers at (1) and (2) above shall be made in accordance with the rules prescribed.

9. Administration of Police in Metropolitan Areas, Major Urban Areas and other Notified Areas

The administration of police in metropolitan areas, other major urban areas with a population of 10 lakhs or more, and in such other areas as may be notified for the purpose by the State Government, from time to time, shall be in accordance with the provisions of Chapter VIII of this Act.

10. Creation of Police Zones and Ranges

- 1) The State Government, in consultation with the Director General of Police, may by notification divide the entire geographical area of the state into one or more Police Zones. Each Zone, comprising two or more Police Ranges, shall be headed by an officer of the rank of Inspector General who shall supervise the police administration of the Zone and report directly to the Director General of Police.
- 2) The State Government, in consultation with the Director General of Police, may by notification create as many Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector General who shall supervise the police administration of the Range and report directly to the Inspector General in charge of the Zone in the jurisdiction of which the Range falls.

11. Police Districts

The State Government, in consultation with the Director General, may by notification declare any area within the state to be a Police District. The administration of the police throughout such district shall vest in the Superintendent of Police who may be assisted by as many Additional, Assistant or Deputy Superintendents, as deemed necessary and are notified.

12. District-level Special Cells, Sub-Divisions and Circles

- (1) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, in consultation with the Director General and by notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of Assistant/Deputy Superintendent of Police.
- (2) The State Government may by notification divide each Police District into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant/Deputy Superintendent of Police.

- (3) The State Government may by notification divide each Police Sub-Division into two or more Circles, each headed by an officer of the rank of Inspector or Deputy Superintendent of Police: *Provided* that in the event of a Circle being put under the charge of a Deputy Superintendent, such officer shall report directly to the District Superintendent of Police.

13. Police Stations

- (1) The State Government may, in consultation with the Director General of Police and by notification, create as many Police Stations with as many outposts as necessary, in a Police District as deemed necessary, duly keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distances to be traversed by the inhabitants to reach the Police Station.
- (2) Two or more Police Stations may be assigned to a Police Circle for the purpose of control and supervision.
- (3) A Police Station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police:
Provided that larger Police Stations may be placed under the supervision of officers of the rank of Inspector of Police.
- (4) The State Government shall ensure availability of adequate strength of staff at each police station, duly based on the population, incidence of crime, law and order-related workload, and the geographical area.
- (5) The State Governments shall provide, as early as possible, each Police Station with all essential amenities including a reception-cum-visitors 'room, separate toilets for men and women and separate lock-ups for men and women.
- (6) Each Police Station shall have a Women and Children Protection Desk, staffed, as far as possible, by women police personnel, to record complaints of crimes against women and children and to deal with the tasks relating to administration of special legislations relating to women and children.
- (7) Each Police Station shall prominently display all the relevant information required to be made public, including the Supreme Court guidelines and directions, as also departmental orders on arrests, and the details regarding the persons arrested and held in lock-ups.

14. Term of office of key police functionaries

- (1) An officer posted as a Station House Officer in a Police Station or as an officer in-charge of a Police Circle or Sub-Division or as a Superintendent of Police of a District shall have a term of a minimum of two years and a maximum of three years:
 - 1) *Provided that* any such officer may be removed from his post before the expiry of the minimum tenure of two years consequent upon:
 - (a) promotion to a higher post; or
 - (b) conviction, or charges having been framed, by a court of law in a criminal offence; or
 - (c) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant Discipline & Appeal Rules; or
 - (d) suspension from service in accordance with the provisions of the said Rules; or
 - (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or
 - (f) the need to fill up a vacancy caused by promotion, transfer, or retirement.
 - (2) In exceptional cases, an officer may be removed from his post by the competent authority before the expiry of his tenure for gross inefficiency and negligence or where a prima facie case of a serious nature is established after a preliminary enquiry:
Provided that in all such cases, the competent authority shall report in writing the matter with all details to the next higher authority as well as to the Director General of Police. It shall be open to the aggrieved officer, after complying with the order, to submit a representation against his premature removal to the Police Establishment Committee, which shall consider the same on merit and recommend due course of action to the competent authority.

Explanation: Competent authority means an officer authorised to order transfers and postings for the rank concerned.

15. Coordination within the District Administration

- 1) For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 and

other relevant Acts, to coordinate the functioning of the police with other agencies of district administration in respect of matters relating to the following:

- a) the promotion of land reforms and the settlement of land disputes;
 - b) extensive disturbance of the public peace and tranquillity in the district;
 - c) the conduct of elections to any public body;
 - d) the handling of natural calamities and rehabilitation of the persons affected thereby;
 - e) situations arising out of any external aggression or internal disturbances;
 - f) any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district; and
 - g) removal of any persistent public grievance.
- 2) For the purpose of such coordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police and heads of other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of coordination.
 - 3) For the purpose of coordination, the District Magistrate shall ensure that all Government authorities of the district, whose assistance are required for the efficient functioning of the police, will render full assistance to the Superintendent of Police.

16. Railway Police

- 1) The State Government may, by notification in the Official Gazette, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendent and such other police officers for each such special district as it may deem fit.
- 2) Subject to the control of the Director General of Police, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.
- 3) Any police officer whom the State Government may by general or special order empower to act under this sub-section, may, subject to any orders which that government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer-in-charge of a Police Station in that district. While exercising such power she shall, subject to any such order as aforesaid, be deemed to be an officer-in-charge of the Police Station discharging the functions of such officer within the limits of his Station.
- 4) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the state, with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.
- 5) The Superintendent of Police may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act, to an Assistant or Deputy Superintendent.

17. State Intelligence and Criminal Investigation Departments

- (1) Every state police organisation shall have a State Intelligence Department for collection, collation, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating inter-state, inter-district crimes and other specified offences, in accordance with the provisions of Chapter X of this Act.
- (2) The State Government shall appoint a police officer of or above the rank of Deputy Inspector General of Police to head each of the aforesaid departments.
- (3) The Criminal Investigation Department shall have specialised wings to deal with different types of crime requiring focused attention or special expertise for investigation. Each of these wings shall be headed by an officer not below the rank of a Superintendent of Police.
- (4) The State Intelligence Department shall have specialised wings, to deal with and coordinate specialised tasks such as measures for counterterrorism, counter militancy and VIP Security.
- (5) The State Government shall appoint by rules prescribed under this Act, an appropriate number of officers from different ranks to serve in the Criminal Investigation Department, and the State Intelligence Department, as deemed appropriate with due regard to the volume and variety of tasks to be handled.

18. Technical and Support Services

- (1) The State Government shall create and maintain such ancillary technical agencies and services, under the overall control of the Director General of Police, as considered necessary or expedient for promoting efficiency of the Police Service.
- (2) (a) The services so created shall include a full-fledged Forensic Science Laboratory at the State-level, a Regional Forensic Science Laboratory for every Police Range and a Mobile Forensic Science Unit for every district, with appropriate equipment and scientific manpower, in keeping with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India.
(b) It shall be the responsibility of the State Government to ensure regular maintenance of all scientific equipment and regular replenishment of consumables in the forensic laboratories.
(c) The State Government shall take all measures to encourage and promote the use of science and technology in all aspects of policing.
- (3) The State Government shall appoint for the whole state or any part thereof, one or more Directors of Police Telecommunications, not below the rank of Deputy Inspector General of Police and as many Superintendents of Police and Deputy Superintendents of Police as deemed necessary to assist them.
- (4) The State Government shall similarly appoint for the whole state or any part thereof, one or more Directors of Police Transport, not below the rank of Deputy Inspectors General of Police, and as many Superintendents of Police and Deputy Superintendents of Police as deemed necessary to assist them.
- (5) The State Government shall ensure regular maintenance of all the needed equipment and regular replenishment of consumables for the Police Tele-communications and the Police Transport Services.

19. Appointment of Directors of State Police Academies and Principals of Police Training Colleges and Schools

- (1) The State Government shall establish a full-fledged Police Training Academy at the state level and as many fully-equipped Police Training Colleges and Schools as deemed necessary for ensuring efficient post induction training of all directly-recruited police personnel in various ranks, pre-promotion training for all those promoted to higher levels and such thematic and specialised in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.
- (2) The State Government may appoint by prescribed rules, any police officer not below the rank of Inspector General of Police to be the Director of the State Police Academy, and an officer not below the rank of Deputy Inspector General of Police to head each Police Training College and an officer not below the rank of Superintendent of Police as the Principal of each Police Training School.
- (3) The State Government shall also provide for appointment, by rules prescribed, of appropriate number of officers from the Police Service, in such Police Training Academy, College(s) and Schools, after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the Police Service to the faculties of such training institutions.
- (4) The State shall also ensure appointment of persons with academic accomplishments in the fields of law, sociology, psychology, criminology, forensic science and other academic subjects relevant to police profession to the permanent faculty positions in these training institutions.

20. Organisation of research

The State Government may set up such bodies and take up such other steps as considered necessary or expedient for the purpose of undertaking research into matters relating to the efficiency of the Police Service.

21. Oath or affirmation by police personnel

Every member of the Police Service enrolled under this Act shall, on appointment and completion of training, make and subscribe before the Superintendent of Police or Commissioner, as the case may be, or another officer appointed in that behalf by him as the case may be, an oath or affirmation, as prescribed.

22. Certificate of appointment

- (1) Every police officer of or below the rank of Inspector shall on appointment receive an insignia and a certificate in the form as prescribed. The certificate shall be issued under the hand and seal of such officer as the State Government may by general or special order direct.
- (2) The certificate of appointment shall become null and void, and the insignia shall be deemed to be withdrawn whenever the person named therein ceases to belong to the Police Service or shall remain inoperative during the period such person is suspended from the service.

23. Special Police Officers

- (1) The Superintendent of Police or any officer, specially empowered in this behalf by the State Government, may, at any time invite applications from qualified and able bodied persons between the age of 18 and 50 year of age and with no criminal record, for appointment as Special police officer and by a written order issued under his hand and seal, appoint suitable candidates, specifying the purpose such as traffic management, crowd control, relief work or the event for which the appointment is being made and the period of appointment which shall not exceed six months. He shall publish the names of special police officers appointed under this section.
- (2) Every Special Police Officer so appointed shall:
 - (a) on appointment, undergo prescribed training and thereafter receive a certificate in a form approved by the State Government in this behalf; and
 - (b) shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer.
- (3) Any person objecting to the appointment of any person as such special police officer may send his reasons for such objection to the Commissioner of Police within 30 days of publication of names and the Commissioner may accept such objection and cancel the appointment of such officer or, after giving the objector an opportunity to be heard, reject the objection.

24. Appointment of Additional Police

- (1) Additional police comprising officers of such ranks or grades may be appointed or deputed for the purpose prescribed by the State Government for such time and on such pay as the authority prescribed in that behalf may determine.
- (2) Every Additional Police Officer upon such appointment, shall:
 - (a) receive a certificate in a form approved by the State Government in this behalf;
 - (b) be vested with all or such of the powers, privileges, duties and immunities of a police officers as are specially mentioned in the certificate; and
 - (c) be subject to the orders of the Superintendent of Police.
- (3) The deployment or deputation of such Additional Police Officer may be made at the request of any person requiring such police, and the cost of such deployment shall be recovered in such manner as is prescribed under this Act or any other law for the time being in force.

Chapter III

The Primary Ranks in Civil Police

25. Rank structure at the primary levels of Civil Police

- (1) The rank structure of Group 'C' posts in the Civil Police, in the ascending order, shall consist of Civil Police Officer Grade II, Civil Police Officer Grade I, Sub Inspector and Inspector.
- (2) The direct recruitment to Group 'C' posts in the Civil Police, other than in the ministerial and technical cadres, after the coming into force of this Act, shall be made only to the ranks of Civil Police Officer Grade II and Sub-Inspector:
Provided that the quota for direct recruitment to these two ranks shall be so fixed as to provide a fair balance between the different ranks and prospects for promotion to eligible and meritorious officers at each level within a period of 8 to 10 years.
- (3) Every Civil Police Officers Grade II will undergo three years intensive training before being posted to the Service as a stipendiary cadet, and will, upon successful completion of training, have a graduation degree in police studies. Their scales of pay and conditions of service shall therefore be commensurate with ranks in other services under the state, which require similar levels of educational qualifications and training.

26. Recruitment to the post of Civil Police Officer Grade II

- (1) The age group for recruitment as stipendiary Civil Police Officer Grade II cadet shall be 18 to 23 years. The minimum educational qualification shall be 10+2 Higher Secondary or equivalent examination.
- (2) All those who are selected as stipendiary Civil Police Officers Grade II cadets shall be given a three year intensive education and training on police subjects, including on-the-job training, prescribed by the State Government, which on successful completion should lead to award of a Bachelor's Degree in Police Studies from a university accredited for this purpose by the State Security Commission created under Section 42 of Chapter V:
Provided that a cadet shall not be given more than two opportunities to pass the prescribed degree examination. A cadet having failed to graduate successfully after two attempts will be deemed unsuitable to be appointed as a Civil Police Officer.
- (3) The recruitment shall be made through the State-level Police Recruitment Board provided for in Section 5(2) under Chapter II, through a transparent process. The recruitment standards and the details of procedure including written tests, physical and medical fitness tests shall be prescribed by the State Government.

27. Service Conditions of Primary Ranks of the Civil Police Service

- (1) Three promotions should ordinarily be available to all meritorious officers. The Police Recruitment Board shall evolve and lay down merit-*cum*-seniority criteria for promotion through a transparent process, for different ranks.
- (2) Every promotion of civil police officers should be linked with screening examinations and intensive training, so as to ensure higher levels of professional competence and accountability.
- (3) In order to provide a fast track for career progression to Civil Police Officers, 50 per cent of direct recruitment posts of Sub-Inspectors in the state shall be earmarked for those Civil Police Officers who have put in between seven and ten years of service including the three-year period of probation, to be filled through a Limited Departmental Competitive Examination.
- (4) The Government shall endeavour to introduce a shift system in the civil police to ensure proper working hours consistent with efficiency in performance.
- (5) The Director General of Police, with the approval of the State Government, shall try to outsource as many non-core police functions as possible, to enable police officers to concentrate on core police functions.

28. Duties of Civil Police Officers

The Duties of all officers of and above the rank of Civil Police Officer Grade II shall include, *inter alia*, the following:

- (a) serving and protecting the citizens;
- (b) engaging with the citizens and gaining their cooperation;
- (c) policing the Beat;
- (d) patrolling;
- (e) Law and Order duties;
- (f) collecting intelligence to support police work;
- (g) traffic duties;
- (h) investigations, enquiries, maintaining Police Station records and registers; and
- (i) auxiliary duties such as technology support, special skill support, staff support, out station duties, and such other tasks as assigned by senior officers from time to time.

Chapter IV

Armed Police Units

29. District Armed Reserves and State Armed Police Battalions

To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breaches of peace or law and order, and in disaster management functions, as well as to discharge such duties as require the presence of armed police, the State Government shall create Armed Police units with appropriate manpower strengths in the form of an Armed Police

Reserve for each Police District, and appropriate number of Armed Police Battalions for the state, including provision of women units

30. Role and functions

The Armed Police Battalions will be a state-level reserve, to be deployed under specific orders of the Director General of Police, to aid and assist the civil police in dealing with virulent and widespread problems of public disorder or other forms of violence, needing deployment of armed police beyond the resources of the district police.

31. The District Armed Reserve, which will function under the control, direction and supervision of the District Superintendent of Police shall be the armed wing of the District Police to deal with an emergent law and order problem or any violent situation in the District, and for providing security guards or escort of violent prisoners, or such other duties as may be prescribed.

32. Organisational structure of District Armed Reserves

- (1) The District Armed Police Reserve shall be headed by an officer of the rank of either a Deputy Superintendent of Police (Armed Reserve) or an Additional Superintendent of Police (Armed Reserve), depending on the manpower strength of the Armed Reserve set-up of the District.
- (2) The District Armed Reserve will be sub-divided into appropriate numbers of Platoons, each headed by a Reserve Sub-Inspector. The Platoons will be further subdivided into Sections, each of which will be headed by an Assistant Reserve Sub Inspector. Each Section shall have two Head Constables who could lead the half-Sections when so deployed.
- (3) The deployment of the District Armed Reserve for performing law and order duty with arms shall ordinarily not be in less than Section strength. Only when large-scale deployments have to be made, covering a wide area, and when firearms are not needed, the Armed Reserve set-up could be utilised in the strength of half-Sections.
- (4) Each Armed Reserve set-up shall have an appropriate number of Reserve Inspectors to deal with general administration of the Reserve, maintenance of equipment and stores, and training.
- (5) It shall be the duty of the District Superintendent of Police to ensure that the personnel of the Reserve are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation between duty and rest for them.

Organisational structure of the Armed Police Battalions set-up

33. A Commandant, equivalent in rank to Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to Additional Superintendent of Police, who will also be the Second-in-Command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Deputy Superintendent of Police.

34. (1) The Armed Police Battalions set-up of the state shall be headed by an officer of or above the rank of Deputy Inspector General, depending on the number of Battalions in the state, who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the armed police units in the state, under the overall guidance and supervision of the Director General.

(2) In fixing the strength of senior officers for the Armed Police Battalions set-up, it shall be ensured that for supervising the functioning and preparedness of every 3-4 Battalions, a senior officer of the rank of Deputy Inspector General is provided, and if there are more than one such Deputy Inspectors General, the Armed Police Battalions set-up shall be headed by an officer of the rank of Inspector General or Additional Director General, as necessary.

35. The duties of the head of the Armed Police Battalions set-up, the Deputy Inspector General, the Commandant, Deputy Commandants, Assistant Commandants, Reserve Inspectors of the Service and the Headquarters Companies shall be as prescribed by the State Government from time to time.

36. Recruitment

- (1) The direct recruitment to the District Armed Reserves and the Armed Police Battalions, other than in the ministerial and technical cadres, shall be limited to the ranks of Constable, Reserve

Sub-Inspector and Deputy Superintendent of Police/Assistant Commandant, and should, as far as possible, reflect adequate representation of all sections of society.

- (2) The minimum qualification for recruitment as Constable shall be Matriculation or equivalent, and the age group shall be 18-21 years. For the recruitment to the rank of Reserve Sub-Inspectors, the minimum qualification shall be graduation and the age limit 21 to 24 years.
- (3) For recruitment to the rank of Deputy Superintendent of Police/Assistant Commandant, the educational qualifications and the age limit shall be the same as prescribed for that rank in the civil police.
- (4) The recruitment to the rank of Constables and Reserve Sub-Inspectors shall be made through the state-level Recruitment Board.

37. Training

- (1) Besides the initial training of new recruits in the District Armed Reserve and the State Armed Police Battalions, it shall also be ensured that all ranks in these units undergo an annual refresher training programme, by rotation, over and above specialised training in different skills as needed by different categories. To achieve this, appropriate strengths of 'Training Reserves' will be created in each District Armed Reserve setup. Each Battalion will have one full Company earmarked as the 'Training Reserve', to provide for rotational training to all personnel.
- (2) The annual refresher training course shall be treated as mandatory, and under no circumstances the personnel undergoing such training shall be withdrawn for deployment on law & order, or any other duty.
- (3) The curricula for the initial as well as the annual refresher training courses, besides physical skills and fitness, shall lay due emphasis on the knowledge of constitutional and legal rights of the citizens as well skills relating to individual and collective interaction with the public, with special emphasis on courteous and impartial behaviour.
- (4) The content and methodology of the annual refresher training courses as well as the other specialised courses for the personnel of the District Armed Reserves and the State Armed Police Battalions shall be reviewed and revised from time to time by the officer heading the State Armed Police Battalion set-up, in consultation with the Training Wing of the state police, and under the overall guidance of the Director General of Police.

38. Deployment

- (1) The deployment of units and sub-units of the District Armed Reserves and the State Armed Police Battalions shall be strictly restricted to only those situations where such deployment is considered absolutely necessary.
- (2) The District Superintendent of Police shall carefully scrutinise each request for deployment of District Armed Reserves, received from the field officers. Similarly, the Director General shall closely scrutinise each request for the deployment of any force from the State Armed Police Battalions, received from any District Superintendent of Police, Deputy Inspector General of Police of a Range, or any other field officer, before ordering such deployment. The scrutiny will include a realistic determination of the quantum of force required as also the duration for which the deployment is required.
- (3) The deployment shall be made for a fixed period, as specified in the order, and unless the same is extended by a specific order, the force shall return to its headquarters, on the expiry of the initial period.
- (4) It shall be the duty, in the case of District Armed Reserves, of the District Superintendent of Police and that of the head of the Armed Police Battalion set-up of the state in respect of the Battalion personnel, to ensure that the personnel of these armed units are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation of duty between the various sub-units of the Reserve or a Battalion.
- (5) While ordering deployment of any armed police unit, due care will also be taken to ensure, as far as possible, that the personnel are able to take due rest and also avail a weekly off.

39. Adequacy of Arms, Equipment and Accoutrement

The adequacy of arms, equipment and accoutrement for each Battalion as well as the District Armed Reserves shall be assessed regularly on an annual basis by the officer heading the State Armed Police Battalions set-up, in terms of the type, quality and quantities of each such item needed for each unit, in consultation with the Commandants and the District Superintendents of Police concerned.

Chapter V

Superintendence and Administration of Police

40. Strategic Policing Plan and Annual Policing Plan

- (1) The State Government shall:
 - (a) in consultation with the State Security Commission established under Section 42 of this chapter, draw up a Strategic Policing Plan for a five-year period (hereinafter referred to as the "Strategic Plan"), duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation;
 - (b) place before the State Legislature, within three months of the coming into force of this Act, the Strategic Plan. Subsequent Strategic Plans shall, thereafter, be laid before the State Legislature every three years.
 - (c) place before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan as well as an Annual Policing Plan (Annual Plan for short) that prioritises the goals of the Strategic Plan for the year in question.
- (2) The Strategic and the Annual Plans shall be prepared after receiving inputs on the policing needs of the districts from the District Superintendents of Police who, in turn, shall formulate the same in consultation with the community.
- (3) The Strategic Plan, the Progress Report and the Annual Plan shall be published and made readily accessible to the public.

41. Strategic Policing Plan and Annual Policing Plan

- (1) The State Government shall:
 - (a) in consultation with the State Security Commission established under Section 42 of this chapter, draw up a Strategic Policing Plan for a five-year period (hereinafter referred to as the "Strategic Plan"), duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation;
 - (b) place the Strategic Plan before the Parliament within three months of the coming into force of this Act. Subsequent Strategic Plans shall, thereafter, be laid before the Parliament every three years.
 - (c) place before the Parliament, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan as well as an Annual Policing Plan (Annual Plan for short) that prioritises the goals of the Strategic Plan for the year in question.
- (2) The Strategic and the Annual Plans shall be prepared after receiving inputs on the policing needs of the districts from the District Deputy Commissioners of Police who, in turn, shall formulate the same in consultation with the community.
- (3) The Strategic Plan, the Progress Report and the Annual Plan shall be published and made readily accessible to the public.

42. State Security Commission

The State Government shall, within six months of the coming into force of this Act, establish a State Security Commission to exercise the functions assigned to it under the provisions of this Chapter.

43. Composition of the Security Commission

- (1) The State Security Commission shall have as its members:
 - (a) the Home Minister as its Chairperson;
 - (b) the Leader of the Opposition in the State Assembly;
 - (c) a retired High Court Judge, nominated by the Chief Justice of the High Court;
 - (d) the Chief Secretary;
 - (e) the Secretary in charge of the Home Department;
 - (f) the Director General of Police as its Member-Secretary; and
 - (g) five non-political persons of proven reputation for integrity and competence (hereinafter referred to as "Independent Members") from the fields of academia, law, public administration, media or NGOs, to be appointed on the recommendation of the Selection Panel constituted under Section 44.
- (2) The composition of the Board shall reflect adequate gender and minority representation, and will have not less than two women as members.
- (3) Not more than one serving or retired government employee shall be appointed as an Independent Member.

(4) Any vacancy in the State Security Commission shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

44. Composition of the panel for selection of Independent Members

Independent Members of the State Security Commission shall be appointed on the recommendation of a Selection Panel, which shall consist of:

- (a) a retired Chief Justice of a High Court as its Chairperson, to be nominated by the Chief Justice of the High Court;
- (b) the Chairperson of the State Human Rights Commission, or in the absence of such Commission in the state, a person nominated by the Chairperson of the National Human Rights Commission; and
- (c) the Chairperson of the State Public Service Commission.

45. Method of selection

The Selection Panel shall evolve its own procedure to select Independent Members and the selection shall be through a transparent process.

46. Grounds of ineligibility for Independent Members

No person shall be appointed as an Independent Member of the State Security Commission if he:

- (a) is not a citizen of India; or
- (b) has been convicted by a court of law or against whom charges have been framed in a court of law; or
- (c) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct; or
- (d) holds an elected office, including that of Member of Parliament or State Legislature or a local body, or is an office-bearer of any political party or any organisation connected with a political party; or
- (e) is of unsound mind.

47. Term of office of Independent Members

A person shall be appointed as an Independent Member for a period of three years. The same person shall not be appointed for more than two consecutive terms.

48. Removal of Independent Members

- (a) An Independent Member may be removed from the State Security Commission by a two-thirds majority of members of the Board on any of the following grounds:
 - (a) proven incompetence; or
 - (b) proven misbehaviour; or
 - (c) failure to attend three consecutive meetings of the State Security Commission without sufficient cause; or
 - (d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.
- (b) In addition, an Independent Member shall be removed from the State Security Commission if he incurs any of the grounds of ineligibility specified under Section 43(3) or Section 46.
- (c) The State Security Commission shall explicitly state in writing the grounds for such removal.

49. Functions of the State Security Commission

The State Security Commission shall perform the following functions:

- (a) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law and evolve code of professional ethics for the police service;
- (b) prepare panels of police for the rank of Director General of Police against prescribed criteria with the provisions of Section 7 of Chapter II;
- (c) identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, *inter alia*, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilisation of resources, and observance of human rights standards; and
- (d) in accordance with the provisions of Chapter XIV, review and evaluate organisational performance of the Police Service in the state as a whole as well as district-wise against (i)

the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.

50. Expenses of the State Security Commission

The expenses on account of remuneration, allowances and travel in connection with official business of the State Security Commission, in respect of the Independent Members of the Commission shall be borne by the State Government.

51. Annual report of the State Security Commission

- (1) The Commission shall, at the end of each year, present to the State Government a report on its work during the preceding year as well on the evaluation of performance of the Police Service, as provided for in Chapter XIV.
- (2) The State Government shall lay the Annual Report before the State Legislature in the budget session. The Annual Report shall be published and made easily accessible to the public.

52. Administration of Police Service

- (1) The administration of the Police Service throughout the state shall be vested in the Director General of Police and in such other officers as appointed under this Act.
- (2) The administration of police in a district shall vest in the District Superintendent of Police.
- (3) Administration will mean the management of the Police Service, subject to laws, rules and regulations; and will include framing of regulations; supervising the functioning of the police at all levels; appointment to subordinate ranks of the Service, deployment of the police personnel, posting, transfers, and the requisite disciplinary action up to and including the rank of Inspector of Police; and advising the Government on the placement of officers of and above the rank of Assistant/Deputy Superintendent of Police:

Provided that the State Government may intervene in the exercise of the powers of administration by the Director General of Police or any other authorised officer only in accordance with the prescribed rules, regulations or in exceptional circumstances involving urgent public interest, reasons for which shall be recorded in writing.

53. Powers and responsibilities of the Director General of Police

- (1) As head of the state Police Service, it shall be the responsibility of the Director General of Police to:
 - (a) operationalise the policies, the Strategic Plan and the Annual Plan, referred to in Section 40 of this Chapter; and
 - (b) administer, control and supervise the Police Service to ensure its efficiency, effectiveness, responsive-ness and accountability.
- (2) The Director general of Police shall be responsible to the State Government for
 - (a) carrying out the functions and duties of the Police;
 - (b) the general conduct of the Police;
 - (c) the effective, efficient, and economical management of the Police;
 - (d) tendering advice to the State Government; and
 - (e) giving effect to any lawful directions.
- (3) The Director General of Police shall act independently of the State Government regarding:
 - (a) the maintenance of order in relation to any individual or group of individuals; and
 - (b) the enforcement of the law in relation to any individual or group of individuals; and
 - (c) the investigation and prosecution of offences; and
 - (d) decisions about individual Police officers.

54. Police Establishment Board

- (1) The State Government shall constitute a Police Establishment Board (hereinafter referred to as the 'Establishment Board') with the Director General of Police as its Chairperson and four other senior-most officers within the police organisation of the state as members.
- (2) The Establishment Board shall accept and examine complaints from police officers about being subjected to illegal orders. The Establishment Board shall make appropriate recommendation to the Director General of Police for necessary action:
Provided that if the matter under report involves any authority of or above the ranks of the members of the Establishment Board, it shall forward such report to the State Security Commission for further action.

- (3) The Establishment Board shall recommend names of suitable officers to the State Government for posting to all the positions in the ranks of Assistant/Deputy Superintendents and above in the police organisation of the state, excluding the Director General of Police. The State Government shall ordinarily accept these recommendations, and if it disagrees with any such recommendation, it shall record reasons for disagreement.
- (4) The Establishment Board shall also consider and recommend to the Director General of Police the names of officers of the ranks of Sub-Inspector and Inspector for posting to a Police Range on initial appointment, or for transfer from one Police Range to another, where such transfer is considered expedient for the Police Service.
- (5) Inter-district transfers and postings of non-gazetted ranks, within a Police Range, shall be decided by the Range Deputy Inspector General, as competent authority, on the recommendation of a Committee comprising all the District Superintendents of Police of the Range.
- (6) Postings and transfers of non-gazetted police officers within a Police District shall be decided by the District Superintendent of Police, as competent authority, on the recommendation of a District-level Committee in which all Additional/Deputy/Assistant Superintendents of Police posted in the District shall be members.
- (7) While effecting transfers and postings of police officers of all ranks, the concerned competent authority shall ensure that every officer is ordinarily allowed a minimum tenure of two years in a posting. If any officer is to be transferred before the expiry of this minimum term, the competent authority must record detailed reasons for the transfer.
- (8) No authority other than the authority having power under this Act to order transfer shall issue any transfer order.

55. Procedure for promotion of police officers

- (1) Promotion to each rank in the Police Service shall be based on merit, which would include seniority, to be evaluated through the result of a qualifying examination and performance evaluation in respect of each officer. The Director General of Police shall, with the approval of the State Government, frame the evaluation criteria for each rank and category of police personnel:
Provided that for the officers of the Indian Police Service, such evaluation criteria shall be as framed by the Government of India.
- (2) Performance Report of Community Liaison Groups in respect of each officer involved with that group shall also be taken into consideration during Performance Evaluation.

56. Training-cum-Education Policy for the police

- (1) The State Government shall lay down a Training-cum-Education Policy covering all ranks and categories of police personnel. This Policy shall ensure that all police personnel are adequately trained to perform their job taking due care of proper attitudinal development, and shall be linked to career development scheme of police personnel in different ranks and categories.
- (2) The policy shall also aim to promote a service culture of police personnel acquiring appropriate educational and professional qualifications as they advance in their careers.

57. Financial management

- (1) The Director General of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the State Government, sufficiently in advance in the preceding financial year.
- (2) The budgetary requirements shall be carefully worked out on the basis of realistic needs of each branch, wing, unit and sub-unit of the Police Service, obtained from the unit officers concerned.
- (3) The District Superintendents of Police shall take special care to ensure that the financial requirements of each Police Station in the district are worked out meticulously and adequately projected in the budgetary demands of the district, thus leaving no scope for the Police Stations to feel handicapped for meeting the legitimate expenditure on day-to-day police work.
- (4) The budgetary allocations made by the Legislature shall be placed at the disposal of the Director General of Police who shall be vested with full powers to spend the amounts earmarked under each head of the Budget Account.
- (5) In order to meet different kinds of contingency expenditure, sufficient imprest money shall be provided to police stations and other police units, the amount of which shall be reviewed and revised from time to time, as per the exigencies of circumstances.

- (6) The Director General of Police shall have the authority to regulate and investigate into all matters of financial expenditures and accounts of State Police.

Chapter VI

Role, Functions, Duties and Responsibilities of the Police

58. Role, functions and duties of the police

The role and functions of the police shall broadly be:

- (a) to uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;
- (b) to promote and preserve public order;
- (c) to protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;
- (d) to protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;
- (e) to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;
- (f) to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;
- (g) to register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend the offenders, and extend requisite assistance in the prosecution of offenders;
- (h) to create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity;
- (i) to provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;
- (j) to aid individual, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations;
- (k) to facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;
- (l) to collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.
- (m) to take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.

59. Duties and Responsibilities of the police

Every police officer shall:

- (a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;
- (b) guide and assist members of the public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;
- (c) provide all requisite assistance to victims of crime and of road accidents, and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilitate their compensation and other legal claims;
- (d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;

- (e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;
- (f) render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organised group; and
- (g) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.

60. Duties in emergency situations

- (1) The State Government may, by notification in the official gazette, declare any specified service to be an essential service to the community, for a specified period, which may be extended from time to time, by a notification, as necessary.
- (2) Upon a declaration being made under sub-section (1) and so long it remains in force, it shall be the duty of every police officer to obey any order given by any officer superior to him in connection with the service specified in the declaration.

61. Senior police officer performing duties of a subordinate officer

A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

Chapter VII

Policing in Rural Areas and Village Police System

Police Stations covering rural areas

62. Police Stations covering rural areas shall be so organised as to be self-sufficient in matters of accommodation, for amenities as stipulated in Sections 13 (5) and 13 (6) of Chapter II, as well as in communication facilities, transport and police housing. Each Police Station will also be equipped with adequate facilities of forensic science and scientific aids to investigation.

63. Special attention shall be paid to the security of each Police Station, particularly in areas prone to violence or mass disturbances. It shall also be ensured that the manpower posted in such Police Stations, is not diverted elsewhere except when specially authorised by the Director General of Police for a specific purpose and a specified period.

64. The jurisdictional area of a Police Station shall be divided into a suitable number of Beats, each covering a cluster of villages, to be kept under the direct charge of a Civil Police Officer Grade II or Grade I, for maintaining regular and close contact with the villages under his charge.

65. The officer in charge of each Police Station, called the Station House Officer, shall ensure that every village in his jurisdiction is covered by a Beat Police Officer as per the minimum frequency prescribed by the Superintendent of Police by a general or special order.

Duties and responsibilities of Beat Civil Police Officers, Grade II and Grade I

66. The duties and responsibilities of the Beat Civil Police Officers, Grade II and Grade I shall, *inter alia*, be:

- (a) to liaise with community elders, members of the Community Liaison Group, if any, the Village Defence Party, the Village Guard, and the residents of each village under his charge, and to review, during every visit, the crime prevention measures in the village;
- (b) to collect information relating to crimes and criminals and activities of subversive, militant and anti-social nature, if any, in the village and communicate the same to the Station House Officer ;
- (c) to maintain watch over history-sheeted criminals, if any, and others with criminal record or bad characters;

- (d) to acquaint himself with local disputes having potential for violence or with caste or communal overtones, and inform the Station House Officer of the Police Station of the same with all available details;
- (e) to carry out any other policing task in respect of the village assigned by the State Government, the Director General of Police, the District Superintendent of Police or by Station House Officer of the police station through a general or special order;
- (f) to record any public grievances and complaints in relation to policing; and
- (g) to maintain a record of aforesaid duties and responsibilities carried out by him during his visit and submit the same to the officer in charge of the Police Station.

Village visits by Station House Officer and supervisory officers

67. The Station House Officer shall visit every village under his jurisdiction, as per the minimum frequency prescribed by the Superintendent of Police through a general or special order, and shall interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

68. All supervisory officers including the Superintendent of Police shall visit every month as many villages in their jurisdiction as possible. The purpose of such visits shall be to review the general state of crime, the law and order situation and the activities, if any, of violent and militant individuals or groups in the area and to interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

Village Police System

Enlistment of Village Guard and Selection Criteria

69. Each village in the district shall have at least one Village Guard, enlisted by the District Superintendent of Police from amongst able-bodied persons of either gender, between the age of 21 and 60 years and with unimpeachable character and antecedents, who are permanent residents of that village, possessing the ability to read and write in the local language, who have not been convicted by a court of law or have not had charges framed against them by a court of law in a criminal case or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct, and who are not active members of any political party, or organisation allied to a political party or a militant outfit.

70. A person enlisted as a Village Guard will normally have a tenure of three years, which may be renewed, upon satisfactory performance. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who has served for two consecutive terms or who incurs any other condition of ineligibility specified in Section 69

71. A Village Guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any condition of ineligibility stipulated in Section 69.

72. The Village Guard shall be a public servant as defined in the Indian Penal Code, 1860.

73. The Superintendent of Police shall ensure that every person, on his induction as a Village Guard, is administered a training course of a duration and as per the syllabus, prescribed by the Director General of Police. Periodical refresher training shall also be organised for those who are re-enlisted as Village Guards, for each renewed term.

74. Every person enlisted as a Village Guard shall take an oath or affirmation, as prescribed, before the officer-in-charge of the Police Station concerned.

75. Each Village Guard will be provided with an Identification Badge and a reasonable monthly honorarium and due out-of-pocket expenses, as prescribed by the District Superintendent of Police. The honorarium so fixed shall not be less than that paid to a Home Guard in the state.

76. Any person who for any reason ceases to be a Village Guard shall forthwith deliver up to the Superintendent of Police or to an officer authorised by him, his Identification Badge and all records and documents maintained by him as the Village Guard.

Duties & Responsibilities of Village Guard

77. The duties and responsibilities of the Village Guard shall include:

- (a) reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police and assisting the police in bringing the offenders to book;
- (b) maintaining a general vigil in the village from the point of view of crime prevention or prevention of a law and order problem, and promptly informing the police about the same;
- (c) remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village, that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police;
- (d) assisting any citizen in arresting or handing over to the Police Station any person or persons under section 43 of the Code of Criminal Procedure, 1973 along with the arms, ammunition, property or any objectionable or suspicious object, if any, seized from him, without delay. In case the arrested person is a woman, a male Village Guard shall be accompanied by a woman;
- (e) securing and preserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed by curious onlookers or anyone else;
- (f) meeting the Station House Officer of the Police Station at a minimum frequency as prescribed by the Superintendent of Police through a general or special order, to report on such activities and incidents in the village as would have a bearing on crime, law and order or other policing concerns;
- (g) maintaining the prescribed records and registers;
- (h) recording any public grievances or complaints in relation to policing; and
- (i) liaising with the village Panchayat on matters relating to crime and law & order in the village.

Village Defence Parties

78. The Superintendent of Police shall organise a group of respectable local persons for each village for the purpose of carrying out preventive patrolling, promoting crime reduction measures and generally assisting the police in their functioning. The group will be called the Village Defence Party and may not normally consist of more than 15 members, with provision for having more than one Village Defence Party if the size and population of the village so require. The composition of the Party shall reflect the diversity of local population including adequate gender representation. It shall work in cooperation and coordination with the Village Guard.

79. Members will be inducted into the Village Defence Parties by the Superintendent of Police in consultation with the Community Liaison Group, from amongst able-bodied persons, and with good character and antecedents, who are permanent residents of that village, who have not been convicted by a court of law or have not had charges framed against them by a court of law in a criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of moral turpitude, corruption or misconduct, or are connected with any political party or any allied organisation thereof.

80. The Village Defence Party will normally be reconstituted every three years. Members may be re-nominated subject to at least one third new member being inducted every year. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who incurs any other condition of ineligibility specified in Section 78. However, any vacancy may be filled up as and when it occurs.

81. A person may also be removed from the membership of the Village Defence Party at any time during the currency of his tenure, if he incurs any condition of ineligibility specified in Section 79.

82. In the event of any complaint against the Village Defence Party or its members, the Superintendent of Police will take appropriate action, including, if necessary, removal of the concerned members.

83. Membership of the Village Defence Party shall be voluntary and honorary. However, to facilitate the proper functioning of the Village Defence Party, the Station House Officer shall provide its members with the required equipment of day-to-day needs as well as reasonable out-of-pocket expenses, as prescribed from time to time. The District Superintendent of Police will make arrangements for necessary training of the members of each Village Defence Party.

84. The members of the Village Defence Party shall wear such an Identification Badge as issued by the District Superintendent of Police.

85. Any person who for any reason ceases to be a member of a Village Defence Party shall forthwith deliver, to the Superintendent of Police or to an officer authorised by him, his Identification Badge and all records and documents maintained by him as a member of the Village Defence Party.

Chapter VIII

Policing in Metropolitan Areas, Major Urban and Other Notified Areas

86. The State Government shall establish for each of the metropolitan areas, other major urban areas with a population of 20 lakhs or more, and such other areas as notified for the purpose from time to time, a police system which is capable of handling the typically complex problems of crime, public order and internal security in urban areas, which call for quick and comprehensive response springing from purposeful direction, unitary chain of command, professional competence, functional specialisation, and legal authority coupled with accountability, in accordance with the provisions of this Chapter.

87. Officers in various ranks of the State police may be appointed to areas notified under Section 86 in corresponding ranks as given below.

Designation of officer in the State Police	Corresponding post in the Metropolitan Police
(1)	(2)
1. Director General of Police	
2. Additional Director General of Police	Commissioner of Police
3. Inspector General of Police	Additional Commissioner of Police
4. Deputy Inspector General of Police	Joint Commissioner of Police
5. Superintendent of Police	Deputy Commissioner of Police
6. Assistant Inspector General of Police	Deputy Commissioner of Police
7. Additional Superintendent of Police	Deputy Commissioner of Police
8. Deputy Superintendent of Police	Assistant Commissioner of Police
9. Assistant Superintendent of Police	Assistant Commissioner of Police

88.

- (1) **Commissioner of Police:** The administration of police shall be vested in such area in the Commissioner of Police.
- (2) **Additional, Joint, Deputy and Assistant Commissioners of Police:** The Government may divide the area specified in Section 86 into convenient territorial units and appropriate special units, and appoint one or more Additional, Joint, Deputy and Assistant Commissioners to assist the Commissioner of Police in the discharge of his duties.
- (3) **Powers, functions and duties:** The Commissioner and other officers under him shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority, as prescribed :
Provided that any of these powers, functions, or duties, exercised or performed by the Commissioner, shall be subject to the overall control and direction of the Director General of Police.
- (4) **Appointment of Financial Advisor and Legal Advisor:** The Government shall appoint a Financial Advisor and one or more Legal Advisors to aid and assist the Commissioner of Police on financial and legal matters respectively.
- (5) Subject to such conditions and limitations as may be specified by the State Government in consultation with the Director General of Police:
 - (a) the Commissioner of Police shall exercise such powers and duties of a District Magistrate under such provisions of the Code of Criminal Procedure 1973, and such other Acts, as may be specified;

- (b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of Assistant Commissioner of Police) shall exercise such powers and duties of an Executive Magistrate, under the provisions of the Code of Criminal Procedure, 1973, as may be specified, under the overall control and supervision of the Commissioner of Police.

89. Selection and term of office of the Commissioner of Police

- 1) The State Government shall appoint the Commissioner of Police from amongst three senior-most officers empanelled for the rank.
- 2) The empanelment for the rank of Commissioner of Police shall be done by the State Security Commission created under section 42 of Chapter V of this Act, considering, *inter alia*, the criteria specified in Section 7 (2) of Chapter II of this Act. The term of office as specified in Section 7 (3) of Chapter II of this Act shall also apply to the office of the Commissioner of Police.

90. Constitution of police districts, police sub-divisions and police stations:

- (1) The State Government, in consultation with the Director General of Police, shall:-
 - (a) Constitute appropriate number of Police Zones, Ranges and Districts within each Commissionerate;
 - (b) divide such Police Districts into Police Sub-Divisions and specify the Police Stations comprised in each Sub-Divisions; and
 - (c) define the limits and extent of such Police Districts, Police Sub-Divisions and Police Stations;
- (2) Each Zone, comprising two or more Police Ranges, shall be headed by an officer of the rank of Additional Commissioner of Police who shall supervise the police administration of the Zone and report directly to the Commissioner of Police.
- (3) The State Government, in consultation with the Commissioner of Police, may by notification create as many Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Joint Commissioner who shall supervise the police administration of the Range and report directly to the Additional Commissioner in charge of the Zone in the jurisdiction of which the Range falls.
- (4) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, in consultation with the Police Commissioner and by notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of Assistant Commissioner of Police
- (5) The State Government may by notification divide each Police District into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant Commissioner of Police.

91. Officers in charge of police districts, police sub-divisions and Police Stations

- (1) Each Police District shall be under the charge of a Deputy Commissioner of Police, who may, if necessary, be assisted in the discharge of his duties by one or more Assistant Commissioners of Police.
- (2) Each Police Sub-Division shall be under the charge of an Assistant Commissioner of Police and each Police Station shall be under the charge of an Inspector of Police.

92. Preservation of order and regulation of traffic

The Commissioner of Police may, from time to time, make rules and regulations, not inconsistent with this Act, and subject to any Government orders, in respect of the following:

- (a) for regulating the use of public roads, streets and public places by persons walking, driving, cycling, or accompanying animals, and for parking of vehicles including bicycles, with a view to ensuring smooth and orderly movement of traffic;
- (b) licensing, or regulating, or if necessary in public interest, prohibiting for reasons to be recorded in writing, the keeping of a place of public amusement or public entertainment, or running cinemas and other forms of public amusement or public entertainment, for ensuring the safety and well-being of persons likely to be affected;
- (c) licensing, or regulating or, if necessary in public interest, prohibiting the playing of music in public streets or public places, and the using of a loud speaker or any other sound system in any public place, or places of public entertainment; and

- (d) regulating the entry or exit at any place of public amusement, public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbance at such places.

93. Regulation of public assemblies and processions:

- (1) Any person intending to organise a procession, religious, social, political or otherwise, on any road, street, or thoroughfare, or convene an assembly in any public place, in an area specified in this Chapter, shall give intimation in writing to the officer in charge of the concerned Police Station.
- (2) The Commissioner of Police or any officer not below the rank of Inspector, authorised by the Commissioner of Police, may, on receipt of such intimation or otherwise, give, from time to time, such orders not inconsistent with this Act, about the following, orally or in writing, as maybe necessary:-
 - (a) the mode of any assembly or passing of any procession, or the conduct, behaviour or acts of members of such assembly or procession;
 - (b) prescribing the routes and the time at which such processions may or may not pass;
 - (c) preventing obstruction on the occasion of such a procession or assembly in the neighbourhood of any place of worship during the time of public worship, and in every case when any road, street or public place or any place of public resort may be thronged or is likely to be obstructed; or
 - (d) maintaining order on roads, streets, public places and all other places where public throng :
Provided that all orders and directions in respect of any procession or assembly for which intimation has been received from the organisers, shall be issued, as far as possible, within 48 hours of receipt of intimation.

94. Prevention of disorder

The Commissioner of Police may, whenever and for such time, as he considers necessary for the preservation of the public peace and safety, by notification, issue an order to the public or to a particular individual or organisation, prohibiting the following:

- (a) carrying in any public place, or road, street or thoroughfare, fire arms, swords, spears, bludgeons, knives, other offensive weapons, or any explosive material;
- (b) collection or carrying of stones or missiles, or any objects or means of casting missiles;
- (c) keeping, carrying along or offering for exhibition any corpses or effigies or other provocative pictures, boards or placards with offensive slogans; and
- (d) making a provocative speech, gesture, or any kind of public display which is indecent, offensive or explosive, or which is likely to create religious tension or hatred between different communities, groups or individuals, or which instigates disobedience of lawful authority.

95. Prevention of danger to human life and imminent threat to peace and order

The Commissioner of Police or any officer not below the rank of Assistant Commissioner of Police may direct, in the manner as specified, any person to abstain from a certain act or to take action with respect to any nuclear, biological, chemical or any other dangerous material under his possession or control, with a view to preventing danger or damage to human life or property, or an imminent threat to peace and order.

96. Security for keeping peace and order

- (1) The Commissioner of Police or any officer of and above the rank of Assistant Commissioner, on receipt of information that a person:
 - (a) is likely to do any wrongful act that may lead to disturbance of public order; or
 - (b) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45of 1860), or under section 489A, 489B, 489C or 489D of that Code; or
 - (c) habitually commits, or attempts to commit, or abets the commission of offences involving a breach of the peace; or
 - (d) is so dangerous as to render his being at large hazardous to the community;
require by an order, such person to show cause why he should not be ordered to execute a bond, with or without sureties, for good behaviour in the interest of peace and order in his jurisdiction, for a period not exceeding one year.

(2) An officer acting under sub-Section (1) shall conduct the proceedings and issue orders in accordance with the procedure laid down in sections 111 to 122, and 124 of the Code of Criminal Procedure, 1973.

97. Removal of persons about to commit offences

- (1) Whenever it appears to the Commissioner of Police-
- (a) that the movements or acts of any person are causing or are likely to cause alarm, danger or harm to person or property, in the jurisdiction of the Commissionerate, or
 - (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapters XII, XVI, XVII or XXII of the Indian Penal Code, 1860 or under Sections 290 or Sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence; or
 - (c) that such person:
 - i. is so dangerous as to render his being at large in the area of the Commissionerate hazardous to the community; or
 - ii. (ii) has been found habitually intimidating other persons by acts of violence or by show of force; or
 - iii. (iii) habitually commits affray or breach of peace or riot, or habitually makes forcible collection of money or threatens people for illegal pecuniary gain for himself or for others; or
 - iv. (iv) has been habitually outraging the modesty of, or molesting, women and children, and witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or their family members or their property, the Commissioner of Police may, by order in writing duly served on such person, or through public announcement or other means, as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to remove himself outside the area of the Commissionerate by such route and for such time as the Commissioner of Police may specify, and not to enter or return to the Commissionerate or part thereof, as the case may be from which he was directed to remove himself.

Explanation: A person who during a period within one year immediately preceding the commencement of an action under this Section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have 'habitually committed that act'.

- (1) No order under this Section shall be passed without giving a reasonable opportunity of tendering an explanation to the person sought to be removed.
- (2) An order made under this Section shall not exceed the period of two years.
- (3) A person aggrieved for any action taken under this Section may appeal to the State Government within thirty days of passing of the order.
- (4) The State Government or the Commissioner of Police may by order permit any person in respect of whom an order has been passed under this Section to enter or return to the area of the Commissionerate for a temporary period as may be specified in the order.
- (5) If any person violates an order passed under this Section shall be liable to imprisonment for a term not exceeding six months and fine.

Establishment of Special Armed Police Units

98. The Government may establish such special armed police units, including special riot control squads, for the areas covered under this Chapter, for meeting diverse requirements of riot or mob control, disaster management and VIP security, as necessary, and provide for the requisite equipment, and training consistent with human rights standards, for such units.

Prevention and Detection of Crime

99. For effective prevention of crime, and speedy and efficient investigation of criminal cases reported within the area notified under Section 86, the Government may, in consultation with the Director General of Police and the Commissioner of Police:

- (a) create and maintain at every Police Station, a dedicated team of police personnel of different ranks exclusively for the purpose of investigation of crime, with a provision of an appropriate number of supervisory officers;

- (b) constitute one or more specialised investigation teams for dealing with major and complex crimes, including organised crime, cyber crime, and economic offences;
- (c) establish a special criminal intelligence unit with adequate technical infrastructure and manpower support, capable of tackling the requirements of counter-intelligence work;
- (d) constitute one or more Special Task Forces for prevention and control of activities of organised criminal groups and anti-social gangs;
- (e) create a special desk in each Police Station, and one or more specialised units at the Commissionerate level, for dealing with crimes against women and children and the tasks relating to administration of special legislations on crimes involving women and children;
- (f) create appropriate cells to deal with crimes relating to senior citizens and tourists;
- (g) provide one or more state-of-the-art Mobile Forensic Science Units, manned by well-trained scientific staff and police personnel, and adequate facilities for scientific interrogation; and
- (h) establish a centralised facility for custody of those arrested, in accordance with established standards of human rights of persons in custody.

Emergency Response System

100. The Government may establish for each area notified under Section 86, a well-equipped Control Room with adequate communication facilities, dedicated network of patrol vehicles and other necessary wherewithal. The Control Room should be in a state of preparedness to meet any emergency situation with utmost speed and highest efficiency.

101. The Commissioner of Police shall prepare, and regularly update, comprehensive schemes for riot control and disaster management, inter alia, in accordance with the directions, if any, of the Government and the Director General Police.

102. Police to be associated in urban planning

While planning for any major developmental activity including development of new colonies, in any area notified under Section 86, the concerned agency shall consult the Commissioner of Police to assess the likely impact of the proposed developmental activity on the safety and security needs of the citizens or any other policing requirements, and the suggestions based on such assessment shall be given due consideration in finalising the plan.

103. Liaison and coordination with other government agencies

In order to ensure proper liaison, consultation and coordination between the police, the municipal authorities, the district administration and such other departments of the government, whose functioning impacts the working of the police, the State Government by notification, will constitute appropriate coordination machinery and lay down procedures. The structure of the machinery will be as notified.

104. Powers to operate certain Special Acts

The State Government shall assign the enforcement and administration specially of the following Acts as well as other similar Acts, as it deems necessary, to the Commissioner of Police:

- (1) *The Indian Explosives Act 1884;*
- (2) *The Mental Health Act, 1987.*
- (3) *The Poisons Act 1919.*
- (4) *The Police (Incitement to Disaffection) Act, 1922.*
- (5) *The Immoral Traffic Prevention Act, 1956.*
- (6) *The Arms Act, 1959.*
- (7) *The Prevention of Cruelty to Animals Act, 1960*
- (8) *The Indian Sarais Act, 1867.*
- (9) *The Cinematograph Act, 1952*
- (10) *The Child Marriage Restraint Act, 1929.*

Provided that if any direction or regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bylaw of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bylaw.

Provided further that if any direction or regulation made under this section relates to any matter falling in the Eleventh or the Twelfth Schedule of the Constitution of India, such regulation shall require concurrence of the Corporation or the Municipal or Local Authority as the case may be.

Order in streets and public places

105. Issue of order for prevention of riot, etc.

(1) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner of Police may temporarily close or take possession of any building or other place and may exclude all or any persons there from, or may allow access thereto to such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner of Police may make and notify in exercise of his powers under this section.

“Provided that when excluding a person or when allowing access thereto such person, the Commissioner of Police or any member of the force may issue a verbal order on the spot to be notified and published by the Commissioner within twenty four hours”.

(2) If the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on an application made there for to the competent authority within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such competent authority rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute in relation to the amount of compensation payable under sub-section(2), or the person to whom such amount shall be payable, the matter shall be referred by the competent authority to the District Collector whose decision thereon shall be final.

106. Commissioner of Police may take special measures to prevent outbreak of epidemic disease at fairs, etc.

(1) Whenever it appears to the Commissioner of Police that any place in the Commissionerate (being a place where on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble) is visited or likely to be visited with an outbreak of any epidemic disease, he may, with the concurrence of the Corporation or Municipality within the local limits of the jurisdiction whereof such place is situated take such special measures and may by a public notice prescribe such regulations to be observed by residents of the said place and persons present there at or repairing thereto or returning there from as he deems necessary to prevent the outbreak of such disease or the spread thereof.

(2) The expenses incurred by the Commissioner of Police in respect of the arrangements for sanitation and the preservation of order at or about the place of assembly referred to in subsection (1) may be recovered from the Corporation or the municipality concerned.

107. Power to make regulations prohibiting disposal of the dead except at places set apart.

(1) The Commissioner of Police may, from time to time, make regulation prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart;

Provided further that the Commissioner of Police or any officer authorised by him in this behalf may, in his discretion, on an application made to him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any regulations made under subsection (1) shall specify the places set apart for the disposal of the dead of different communities or sections or communities.

(3) All such regulations shall be deemed to be rules for the purposes of Sec. 23 of the General Clauses Act, 1897 (10 of 1897), and shall be subject to the conditions of previous publication and the date to be specified under clause (3) of that section shall not be earlier than two months from the date on which the draft of the proposed regulations is published.

Chapter IX

Policing in the Context of Public Order and Internal Security Challenges

Internal Security Schemes

108. The Director General shall, with the approval of the State Government, draw up an Internal Security Scheme for the entire state as well as for each of the districts and urban areas notified under Section 86, to deal with problems of Public Order and Security of State, as specific to the area.

109. The Internal Security Schemes so formulated shall be reviewed, and revised as necessary, at least once annually and more frequently if required.

110. (1) The Internal Security Schemes will, as far as possible, cover all major problems the area is prone to or which can otherwise be anticipated in the whole or any part thereof. In preparing the Schemes, the Director General of Police shall give special attention to likely disturbance of public order arising out of non-implementation of developmental programmes in the backward and not so easily accessible areas.

(2) The schemes will provide that officers deploying the police to deal with situations of conflict between communities, classes, castes, and political groups shall ensure that its composition, as far as possible, reflects social diversity of the area including adequate representation of weaker sections and minorities.

111. The Internal Security Scheme shall, *inter alia*, cover the role of the police with regard to the security of any establishment or installation relating to critical infrastructure, if any located in the area.

112. (1) Any organisation, while taking up any activity or programme which is otherwise unobjectionable but may have the potential for disturbing law and order may inform the police, and thereupon, the police shall take such measures as deemed necessary to deal with the situation.

(2) While preparing the Internal Security Scheme under Section 106, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

113. The Internal Security Schemes will incorporate regularly updated and comprehensive Standard Operating Procedures for the action to be taken by the police, independently or in coordination with other concerned agencies in the period preceding, during, and in the aftermath of problems of each kind.

Chapter X

Community Policing

114. Community participation in policing

The Director General of Police shall ensure involvement of the community in policing by constituting a Community Liaison Group, every two years, for each Police Station comprising respectable local residents of the area with unimpeachable character and antecedents, including retired public servants and heads of teaching institutions, if any, as representatives of the community, to generally advise the police in their functioning. The Community Liaison Group shall have a fair representation of gender, and all other segments and professions, of the society in villages falling in the Police Station area. The Community Liaison Group shall also have two representatives nominated by each Panchayat Samiti in the jurisdiction of the concerned Police Station from amongst its members. The members of the Community Liaison Groups shall be selected as provided in this Chapter.

Provided that no person convicted by a court of law or against whom charges have been framed by a court of law in a criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct shall be eligible to be inducted into the Community Liaison Group.

Provided further that no person who is connected with any political party or an organisation allied to a political party, other than the nominated representatives of the Panchayat Samitis, shall be eligible to be inducted into the Community Liaison Group.

- (1) The objectives of the Community Liaison Groups shall be as follows:
 - (a) establishing and maintaining a partnership between the community and the police;
 - (b) promoting co-operation between the police and the community in fulfilling the needs of the community regarding policing;
 - (c) promoting communication between the police and the community;
 - (d) improving the rendering of police services to the community at the district and local levels;
 - (e) improving transparency in the police and accountability of the police to the community;
 - (f) promoting joint problem identification and problem-solving by the police and the community.”
- (2) The Community Liaison Groups shall have eight to ten members in addition to the nominees of Panchayat Samitis. Persons wanting to serve in the Group shall submit an application to a Selection Panel constituted for the purpose, consisting of the Chief Metropolitan Magistrate in the District, the District Superintendent of Police and the Station House Officer. The Selection Committee shall induct members from the applicant pool in a transparent manner ensuring a fair representation from all strata and professions of society in the area.
- (3) The meetings of these Groups will be convened, as frequently as deemed necessary, but at least once in every two months. The District Superintendent of Police, the Sub-Divisional Magistrate, Sub-Divisional Police Officer, the Circle Inspector and the officer in charge of the Police Station, shall attend the meetings of the Committee.
- (4) The Community Liaison Groups will identify the existing and emerging policing needs and priorities of the area which will be taken into consideration by the Station House Officer while preparing the annual policing strategy and policing plan for his jurisdiction and submit the plan to the District Superintendent of Police. The police shall involve Community Liaison Groups in working out and implementing policing strategies and action plans, and in the performance of such other functions as prescribed.
- (5) The police will provide a feedback on the action taken on the identified policing needs to the public, through the Community Liaison Groups and through postings on its website, at regular intervals. It would also endeavour to create public awareness on policing issues by promoting two-way communication with residents through these Groups and through the internet and by other means.
- (6) The meetings of the Community Liaison Group shall be open to public.

Involvement of the Community in Internal Security

115. To ensure the involvement of the community and civil society in effectively dealing with problems of Internal Security or Public Order, the State Government, in consultation with the Director General of Police, shall issue guidelines with regard to constitution of Community Liaison Groups to promote the community's participation in prevention and control of problems, and for the protection of human rights.

Chapter XI

Effective Crime Investigation, Including Use of Science and Technology in Investigation

Investigations by district police

116. The State Government shall ensure that in all urban Police Stations, and those in the crime-prone rural areas, a Special Crime Investigation Unit, headed by an officer not below the rank of Sub-Inspector of Police, is created with an appropriate strength of officers and staff, for the investigating economic and heinous crimes. The personnel posted to this unit shall not be diverted to any other duty, except under very special circumstances with the written permission of the Director General of Police.

117. The officers posted in Special Crime Investigation Units will be selected on the basis of their aptitude, professional competence and integrity. Their professional skills will be upgraded, from time to time, through specialised training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

118. Officers posted to Special Crime Investigation Units will normally have a minimum tenure of three years and a maximum of five years, after which they will be rotated to law and order and other assignments.

119. (1) The officers posted to the special crime investigating units will investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, as notified by the Director General of Police, besides any other cases specially entrusted to the unit by the District Superintendent of Police.

(2) All other crimes will be investigated by other staff posted in such Police Stations.

120. Each Police Station shall be provided with an appropriate number of Crime Scene Technicians to promptly visit the scenes of crime along with the Investigating Officer concerned to spot and gather all available scientific clues. These Crime Scene Technicians will be Civil Police officers Grade II or Grade I, specially selected and adequately trained for the purpose.

121. Necessary legal and forensic advice will be made available to investigating officers during investigations.

122. The investigations of cases taken up by the Special Crime Investigation Unit personnel, over and above the supervision of the Station House Officer concerned, will be supervised at the district level by an officer not below the rank of Additional Superintendent of Police, who will report directly to the District Superintendent of Police. This supervisory officer may be assisted by an appropriate number of officers of the rank of Deputy Superintendent of Police, posted for the specific purpose of ensuring quality investigation on professional lines:

Provided that in smaller districts where the volume of work does not justify posting of an Additional Superintendent of Police, an officer of the rank of Deputy Superintendent of Police shall be posted for this purpose.

123. At the headquarters of each Police District, one or more Special Investigation Cells will be created, with the requisite strength of officers and staff, to take up investigation of offences of a more serious nature and other complex crimes, including economic crimes. These Cells will function under the direct control and supervision of the Additional Superintendent of Police.

124. The officers and staff to be posted to this Cell shall also be selected and specially trained, as provided in Section 117.

Criminal Investigation Department

125. The Criminal Investigation Department of the state, created under Section 16 of Chapter II, shall take up investigation of such crimes of inter-state, inter-district or of otherwise serious nature, as notified by the State Government from time to time, and as may be specifically entrusted to it by the Director General of Police in accordance with the prescribed procedures and norms.

126. The Criminal Investigation Department will have specialised units for investigation of cyber crime, organised crime, homicide cases, economic offences, and any other category of offences, as notified by the State Government and which require specialised investigative skills.

127. The officers posted to the Criminal Investigation Department will be selected on the basis of their aptitude, professional competence, experience and integrity. They will undergo appropriate training upon induction, and their knowledge and skills will be upgraded from time to time through appropriate refresher and specialised courses.

128. Officers posted to the Criminal Investigation Department shall have a minimum tenure of three years and a maximum of five years.

129. The Criminal Investigation Department will be provided with an appropriate number of legal advisors and crime analysts to guide, advise and assist the investigating officers.

130. The Criminal Investigation Department shall be provided with adequate staff and funds. The head of this Department will be vested with financial powers of a head of the department.

131. The Crime Investigation Units in Police Station, the Specialised Investigation Cells at the district level and the Criminal Investigation Department shall be equipped with adequate facilities of scientific aids to investigation and forensic science including qualified and trained manpower, in accordance with the guidelines, if any, issued in this regard by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India.

Chapter XII

Training, Research and Development

Training

132. The State Government shall evolve a Training-cum-Education Policy for the police, in accordance with the provisions of Section 56 of Chapter V, keeping in view the current and anticipated requirements of policing. The Policy will, as far as possible, take into account any guidelines in respect of police training as may be issued by the Union Government from time to time. The training policy shall aim at achieving the objectives of imparting knowledge in police subjects, developing of professional skills, inculcating the right attitudes, and promoting constitutional and ethical values among police personnel.

133. This Training Policy shall ensure that police personnel are adequately trained to efficiently perform their job. Successful participation in appropriate training programmes shall be linked, as far as possible, to the promotion of police personnel of different ranks, and to their postings to different assignments, in a structured manner, as notified by the State Government from time to time.

134. In evolving the training policy, optimum advantage shall be taken of the methodologies of distance learning, outsourcing and on-the-job training.

135. The State Government shall create and upgrade, from time to time, the infrastructure and capabilities of their training institutions in consonance with the holistic training needs of police personnel of different ranks, which shall include, besides all types of specialised training, a compulsory refresher training course of appropriate duration, for all ranks annually. For this purpose, the State Government shall also create suitable training centre with the requisite infrastructure in each Police District or Armed Police Battalion, as the case may be.

136. The State Government shall ensure that full advantage is taken of the training facilities available in central and regional police training institutions, to adequately train police personnel of the state in specialised professional subjects, and to train the trainers of the state police training institutions.

137. In upgrading their training infrastructure as well as the content and methodologies of their training courses, the training institutions shall take maximum advantage of the standards and practices evolved or guidelines issued by organisations such as the Bureau of Police Research & Development of Government of India, and the National Police Academy.

138. For an objective periodical evaluation of the Training Policy of the state and its implementation, the state police may utilise the available assistance of organisations such as the Bureau of Police Research and Development of Government of India.

Research & Development

139. The State Government may establish a State Bureau of Police Research & Development with provision for appropriate staff, funds and other resources to regularly undertake research and analysis on all such subjects and issues which may lead to improvement in the standards of police functioning and performance. The State Government may also sponsor, in other reputed organisations and institutions, special studies and research in subjects having relevance to policing.

140. The State Government may also take appropriate measures to harness developing technology for scientific and technical assistance in the investigation and detection of crime, and other policing tasks.

141. The tasks of the State Bureau of Police Research & Development shall include:

- (a) preparation of five-year Perspective Plans to modernise and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the Police Service. This Plan shall cover mobility, weaponry, communication, training, forensic infrastructure, equipments and protective gears, official and residential accommodation, and any other subject which may have a bearing on qualitative improvement in policing;
- (b) keeping abreast of the latest equipment and innovative technologies successfully introduced by other police organisations within the country or abroad, and assessing the adaptability or otherwise of such equipment and technologies by the state police. These may include new products, arms and ammunition, riot control equipment, traffic control equipment, police transport, and various scientific and electronic equipments useful for scientific aids to investigation or other policing tasks;
- (c) liaising and coordinating with the Bureau of Police Research and Development of Government of India, the academia, reputed scientific organisations, institutions and laboratories and private sector undertakings on relevant matters;
- (d) studying specific and developing problems of policing in the state with the objective of evolving solutions and remedial measures;
- (e) examining the prevalent system of policing and suggesting structural, institutional, and other changes that need to be introduced in the police to make its functioning more efficient and responsive; and
- (f) concurrently evaluating and documenting the impact of modernisation and training policies of the state police and reporting its findings to the Director General of Police and the State Government.

Career planning

142. The State Government shall formulate a policy for career progression of police personnel in a manner that will ensure avenues for at least three promotions to meritorious officers in their career, through a transparent process in accordance with the provisions of Section 55 of Chapter V.

Chapter XIII

Regulation, Control and Discipline

Framing of rules for administration of police

143. Subject to the approval of the State Government, the Director General of Police shall make rules, regulations or issue orders, not inconsistent with this Act or with any other enactment for the time being in force for:

- (a) prevention and investigation of crime;
- (b) maintenance of law and order;
- (c) regulation and inspection of the police organisation, and of the work performed by police officers;
- (d) determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service;
- (e) prescribing the places of residence of members of the Police Service;
- (f) institution, management and regulation of any non-government fund for purposes connected with the police administration or welfare of police personnel;
- (g) regulation, deployment, movements and location of the police;
- (h) assigning duties to officers of all ranks and grades, and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties,
- (i) regulating the collection and communication of intelligence and information by the police;
- (j) prescribing the records, registers and forms to be maintained and the returns to be submitted by different police units and officers;
- (k) for institution and conducting of disciplinary proceeding and inquiries; and

- (l) generally, for the purpose of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

Disciplinary Penalties

144.

- (1) Subject to the provisions of the Constitution and the Rules and Regulations made under this Act, an officer of the rank of Superintendent of Police or above may award any of the following punishment to a police officer of a rank for which he is the appointing authority:
 - (a) reduction in rank;
 - (b) compulsory retirement;
 - (c) removal from service; or
 - (d) dismissal
- (2) Any police officer of the rank of Superintendent of Police or above, subject to the rules made in this behalf, may award any of the following punishments to any non-gazetted police officer subordinate to him:
 - (a) reduction in pay;
 - (b) withholding of increment
 - (c) withholding of promotion;
 - (d) fine not exceeding one month's pay; or
 - (e) reprimand or censure.
- (3) An Assistant Superintendent of Police or any officer of equivalent rank may award the punishment of reprimand or censure to an officer of or below the rank of Sub Inspector of Police.
- (4) Any officer of and above the rank of Inspector may award punishments to Civil Police Officer – II, Civil Police Officer - I, Constables and Head Constables, as prescribed.
- (5) Any punishment mentioned in sub-Sections (1), (2), (3) or (4), awarded to an officer, will not affect his liability for prosecution for any criminal offence committed by him in the same transaction for which departmental action has led to award of punishment to him for any transgression of departmental rules.

Suspension

145.

- (1) A police officer of or above the rank of Superintendent of Police may place a police officer of the rank of Inspector or below subordinate to him, under suspension:
 - (a) where a disciplinary proceeding for award of punishment against him is contemplated or is pending;
 - (b) where in the opinion of the aforesaid authority, there is a *prima facie* case that such officer has engaged himself in activities prejudicial to the Security of State for which an enquiry is contemplated or pending; or
 - (c) where in the opinion of the aforesaid authority there is *prima facie* evidence in respect of any criminal offence under investigation, inquiry or trial.
- (2) Every order of suspension passed under this section shall be in writing, giving briefly the reasons.
- (3) Where an officer is placed under suspension, whether in connection with a disciplinary proceeding or otherwise, and another disciplinary proceeding is ordered against him during the currency of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the officer shall continue to be under suspension until the completion of all or any of such proceedings.
- (4) An order of suspension so made may at any time be revoked or modified, or in any case be reviewed every six months or earlier, *suo moto* or on a representation made by the officer under suspension, by the authority which made the order or by any authority to which such authority is subordinate.
- (5) In case the period of suspension exceeds two years, the case shall be referred to the State Security Commission for appropriate directions.
- (6) The powers, functions and privileges vested in a police officer shall remain suspended while such police officer is under suspension from office;
Provided not withstanding such suspension, such person shall not cease to be a police officer and shall continue to be subject to the control of the same authorities to which he would have been subject if he had not been under suspension.

146. Suspension orders of officers of subordinate rank shall be made only by police officers above or of the equivalent rank of Superintendent of Police.

Misconduct

147. A police officer shall, in addition to any other delinquent act or behaviour, as specified in the relevant rules, be liable for disciplinary action for any of the following misconduct:

- (a) disobedience of lawful orders;
- (b) neglect of duty;
- (c) insubordination or any oppressive conduct;
- (d) unauthorised malingering or absence from duty;
- (e) act of cowardice;
- (f) misuse of authority; or
- (g) any act unbecoming of an officer.

Procedure for awarding punishments

148. When any officer passes an order of awarding a punishment of dismissal, removal from service, compulsory retirement, suspension, reduction in rank, forfeiture of approved service, reduction in pay withholding of increments or fine, he shall record such order or cause the same to be recorded together with the reasons thereof, in accordance with the rules.

Appeals against orders of punishment

149. An appeal against any order of punishment passed against an officer under Section 148 or any rules made there under, shall lie:

- (a) where the order is passed by the Director General of Police, to the State Government; and
- (b) where the order is passed by an officer subordinate to the Director General of Police, to the officer next higher in rank in the police hierarchy who passed such order.

Separate set of rules for police personnel

150. The State Government shall frame the Classification, Control and Appeals Rules for police personnel, which will, among other things, ensure timely disposal of disciplinary proceedings.

Police officers always on duty

151. (1) Every officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the state.

(2) The State Government shall, however, ensure the grant of at least one day off in a week to all police personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to any of them.

152. No police officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorisation.

Explanation: An officer who, being absent on authorised leave, fails without reasonable cause to report for duty at the expiration of such leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

153. No police officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act.

Chapter XIV Police Accountability

154. In addition to the already existing mechanisms, and functions, duties and responsibilities of the departmental authorities, accountability of the police shall be further ensured through the additional mechanisms detailed in this chapter.

Accountability for conduct

155. Police Complaints Authority

The State Government shall, within three months of the coming into effect of this Act, establish a State-level Police Complaints Authority ("the Authority"), consisting of a Chairperson, Members and

such other staff as may be necessary, to inquire into public complaints against the police personnel for serious misconduct and perform such other functions as stipulated in this Chapter.

156. Composition of the State Complaints Authority

The State Complaints Authority shall have five members with a credible record of integrity and commitment to human rights and shall consist of:

- (a) a retired High Court Judge, who shall be the Chairperson of the State Complaints Authority;
- (b) a retired police officer from another state cadre, superannuated not below the rank of Director General of Police;
- (c) a person with a minimum of 10 years of experience either as a judicial officer, public prosecutor, practicing advocate, or a professor of law;
- (d) two person of repute and standing from the civil society; and
- (e) a retired officer with experience in public administration from another state:

Provided that at least one member of the State Complaints Authority shall be a woman and not more than one member each shall be a retired police officer and a retired government officer;

Provided further that no retired police or government officer shall be appointed to the post within two years of their retirement.

157. Selection of Chairperson and members of the State Complaints Authority

- (1) The Chairperson of the State Complaints Authority shall be appointed out of a panel of three retired high court judges, received from the Chief Justice of the High Court concerned.
- (2) Members of the Authority, other than the Chairperson, shall be appointed on the recommendation of a Selection Panel consisting of (i) the Chairperson of the Authority appointed under sub-Section (1); (ii) the Chairperson of the State Public Service Commission; and (iii) the Chairperson or a member of the State Human Rights Commission or, in the event of there being no such Commission in the State, the 'Lokayukta' iv) the Chairperson of the State Vigilance Commission.
- (3) Persons wanting to serve in the Commission shall submit an application to the Selection Panel constituted for the purpose. The Selection Panel may also invite application from eminent persons suitable for these posts.
- (4) The Selection Panel shall be constituted no later than one month from the coming into effect of this Act, and shall nominate members of the Commission within two months of its constitution, and as and when required thereafter.
- (5) Vacancies in the Commission shall be filled up as soon as practicable, and in no case later than three months after a seat has fallen vacant.
- (6) In selecting members of the Commission, the Panel shall adopt a transparent process.

158. Ineligibility for membership

A person shall be ineligible to be a member of the Commission, if he

- (a) is not a citizen of India;
- (b) is above 70 years of age;
- (c) is serving in any police, military or allied organisation, or has so served in the twelve months preceding such appointment;
- (d) is employed as a public servant;
- (e) holds any elected office, including that of Member of Parliament or State Legislature or any local body;
- (f) is a member of, or is associated in any manner with, an organisation declared as unlawful under an existing law;
- (g) is an office-bearer or a member of any political party;
- (h) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more;
- (i) is facing prosecution for any offence mentioned in Sub-section (h) above and against whom charges have been framed by a court of law; or
- (j) is of unsound mind and has been so declared by a competent court.

159. Term of office and conditions of service of members and Chairperson

- (1) The term of office of a member, and the Chairperson, shall be three years unless:
 - (a) he resigns at any time before the expiry of his term; or
 - (b) he is removed from the office on any of the grounds mentioned in Section 162.

- (2) Members shall be eligible for reappointment on the expiry of term, provided that no member shall be eligible to hold office for more than two terms.
- (3) The remuneration, allowances and other terms and conditions of service of the members shall be as notified by the State Government from time to time and shall not be varied to their disadvantage after appointment.

160. Removal of members

- (1) Any member of the Authority may be removed from office, on the recommendation of the Authority, by an order of the State Government on the grounds of:
 - (a) proven misconduct or misbehaviour;
 - (b) persistent neglect to perform duties of the Authority;
 - (c) occurrence of any situation that would make a member ineligible for appointment to the Commission under Section 158; or
 - (d) the member engaging himself during his term of office in any paid employment outside the duties of his office.

161. The staff of the Authority

- (1) Members of the Authority shall be assisted by adequate staff with requisite skills, for efficient discharge of their functions of the Authority.
- (2) The strength of the staff may be prescribed by the State Government, keeping in view the size of the state, its population, and the average number of complaints against the police, and shall be periodically reviewed and revised.
- (3) The staff shall be selected by the Authority, inter alia, on a contractual basis, through a transparent process.
- (4) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.
- (5) The Commission may at any time avail of the services of independent investigators drawn from a pool retired investigators from the CID, Intelligence, vigilance or any other organization.

162. Conduct of business

- (1) A person, who desires to lodge a complaint to the State Complaints Authority or the District Complaints Authority referred to in Section 169 of this Act, shall make the complaint in writing or through electronic means in English or Hindi or in an official language of the State, to the State Complaints Authority or a District Complaints Authority, as the case may be, specifying the particulars of his or her complaints.

Provided that where such complaint cannot be made in writing, the officials of the State Complaints Authority or the District Complaints Authority, as the case may be, shall render all reasonable assistance to the person making the complaint orally to reduce the same in writing.

- (2) A complainant making the complaint shall not be required to furnish any other personal details except those that may be necessary for contacting him.
- (3) Where a complaint is made to a Complaints Authority the subject matter of which is more closely connected with the functions of another Complaints Authority, the Complaints Authority, to which such complaint is made, shall transfer the complaint or such part of it as may be appropriate to that other Complaints Authority and inform the applicant immediately about such transfer:

Provided that the transfer of a complaint pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the complaint.

- (4) The State Complaints Authority or the District Complaints Authority, as the case may be, on receipt of a complaint shall, as expeditiously as possible, and in any case within sixty days of the receipt of the complaint shall pass final order on the complaint;

Provided that where the complaint made concerns the life or liberty of a person, the same shall be attended to within forty-eight hours of the receipt of the complaint.

- (5) Subject to the above, the State Complaints Authority shall devise its own rules for the conduct of its business as well as conduct of business by the District Complaints Authorities, within three months of its constitution and may amend it from time to time as necessary for its proper functioning.

163. Functions of the State Complaints Authority

- (1) The State Complaints Authority shall inquire into allegations of “serious misconduct” against police personnel, as detailed below, either *suo moto* or on a complaint received from any of the following:

- (a) a victim or any person on his behalf;
- (b) the National or the State Human Rights Commission;
- (c) the police; or
- (d) any other source.

Explanation: “**Serious misconduct**” for the purpose of this chapter shall mean any act or omission of a police officer that leads to or amounts to:

- (a) death in police custody ;
- (b) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860;
- (c) rape or attempt to commit rape; or
- (d) arrest or detention without due process of law.

Provided that the State Complaints Authority shall inquire into a complaint of such arrest or detention, only if it is satisfied *prima facie* about the veracity of the complaint.

- (2) The State Complaints Authority may also inquire into any other case referred to it by the Director General of Police if, in the opinion of the State Complaints Authority, the nature of the case merits an independent inquiry.
- (3) The State Complaints Authority shall inquire into complaints of “misconduct” against gazetted officers of and above the rank of Deputy/Assistant Superintendent of Police. It shall also monitor the status of departmental inquiries or departmental action on the complaints of “misconduct” against gazetted officers of and above the rank of Deputy/Assistant Superintendent of Police through a quarterly report obtained periodically from the Director General of Police, and issue appropriate directions to the police department for expeditious completion of inquiry, if in the State Complaints Authority’s opinion the departmental inquiry or departmental action is getting unduly delayed in any such case;

Explanation: “**Misconduct**” in this context shall mean any wilful breach or neglect by a police officer of any law, rule, or regulation applicable to the police that adversely affects the rights of any member of the public, excluding “serious misconduct” as defined in sub-Section(1)

- (4) The State Complaints Authority may also call for a report from, and issue appropriate direction for further action or, if necessary, a direction for a fresh inquiry by another officer, to the Director General of Police when a complainant, being dissatisfied by the outcome of, or inordinate delay in the process of departmental inquiry into his complaint of “misconduct” as defined above, by any police officer, brings such matter to the notice of the State Complaints Authority;
- (5) The State Complaints Authority may lay down general guidelines for the state police to prevent misconduct on the part of police personnel; and
- (6) The State Police Complaints Authority shall also oversee the functioning of the District Police Complaints Authority.

164. Powers of the State Complaints Authority

- (1) In the cases directly enquired by it, the State Complaints Authority shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters:
 - (a) summoning and enforcing the attendance of witnesses and examining them on oath;
 - (b) discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing authorities for the examination of witnesses or documents; and
 - (f) any other matter as may be prescribed.
- (2) The State Complaints Authority shall have the power to require any person, subject to legal privilege, to furnish information on such points or matters as, in the opinion of the State Complaints Authority, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 and 177 of the Indian Penal Code, 1860.
- (3) The State Complaints Authority shall be deemed to be a civil court, and when any offence, as defined in Sections 175, 178, 179, 180 or 228 of the Indian Penal Code, 1860, is committed in the view or presence of the State Complaints Authority, the State Complaints Authority may, after recording the facts constituting the offence and the statement of the accused as provided

for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same. The Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code of Criminal Procedure, 1973.

- (4) Every proceeding before the State Complaints Authority shall be deemed to be a judicial proceeding within the meanings of Sections 193 and 228, and for the purposes of Section 196 of the Indian Penal Code, 1860, the State Complaints Authority shall be deemed to be a civil court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
- (5) The State Complaints Authority shall have the power to advise the State Government on measures to ensure protection of witnesses, victims, and their families who might face any threat or harassment for making the complaint or for furnishing evidence.
- (6) The State Complaints Authority may visit any police station, lock-up, or any other place of detention used by the police and, if it thinks fit, it may be accompanied by a police officer.

165. Statements made to the State Complaints Authority

No statement made by a person in the course of giving evidence before the State Complaints Authority shall subject that person to a civil or criminal proceeding or be used against him in such proceeding, except a prosecution for giving false evidence:

Provided that the statement

- (a) is made in reply to the question which he is required by the State Complaints Authority to answer; or
- (b) is relevant to the subject matter of the inquiry

166. Persons likely to be prejudicially affected to be heard

If, at any stage of the inquiry, the State Complaints Authority considers it necessary to inquire into the conduct of any person, or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, it shall give that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his support:

Provided that nothing in this section shall apply where the credibility of a witness is being impeached.

167. Decisions and Directions of the State Complaints Authority

- (1) In the cases directly inquired by the State Complaints Authority, it may, upon completion of the inquiry, communicate its findings to the Director General of Police and the State Government with a direction to:-
 - (a) register a First Information Report; and/or
 - (b) initiate departmental action based on such findings, duly forwarding the evidence collected by it to the police. Such directions of the State Complaints Authority shall be binding:
Provided that the State Complaints Authority, before finalising its own opinion in all such cases shall give the Director General of Police an opportunity to present the department's view and additional facts, if any, not already in the notice of the State Complaints Authority:
Provided further that, in such cases, the State Complaints Authority may review its findings upon receipt of additional information from the Director General of Police that may have a material bearing on the case.
- (2) The State Complaints Authority may also recommend to the State Government payment of monetary compensation by the government to the victims of the subject matter of such an inquiry.

168. Reports of the State Complaints Authority

- (1) The State Complaints Authority shall prepare an annual report at the end of each calendar year, inter *alia*, containing:
 - (a) the number and type of cases of "serious misconduct" inquired into by it;
 - (b) the number and type of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
 - (c) the number and type of cases including those referred to in (b) above in which advice or direction was issued by it to the police for further action;
 - (d) the number of complaints received by the District Complaints Authorities, and the manner in which they were dealt with;
 - (e) the identifiable patterns of misconduct on the part of police personnel in the state; and
 - (f) recommendations on measures to enhance police accountability.

- (2) The annual report of the State Complaints Authority shall be laid before the State Legislature in the budget session and shall be published as a public document, easily accessible to the public.
- (3) The State Complaints Authority may also prepare special reports with respect to specific cases directly inquired into by it. These reports shall also be published as a public document, easily accessible to the public.

169. District Complaints Authority

- (1) The State Government shall establish in each Police District, a District Police Complaints Authority to enquire into misconduct or abuse of power against police officers below the rank of Deputy/Assistant Superintendent of Police and to monitor departmental inquiries into cases of complaints of misconduct against police personnel, as defined in Section 163(3).
- (2) The District Complaint Authority shall have three members with a credible record of integrity and commitment to human rights and shall consist of a retired District and Sessions Judge, who shall be the Chairperson of the Authority; a retired senior police officer, and a person with a minimum of 10 years total experience as a judicial officer, public prosecutor, practicing advocate, professor of law, or a person with experience in public administration, as Members.
- (3) The Chairperson and other members of the District Complaints Authorities will be appointed by the Government on the recommendation of the Selection Panel referred to in Section 157 (2).
- (4) Vacancies in the Authority shall be filled up as soon as practicable, and in no case later than three months after a seat has been vacated.
- (5) In selecting members of the Authority, the Selection Panel shall adopt transparent process.
- (6) The conditions of eligibility, term of office, terms and conditions of service, and conditions of removal from office for the Chairperson and members of the District Complaints Authorities will be the same as provided in Sections 158, 159 and 160 respectively.
- (7) The District Accountability Authority shall be assisted by adequate legal and administrative staff with requisite skills and experience.
- (8) The staff shall be selected by the State Complaints Authority, inter alia, on a contractual basis, through a transparent process.
- (9) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.
- (10) The provisions of Section 167 in respect of decisions and directions of the State Complaints Authority shall also apply to District Complaints Authorities.

170. Functions of District Complaints Authority

- (1) The District Police Complaints Authority shall:
 - (a) have the power to enquire into misconduct or abuse of power against police officers below the rank of Deputy Superintendent of Police. It shall exercise all the powers of a civil court. The Authority shall have the power to investigate any case itself or ask any other agency to investigate and submit a report. The recommendations of the District Complaints Authorities shall be binding on District Disciplinary Authorities.
 - (b) if the complaint contains allegations against any police officer of or above the rank of Deputy Superintendent of Police, the District Police Complaints Authority shall forward the same to the State Complaints Authority, for further action.
 - (c) forward the complaints of "serious misconduct", received directly by it, to the State Complaints Authority for further action;
 - (d) monitor the status of departmental inquiries or action on the complaints of "misconduct" against officers below the rank of Assistant/ Deputy Superintendent of Police, through a quarterly report obtained periodically from the District Superintendent of Police;
 - (e) issue appropriate directions to the District Superintendent of Police for expeditious completion of inquiry, if, in the Authority's opinion, the inquiry is getting unduly delayed in any such case;
 - (f) report cases to the State Complaints Authority where departmental enquiry into "misconduct" is not concluded in time by the police department in spite of the District Authority's advice(s) to the District Superintendent of Police issued under sub-section (e) above.
- (2) The Authority may also, in respect of a complaint of "misconduct" against an officer below the rank of Assistant/ Deputy Superintendent Police, call for a report from, and issue appropriate advice for further action or, if necessary, a direction for fresh inquiry by another officer, to the District Superintendent of Police when a complainant, being dissatisfied by an inordinate delay in the process of departmental inquiry into his complaint of "misconduct" or outcome of the

inquiry if the principles of natural justice have been violated in the conduct of the disciplinary inquiry, brings such matter to its notice. It may also transfer the complaint to itself.

171. Report of the District Complaints Authority

- (1) Each District Complaints Authority shall prepare and submit to the State Complaints Authority an annual report before the end of each calendar year, inter alia, containing:
 - (a) the numbers and types of cases of “serious misconduct” and “misconduct” forwarded by it to the State Complaints Authority during the year;
 - (b) the number and types of cases monitored by it during the year;
 - (c) The number of cases received by it, disposed of by it and the pendency during the year
 - (d) the number and types of cases of “misconduct” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
 - (e) the number and types of cases referred to in (d) above in which advice or direction was issued by it to the police for further action; and
 - (f) recommendations on measures to enhance police accountability.
- (2) The annual report of the District Complaints Authorities shall be laid before the State Legislature in the budget session and shall be published as a public document, easily accessible to the public.

172. Relationship between the State Complaints Authority and the District Complaints Authority

- (1) The State Complaints Authority shall control and supervise, and issue suitable directions to the District Authorities for their proper functioning.
- (2) The District Authorities will assist the State Authority in every way for the proper discharge of the its functions.
- (3) Where the State Authority considers that any of the conditions laid down in Section 160 read with Section 169 (6) of this Chapter for the removal of a member has been fulfilled, it shall be competent to request the State Government to initiate appropriate proceedings against that member of the District Authority.

173. Rights of the complainant

- (1) The complainant may lodge his complaint relating to any “misconduct” or “serious misconduct” on the part of police personnel with either the departmental police authorities or with the State Complaints Authority or the District Complaints Authority:
Provided that no complaint shall be entertained by the State or the District Complaints Authority if the subject matter of the complaint is being examined by any other Commission, or any court.
- (2) In cases where a complainant has lodged a complaint with the police authorities, he may inform the State or the District Complaints Authority at any stage of the departmental inquiry about any undue delay in the processing of the inquiry.
- (3) The complainant shall have a right to be informed of the progress of the inquiry from time to time by the inquiring authority (the concerned police authority, State Complaints Authority or the District Complaints Authority). Upon completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the same as well as the final action in the case at the earliest.
- (4) The complainant may attend all hearings in an inquiry concerning his case. The complainant shall be informed of the date and place of each hearing.
- (5) All hearings shall be conducted in a language intelligible to the complainant. In a case where hearings cannot be conducted in such a language, the services of an interpreter shall be requisitioned if the complainant so desires.
- (6) Where upon the completion of the departmental inquiry, the complainant is dissatisfied with the outcome of the inquiry on the grounds that the said inquiry violated the principles of natural justice, he may approach the State Complaints Authority or the District Complaints Authority for appropriate directions.

174. Duty of the police and other state agencies

- (1) All police officers and authorities shall refer all allegations of “serious misconduct” against police personnel, coming to their notice, to the State Complaints Authority.
- (2) It shall be the duty of the heads of the district police and of the state police as well as of any other concerned state agency to provide to the State Complaints Authority and to the District

Complaints Authority, all information they may reasonably require to perform their duties provided for in this Chapter.

175. Interference with the functioning of the State Complaints Authority or the Authority

Whoever influences or interferes with the functioning of the State Security Commission or the State Complaints Authority or a District Complaints Authority, except in the course of lawful duty, shall, on conviction by a court of law, be liable to a fine or to an imprisonment for a term not exceeding one year, or both.

Explanation: Any threat, coercion or inducement offered to any witness or victim of police misconduct or serious misconduct, shall be deemed to be interference with the functioning of the Commission or the Complaints Authority for the purposes of this Section.

176. Training

It shall be the duty of the State Complaints Authority to ensure that all its Members, and other staff as well as Members of the District Complaints Authorities and their staffs are regularly trained, *inter alia*, about:

- (a) technical and legal issues related to departmental inquiries;
- (b) specific forms of human rights violation; and
- (c) appropriate handling of victims of police abuse

Accountability for performance

177. Review of police performance

- (1) The State Security Commission created under Section 42 of Chapter V shall regularly evaluate and review the performance of the Police Service in the state as a whole and also district-wise. For this purpose, the Commission shall:
 - (a) identify performance indicators to evaluate the functioning of the Police Service, which shall, *inter alia*, include operational efficiency, public satisfaction, victim gratification vis-à-vis police investigation and response, accountability, optimum utilisation of resources, and human rights record;
 - (b) review and evaluate organisational performance of the State police against: (i) the Annual Plan provided for in Section 40 of Chapter V of this Act, (ii) performance indicators as identified and laid down by the Board itself (iii) resources available with, and constraints of the police;
 - (c) lay down policy guidelines for gathering information and statistics related to police work; and
 - (d) suggest ways and means to improve the efficiency, effectiveness, accountability, and responsiveness of the police.
- (2) In order to assist the Commission to regularly review and evaluate police performance, the State Government shall establish an Inspectorate of Performance Evaluation, headed by a police officer superannuated in the rank of Director General of Police, assisted by as many staff members as prescribed and drawn from amongst serving or retired police officers, social scientists, academics and statisticians, appointed by the State Government from panels of names recommended by the Commission.
- (3) The conditions of eligibility, term of office, and conditions of service, and conditions of removal from office of non-official members of the Inspectorate will be the same as provided in Sections 158, 159 and 160 respectively.
- (4) In evaluating police performance, the Commission may by itself or through its Inspectorate or any other agency or officers authorised by them in this behalf:-
 - (a) visit any Police Stations, offices or any other police establishment;
 - (b) examine any document and records maintained by the police; and
 - (c) make arrangements to conduct various kinds of surveys including public opinion surveys.

178. Reports of the State Security Commission on police performance

- (1) The State Security Commission shall, at the end of each calendar year, prepare and forward to the State Government an annual report on police performance, which shall, *inter alia*, include recommendations for improvement.
- (2) This report shall be laid before the State Legislature in the budgets session and shall be published as a public document, easily accessible to the public.

179. Protection of action taken in good faith

No suit or other legal proceeding shall lie against the State Government, the State Security Commission, its members and staff, the State Police Complaints Authority, its members, staff or any person acting under the direction of the National Security Commission or the State Security Commission or the State Police Complaints Authority, or members or staff of the District Police Complaints Authorities, in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Chapter.

180. Funding

The State Government shall ensure that adequate funds are provided to the Commission and the District Accountability Authorities for the effective performance of their functions and that the police shall not be required to provide any material or human resources to the Commissioner or the District Accountability Authorities for their smooth functioning.

Chapter XV

Welfare and Grievance Redressal Mechanisms for Police Personnel

181. Welfare Bureau

- (1) There shall be a Police Welfare Bureau, (hereinafter referred to as 'Bureau') headed by an officer not below the rank of Deputy Inspector General of Police, in the office of the Director General of Police to advise and assist him in the implementation of welfare measures for police personnel.
- (2) The functions and duties of the Bureau shall, *inter alia*, include administration and monitoring of welfare measures for police personnel, such as:
 - (a) health care, particularly in respect of chronic and serious ailments, and including post-retirement health care schemes for police personnel and their dependents;
 - (b) full and liberal medical assistance to police personnel suffering injury in the course of performance of duty;
 - (c) financial security for the next of kin of those dying in harness;
 - (d) post-retirement financial security;
 - (e) group housing;
 - (f) education and career counselling and training in appropriate skills for dependents of police officers; and
 - (g) appropriate legal facilities for defence of police officers facing court proceedings in matters relating to bonafide discharge of duty.
- (3) The Bureau shall have as many members as prescribed, and shall comprise of representatives from all police ranks. It may also include other members in an advisory capacity. The members of the Bureau shall be nominated by the Director General of Police.
- (4) The Bureau shall lay down norms and policies relating to police welfare, and monitor welfare activities undertaken by various police units in the state.
- (5) The Bureau shall interact with other government departments, public sector undertakings and other organisations to facilitate gainful employment for retired police officers, and for the dependents of police personnel who have laid down their lives in due discharge of their duties.
- (6) A Police Welfare Fund, under the administration and control of the Bureau, shall be created for the welfare activities and programmes for police personnel, which will have two components:
 - (a) outright financial grant by the state; and
 - (b) matching grant by the state to the contributions made by the police personnel, towards the welfare fund.

182. Insurance cover, allowances and medical facilities

- (1) The State Government shall provide adequate insurance coverage for all police personnel against any injury, disability, or death caused in the course of performance of their duty.
- (2) Police officers posted in special wings, such as Counter-Terrorism Operations Units, Bomb Disposal Squads, Commando Groups etc. Shall be paid risk allowance, commensurate with the risks involved in those duties.

- (3) In addition to facilities as may be made available in police hospitals for general treatment and specialised services, police personnel shall also be provided with a medical insurance cover that would enable them to keep up the required standards of health and physical fitness.
- (4) Facilities for stress management, including psychological counselling, to cope with professional stress, shall be given due attention in all police units and establishments.

183. Grievance Redressal

- (1) The Director General of Police, with the approval of the State Government shall put in place, a fair, transparent, and participatory grievance redressal mechanism for looking into individual as well as collective grievances of police personnel, which shall be freely received and channelled upwards from all levels of the organisation.
- (2) The grievances that cannot be redressed by the said mechanism shall be forwarded to the State Security Commission, which in turn, shall make appropriate recommendations to the State Government for remedial measures.
- (3) An analysis of the grievances, their causes and their impact on the morale and efficiency of the Police Service shall be carried out annually. This analysis shall be included in the annual report of the State Security Commission.

184. Working hours

The State Government shall take effective steps to ensure that the average hours of duty of a police officer do not normally exceed eight hours a day:

Provided that in exceptional situations, the duty hours of a police officer may extend up to 12 hours or beyond. In such cases, adequate compensation and facilities shall be provided to the police personnel.

Chapter XVI General Offences, Penalties, and Responsibilities

Order in streets and public places

185. Regulation of public assemblies and processions

- (1) The District Superintendent of Police or an officer not below the rank of Assistant/Deputy Superintendent of Police may, where necessary, direct the conduct of all assemblies and processions on any public road, street or thoroughfare, and prescribe the routes by which and the time at which such a procession may pass.
- (2) It shall be duty of any person intending to organise a procession on any road, street or thoroughfare, or to convene an assembly at any public place, to give intimation in writing to the officer in charge of the concerned Police Station.
- (3) The District Superintendent or any officer not below the rank of Assistant/Deputy Superintendent of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may prescribe necessary conditions including making provisions for satisfactory regulatory arrangements, on which alone such assembly or procession may take place. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions should be given within 48 hours of receipt of intimation, as far as possible.

186. Assemblies and processions violating prescribed conditions

- (1) The District Superintendent of Police or any Police Officer not below the rank of Sub-Inspector, authorised in this behalf by the District Superintendent of Police, may stop any assembly or procession which violates the conditions set under sub-sections (1) and (3) of Section 185, and order such assembly or procession to disperse.
- (2) Any assembly or procession which neglects or refuses to obey any order given under sub-section (1) above shall be deemed to be an "unlawful assembly" under Chapter VIII of the Indian Penal Code 1860.

187. Regulation of the use of music and other sound systems in public places

The District Superintendent or any officer not below the rank of Assistant/ Deputy Superintendent of Police may regulate the time and the volume at which music and other sound systems are used in connection with any performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighbourhood.

188. Directions to keep order on public roads

- (1) The District Superintendent of Police or any other Police Officer authorised by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, or annoyance to passers-by or pollution.
- (2) The District Superintendent of Police may issue general directions under sub-Section (1), in respect of the whole district or any part thereof, as per procedure laid down in Section 199.

189. Penalty for disobeying orders or directions

Any person not obeying the lawful orders issued under Sections 185, 186, 187 and 188 may be arrested and on conviction by a court of law, shall be liable to a fine.

190. Power to reserve public places and erect barriers

- (1) The District Superintendent of Police may, by public notice, temporarily reserve for any public purpose any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.
- (2) (a) The District Superintendent of Police may authorise any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants thereof for violation of any legal provisions by them.
(b) In making such order, the District Superintendent of Police shall prescribe the necessary steps for ensuring the safety of passers-by and specify the maximum period for which such barriers may remain.
(c) These temporary structures shall be removed once the purpose for which they were installed is over.

Offences against the police

191. No Public Servants shall, either directly or indirectly, issue any instructions to any police functionary which are illegal or *malafide* or cause obstruction of justice. Such action shall amount to criminal misconduct and any public servant who commits such criminal misconduct shall, on conviction, be punishable with imprisonment for a term, which shall not be less than one year, but which may extend to seven years and shall also be liable to fine.

192. Any other person, who obstructs the discharge of duties and functions of a police officer, shall, on conviction, be liable to punishment under Section 186 of the Indian Penal Code, 1860.

193. Unauthorised use of police uniform

Whoever, not being a member of the Police Service wears, without obtaining permission from an officer authorised in this behalf by the State Government by a general or special order, a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be liable to punishment under section 171 of the Indian Penal Code, 1860.

194. Refusal to deliver up certificate etc. on ceasing to be police officers

Whoever, having ceased to be a police officer, does not forthwith deliver up his/her certificate of appointment, clothing, accoutrements and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be liable to a fine.

195. False or misleading statement made to the police

Whoever knowingly makes a false statement or a statement which is misleading in material particulars to a police officer for the purpose of obtaining any benefit or causing police officer to use his lawful authority to the injury of another person, shall, on conviction, be liable to punishment under Section 182 of the Indian Penal Code, 1860.

Offences by the police

196. Dereliction of duty by a police officer

- (1) Whoever, being a police officer:
- (a) is guilty of cowardice; or
 - (b) abdicates duties, or withdraws from duties, or remains absent without authorisation from duty for more than 21 days; or
 - (c) is found in a state of intoxication, while on duty; or
 - (d) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or
 - (e) acts in any other manner unbecoming of a police officer;
- shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine or both.
- (2) Whoever, being a police officer:
- (a) wilfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Service; or
 - (b) without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973; or
 - (c) uses criminal force against another police officer, or indulges in gross insubordination; or
 - (d) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything;
- shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine or both.

197. Arrest, search, seizure and violence

- (1) Whoever, being a police officer:
- (a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or
 - (b) unlawfully and without reasonable cause seizes the property of any person; or
 - (c) unlawfully and without reasonable cause detains, searches, or arrests a person; or
 - (d) unlawfully and without reasonable cause delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person; or
 - (e) holds out any threat or promise not warranted by law;
- shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall be liable to fine.
- (2) Whoever, being a police officer, subjects any person in her/his custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour, shall, on conviction, be punished as per the provisions of Section 330 or Section 331 of the India Penal Code, 1860, as applicable;
- (3) Whoever, being a police officer, is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public shall, on conviction, be punished as per the provisions of Section 354 or Section 509 of the India Penal Code, 1860, as applicable;
- (4) Whoever, being a police officer, subjects any person in her/his custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence leading to death, shall, on conviction, be punished as per the provisions of Section 302 or Section 304 of the India Penal Code, 1860, as applicable.

198. Offences by the public

- (1) Any person who commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any area specially notified by the State Government or a Local Government for the purpose of this Section, to the in convenience, annoyance or danger of the residents or passers-by shall, on conviction by a court, be liable to a fine as per the provisions of Indian Penal Code, 1860:
- (a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;

- (b) being found intoxicated and riotous;
 - (c) neglecting to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession; or otherwise creating a hazardous situation in a public place;
 - (d) defacing, or affixing notices, or writing graffiti on walls, buildings or other structures without the prior permission of the custodian of the property;
 - (e) wilfully entering or remaining without sufficient cause in or upon any building belonging to the Government or land or ground attached thereto, or on any vehicle belonging to Government;
 - (f) knowingly spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;
 - (g) wilfully damaging or sabotaging any public alarm system;
 - (h) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;
 - (i) acting in contravention of a notice publicly displayed by the competent authority in any government building :
Provided that the police shall take cognizance of this offence only upon a complaint made by an authorised functionary of the concerned office.
 - (j) causing annoyance to a woman by making indecent overtures or calls or by stalking :
Provided that the police shall take cognizance of this offence only upon a complaint made by the victim.
- (2) It shall be lawful for any police officer to take into custody, without a warrant, whoever commits any of the offences mentioned in sub-Section (1).
- (3) Whoever commits any offence under sub-Section (1), on subsequent conviction shall be liable to enhanced punishment.

Procedural matters

199. Procedure for posting directions and public notices

- (1) All general directions, regulations, and public notices issued under this Chapter shall be published by posting them prominently on the police website and also by posting notices in the office of the District Magistrate, Tehsil office, and Panchayat office of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it by the beating of drum or by advertising in local newspapers and other media-English or Hindi, or by any other means as the Superintendent of Police/ Deputy Commissioner of Police may deem fit .
Provided that the Superintendent of Police/Deputy Commissioner of Police may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, make such direction or regulation without previous publication and publish it as above within 48 hours of it coming into force.
- (2) If any direction or regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or by law of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bylaw.
- (3) If any direction or regulation made under this section relates to any matter falling in the Eleventh or the Twelfth Schedule of the Constitution of India, such regulation shall require concurrence of the Municipal or Local Authority as the case may be.

200. Prosecution of police officers

No court shall take cognizance of any offence under this Act when the accused person is a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of an officer authorised by the State Government in this behalf.

201. Prosecution for offences under other laws

Subject to the provisions contained in Section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for anything made punishable by this Act.

202. Summary disposal of certain cases

- (1) A court taking cognizance of an offence punishable under Sections 193 and 201 may state, upon the summons to be served to the accused person, that he may, by a specified date prior

to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the court such sum as the court may specify.

- (2) Where an accused person pleads guilty and remits the sum specified in the summons under sub-Section (1), no further proceedings in respect of the offence shall be taken against that person.

203. Recovery of penalties and fines imposed by Magistrates

Provisions of Sections 64 to 70 of the Indian Penal Code, 1860 and Sections 386 to 389 of the Code of Criminal Procedure, 1973 shall apply to penalties and fines imposed under this Act on conviction before a Magistrate :

Provided that notwithstanding anything contained in Section 65 of the Indian Penal Code, 1860, any person sentenced to fine under Sections 189 and 198 of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.

204. Limitation of actions

No court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation provided for in Section 468 of the Code of Criminal Procedure, 1973. For computing the limitation period, provisions of Chapter XXXVI of the Code of Criminal Procedure shall apply.

Chapter XVII

Miscellaneous

205. Powers of District Superintendent of Police to be exercised by Commissioner of Police

All powers, functions and duties of the District Superintendent of Police described in this Act shall be exercised, in respect of areas notified under Section 86 of Chapter VIII, by the Commissioner of Police or any other officer authorised in this behalf.

206. Disposal of fees and rewards

All fees paid for licences or written permission issued under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government:

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer, or be divided amongst two or more Police officers.

207. Method of proving orders and notifications

Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of the Act applicable thereto.

208. Validity of rules and orders

No rule, regulation, order, direction, or notification made or published and no adjudication, inquiry or act done under any provision of this Act, or under any rules made there under, which is in substantial conformity with the same, shall be deemed illegal, void or invalid by reason of any defect of form.

209. Officers holding charge of or succeeding to vacancies competent to exercise powers

Whenever in consequence of the office of a Commissioner, Magistrate or police officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate, or police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or police officer, as the case may be.

210. Licences and written permissions to specify conditions, and to be signed

- (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee than be charged there for as is prescribed by any rule under this Act in that behalf.
- (2) **Revocation of licences:** Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.
- (3) **When licence revoked, grantee to be deemed without licence:** When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a licence or written permission until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.
- (4) **Grantee to produce licence and permission, when required:** Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation: For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such licence or written permission has been granted.

211. Public notices how to be given

Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published as provided under Section 199 of Chapter XVI.

212. Consent of a competent authority may be proved by writing under his signature

Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

213. Signature on notices may be stamped

Every licence, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule there under, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

214. Power to make rules

The Government may make rules for carrying out the purposes of this Act. These rules shall be published as provided under Section 199 of Chapter XVI.

215. Power to remove difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act the State Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty.
- (2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the appropriate legislature.

216. Notification of rules and regulations in the Official Gazette and laying of rules and regulations

- (a) Every rule and regulation made under this Act shall be made by notification in the Official Gazette.
- (b) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of the state Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation should not be made,

the rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

217. Persons aggrieved may apply to State Government to annul, reverse or alter any rule or order

In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a representation to the State Government to annul, reverse, or alter the aforesaid rule or order.

218. Repeal and saving

- (1) The (...Name of the state) Police Act (...Date of enactment) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted under the Act so repealed shall be deemed to have been done or taken or instituted under the corresponding provisions of this Act.
- (3) All references in any enactment to any of the provisions of the Act so repealed shall be construed as references to the corresponding provisions of this Act.

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