

# **THE MODEL POLICE BILL, 2015**

with

Model Police (Village Guards and Defence Parties) Rules

and

Model Police (Training and Support Facilities) Rules

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# THE \_\_\_\_ POLICE BILL, 2015

*WHEREAS it is the constitutional obligation of the State to ensure the safety and security of life, property, and rights of all sections of society, irrespective of religion, race, caste, gender, descent and place of birth;*

*AND WHEREAS, it is the duty of the State to provide a police service that upholds the rule of law and ensures realisation of human rights;*

*AND WHEREAS, for that purpose, it is necessary to establish and maintain an impartial, responsive and efficient Police Service;*

*AND WHEREAS policing in a democratic society must, at all times, be in accordance with the law;*

*AND WHEREAS the police service needs to be professionally organised, people-friendly, service oriented and free from extraneous influences;*

*AND WHEREAS it is expedient to redefine the role of the police, its duties and responsibilities and for the police to be sensitive, modern, accountable, responsive and trained well;*

*NOW, THEREFORE, it is necessary to have a new law relating to the establishment and management of the Police Service;*

Be it enacted by the \_\_\_\_\_ State Legislature in the \_\_\_\_ year of the Republic of India as follows:

## CHAPTER I

### PRELIMINARY: DEFINITIONS & INTERPRETATIONS

1. **Short title, extent and commencement.**

- (1) This Act may be called the \_\_\_\_ Police Act, 2015.
- (2) It shall come into force on such date as the Government may, by notification in the Official Gazette, specify in this behalf.
- (3) It extends to the whole of the State of \_\_\_\_\_.

2. **Definitions.**

- (1) In this Act, unless the context otherwise requires,—
  - (a) “**Act**” means the \_\_\_\_ Police Act, 2015;
  - (b) “**Armed Police Battalion**” mean the state-level reserve of armed police created under sub-section (1) of section 22;
  - (c) “**Armed Reserve Units**” means the reserve of Armed Police units at the district-level created under sub-section (2) of section 22;
  - (d) “**Civil Police**” means all members of the Police Service, other than the Armed Police constituted under section 22;
  - (e) “**Commission**” means the Police Accountability Commission established by the Government under section 77;

- (f) “**Commissioner of Police**” means an officer appointed under section 12 in whom administration of police is vested for an area notified under section 11;
- (g) “**competent authority**” means the person authorised to exercise any power or perform any duty or function under or in relation to the provisions of this Act;
- (h) “**disciplinary authority**” means the authority competent to impose penalties on a Police Officer, as may be prescribed by this Act or under any other law for the time being in force;
- (i) “**District Authority**” means the District Police Accountability Authority to be established by the Government for each Police District under section 77;
- (j) “**District Police Chief**” means an officer of the rank of Superintendent of Police heading each Police District referred to in clause (a) of section 9;
- (k) “**General Diary**” means the register maintained at a police station in accordance with clause (e) of section 4;
- (l) “**Government**” means the State Government;
- (m) “**Home Guards**” means persons appointed under section \_\_\_\_\_ of the \_\_\_\_\_ Home Guards Act, \_\_\_\_\_;
- (n) “**Misconduct**” includes the acts mentioned in clauses (a) to (i) of section 67;
- (o) “**Police District**” means the territorial area notified under clause (a) of section 9;
- (p) “**Police Officer**” means a member of the Police Service constituted, or deemed to be constituted under this Act, or a member of any other police service constituted under any other law for the time being in force;
- (q) “**Police Range**” means the area notified under clause (b) of section 9;
- (r) “**Police Service**” means the service constituted under section 6;
- (s) “**Police Zone**” means the area notified under clause (c) of section 9;
- (t) “**prescribed**” means prescribed by rules made under this Act;
- (u) “**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 congregation, food, rest, recreation, transportation, trade, treatment or any other service;
- (v) “**Serious misconduct**” means the acts identified as such in sub-clause (b) of sub-section (1) of section 81;
- (w) “**State Police Board**” means the board established under section 35;
- (x) “**State Police Chief**” means the officer appointed under section 8;
- (y) “**urban police station**” means a police station in a metropolitan area, or other major urban area with a population of ten lakhs or more, or any other area notified by the Government under section 11;

(2) Words and expressions used and not defined in this Act but defined in the Code of Criminal Procedure, 1973 (2 of 1974) or the Indian Penal Code, 1860 (45 of 1860) shall have the meanings respectively assigned to them in those Acts.

## CHAPTER II

### PRINCIPLES OF POLICING, AND DUTIES AND SUPERINTENDENCE OF THE POLICE

#### 3. *Principles of Policing.*

Police services shall be provided throughout the State of \_\_\_\_\_ in accordance with the following principles, namely:—

(a) that effective and efficient policing is essential for the rule of law in a free and democratic society;

(b) that police services should be responsive to the local community and must constantly strive in accordance with the law to gain public confidence;

(c) that policing services should be impartial, professional and respectful of human rights; and

(d) that maintenance of law and order and promotion of public peace are the responsibility of every member of the community and the Police Service is set up to enforce, control and assist in this general responsibility.

#### 4. *Duties of the Police.*

The police shall lawfully and impartially uphold and enforce the law to protect the life, liberty, property, human rights, and dignity of all as well as the security of the State, and for this purpose the duties of the police shall include:—

(a) keeping the peace, preventing crime, and preserving public security;

(b) facilitating protection of public property and vital installations and establishments;

(c) as far as may be possible, preventing communal violence and tension, and acts of terror and militancy;

(d) recording all information related to the commission of an offence, communicated by any means whatsoever, and initiating prompt follow-up action;

(e) maintaining a General Diary, in such form as may be prescribed, and record in such Diary, the events, occurrences, work done and information received at the police station, including information recorded under section 154 of the Code of Criminal Procedure, 1973;

(f) investigating all cognizable offences and bringing offenders to justice;

(g) helping maintain a feeling of security in the community, and as far as possible, resolving any conflicts within the community;

(h) rendering all possible assistance to those in danger of physical harm to their person or property, and in particular facilitating, in coordination with the civil administration, medical aid, compensation and legal claims of victims of disasters and accidents;

(i) in coordination with other agencies, protecting and assisting the public, particularly senior citizens, women, children, and persons with physical or mental disabilities who are found in distressed or destitute conditions, and guarding them against criminal exploitation by any person or organised group;

(j) controlling and regulating traffic in all public places to facilitate orderly movement of people and vehicles, and to ensure that roads and thoroughfares are kept free of obstruction;

(k) collecting intelligence on matters relevant to their duties and taking appropriate action thereon;

(l) taking action for safe custody and disposal of unclaimed property within six months from the date of an order of the District Magistrate;

(m) arranging for the care, safety and lawful sustenance of every person in custody, and informing such persons of the provisions of any applicable legal aid schemes;

(n) obeying all lawful orders issued by supervisory Police Officers and by other authorities empowered by law to issue the same; and

(o) remaining at all times accountable to the law and observing codes of ethical conduct and integrity, as may be prescribed.

5. ***Superintendence of police to vest in the Government.***

(1) The Government shall ensure that the Police Service of the State is —

(i) efficient, responsive and accountable to the law; and

(ii) provided with adequate resources,

and for these purposes, the superintendence of the Police Service shall vest in the Government:

Provided that superintendence shall not mean to include—

(i) interference with the due process of law or any instruction, oral or written, having the effect of obstructing justice;

(ii) giving directions with respect to specific operational decisions, including the investigation of any case or inquiry into any matter; or

(iii) giving directions with respect to the day-to-day operation of the Police Service, including transfer, recruitment, training and discipline of Police Officers, except as provided for in this Act.

(2) Subject to the provisions of this Act and Rules, the Government shall issue directions, policies, guidelines and standards, for:—

(i) prevention and detection of crime;

(ii) maintenance of public safety and order;

(iii) effective and economical management of the Police Service;

(iv) delivery of police services;

(v) general conduct of the police; and

(vi) general law enforcement in such manner as to ensure professional efficiency and protection of public interest.

### **CHAPTER III**

#### **CONSTITUTION AND ORGANISATION OF THE POLICE SERVICE**

6. ***One Police Service for the State.***

There shall be one Police Service for the State of \_\_\_\_\_, and the members of the Police Service shall be liable for posting to any branch of the Service, including any of its specialised wings, units or sub-units.

Provided that members of the police services constituted under any other Act as may be notified by the Government in this regard, immediately before the coming into force of this Act, shall be deemed to be members of the said Police Service under this Act.

7. ***Constitution and composition of the Police Service.***

Subject to the provisions of this Act:

(a) The Police Service shall consist of such cadres and numbers in various ranks and have such organisation as the Government may determine.

(b) The composition of the Police Service and its local deployments shall, as far as may be possible, reflect the diversity of the communities it serves:

Provided that the number of women members in the Police Service shall be adequate, and be decided in consultation with the State Police Chief.

8. ***Appointment of State Police Chief.***

(1) The Government shall appoint a State Police Chief for the overall control, direction, management and administration of the Police Service.

(2) The State Police Chief shall be the senior-most officer in the hierarchy of the Police Service of the State and no other officer senior or equivalent in rank to the incumbent State Police Chief shall be posted to any position within the Police Service:

Provided that any other senior or equivalent Police Officer holding the same rank may be appointed from outside the State Police Service.

(3) The appointment under sub-section (1) shall be made from amongst the five senior-most officers borne on the State Cadre of the Indian Police Service, empanelled for the rank by the State Police Board created under section 35 of this Act, taking into consideration the following criteria, namely—

- (a) length of service and fitness standards as prescribed by the Government;
- (b) assessment of the performance appraisal reports of the previous ten years of service;
- (c) range of relevant experience, and training courses undergone;
- (d) medals for gallantry, distinguished and meritorious service; and
- (e) any other relevant criteria:

Provided that the officer shall be ineligible to be so empanelled if proceedings have been initiated against him in any criminal or disciplinary proceedings on the grounds of corruption or moral turpitude, or if charges have been framed by a competent court in such cases:

Provided further that if sufficient number of persons with due seniority are not available in the State, an eligible officer from another State Cadre may also be duly empanelled by the State Police Board.

9. ***Creation of Police sub-units.***

The Government may, for the purpose of effective control, administration and supervision, and in consultation with the State Police Chief, by notification,

(a) declare any area within the State to be a Police District, headed by a District Police Chief, an officer of the rank of Superintendent of Police, who may be assisted by as many Additional, Assistant or Deputy Superintendents as may be deemed necessary;

(b) create Police Ranges with each Police Range, consisting of two or more Police Districts, headed by an officer of the rank of Deputy Inspector General;

(c) create Police Zones with each Police Zone, consisting of two or more Police Ranges, headed by an officer of the rank of Inspector General;

(d) divide each Police District into Police Sub-Divisions, to be headed by an officer of the rank of Assistant or Deputy Superintendent of Police;

(e) divide each Police Sub-Division into Circles to be headed by an officer of the rank of Inspector, and group police stations into each Circle; and

(f) create Special Cells, each headed by an officer not below the rank of Deputy Superintendent of Police, for the purpose of the following, namely—

- (i) dealing with particular crimes or law and order situations,
- (ii) providing better police service to the community,

in any Police District, Range, Zone, notified Urban area, or for the State as a whole.

10. ***Coordination with the District Administration.***

Subject to the Code of Criminal Procedure, 1973 and any other law for the time being in force, the District Magistrate may issue directions:

(1) for the purpose of coordinating the functioning of the police of the district with other agencies of district administration in respect of the following, namely:—

- (a) the promotion of land reforms and the settlement of land disputes;
- (b) extensive disturbance of public peace and tranquility in the district;
- (c) the conduct of elections to any public body;
- (d) natural calamities and rehabilitation of the persons affected thereby;
- (e) situations arising out of any external aggression or internal disturbance;
- (f) removal of any persistent public grievance; or
- (g) any other similar matter, not within the purview of any one department and affecting the general welfare of the public.

(2) For the purpose mentioned in sub-section (1),

- (a) the District Magistrate may call for information of a general or special nature, as and when required, from the District Police Chief; and
- (b) the District Magistrate shall ensure that all departments of the district will render full assistance to the District Police Chief as and when required.

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

The Government shall establish, by notification, a police commissionerate system, for the following areas, namely:—

- (a) each metropolitan area, as notified by the Government under section 8 of the Code of Criminal Procedure, 1973;
- (b) each major urban areas with a population of ten lakhs or more; and
- (c) such other areas as may be notified from time to time.

12. ***Appointment of Commissioner of Police, etc.***

(1) All powers, functions and duties of the District Police Chief described in this Act shall, unless otherwise expressly provided, be exercised, in respect of areas notified under section 11, by a Commissioner of Police or other officer authorised in this behalf:

Provided that in any area for which a Commissioner is appointed and is empowered to exercise any power or perform any function or duty under this Act, the District Magistrate shall not exercise the same power or perform the same function or duty notwithstanding the fact that such area forms part of



a district within the territorial jurisdiction of the District Magistrate:

Provided further that the area for which a Commissioner has been appointed, under this section shall not, unless otherwise provided by or under this Act, be under the charge of a District Police Chief for any of the purposes of this Act, notwithstanding the fact that such area forms part of a Police District within the territorial jurisdiction for which a District Police Chief may have been appointed.

(2) The Commissioner of Police in whom the administration of police is vested for an area notified under section 11 may be an officer of the rank of Deputy Inspector General of Police or above.

(3) The Government may sub-divide the area of such commissionerates into territorial units and special units, as it deems fit, and appoint one or more Special, Additional, Joint, Deputy and Assistant Commissioners to assist the Commissioner of Police in the discharge of his duties.

(4) The Commissioner of Police and other officers under him shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as provided herein and as may be prescribed by the Government by notification:

Provided that the Commissioner of Police shall be subject to the overall administrative control and direction of the State Police Chief.

13. ***Powers of the Commissioner of Police.***

(1) In addition to the powers specified under this Act, the Government may, by notification, declare that:

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

Provided that the Commissioner of Police and any officer subordinate to him referred to in sub-clauses (a) and (b) shall be subject to such conditions and limitations as may be specified by the Government in the notification.

(2) Every notification issued by the Government under sub-section (1) of this section, and under sub-section (4) of section 12, shall be laid, as soon as it is made, before the State Legislature.

14. ***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, 1860, or under sections 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 without security hazardous to the community;

may 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.

15. ***Regulating conduct of habitual offenders and certain other persons.***

(1) Where the Commissioner of Police has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession:—

- (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) has been found habitually intimidating other persons by acts of violence or by show of force; or
  - (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) has been habitually outraging the modesty of, or molesting, women and children,

and witnesses are not willing to come forward to give evidence against such person by reason of apprehension as regards the safety of their person, family members or 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 any 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’.

(2) No order under this section shall be passed without giving a reasonable opportunity of tendering an explanation to the person sought to be removed.

(3) If a person, on being informed of the allegations under him, makes an application for the examination of any witness to be produced by him, the Commissioner of Police shall grant such application and examine such witness, unless for reasons to be recorded in writing, the Commissioner of Police is of opinion that such application is made for the purpose of causing vexation or delay.

(4) Such person shall be entitled to be represented in the proceeding before the Commissioner of Police by a counsel, and any written explanation put in by such person shall be filed with the record of the case.

(5) An order made under this section shall remain in force for a period as may be specified therein but shall not exceed a period of one year which may be extended by an additional period of one year if the Commissioner of Police deems fit.

(6) A person aggrieved for any action taken under this section may appeal to the Government within thirty days of passing of the order.

(7) The 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.

(8) If any person violates an order passed under this section, he shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding ten thousand rupees.

16. ***Police in Urban and Metropolitan areas to be associated in urban planning.***

(1) While planning for any major developmental activity, in any area notified under section 11, the concerned agency shall consult the Commissioner of Police on the safety and security needs of the citizens, or any other policing requirements.

(2) The suggestions of the Commissioner of Police shall be given due consideration in finalising such plan, which shall include the establishment of new police outposts or police stations, as the case may be.

17. ***Powers to operate certain Special Acts.***

(1) The Government may assign to the Commissioner of Police the enforcement and administration of the enactments specified in the First Schedule.

(2) The Government may, if it deems necessary, by notification, add any other enactment to the First Schedule, and on such notification being issued, the First Schedule shall be deemed to be amended accordingly.

18. ***Special provisions for Rural Policing.***

Police stations in rural areas shall be so organised as to be self-sufficient and the Government in this regard may set up a system of village guards and village defence parties in accordance with the provisions of this Act and the rules framed under this Chapter, in such areas as it may notify.

19. ***Village Guards and Village Defence Parties.***

(1) The District Police Chief may enlist at least one Village Guard for each village in a Police District, in the manner, and for performing such duties, as may be prescribed.

(2) The Village Guard enlisted in accordance with the provisions of this Act and the rules made in this behalf, shall be a public servant as defined in the Indian Penal Code, 1860.

(3) The District Police Chief may organise a voluntary group of local respectable persons as a Village Defence Party for each village in the manner, and for such purposes, as may be prescribed.

20. ***Internal Security Scheme.***

(1) The State Police Chief shall, with the approval of the Government, draw up an Internal Security Scheme for:

(a) the entire State; and

(b) for each Police District and for each area notified under section 11,

to deal with problems of public order, disaster management and security.

(2) The Internal Security Schemes shall be reviewed by the State Police Chief, and revised as

necessary, at least once annually.

(3) Such Schemes shall address the following aspects, namely:—

- (a) all major problems related to law and order in the area;
- (b) the role of the police with regard to the security of any establishment or installation relating to critical infrastructure; and
- (c) any other matter relevant to the area covered by the said Scheme.

(4) Such Schemes shall provide that officers deploying the police to deal with situations of conflict between communities, classes, castes, and political groups shall ensure that the forces deployed, as far as possible, reflect the social diversity of the area, including adequate representation of weaker sections and minorities.

(5) Such Schemes shall incorporate updated and comprehensive Standard Operating Procedures for all action to be taken by the police.

21. **Civil Police.**

(1) The Civil Police shall be primarily responsible for discharging all policing functions, including investigation, inquiries, collection of intelligence, patrolling of beats, maintenance of vehicular traffic, engaging with citizens to gain their co-operation and such other duties relating to prevention of crime or maintenance of order or such auxiliary functions as may be assigned by a competent authority from time to time.

(2) For this purpose, the Civil Police may be assisted by the Home Guards, as may be deemed necessary.

(3) The rank structure of the primary ranks in the Civil Police, in ascending order, shall be—

- (a) Junior Civil Police Officer;
- (b) Senior Civil Police Officer;
- (c) Sub Inspector; and
- (d) Inspector,

and they shall function under the supervision of the Deputy or Additional Superintendents of Police and the District Police Chief.

22. **Armed Police.**

(1) (a) The Government shall create Armed Police Battalions, as a state-level service, to be deployed by the State Police Chief to aid the Civil Police as he may deem fit, in accordance with the purposes mentioned in sub-section (3).

(b) The Government shall ensure that such number of Armed Police Battalions are established, as are necessary for the State.

(2) (a) The Government shall create Armed Reserve Units for each Police District or area notified under section 11, and such units shall be drawn from the State Armed Police Battalions constituted under sub-section (1).

(b) The Armed Reserve Units will function under the control and supervision of the District Police Chief, and may be deployed for such duties as he deems fit, in accordance with the purposes mentioned in sub-section (3).

(3) The Armed Police Battalions and Armed Reserve Units shall assist the Civil Police in—

- (a) dealing with group protests and violent disturbances involving breaches of peace or law and order;

(b) disaster management; and

(c) such other duties as require the presence of armed police.

(4) (a) The Armed Police Battalions shall have an adequate number of women units.

(b) The Government shall provide the Armed Police Battalions and Armed Reserve Units with the requisite equipment and training, including training on human rights standards.

23. ***Organisational structure of the Armed Police Battalions.***

(1) Each Armed Police Battalion shall be headed by a Commandant, equivalent in rank to Superintendent of Police, who shall be assisted by such number of Deputy Commandants, Assistant Commandants and other officers, as may be prescribed.

(2) The Government will sub-divide each Battalion into such number of Companies, Platoons, and Sections, as it deems fit, headed by officers of such rank as may be prescribed.

(3) The overall command of the Armed Police Battalions of the State shall be exercised by an officer not below the rank of Deputy Inspector General, 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 guidance and supervision of the State Police Chief.

(4) The duties of officers of the Armed Police Battalions shall be as prescribed by the State Police Chief.

24. ***Organisational structure of Armed Reserve Units.***

(1) The Armed Reserve Units for each Police District shall be headed by an officer not below the rank of Additional Superintendent of Police or an officer of an equivalent rank, assisted by an appropriate number of Assistant or Deputy Superintendents or Reserve Inspectors, as the case may be, to deal with general administration of the Armed Reserve Units.

(2) The Government will sub-divide the Armed Reserve Units into such number of Companies, Platoons, and Sections as it deems fit, each to be headed by officers of such rank as may be prescribed by the State Police Chief.

(3) It shall be the duty of the District Police Chief to ensure that officers of the Armed Reserve Units are deployed in a manner so as to ensure their regular training, including refresher training, and constant preparedness for their tasks, as also a fair rotation between duty and rest for them.

25. ***Training and Equipment***

(1) The Government shall establish training institutions especially for the Armed Police constituted under section 22, for such functions and such purposes as may be prescribed.

(2) The adequacy of manpower, arms, equipment, funds and accoutrement for each Armed Police Battalion as well as the Armed Reserve Units shall be assessed annually by the officer heading the State Armed Police Battalions, who shall in turn report upon the same to the State Police Chief.

26. ***Investigations by district police.***

The Government shall ensure—

(a) that in all urban police stations, and in such crime-prone rural areas as may be notified, Special Crime Investigation Units, headed by an officer not below the rank of Sub-Inspector of Police, are created with appropriate staff strength for investigating particular type or types of crimes as may be notified;

(b) that in each Police District, one or more District Investigation Cells will be created, with the

requisite staff strength, to take up investigation of such offences, of a more serious and complex nature including economic crimes, as may be notified; and

(c) that the personnel posted to these units and cells shall not ordinarily be diverted for any other duty, except with the permission of the District Police Chief or equivalent authority.

27. ***Crime Investigation Department, Intelligence, and Special Units.***

(1) The Government shall, on the recommendation of the State Police Chief, by general or special order, create the following units, namely:—

(a) a Crime Investigation Department, subject to section 28, to investigate—

(i) inter-district or inter-state crimes,

(ii) such serious, or complex crimes as may be generally or specially notified by the State Police Chief from time to time, or

(iii) any crime as may be specifically entrusted to it by the State Police Chief or the Government;

(b) a State Intelligence Department for collection, collation, analysis and dissemination of intelligence relating to public order, internal security and serious crime with such specialised wings, as may be deemed necessary;

(c) one or more special Police Districts called Government Railway Police Districts, embracing such railway areas in the State as it may specify, for ensuring the safety and security of railways and passengers and for the prevention and investigation of crimes occurring on railway premises, stations and trains;

(d) Juvenile Police Units, Women Police Units and other specialised units for the protection of and assistance to children, women and vulnerable sections of society who require police services;

(e) a Police Training Academy and as many Police Training Colleges and Schools as deemed necessary;

(f) institutions or arrangements, both within and external to the Police Service, for research and development support;

(g) separate units at the district and State level for the collection, collation, indexing and analysis of data, statistics and intelligence relating to crime and criminals; and

(h) forensic support services for effectively assisting in the duties and functions of the police.

(2) The Government may, on the recommendation of the State Police Chief, if it considers necessary for ensuring greater effectiveness, by general or special order, create and maintain any special unit, branch or station, including those listed in the Second Schedule.

(3) The Government shall ensure that all units or arrangements established under sub-sections (1) and (2) shall—

(a) be equipped with adequate staff, equipment, resources, facilities and powers as may be decided by the Government on the recommendation of the State Police Chief;

(b) have such internal structure, powers, duties, jurisdiction and internal or external supervisory structure as may be prescribed by the Government on the recommendation of the State Police Chief; and

(c) be trained in order to function at a high level of technical and professional competence.

(4) The units constituted under sub-sections (1) and (2) may consist of Police Officers of designated ranks and other staff, or both, as may be notified by the Central Government.



28. ***Organisation and Functions of Crime Investigation Department, Intelligence, and Special Units.***

(1) The Government shall appoint a Police Officer not below the rank of Deputy Inspector General of Police to head the Crime Investigation Department.

(2) The Crime Investigation Department shall have specialised wings headed by an officer not below the rank of a Superintendent of Police, to deal with types of crime requiring focused attention or special expertise for investigation, as may be notified by the Government, including cyber-crime, organised crime, homicide cases, economic offences, crime against women, children and weaker sections including Scheduled Castes and Schedules Tribes.

(3)(a) The officers posted in Special Crime Investigation Units created under clause (a) of section 26, District Investigation Cells created under section (b) of section 26, and the Crime Investigation Department established under clause (a) of sub-section (1) of section 27 shall be selected on the basis of their aptitude, professional competence and integrity, and shall ordinarily have a minimum tenure of three years and a maximum of five years.

(b) The professional skills of such officers shall be upgraded, from time to time, through training in investigative and forensic techniques.

(4) The officers posted to the Special Crime Investigating Units and District Investigation Cells shall investigate crimes as may be generally or specially notified by the State Police Chief, besides any other cases as may be specially entrusted to the unit by the District Police Chief.

(5) The Special Crime Investigation Units, the District Investigation Cells and the Crime Investigation Department shall be equipped with adequate facilities of scientific aids to investigation and legal advisors, as may be deemed necessary.

(6) The investigations of cases taken up by the Special Crime Investigating Units and the District Investigation Cells, shall, in addition to supervision by those in the ordinary hierarchy, be supervised at the Police District level by an officer not below the rank of Additional or Deputy Superintendent of Police who shall report directly to the District Police Chief.

29. ***Special Police Officers.***

(1) The District Police Chief, or any officer specially empowered in this behalf by the Government, may, at any time by a written order issued under the hand and seal of such officer, appoint, for a period specified in the appointment order, any able-bodied and willing person between the ages of eighteen and fifty years, including ex-servicemen, whom he considers fit to be a Special Police Officer to assist the Police in any policing task relating to—

(a) rescue or relief in natural or manmade disasters; or

(b) control and regulation of movement of persons and vehicles;

and which does not require him to use firearms, explosives or any other weapon, or conduct any criminal investigation.

(2) Every Special Police Officer so appointed shall, on appointment, undergo prescribed training and thereafter receive a certificate in a form prescribed by the Government for this purpose.

(3) Every Special Police Officer shall have the same powers and privileges and be liable to the same responsibilities and be subject to the same authorities as a Police Officer.

30. ***Deployment of Police at the cost of individuals.***

(1) No individual, group or institution shall have the right to exclusive police services for the protection of person and property, unless the State Police Chief or the District Police Chief is satisfied that there is imminent danger to such individual, group or institution.

(2) The State Police Chief may prescribe rules fixing the norms and procedure for deploying police services in accordance with sub-section (1), including the rate of fees to be levied and the circumstances under which such deployment may be made:

Provided that the State Police Chief or the District Police Chief may, on the basis of threat perception, decide to deploy free of cost, additional police officers or Home Guards in any private place to prevent the commission of any imminent offence, or to prevent imminent danger to any individual, group or institution.

## CHAPTER IV

### POLICE STATIONS

#### 31. *Police Stations.*

(1) The Government shall, by notification, ensure that the entire territory of the State is divided into specified police station jurisdictions.

(2) The area of jurisdiction of every police station and the premises in which it shall function shall be as specified in the notification issued under sub-section (1).

(3) The Government may create as many police stations, with as many outposts as deemed necessary, duly keeping in view—

- (a) the population and the area of the State;
- (b) the workload in terms of incidence of law and order problems and crime;
- (c) the distances to be traversed by local residents to reach the police station; and
- (d) any other special reason, in the opinion of the Government.

(3) A police station shall be headed by an officer in charge, not below the rank of Sub-Inspector of Police.

(4) The Government shall, at each police station, ensure—

- (a) availability of adequate staff based on the population, area, crime, law and order-related workload or any other specific consideration, in accordance with regulations made by the State Police Board from time to time;
- (b) all essential amenities including a building, a reception-*cum*-visitors' room, separate toilets and lock-ups for men and women, adequate space for storage of property in custody, seating and necessary accommodation facilities for staff working at the police station;
- (c) a Women and Child Protection Desk, staffed by women Police Officers, to assist in and to record complaints of crimes against women and children and to deal with tasks under special laws relating to them; and
- (d) prominent display of all relevant information required to be made public under any law for the time being in force.

#### 32. *Beats and Beat Officers.*

The area of every police station shall be divided into Beats, each under the charge of a Beat Officer, whose duties shall be such as may be prescribed.

#### 33. *Rights of the public.*

(1) Subject to the provisions of the Code of Criminal Procedure, 1973, all persons shall have the



right to:

- (a) lawful and efficient police services;
  - (b) peaceful entry and reception at any police station at any time;
  - (c) meet the officer in charge of a police station and give information or seek assistance;
  - (d) a receipt acknowledging any information relating to the commission of an offence given by him at any police station, such receipt being issued through digital means or otherwise, or through any facility authorised by him to receive the same;
  - (e) a recorded entry in the General Diary of the police station, of the substance of any information given orally or in writing or by any means to the police;
  - (f) know the status of police action or investigation in respect of any information given; and
  - (g) receive information on whether any particular person is under arrest or detention at any police station.
- (2) Every woman shall have the right to—
- (a) submit complaints with due privacy in the presence of women Police Officers; and
  - (b) facilities upholding her privacy and to have a woman Police Officer present if she is in custody.
34. ***Expenses for persons in custody etc.***

- (1) The officer in charge of a police station shall provide for adequate food, water and other primary needs of—
- (a) any person in custody in a police station,
  - (b) any person whose attendance is required in a police station in connection with any investigation or inquiry, and
  - (c) any juvenile in conflict with law or child in need of care or protection as defined in the Juvenile Justice (Care and Protection of Children) Act, 2000,
- (2) The Government shall reimburse the amount spent for this purpose, which should not be less than a sum at the rate of half the minimum daily wages prescribed for unskilled labour in the State.

## CHAPTER V

### SUPERVISION AND ADMINISTRATION OF POLICE

35. ***State Police Board and its Composition.***

- (1) The Government shall, within a period of six months from the date on which this Act comes into force, establish a State Police Board, to exercise the functions assigned to it under the provisions of this Act, which shall consist of:—
- (a) the Home Minister—Chairperson, ex officio;
  - (b) the Leader of the Opposition in the Legislative Assembly of the State, or where there is no such Leader of Opposition, then, the Leader of the single largest Opposition Party in the Legislative Assembly of the State—Member;
  - (c) a person who has been the Judge of a High Court, to be nominated by the Chief Justice of the High Court—Member;
  - (d) the Chief Secretary or the Secretary in charge of the Home Department—Member, ex officio;

- (e) the State Police Chief—Member-Secretary; and
- (f) five persons of proven reputation, integrity and competence (hereinafter referred to as “Independent Members”) from the fields of academics, law, public administration, media or non-governmental organisations, to be appointed on the recommendation of the Selection Panel constituted under sub-section (2) of section 79.

(2) The Board shall have not less than two women members.

(3) Any vacancy of independent members in the State Police Board shall be filled by the Government as soon as may be possible, but not later than three months after the seat has fallen vacant.

36. ***Functions of the State Police Board.***

The State Police Board shall perform all or any of the following functions, namely:-

- (a) frame policy guidelines for promoting efficient, responsive and accountable policing, in accordance with the law;
- (b) prepare panels of Police Officers for the rank of State Police Chief in accordance with the provisions of section 8;
- (c) lay down performance indicators to evaluate the functioning of the Police Service in accordance with section 37;
- (d) inquire into any major breakdown of public order, suo motu or upon any information, and determine responsibility for lapses in duty, if any;
- (f) discharge such other functions as are specified under this Act.

37. ***Review of police performance.***

(1) The State Police Board shall regularly evaluate and review the performance of the Police Service in the State as a whole and also district-wise.

(2) For this purpose, the State Police Board shall:

- (a) identify performance indicators, without exclusive reliance on statistics, to evaluate the functioning of the Police Service, including on operational efficiency, public satisfaction, response to public complaints, accountability, optimum utilisation of resources, and human rights record.
- (b) review and evaluate the performance of the Police Service against:
  - (i) the Annual Policing Plan provided for in section 39,
  - (ii) the performance indicators as identified and laid down by the Board under sub-clause (a) of this sub-section; and
  - (iii) the resources and budget available with and other constraints of the service;
- (c) lay down policy guidelines for gathering information and statistics related to police work; and
- (d) suggest means to improve the efficiency, effectiveness, accountability, and responsiveness of the police

(3) In order to assist the State Police Board to regularly review and evaluate police performance, the Government may 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 may be prescribed, and drawn from amongst serving or retired Police Officers, social scientists, police scholars and crime statisticians, appointed by the Government from a panel of names recommended by the State Police Board.

(4) The term of office, conditions of service, eligibility and conditions of removal from office of the independent members of the Inspectorate will be the same as provided in sub-sections (5) and (6) of section 77, and sections 78 and 80 respectively.

(5) In evaluating police performance, the State Police Board 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, other than information the disclosure of which would impede the process of investigation or apprehension or prosecution of offenders; and
- (c) make arrangements to conduct surveys.

38. ***Reports of the State Police Board on police performance.***

(1) The Board shall, at the end of each calendar year, prepare and forward to the Government an annual report on police performance, which shall include recommendations for improvement of said performance.

(2) The Board shall also, at the end of each year, prepare an Annual Report on its work during the preceding year.

(3) The Reports under sub-section (1) and (2) shall be laid before the State Legislature in the budget session and shall thereafter be placed in the public domain in such manner as may be prescribed.

39. ***Strategic Policing Plan and Annual Policing Plan.***

(1) (a) The Government shall, within a period of one year from the date on which this Act comes into force, in consultation with the State Police Board, draw up a Strategic Policing Plan for a five-year period (hereinafter referred to as the "Strategic Plan"), and an Annual Policing Plan,

(b) (i) The Strategic Plan shall identify the policing objectives sought to be achieved in the five year period and set out an action plan for their implementation.

(ii) The Annual Policing Plan shall set out the priorities for the year based on the Strategic Plan.

(2) The Strategic and the Annual Plans shall be prepared after receiving inputs on the policing needs of the Police Districts from the District Police Chiefs who, in turn, shall formulate the same in consultation with the community.

(3) (a) The Government shall—

(i) upon preparation of the Strategic Plan, ensure that it is laid before the State Legislature as soon as may be possible; and

(ii) place before the State Legislature, at its first session every year, a Progress Report on the implementation of the Strategic Plan as well as the Annual Policing Plan.

(b) The Strategic Plan, Annual Plan and Progress Reports shall thereafter be placed in the public domain in such manner as may be prescribed.

40. ***Administration and Management of Police Service.***

(1) The overall control, direction, management and administration of the Police Service in the State shall be vested in the State Police Chief, and he shall be aided and assisted in the discharge of his functions and duties by such other officers as may be appointed under this Act.

(2) The administration of the Police Service in a Police District shall vest in the District Police Chief.

*Explanation.*—For the avoidance of doubt, it is clarified that in respect of an area notified under section 11, the administration of the Police Service shall vest in the Commissioner of Police.

(3) For the purposes of this section, ‘Administration’ shall mean the management of the Police Service subject to applicable law, rules and regulations, and shall include—

- (a) framing of regulations;
- (b) supervising the functioning of the police;
- (c) appointment, training, deployment, posting, promotions, transfers, welfare, disciplinary action, and all related matters that pertain to Police Officers and other staff working with the police;

and may include the creation of any new units or cells by redeployment of manpower and other resources to meet emerging needs of policing;

(4) The State Police Chief shall—

- (a) operationalise the policies, the Strategic Plan and the Annual Plan approved by the Government, referred to in section 39; and
- (b) direct, manage and administer the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability.

(5) The State Police Chief shall submit the budgetary requirements of the Police Service to the Government, sufficiently in advance and shall have full powers to spend the amounts earmarked under each head of the Budget Account approved by the Legislature of the State.

(6) The State Police Chief may, in the discharge of his duties, seek the assistance of the Inspectorate of Performance Evaluation established under sub-section (3) of section 37, as he considers necessary.

(7) The State Police Chief shall have the authority to investigate and regulate all matters of accounts connected with the Police Service and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

(8) The State Police Chief may require his subordinates to furnish such returns, reports and statements on any subject connected with the prevention and detection of crime, the maintenance of order and the performance of the duties of his subordinates as he considers necessary.

41. ***Police Establishment Committees.***

(1) The Government shall constitute a State Level Police Establishment Committee with the State Police Chief as its Chairperson and four other senior-most officers of the Police Service as members.

(2) The Government shall also constitute Police Establishment Committees at the Police Range or Zone level as the case may be, comprising the Police Range or Zonal Deputy Inspectors General or Inspector General, and the District Police Chiefs or Deputy Inspector General within the Police Range or Zone.

(3) The State Level Police Establishment Committee shall—

- (a) accept and examine complaints from Police Officers on being given illegal orders, and requests for and complaints against transfers, and make appropriate recommendation to the State Police Chief for necessary action:

Provided that if the matter under report involves any authority of or above the ranks of the members of the Establishment Committee, it shall forward such report to the State Police

Board for further action;

- (b) recommend names of suitable officers to the Government for posting to all the positions in the ranks of Deputy Superintendents and above in the police organisation, which shall be accepted by the Government unless reasons for disagreement are recorded in writing;
- (c) consider and recommend to the State Police Chief the names of officers of the ranks of Sub-Inspector and Inspector for transfer from one Police Range to another, or to any special unit, where such transfer is considered necessary.

(3) Inter-district transfers and postings of non-gazetted ranks, within a Police Range or Zone, shall be decided by the Range Deputy Inspector General or Zonal Inspector General of Police on the advice of the Range or Zonal Establishment Committee

(4) Postings and transfers of non-gazetted Police Officers within a Police District shall be decided by the District Police Chief, subject to the right of any affected individual to appeal to the Range or Zonal Level Establishment Committee.

42. ***Term of office of key police functionaries.***

(1) An officer in charge of a police station or an officer in charge of a Police Circle or Sub-Division or a District Police Chief or Commissioner of Police shall have a term of a minimum of two years:

Provided that the requirement of a minimum term of two years shall not be applicable in case of:

- (a) retirement, resignation or promotion to a higher post;
- (b) conviction, or charges having been framed, by a court of law in a criminal offence;
- (c) suspension from service or punishment of dismissal, removal, discharge or compulsory retirement or of reduction to a lower rank awarded under the relevant rules; or
- (d) incapacitation by physical or mental illness or otherwise being unable to discharge his functions and duties.

(2) In exceptional cases, an officer may be transferred from his post before the expiry of his tenure by the competent authority, on the following grounds, namely:—

- (a) gross inefficiency and negligence of duty, or serious misconduct, *prima facie* established after a preliminary inquiry; and
- (b) the need to fill a vacancy caused by promotion, transfer, or retirement:

Provided that in all transfers under sub-section (2), the competent authority shall report the matter in writing with all details to the next higher authority as well as to the Police Establishment Committee.

(3) The State Police Chief duly appointed under section 8 shall have a minimum tenure of two years irrespective of his normal date of superannuation:

Provided that the State Police Chief may be relieved of his responsibilities by the Government in consultation with the State Police Board before the expiry of his tenure through a written order specifying reasons, consequent upon any situation specified in clauses (b), (c) and (d) of sub-section (1):

Provided further that the State Police Chief shall not take any part in any deliberation or decision of the Board with respect to the matter specified in the first proviso.

43. ***Recruitment of Police Officers.***

- (1) (a) Direct recruitment to non-gazetted ranks in the Police Service shall be made through a permanent and independent Police Recruitment Board, by a transparent, well-codified and

scientific system, notified as rules by the Government.

(b) Every candidate so recruited will give a written undertaking that he is willing to serve anywhere in the Union of India.

(2) The recruitment to the rank of Deputy Superintendent of Police shall be made through the State Public Service Commission.

44. ***Qualifications of Police Officers.***

(1) (a) For recruitment as Junior Civil Police Officer, the minimum educational qualification shall be 10+2 Higher Secondary or equivalent examination;

(b) Successful candidates shall undergo a minimum two-years training cum education programme leading to the award of a degree or diploma in Police Studies, prior to his confirmation in the service.

(2) Direct recruitment to the non-gazetted ranks of the Civil Police, other than in the ministerial and technical cadres, shall be made only to the ranks of Junior Civil Police Officer and Sub-Inspector.

(3) Direct recruitment to the Armed Police units constituted under section 22, other than in the ministerial and technical cadres, shall be limited to the ranks of Constable and Sub-Inspector.

(4) The minimum qualification for recruitment as Constable in the Armed Police shall be Matriculation or equivalent from a recognised Board or University.

(5) For recruitment to the rank of Sub-Inspector, the minimum qualification shall be graduation from a recognized University or equivalent institution.

45. ***Procedure for promotion of Police Officers.***

(1) The State Police Chief shall, with the approval of the Government, frame evaluation criteria for each rank and category:

Provided that for the officers of the Indian Police Service, such evaluation criteria shall be as framed by the Government of India.

(2) Promotion of Police Officers shall be based on seniority, merit evaluated through a qualifying examination, satisfactory completion of training courses and performance evaluation.

(3) The quota for direct recruitment determined under section 44 shall be so fixed as to provide prospects for promotion to eligible and meritorious officers at each rank, within a period of eight to ten years.

46. ***Oath or affirmation by Police Officers and certificate of appointment.***

(1) Every member of the Police Service enrolled under this Act shall, on appointment and satisfactory completion of training, make and subscribe before such authority as may be prescribed, an oath or affirmation, as prescribed.

(2) Such member shall be awarded a certificate in such form as may be prescribed, and shall also receive a unique badge or insignia that identifies him as a member of the Police Service.

(2) The certificate of appointment so awarded shall become null and void, and the badge or insignia shall be deemed to be withdrawn if such member ceases to belong to the Police Service, and shall remain inoperative during any period wherein such member is suspended from the Police Service.

47. ***Pay and Allowances.***

(1) The pay, allowances, service and working conditions of Police Officers and other staff working with the police shall be as prescribed by rules made in this behalf from time to time.



(2) Such rules shall be framed with due regard to the arduous nature of the duties of police, and for this purpose the Police Service may be considered a special category distinct from other services under the State which may require similar levels of educational qualifications.

## CHAPTER VI

### REGULATIONS REGARDING POLICE DUTIES

48. ***Police Officers to exhibit badges of identity.***

(1) When in uniform, all Police Officers exercising authority under this Act shall exhibit the badges of identity mentioned in section 46, in such manner as to be easily visible.

(2) If discharging duties while not in uniform, all Police Officers shall show on demand such identity badge.

49. ***Senior Police Officer performing duties of a subordinate.***

A senior Police Officer may also himself perform any duty, assigned to any officer subordinate to him, and may aid, supplement, and, for reasons to be recorded in writing, 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 appears necessary.

50. ***Community Liaison Group.***

(1) The District Police Chief shall constitute a Community Liaison Group for each police station, comprising respectable local residents of good character as representatives of the community, to advise the police in their functioning with relation to local matters.

(2) The Community Liaison Groups will identify the policing needs of the area, which will be taken into consideration by the District Police Chief while preparing policing strategy and giving inputs under sub-section (2) of section 39.

(3) The composition, constitution, duties and modalities of the functioning of the Community Liaison Group shall be such as may be prescribed by the State Police Chief.

(4) (a) The Community Liaison Group will meet as frequently as necessary, and at least once in every quarter of a year.

(b) Such meetings shall be open to the public and shall be attended by the officer in charge of the police station and the Circle Inspector, and whenever possible by the officer in charge of the Sub-Division.

51. ***Preservation of order and regulation of traffic.***

Subject to this Act and to any Government orders, the District Police Chief may, from time to time, by notification in the Official Gazette, make regulations, in respect of the following, namely:—

(a) traffic of all kinds, including the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, with a view to ensuring smooth and orderly movement of traffic;

(b) the conditions under which vehicles, including bicycles, may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;

(c) special provisions for regulating traffic near schools, hospitals and other such institutions and vital installations;

(d) 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, for ensuring the safety and well-

being of persons likely to be affected;

(e) regulating the means of entrance or exit at any place of public amusement or public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbance at such places; and

(f) any other related matter, for the purpose of preservation of public order and regulation of traffic.

52. ***Regulation of public assemblies and processions and licensing of the same.***

(1) The District Police Chief may, subject to the right of peaceful assembly, if in his considered opinion, such action is reasonably necessary in the interest of maintenance of law and order or preservation of public peace or public safety, by notification, permit, control or regulate any public assembly or procession by specifying:

(a) the routes and the times at which such processions may or may not pass through a specified area, and the timings of such assemblies;

(b) the conditions for preventing obstruction in the neighbourhood of any place of worship during the time of public worship; and

(c) the conditions for preventing obstruction or disorder at any road, or public place.

(2) The District Police Chief may also, on being satisfied that it is intended by any person or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special order, that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a licence.

(3) On an application being made pursuant to sub-section (2), the District Police Chief may issue a licence, specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place:

Provided that no fee shall be charged on the application for, or grant of any such licence.

(4) No notification proclaimed under sub-section (1) shall remain in force for more than fifteen days from the date of such proclamation.

(5) The Deputy Inspector General of the Range may either on his own motion or after due inquiry on the application of any person, rescind, modify or alter such notification or extend its period of validity, provided that no such extension of such notification shall run consecutively for more than sixty days.

(6) Any officer in charge of a police station or a Police Officer not below the rank of Sub-Inspector may, in his jurisdiction, stop any assembly or procession which violates the conditions set under sub-section (3), and order such assembly or procession to disperse.

53. ***Penalty for disobeying orders issued under sections 51 and 52, etc.***

Every person opposing or not obeying orders issued under sections 51 and 52, or violating the conditions of any license granted by the District Police Chief, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty thousand rupees.

54. ***Maintenance of order and prevention of danger and nuisance in public places.***

(1) The District Police Chief may, for reasons to be recorded, 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 acts, namely:—

(a) carrying in any public place, or road, street or thoroughfare, fire-arms, swords, spears,



bludgeons, knives, other weapons of offence, inflammable, combustible or any explosive material or acid, or any other dangerous chemical, biological or radioactive material;

(b) collection or carrying of stones or missiles, or any other objects or means of casting missiles;

(c) (i) any act which is reasonably apprehended to occasion or instigate a riot,

(ii) any act leading to disaffection amongst communities, or

(iii) any offence under sections 295, 153, 153-A or 153-B of the Indian Penal Code, 1860.

(2) The District Police Chief, or any other officer not below the rank of Sub-Inspector of Police may direct, for reasons to be recorded, any person to abstain from a certain act or to take action with respect to any 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.

(3) The District Police Chief may, for reasons to be recorded,

(a) by public notice, temporarily reserve, for the purpose of ensuring public safety, security or for better regulation of any activity of public importance taking place in the vicinity, any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified;

(b) may authorise any Police Officer, for the purpose of preventing or detecting crimes or for performing any lawful duty which cannot otherwise be safely discharged, to erect temporary barriers and other necessary structures on public roads and streets to check, in accordance with the provisions of any law for the time being in force, vehicles or occupants thereof:

Provided that in making such order, the District Police Chief shall specify necessary measures for ensuring the safety of the users of such public roads and streets, and further ensure that they are removed once the purpose for which they were installed is completed.

(4) Subject to the provisions contained in the Code of Criminal Procedure, 1973, the Commissioner of Police in areas notified under section 11, or the District Magistrate on the recommendation of District Police Chief, in other areas, may issue orders to remove encroachments hindering the movement of traffic in public places, roads or footpaths, or public safety.

55. ***Applicability of rules, bye-laws, etc.***

If any direction or regulation made under this Chapter relates to any matter with respect to which there is a provision in any law, rule or bye-law of any 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 bye-law.

56. ***Police to respect privacy.***

(1) No information, which infringes the privacy of one or more individuals, that comes to the knowledge of the police in the course of investigation of any case shall be made public in any manner except as may be prescribed, for purposes permissible under any law for the time being in force:

Provided that such information may be made public, if reasonably necessary for the purpose of preventing, detecting or prosecuting any offence.

(2) No person in custody shall be paraded before the public:

Provided that the taking of such person to any place in public view for any purpose of investigation or trial or lawful duty shall not be deemed to be prohibited by this sub-section.

57. ***Media briefing by the Police.***

(1) No press conference or media briefing with regard to any case under investigation shall be conducted by any Police Officer, other than where any such conference or briefing is necessary for the

purpose of—

- (i) preventing any crime or detecting any offence;
- (ii) dispelling any rumour; or
- (iii) enhancing public confidence and security.

(2) Such conference or briefing may be conducted only by an officer authorised by the State Police Chief or the District Police Chief in this regard, as the case may be.

58. ***Police officers to furnish information.***

(1) Any person or his representative in interest shall have the right to be informed of the reason for any police action which harms the body, property or reputation of such person.

(2) A Police Officer while performing any act, purportedly done under any law or under any order issued by a competent authority, which is likely to endanger or harm the body, property or reputation of any person, shall maintain a contemporaneous record of such actions in such manner as may be prescribed under any law or under any orders issued by the State Police Chief.

59. ***Personal details for identification be furnished on demand.***

(1) Where there is reason to believe that the identification of a person present at any place is necessary for the purpose of preventing or detecting a crime or ensuring the security of any person or place, a Police Officer may seek such personal details from that person as are necessary to ascertain the identity of such person, and he shall be bound to furnish the same.

(2) Such Police Officer may take appropriate and reasonable steps for establishing the identity of a person and for this purpose, he may prepare such personal identification records as may be appropriate.

(3) All Police Officers shall, if so required by such person, explain the purpose for which the identification details are required.

60. ***Restraint on persons in lawful custody.***

Subject to the provisions contained in the Code of Criminal Procedure, 1973, handcuffs shall not be used on a person in lawful custody unless the Police Officer has sufficient ground, recorded in writing, to believe that the person is a high risk offender, or that he shall escape from custody or cause injury to the Police Officer or others if not handcuffed.

61. ***Police to attempt to locate missing children and other persons.***

(1) Whenever an officer in charge of a police station receives any information from which he reasonably suspects that any person is missing and there are circumstances to believe that such person,

- (a) is in danger;
- (b) is not under the protection of lawful guardianship;
- (b) may be victim of some offence; or
- (c) has absconded to defeat a lawful order of any court,

such officer shall register the information in the same manner as prescribed for registration of a cognizable offence under section 154 of the Code of Criminal Procedure, 1973 and make immediate enquiries to locate the missing person.

(2) During any inquiry under sub-section (1), such officer or any officer deputed by him may examine and record the statement of any witness and search any place.

(3) All searches under this section shall be done in accordance with the provisions of the Code of

Criminal Procedure, 1973.

(4) The missing person if found shall forthwith be handed over to the responsible guardian or produced before the competent Magistrate:

Provided that when the person so produced is a woman or a child the Magistrate shall take such steps as are needed to safeguard the privacy and security of that person.

62 ***Police to give security advice.***

A District Police Chief, on receiving any information that at any place within his jurisdiction,

(a) movable property of high monetary value is being stored; or

(b) any place of public importance is facing a grave security threat,

may, in consultation with the person or persons in charge of such place, cause a security inspection to be conducted at that place and on the basis of such inspection, he may direct the persons in charge of the premises to take such security precautions as are necessary and reasonable.

## CHAPTER VII

### REGULATION, CONTROL, DISCIPLINE AND TRAINING

63. ***Framing of rules for administration of police.***

Subject to the approval of the Government, the State Police Chief shall make rules, regulations or issue orders, not inconsistent with this Act or with any other enactment for the time being in force for the following, namely:—

(a) prevention and investigation of crime;

(b) maintenance of law and order;

(c) regulation and inspection of the police organisation;

(d) determining the description and quantity of arms, accoutrement, and other wherewithal to be provided to the Police Service;

(e) specifying the places of residence of members of the Police Service;

(f) institution, management and regulation of any fund for purposes connected with police administration or welfare of Police Officers and other staff working with the police;

(g) regulation, deployment, movement and location of the police;

(h) assigning duties to officers of all ranks and grades, and specifying 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;

(j) making a code of conduct for Police Officers;

(k) specifying the records, registers and forms to be maintained and the returns to be submitted by different police units and officers; and

(l) such other orders and rules relevant to the Police Service generally, for the purpose of rendering the police more efficient, and for preventing abuse of power and neglect of duties.

64. ***Training and Support Facilities.***

(1) The Government shall take all necessary measures, including such measures as may be prescribed—

- (a) to facilitate training of Police Officers;
- (b) to encourage and promote the use of science and technology in all aspects of policing including e-governance;
- (c) to encourage research into matters of policing; and
- (d) for ensuring provision of support facilities to the police, including through appointment of advisors and engagement of external agencies.

(2) The State Police Board shall formulate appropriate training policies for facilitating development of Police Officers, in such manner as may be prescribed.

65. ***Disqualifications for appointment as a Police Officer.***

(1) In addition to such conditions as may be prescribed under any applicable laws, rules, or regulations, no person shall be eligible for appointment as a Police Officer or shall have the right to continue in employment as a Police Officer if he:-

- (a) is not a citizen of India;
- (b) has been convicted by a court of law for an offence involving violence or moral turpitude;
- (c) is found mentally, physically or behaviourally unfit for carrying out the duties of police; or
- (d) is a member or associate of any banned organization;
- (e) is a member of a political party, the membership of which he is not prepared to terminate even after recruitment; or
- (f) is not prepared to give up or terminate his position as an office bearer of any social, religious, cultural or scientific organization despite instructions from Government, State Police Chief or the District Police Chief.

(2) A person against whom a criminal case for an offence involving violence or moral turpitude is pending before a court of law shall be entitled to appear for recruitment tests and to get selected, but such person shall be entitled to appointment only after being acquitted of the charges by a competent court.

(3) If, any Police Officer is found, at any time after appointment, to be subject to any of the disqualifications under sub-section (1), the appointing authority may immediately place the said officer under suspension and initiate action under the relevant rules.

66. ***Police officers always on duty.***

(1) A Police Officer from the date of appointment till his discharge by retirement, dismissal, removal, or due resignation shall be deemed to be an officer under this Act at all times and shall be answerable under this Act for his conduct.

(2) 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.

(3) The Government shall, however, ensure the grant of at least one day of rest in a week to all Police Officers or make provision for appropriate compensation in lieu of such day, if under extraordinary situations the same cannot be granted to any officer.

(4) The 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, and shall endeavour to introduce a shift system in the Civil Police to ensure proper working hours consistent with efficiency in performance:

Provided that in exceptional situations, the duty hours of a Police Officer extending beyond eight hours shall be adequately compensated in the form of overtime and other facilities:

Provided further that the emergency duty hours should not be of such a nature that no time of rest

is given to the officer.

(5) No Police Officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorisation from the competent authority.

(6) No Police Officer shall engage in or undertake any employment, trade, business, office of profit or any other similar activity, other than those related to his duties under this Act.

67. **Misconduct.**

A Police Officer shall, in addition to being liable to any proceedings, civil or criminal, in any court or departmental forum for any delinquency applicable to his conduct, be liable to disciplinary action for misconduct, in such manner as may be prescribed, on any of the following grounds, namely—

- (a) disobedience of lawful orders;
- (b) neglect of duty, including failure to act in a timely manner, or behave in accordance with the provisions of this Act;
- (c) insubordination or any oppressive conduct;
- (d) malingering or unauthorised absence from duty;
- (e) act of cowardice;
- (f) misbehaviour with a member of the public;
- (g) abuse of authority;
- (h) insolvency, as declared by a competent court; or
- (i) any other act unbecoming of an officer of the law, including addiction to alcohol or drugs.

68. **Penalties.**

(1) The Government shall frame rules, to be called the “Classification, Control and Appeals Rules” for Police Officers, which shall, among other things, ensure expeditious disposal of disciplinary proceedings and prescribe the punishments that may be awarded to a Police Officer for good and sufficient reason.

(2) The rules governing disciplinary proceedings for Police Officers, in force before the commencement of this Act, shall continue to apply till such time the Classification, Control and Appeals Rules under sub-section (1) are notified.

(3) Any punishment awarded to an officer under the rules referred to in this section, 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 the award of punishment.

69. **Suspension.**

(1) A Police Officer may be placed under suspension by an officer superior to him in the hierarchy, in such manner as may be prescribed:

- (a) where a disciplinary proceeding against him is contemplated or is pending;
- (b) where in the opinion of the superior officer, there is a *prima facie* case that such officer has engaged himself in activities prejudicial to the security of State, and for which an inquiry is contemplated or pending; or
- (c) where in the opinion of the superior officer, there is *prima facie* evidence against such officer, in respect of any criminal offence under investigation, inquiry or trial.

(2) Every order of suspension under this section shall be passed with reasons in writing.

70. ***Appeals against orders of punishment.***

An appeal against any order of punishment passed under rules made under section 68, shall lie:

(a) to the Government, where the order is passed by the State Police Chief; and

(b) to such superior officer as may be prescribed, where the order is passed by an officer subordinate to the State Police Chief.

71. ***Police officers to report corruption and torture.***

(1) Every Police Officer shall be liable to inform his superiors of the details of any act of corruption, or of physical torture, against any person, if such act takes place in his presence, or under circumstances that he knows or ought to have reasonably known.

(2) No such report, made in good faith, shall be deemed to be a violation of discipline:

Provided that where the information is given knowing it to be false, the officer shall be liable to disciplinary action.

72. ***Prohibition on acts of personal servitude.***

(1) No Police Officer shall be directed or compelled to do any act of personal servitude in a manner demeaning or lowering the dignity of the Police Service, for catering to the personal needs of any person:

Provided that nothing in this section shall give any Police Officer any right to abstain from doing any act which is required for the lawful performance of any duty.

(2) Refusal by a Police Officer to perform any act mentioned in sub-section (1) shall not be deemed as misconduct under this Act, or under any rules, regulations or orders under this Act, and shall not make him liable to disciplinary action.

**CHAPTER VIII**

**WELFARE AND GRIEVANCE REDRESSAL MECHANISMS**

73. ***Essential Welfare Measures.***

Subject to availability of resources the government shall provide the following welfare measures, namely:—

(a) free housing for serving Police Officers;

(b) free health care for Police Officers and their dependents while in service, and subsidized health care post retirement.

(c) an annual medical checkup, the cost of which shall be borne by the government:

Provided that special measures may be taken by the Government for women Police Officers.

74. ***Welfare Board.***

(1) There shall be a Police Welfare Board, (hereinafter referred to as “Board”) headed by an officer not below the rank of Deputy Inspector General of Police, in the office of the State Police Chief, to advise and assist him in the implementation of welfare schemes for Police Officers and other staff working with the police.

(2) The Board shall have as many members as shall be prescribed, who shall be nominated by the State Police Chief.



(3) The Board shall also have representatives from all police ranks, including women officers, in an advisory capacity.

(4) The functions and duties of the Board shall include administration of welfare schemes for Police Officers and other staff working with the police, such as:

- (a) financial security for the next of kin of those dying while in service;
- (b) post-retirement financial security;
- (c) group housing societies;
- (d) education and career counselling and training in appropriate skills for dependents of Police Officers; and
- (e) appropriate legal facilities for defence of Police Officers facing court proceedings in matters relating to bonafide discharge of duty;
- (f) special welfare schemes for women officers, including crèches; and
- (g) any other scheme for the improvement of the conditions of Police Officers and other staff working with the police or their dependents.

(5) The Board shall also lay down norms and policies relating to police welfare, and monitor welfare activities undertaken by various police units in the State.

(6) The Board shall liaise with other government departments, public sector undertakings and other organisations to facilitate gainful employment for retired Police Officers, and for the dependents of Police Officers who have laid down their lives in the course of performance of their duty.

(7) A Police Welfare Fund, under the administration and control of the Board, shall be created by the Government for the welfare activities and programmes for Police Officers and other staff working with the police, which shall consist of—

- (a) initial financial grant by the Government;
- (b) contributions by Police Officers and staff working with the police;
- (c) matching grant by the Government to the contributions made by the Police Officers and other staff working with the police, towards the welfare fund;
- (d) voluntary contributions by public agencies or individuals;
- (e) welfare functions for raising funds; and
- (f) fees charged under section 30 of this Act.

**75. Insurance cover, allowances and medical facilities.**

(1) The Government shall provide adequate insurance cover for Police Officers and other staff working with the police against any injury, disability, or death caused in the course of performance of their duty.

(2) Police Officers posted in special wings, including Counter-Terrorism Operations Units, Bomb Disposal Squads, Commando Groups and other hazardous duties, shall be paid risk allowance, the amount of which shall be determined with due regard to the risks involved in those duties.

(3) Facilities for stress management, including psychological counselling to cope with professional stress, shall be provided, as far as possible, in all police units and establishments.

**76. Grievance Redressal**

(1) The State Police Chief shall establish a fair, transparent, and participatory grievance redressal mechanism to enquire into and redress individual as well as collective grievances of Police Officers.

(2) The organisation, nature of duties and procedure followed by the grievance redressal mechanism shall be such as may be notified by the State Police Chief.

(3) (i) Grievances shall be freely received from all ranks of the Police Service by the said mechanism.

(ii) The State Police Chief shall be the final authority for grievances of all non-gazetted ranks.

(iii) Grievances that cannot be redressed by the said mechanism shall be forwarded to the State Police Board, which, in turn, shall make appropriate recommendations to the Government for remedial measures.

(4) (i) An analysis of the grievances, their causes and their impact on the morale and efficiency of the Police Service shall be carried out annually by such authority as may be prescribed.

(ii) Such analysis shall be included in the annual report of the State Police Board under section 38.

## CHAPTER IX

### POLICE ACCOUNTABILITY

#### 77. *Police Accountability Commission & Authorities.*

(1) The Government shall establish a Police Accountability Commission for the State, and a District Police Accountability Authority for every Police District, comprising Chairpersons and Members with credible record of integrity and commitment to human rights.

(2) The Government shall accord the Commission and the District Authorities such assistance as may be necessary to ensure their independence, impartiality, and effectiveness.

(3) The Commission shall consist of:—

(a) A Chairperson who has been a Judge of a High Court;

(b) one Member who has been a Police Officer in the police service of a different State, superannuated in the rank of Director General of Police:

Provided that if such an officer is not available for appointment, an officer from within the State may be selected, after recording reasons in writing;

(c) one Member to be appointed from amongst persons with a minimum of ten years' experience as a judicial officer, public prosecutor or practicing advocate, or in public administration;

(d) two Members to be appointed from amongst persons having expert knowledge of, and a minimum of ten years' experience in, the field of criminology, psychology, law, human rights, or gender issues:

Provided that at least one member of the Commission shall be a woman:

Provided further that not more than one member of the three appointed under sub-clauses (c) and (d) shall be a retired Police Officer:

Provided also that not more than one member of the three appointed under sub-clauses (c) and (d) shall be a retired Government servant;

(4) Each District Authority shall consist of:—

(a) a Chairperson who has been a District and Sessions Judge or a retired Judge of equivalent status;



(b) one Member who has been a Police Officer in another Range of the State, superannuated not below the rank of Superintendent of Police; and

(c) one Member to be appointed from amongst persons with a minimum of ten years' experience as a judicial officer, public prosecutor or practicing advocate, or in public administration.

(5) A person appointed as a Chairperson or a Member shall hold office for a term of three years from the date on which he enters upon his office, and he shall be eligible for re-appointment for one more term of three years:

Provided that no Chairperson or Member shall hold office after he has attained the age of seventy years.

(6) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed by the Government from time to time, and shall not be varied to their disadvantage after appointment.

(7) (a) The State Government shall ensure that adequate funds are provided to the Commission and the Authorities for the effective performance of their functions

(b) The Commission shall have full financial powers to expend the funds at its disposal, and may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the funds at its disposal.

78. ***Ineligibility for membership.***

A person shall be ineligible to be the Chairperson or a Member of the Commission or a District Authority, if he:—

(a) is not a citizen of India;

(b) is above seventy years of age;

(c) is holding any post in any government, police, military or similar service, or has so served in the twenty-four months preceding such appointment;

(d) is otherwise employed as a public servant;

(e) holds any elected office, including that of Member of Parliament, Member of the 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 of any political party or any organisation connected with a political party;

(h) has been convicted, or against whom charges have been framed by a competent court, for any criminal offence involving moral turpitude, or for an offence punishable with imprisonment of not less than one year; or

(i) is of unsound mind and has been so declared by a competent Court.

79. ***Selection of Chairperson and members of the Commission and the District Authorities.***

(1) The Chairperson of the Commission shall be appointed by the Government from a panel of three persons who have been judges of a High Court, to be recommended by the Chief Justice of the High Court.

(2) The Chairpersons of the District Authorities, and the Members of the Commission and the District Authorities shall be appointed by the Government from a panel of names recommended by a Selection Panel consisting of:—

(a) The Chairperson of the Commission appointed under sub-section (1), who shall be the

Convenor;

(b) The Chairperson of the State Public Service Commission; and

(c) The Chairperson of the State Human Rights Commission; or a member thereof nominated by the Chairperson:

Provided that in the event of there being no such Commission in the State, the Lokayukta of the State shall be a member of the Selection Panel:

Provided further that in the event of there being neither such Commission or Lokayukta in the State, the Chairperson of the State Vigilance Commission shall be a member of the Selection Panel;

(3) (a) The Convener of the Selection Panel shall, with the help of adequate staff placed at his disposal by the Government, advertise with due publicity the vacancies of Members in the Commission and the Chairman and Members of the Authorities, calling for applications from eligible candidates and may also, if necessary, additionally obtain the consent of other qualified and eminent persons who are considered suitable for these appointments.

(b) The Selection Panel shall consider the suitability of all those who have given applications or consent, and by adopting transparent criteria, prepare a panel of names separately for each vacancy.

80. **Removal of members.**

Any member of the Commission or the District Authorities may be removed from office, on the recommendation of the Chairperson of the Commission, by an order of the Government on the following grounds, namely:—

(a) Proven misconduct or misbehaviour;

(b) Persistent neglect of the duties of the Commission or District Authorities;

(c) Becoming subject to any condition that would make him ineligible for appointment to the Commission or a District Authority under section 78; or

(d) Engagement during his term of office in any paid employment outside the duties of his office.

81. **Functions of the Commission and the Authorities.**

(1) The Commission, either *suo motu*, on a complaint received from a victim or any person on his behalf, or from the National or the State Human Rights Commission, or a Police Officer or any other source, shall inquire into allegations of:—

(a) Any type of misconduct against any Police Officer of and above the rank of Superintendent of Police;

(b) Serious misconduct against any Police Officer relating to:—

(i) death or hurt in police custody;

(ii) death or grievous hurt other than in police custody;

(iii) molestation, rape or attempt to commit rape or any other offence against a woman;

(iv) arrest or detention without adherence to due process of law;

(v) such other types of misconduct as may be prescribed by Government from time to time; and

(vi) any instance of alleged misconduct referred to it by the State Police Chief or the District Authorities, if, in the opinion of the Commission, the matter is of a serious nature.

(2) The District Police Chief shall report every custodial death or death during police action to the

Commission within twenty-four hours of receipt of information and further submit all relevant post-mortem reports, inquest reports, and inquiry reports.

(3) (a) The State Police Chief shall forward to the Commission a quarterly progress report of all departmental inquiries against, or action taken on, complaints of misconduct against officers of and above the rank of Superintendent of Police.

(b) The Commission shall, based on such reports, issue appropriate advice to the Police Service for expeditious completion of any inquiry or inquiries, if in the Commission's opinion such proceedings are being subject to undue delay.

(4) Any unexplained failure or unreasonable delay in the compliance of provisions of sub sections (2) and (3) shall be construed as misconduct under section 67, and shall also be reported by the Commission to the Government for appropriate action.

(5) (a) The District Authorities shall,

- (i) forward complaints of serious misconduct, received directly by them, to the Commission for further action;
- (ii) forward for further action, the complaints of any other misconduct received directly by them, to the appropriate disciplinary authority.
- (iii) monitor the status of departmental inquiries or action on complaints of misconduct against officers below the rank of Superintendent of Police, through reports obtained periodically from the disciplinary authority;
- (iv) give such assistance to the Commission in any matter or in conducting any inquiry as the Commission may require from time to time

(b) The District Authorities may,

- (i) issue advice to the disciplinary authority for expeditious completion of inquiry or action, if, in its opinion, the inquiry or action is getting unduly delayed;
- (ii) report cases to the Commission where a departmental inquiry or action is not concluded within the stipulated time despite advice being issued under sub-clause (i) of this sub-section.

(6) A complainant, being dissatisfied by the outcome of or inordinate delay or violation of natural justice in the departmental inquiry into a complaint against a Police Officer, may bring such matter to the notice of the Commission or a District Authority, which may on such basis call for a report from the relevant departmental authority and, if necessary, give directions for a fresh inquiry by another officer.

(7) (a) The Commission and any District Authority may visit any police station, lock-up, or any other place of detention used by the police

(b) On such visits, the Commission or District Authority, if it thinks fit, may be accompanied by a Police Officer, and may make a written record of the visit with their observations.

## 82. ***Powers of the Commission.***

In matters directly inquired into by it under section 81, the Commission 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, namely:—

- (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 relevant witnesses or documents; and
- (f) any other matter as may be prescribed.

83. ***Investigation Wing of the Commission.***

The Commission shall have its own Investigation Wing, headed by an officer not below the rank of Inspector General of Police and it may also direct other agencies, including the Crime Investigation Department, the Vigilance Department and the Anti-Corruption Bureau of the State to conduct investigations.

84. ***Relationship between the Commission and the District Authorities.***

(1) The Commission shall control and supervise the District Authorities and may issue suitable directions for their proper functioning, and to resolve issues relating to conflicting or multiple jurisdictions.

(2) The District Authorities will assist the Commission in every way for the proper discharge of the Commission's functions.

85. ***Relationship with other statutory institutions competent to enquire into complaints against Police.***

(1) The Commission may enter into arrangements with other statutory institutions, other than courts of law, that are competent to enquire into complaints against Police Officers, relating to the following matters, namely:—

- (a) that are referred to by such institution to the Commission, on the ground of suspected involvement by a Police Officer or officers in a case of serious misconduct;
- (b) that are forwarded by such institution to the Commission for inquiry or further action; and
- (c) which are forwarded to such institution by the Commission.

(2) The Commission and any such institution are empowered to exercise their functions in conformity with any relevant arrangements entered into under this section.

86. ***Conduct of business.***

(1) Any person, wishing to lodge a complaint with the Commission or the District Authorities, against a Police Officer or officers, may do so on oath, either orally or in writing or through electronic means:

Provided that where a complaint is made orally, the same shall be reduced into writing with reasonable assistance by the staff of the Commission or the District Authority as the case may be.

(2) A complainant shall not be compelled to furnish any personal details except those that may be necessary for contacting him.

(3) The Commission shall, upon request from a complainant, keep the complainant's identity confidential until the inquiry has been concluded, unless it is demonstrably in the interest of justice not to do so:

Provided that the Commission may in exceptional cases determine that the identity of a complainant may not be published even after the conclusion of an investigation, or may be published only on terms determined by the Commission.

(4) The Commission or any District Authority, on receipt of a complaint, shall, as expeditiously as possible, and in any case within ninety days of the receipt of the complaint, pass final orders on the complaint, after giving opportunity to the State Police Chief to present the views of the Police Service, if any:

Provided that if the view of the State Police Chief is not presented within the said ninety days, the

Commission or the District Authority shall pass final orders without such hearing:

Provided further that where the complaint made concerns the life or liberty of any person, the same shall be attended to immediately, and within twenty four hours of the receipt of the complaint.

(5) (a) Subject to the provisions of this Act, the Commission shall devise its own rules for the conduct of its business as well as conduct of business by the District Authorities.

(b) Such rules shall be framed with a view to establishing easily understood procedures involving minimal obligations on the part of the complainant, and encouraging ease of access and participation of all parties.

(7) The Commission shall have the power to advise the Government on measures to ensure protection of witnesses, victims, and their families in any inquiry conducted by the Commission, who might face any threat or harassment for making the complaint or for furnishing evidence.

87. ***Rights of the complainant.***

(1) The complainant shall have a right to be informed from time to time of the progress of the inquiry by the Commission or the Authority looking into any complaint.

(2) Upon completion of an inquiry or departmental proceedings, the complainant shall be informed, at the earliest, of the findings of the same as well as the final action taken in the case.

(3) The complainant may attend all hearings in any inquiry related to his complaint.

88. ***Impersonating a complainant.***

A person who submits a complaint by impersonation shall be punishable with imprisonment for a term which may extend to six months, or a fine not exceeding twenty thousand rupees, or both.

89. ***Statements made to the Commission.***

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

Provided that the statement—

(a) is made in reply to the question which he is required by the Commission to answer; or

(b) is relevant to the subject matter of the inquiry.

90. ***Persons likely to be prejudicially affected to be heard.***

If, at any stage of an inquiry, the Commission considers it necessary to inquire into the conduct of any person, it shall give that person a reasonable opportunity of being heard, and to produce evidence in his defence.

91. ***Decisions and directions of the Commission.***

(1) (a) In the cases directly inquired by the Commission under sub-section (1) of section 81, it may, upon completion of the inquiry, communicate its findings to the State Police Chief and the Government with a direction to register a report under section 154 of the Code of Criminal Procedure, 1973, or initiate departmental action based on such findings, or both.

(b) The Commission shall duly forward the evidence collected by it to the appropriate police authority in all such cases.

(2) (a) The directions of the Commission under sub-section (1) shall be binding.

(b) The Commission's findings or order shall be annexed to the report that is submitted to the court under section 173 of the Code of Criminal Procedure, 1973,

(3) (a) The Commission shall be informed of the progress of any investigation or inquiry in the cases referred to in sub-section (1).

(b) The State Police Chief shall report on the progress on action taken, periodically to the Commission.

(4) The Commission may also recommend to the Government cases where it considers payment of monetary compensation necessary, by the Government to the victims of the subject matter of an inquiry.

92. ***Reports of the Commission.***

(1) The Commission shall prepare an annual report at the end of each calendar year, *inter alia*, containing the following details, namely:—

(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 complainants who are dissatisfied by the departmental inquiry into their complaints;

(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 action taken by disciplinary authorities concerned in response to the Commission's recommendations or lack thereof;

(e) The number of complaints received by the District Authorities, and the manner in which they were addressed;

(f) The identifiable patterns of misconduct on the part of Police Officers in the State;

(g) Any matters that highlight the need for reform or change in practice or policy of the Police Service;

(h) Recommendations on measures to enhance police accountability; and

(i) The audited financial Statements of the Commission and the District Authorities.

(2) The annual report of the Commission shall be laid before the State Legislature in the budget session and shall thereafter be placed in the public domain in such manner as may be prescribed.

(3) (a) The Commission may also prepare thematic or special reports with respect to specific cases directly inquired into by it, or any other reports as it deems fit.

(b) Such reports shall also be placed in the public domain in such manner as may be prescribed.

93. ***Duty of the police and other State agencies.***

(1) All Police Officers and Government officers may refer all allegations of serious misconduct against Police Officers, that have come to their notice, to the Commission.

(2) It shall be the duty of the District Police Chief and of the State Police Chief as well as of any other relevant State agency, to provide to the Commission and to the District Authorities, all information they may reasonably require to perform their duties under this chapter.

94. ***The Staff of the Commission and the Authorities.***

(1) (a) The Commission and the District Authorities shall be assisted by adequate staff with requisite skills, for efficient discharge of their functions.

(b) The strength of the staff may be prescribed by the Government, keeping in view the size of the State, its population, and the average number of complaints against the police, and



which shall be periodically reviewed and revised at least every three years.

(2) The staff shall be selected by the Commission through a transparent process.

(3) The remuneration and other terms and conditions of service of the staff shall be as prescribed by the Government.

95. ***Training of members of the Commission.***

It shall be the duty of the Commission to ensure that all its members, and other staff as well as members of the District Authorities and their staff is regularly trained, about:

- (a) technical and legal issues related to departmental inquiries;
- (b) specific forms of human rights violation;
- (c) appropriate handling of victims of police abuse; and
- (d) misuse of power and authority by the police.

## CHAPTER X

### GENERAL OFFENCES, PENALTIES, AND RESPONSIBILITIES

96. ***Interference with the functioning of the Commission or the Authority.***

Whoever influences or interferes with the functioning of the Commission or a District Authority, except in the course of lawful duty, shall, on conviction be punishable with fine not exceeding twenty-five thousand rupees, or with imprisonment for a term not exceeding one year, or both.

*Explanation.*— For the purposes of this section, 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 a District Authority.

97. ***Refusal to deliver up certificate etc. on ceasing to be a Police Officer.***

Whoever, having ceased to be a Police Officer, does not forthwith deliver his certificate of appointment, clothing, accoutrement and other wherewithal supplied to him for the execution of his duty, shall on conviction be punishable with a fine not exceeding two thousand rupees.

98. ***Dereliction of duty by a Police Officer.***

Whoever, being a Police Officer:

- (a) wilfully breaches or wilfully 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) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; 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,
- (e) without lawful reason, abdicates duties, or withdraws from duties, or remains absent without authorisation from duty for more than twenty-one days;

shall be proceeded against for disciplinary action as mentioned in section 67 of this Act and shall also be liable to action under any other law for the time being in force.

99. ***Unlawful Arrest, Search, Seizure and Violence.***

Whoever, being a Police Officer,

(a) unlawfully and without reasonable cause:

(i) enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or

(ii) seizes the property of any person; or

(iii) detains, searches, or arrests a person; or

(iv) 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

(b) is guilty of sexual harassment, whether to other Police Officers or any member of the public;

(c) subjects any person in 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

(d) holds out any threat or promise not warranted by law;

shall, on conviction, be punishable with imprisonment for a term which may extend to three years and with fine not less than one lakh rupees.

100. ***Offences by the public.***

(1) Any person who, to the inconvenience, annoyance or danger of the residents or passers-by, commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any area to which the Government or a local authority by notification in the Official Gazette, extends this section or any clause thereof, shall, on conviction, be punishable with a fine not exceeding twenty-five thousand rupees:—

(a) allowing any animal to stray, or keeping any animal 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) wilfully creating any public nuisance, or 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 the Government;

(e) knowingly spreading rumours or causing a false alarm, to mislead the police, fire brigade or any other essential service, or which may lead to large-scale unrest;

(f) wilfully damaging or sabotaging any public alarm system or traffic signals;

(g) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public; or

(h) acting in contravention of a notice publicly displayed by the competent authority in any government building:

Provided that the police shall take cognizance of an offence under sub-clause (h) only upon a complaint made by an authorized functionary of the concerned office.

(2) Whoever having committed any offence punishable under sub-section (1), is again convicted of such offence under sub-section (1) shall be punishable, for the second and for every subsequent



offence, with twice the amount of fine prescribed for such offence.

101. ***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 or from being liable under such other law to any higher punishment or penalty than that provided by this Act.

102. ***Disposal of certain cases.***

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a court taking cognizance of an offence punishable under section 100 of this Act 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, speed post, courier, fax, email or any other electronic means, and remit to the court, by money order, such sum, not exceeding the maximum fine that may be imposed for the offence, 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.

103. ***Recovery of penalties and fines imposed by Magistrates.***

The provisions contained in sections 64 to 70 of the Indian Penal Code, 1860 and sections 421 to 425 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 67 of the Indian Penal Code, 1860, any person sentenced to fine under section 100 may be imprisoned in default of payment of such fine, for a period not exceeding eight days.

**CHAPTER XI**

**MISCELLANEOUS**

104. ***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 thereunder, which is in substantial conformity with the same, shall be deemed illegal, void or invalid by reason of any defect of form.

105. ***Revocation of licences.***

Any licence or written permission granted under this Act may at any time be suspended or revoked by the authority that has granted such license or permission, 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.

106. ***Procedure for posting directions and public notices.***

All general directions, regulations and public notices issued under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the offices of the District Magistrate, Tehsil block or office, Panchayat office, and police station of the local area and offices of other senior Police Officers as well as the locality to be affected thereby, by affixing copies thereof in conspicuous public places, near the building or place to which the notice specially relates, or by advertising the same in such local newspapers and other media, including electronic, as the said authority may deem fit, or by any two or more of these means and by any other means it may

think suitable:

Provided that the competent authority 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.

107. **Power to make rules.**

(1) The Government may make rules for carrying out the provisions of this Act.

(2) Every rule and regulation and notification made under this Act shall be made by notification in the Official Gazette.

(3) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

108. **Power to remove difficulties.**

If any difficulty arises in giving effect to the provisions of this Act the Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty.

109. **Repeal and saving.**

(1) The \_\_\_\_\_ Police Act, \_\_\_\_\_ 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.

**THE FIRST SCHEDULE**

(See section 17)

List of enactments the enforcement and administration of which, may be assigned 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;
- (11) The Motor Vehicle Act, 1988;
- (12) The Shops and Commercial Establishment Act of respective States; and
- (13) The Petroleum Act 1934.

**THE SECOND SCHEDULE**

(See sub-section (2) of section 27)

Special units and cells that may be constituted by the Government:

- (1) Response units with control rooms equipped to respond to crime, traffic, calamity, accidents or any other emergency situation;
- (2) Units for monitoring prosecution of criminal cases and other court related matters;
- (3) Units at the police station, district or State level for traffic control, traffic management and prevention of traffic accidents;
- (4) Units for police services relating to coastal, river, lake, mountains or border areas;
- (5) Units for the protection of tourists and pilgrims;
- (6) Bureau of Missing Persons at the district and State level;
- (7) Cyber-policing and computer centres for preventing and detecting cyber crime, and in utilizing computers and other digital services and developing software necessary for the purpose;
- (8) Units for maintenance of telecommunication and digital communication networks, including social media, for policing purposes;
- (9) Units for identification of individuals and objects by means of fingerprints, photography or any other digital or bio-metric technique;
- (10) Special police stations and units for the enforcement of any local or special law in any area, or for special enforcement of general laws in any area;
- (11) Administrative support services for the Police Service, including administration, finance and documentation;
- (12) General support services including dog squads, mounted police, bands, technical and security equipment cells and other services necessary to assist the functioning of the police;
- (13) Centralised custodial facilities for a group of police stations for those in police custody with arrangements, in accordance with standards of human rights of persons in custody;
- (14) Special Operation Cells for operations to counter drugs, terrorism and organized crime;
- (15) Special Cell for coordination with various Commissions; and
- (16) Media Cell for coordinated communications to the media.

## MODEL RULES

### Model Police (Village Guards and Defence Parties) Rules, \_\_\_\_.

In exercise of the powers conferred under sections 18, 19 and 107 of the \_\_\_\_ Police Act, \_\_\_\_, the Government of \_\_\_\_ hereby makes the following rules, namely:—

#### 1. Short title and commencement.

- (1) These rules may be called the Police (Village Guards and Defence Parties) Rules, \_\_\_\_.
- (2) They shall come into force on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

#### 2. Definitions.

- (1) In these rules, unless the context otherwise requires,
  - (a) “Act” shall mean the \_\_\_\_ Police Act, \_\_\_\_;
  - (b) “Village Guard” shall mean the village guard enlisted in accordance with the provisions of section 19 of the Act and these rules;
  - (c) “Village Defence Party” shall mean the voluntary group of persons organised in accordance with the provisions of section 19 of the Act and these rules.
- (2) Words and expressions used and not defined herein but defined in the Act shall have the meanings assigned to them in the Act.

#### 3. Village visits by officer in charge of a police station and supervisory officers

- (1) The officer in charge of a police station and supervisory officers shall visit every village under their jurisdiction to review,
  - (a) the general state of crime,
  - (b) the law and order situation,
  - (c) the activities, if any, of violent and militant individuals or groups in the area, and
  - (d) to interact with local residents to assess the level of public satisfaction with the police.
- (2) Such visits shall be made in accordance with the minimum frequency prescribed by the District Police Chief or the State Police Chief through a general or special order.

#### 4. Selection of Village Guard.

- (1) The Village Guard enlisted pursuant to sub-section (1) of section 19 of the Act shall be selected from amongst able-bodied persons of either gender—
  - (a) between the ages of twenty-one and sixty years and with unimpeachable character and antecedents;
  - (b) who are permanent residents of that village, possessing the ability to read and write in the local language;
  - (c) who have not been convicted by a court or have not had charges framed against them by a court in a criminal case, or have not been dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct; and

(d) who are not active members of any political party, or organisation allied to a political party or a militant outfit.

(2) A person enlisted as a Village Guard shall ordinarily have a tenure of three years, which may be renewed, upon satisfactory performance:

*Provided* that no renewal shall be granted to a person after he crosses the age of sixty years or who has served for three consecutive terms or who becomes subject to any other condition of ineligibility specified in sub-rule (2) above.

(3) A Village Guard shall be removed from the assignment at any time during the period of his enlistment, if he incurs any condition of ineligibility stipulated in sub-rule (1) above.

(4) (a) The District Police Chief shall ensure that every person, on his induction as a Village Guard, is administered a training course of a duration and according to the syllabus, prescribed by the State Police Chief.

(b) Periodical refresher training shall also be organised for those who are re-enlisted as Village Guards, for each renewed term.

(5) 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.

(6) Each Village Guard shall be provided with an identification badge and a reasonable monthly honorarium to be paid by the Government, and due out-of-pocket expenses, as prescribed by the District Police Chief, and the honorarium so fixed shall not be less than that paid to a Home Guard in the State.

(7) Any person who for any reason ceases to be a Village Guard shall forthwith deliver up to the District Police Chief or to an officer authorised by him, his identification badge and all records and documents maintained by him as the Village Guard.

##### **5. Duties and responsibilities of the Village Guard.**

The duties and responsibilities of the Village Guard shall include—

(a) maintaining a general vigil in the village from the point of view of crime prevention or prevention of law and order problems;

(b) 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;

(c) 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;

(d) securing and preserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed;

(e) maintaining a diary for his record; and

(f) liaising with the village Panchayat on matters relating to crime and law and order.

##### **6. Village Defence Parties.**

(1) The District Police Chief, in consultation with the Panchayat or Community Liaison Group, shall organise a voluntary group of local respectable persons as a Village Defence Party for each village for the purpose of carrying out, in cooperation and coordination with the Village Guard, preventive patrolling, promoting crime reduction measures and generally assisting the police in their functioning.

(2) The composition of the Village Defence Party shall reflect the diversity of local population including adequate gender representation.

(3) Members shall be able-bodied permanent residents of the 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; have not been dismissed, removed, discharged or compulsorily retired from any employment on grounds of moral turpitude, corruption or misconduct; and are not connected with any political party or any allied organisation thereof or any militant outfit.

(4) The Village Defence Party shall ordinarily be reconstituted every three years, and members may be re-nominated subject to at least one-third new members being inducted every year:

*Provided* that no member may be re-nominated if he has been a member for two consecutive terms, or if he incurs any condition of ineligibility specified in sub-rule (3) above.

(5) A person may also be removed from the membership of the Village Defence Party at any time, if he incurs any condition of ineligibility specified in sub-rule (3) above.

(6) The District Police Chief shall take appropriate action, including removal of the concerned members, in case of any valid complaint against any member.

(7) The District Police Chief shall provide required equipment for day-to-day needs as well as reasonable out-of-pocket expenses to members of the Village Defence Party, as prescribed from time to time:

*Provided* that, notwithstanding anything contained in this sub-clause, membership of the Village Defence Party shall be voluntary and honorary.

(8) The District Police Chief shall make arrangements for necessary training of the members and issue identification badge to the members.

(9) Any person who for any reason ceases to be a member shall forthwith deliver, to the District Police Chief or to an officer authorised by him, his identification badge and all records maintained by him as a member of the Village Defence Party.



## **Model Police (Training and Support Facilities) Rules, \_\_\_\_**

In exercise of the powers conferred under sections 25, 27, 64 and 107 of the \_\_\_\_ Police Act, \_\_\_\_, the Government of \_\_\_\_ hereby makes the following rules, namely:—

### **1. Short title and commencement.**

- (1) These rules may be called the Police (Training and Support Facilities) Rules, \_\_\_\_.
- (2) They shall come into force on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

### **2. Definitions.**

- (1) In these rules, “Act” shall mean the \_\_\_\_ Police Act, \_\_\_\_.
- (2) Words and expressions used herein and defined in the Act shall have the meanings assigned to them in the Act.

### **3. Training and Education Policy for the Police Service.**

(1) The State Police Board shall formulate a Training and Education Policy for the Police Service, which shall keep in view the current and anticipated requirements of policing and shall be aimed at achieving the following objectives, namely:—

- (a) imparting knowledge in police subjects;
- (b) developing of professional skills;
- (c) inculcating appropriate attitudes amongst Police Officers; and
- (d) promoting constitutional and ethical values among Police Officers, particularly in relation to gender issues and discrimination.

(2) (a) The Training and Education Policy shall ensure proper attitudinal development of all Police Officers, and shall be linked to the career development of Police Officers of all ranks and categories, by inculcating a service culture of acquiring appropriate educational and professional qualifications as they advance in their careers.

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

### **4. Police Academies, Police Training Colleges and Schools.**

(1) The Government shall establish a Police Academy, and as many Police Training Colleges and Training Schools as it deems fit, for:

- (a) capacity building and ensuring efficient post induction training of all Police Officers;
- (b) pre-promotion training; and
- (c) such specialised in-service training courses as deemed necessary.

(2) The Government may appoint a Police Officer not below the rank of Inspector General of Police to be the Director of the Police Academy, and an officer not below the rank of Superintendent of Police to head each Police Training College and Police Training School.

(3) The Government shall also provide for appointment of appropriate number of officers to such Academy, Colleges and Schools, after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity.

(4) The Government shall evolve a scheme of monetary and other incentives to attract and retain the best available talent in the Police Service to the faculties of such training institutions.

(5) The Government 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.

(6) The Government shall upgrade, from time to time, the capabilities of training institutions in consonance with the holistic training needs of Police Officers of different ranks, which shall include, besides specialised training programmes, a compulsory refresher training course of appropriate duration, for all ranks annually, for which suitable training infrastructure may be created in each Police District or Armed Police Battalion, as the case may be.

(7) The Government shall take advantage of the training facilities available in central police training institutions, to adequately train Police Officers in specialised professional subjects, and to train the trainers of the State police training institutions.

(8) For an objective periodic evaluation of the Training Policy of the State and its implementation and 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.

#### **5. Training of Armed Police officers.**

(1) The training institutions established under section 25 of the Act for Armed Police shall impart—

- (a) initial training of new recruits in the Armed Police;
- (b) an annual refresher training programme, by rotation, for officers of all ranks of the Armed Police; and
- (c) specialised training in different skills as needed by different categories of officer of the Armed Police.

(2) For the purposes mentioned in sub-rule (1) above, Training Reserves shall be created in each Armed Reserve Unit and each Armed Police Battalion.

(3) The curricula for the initial and annual training courses shall impart—

- (a) physical skills and fitness;
- (b) knowledge of constitutional and legal rights of the citizens; and
- (c) skills relating to individual and collective interaction with the public, with special emphasis on courteous and impartial behaviour.

(4) Such curricula shall be reviewed and revised from time to time by the officer heading the State Armed Police Battalion appointed under sub-section (1) of section 23, in consultation with the State Police Chief.

#### **6. Technical and Support Facilities.**

(1) It shall be the responsibility of the Government to ensure proper staffing, provide adequate equipment and ensure their regular maintenance and replenishment of consumables in all technical and support facilities.

(2) The forensic support services created under section 27 of the Act 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 Police District, with appropriate equipment and scientific manpower with necessary paraphernalia.

(3) The Government may appoint for the whole State or any part thereof:

(a) one or more Directors of Police Communications, and

(b) one or more Directors of Police Transport,

not below the ranks of Deputy Inspectors General of Police, and as many officers and staff as deemed necessary to assist them.

(4) The Government may establish a State Bureau of Police Research & Development, which shall perform the following functions, including—

(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.

(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.

(c) Liaising and coordinating with the Bureau of Police Research and Development of Government of India, reputed academic and scientific organisations, institutions and laboratories and private sector undertakings on relevant matters;

(d) Studying specific and emerging 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 police modernisation and training policies of the state police and reporting its findings to the State Police Chief and the Government.

#### ***7. Appointment of Financial and Legal Advisors***

(1) The Government shall appoint in every Police District and area notified under section 11 of the Act, and may appoint in any other unit or branch, Legal Advisors to advise the State Police Chief and District Police Chiefs or Commissioners of Police, as the case may be, on legal matters.

(2) Such advice shall include assessment of the legal adequacy of evidence collected in cases under investigation.

(3) The Government shall also appoint at appropriate levels and branches of the Police Service, Financial Advisors to advise the State Police Chief, and the District Police Chief or Commissioner of Police, as the case may be, on financial matters.

#### ***8. Support to Policing by External Agencies and Personnel.***

The State Police Chief may, with the approval of the Government, and for the purpose of securing better efficiency in policing, engage any external agency or individual, including ex-servicemen, for the performance of any tasks or support facilities which do not require any special police training or any exercise of power or authority over any person granted to a Police Officer under this Act or any other law for the time being in force.

**Model Police Bill (2015) Drafting Committee**  
Bureau of Police Research & Development  
Ministry of Home Affairs  
Government of India

21st August, 2015

The Model Police Bill, 2015 has been prepared by the Police Act Drafting Committee in keeping with the Terms of Reference set out in MHA Order No. 25019/2/2005-PM.II dated 24th June, 2013.

Sd/-  
(Kamal Kumar)

Sd/-  
(Jacob Punnoose)

Sd/-  
(D.M.Mitra)

Sd/-  
(Ms. Rina Mitra)  
**(Convener)**

Sd/-  
(Ms.Maja Daruwala)

Sd/-  
(Professor Ranbir Singh)



Sd/-  
(Anshuman Yadav)