

PS to HM

12/5)

Hon. Union Home Minister has reviewed draft Police Act clause-by-clause in successive meetings. Hon. HM had said 're-discuss' on certain clauses. However, the Ministry wants to record a view on file on this matter.

Hon. HM has observed that further action on the draft Police Bill may go ahead without spending further time in revisiting the clauses. Any further modification can be done on later stages of the processing the Bill.

For Hon. HM's orders, please.

Hon. HM

*Set no for
for re consideration of
clauses without delay*
the date ML
PS to HM
18-01-07
16/11/2007

URGENT

19-1-2007 (Friday)

1200 noon to 2 p.m.

&

03.30 pm to 6 p.m.

JS(PM) -On tour M

A.K.SRIVASTAVA
JOINT SECRETARY (PM)
TELE FAX: 23383827

Dated the 24th January, 2007


Dear Sir,

Kindly recall the discussions in the series of meetings taken by the Home Minister to discuss the Model Police Act drafted by the Soli-Sorabjee Committee. A tabular statement showing the provisions of the said Model Police Act and the decision of the MHA as arrived in these meetings is enclosed herewith. It is requested that a new Police Bill applicable for the Union Territories may kindly be drafted on the lines of the Model Police Act and as per the decisions indicated in the last column of the tabular statement. Hon'ble Home Minister has desired to introduce the Bill in the beginning of the ensuing session of Parliament. It is, therefore, requested that drafting of the Bill may kindly be taken up on priority basis.

2. As all the legislative work in respect of the Union Territories is handled by the UT Division in this Ministry, further action including preparation of required Cabinet note etc. will be taken by that Division. Shri B.A. Coutinho, Joint Secretary(UT) has been requested to follow up the matter from now onwards.

With regards,

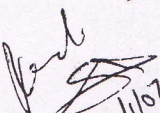
Yours sincerely,

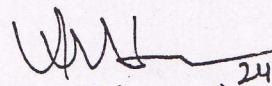

(A.K. Srivastava)

Lesica
P3110 22/06-07
date 24/1/07

Dr.K.N. Chaturvedi,
Secretary,
Legislative Department,
Shastri Bhavan, New Delhi.

Copy along with a copy of the tabular statement to Shri B.A. Coutinho, Joint Secretary(UT), Ministry of Home Affairs.


24/1/07


(A.K. Srivastava) 24

THE MODEL POLICE ACT WITH COMMENTS OF PM DIV & DECISIONS OF MHA

| THE Draft Model Police Act (Text of the Clause) | Comments of PM Division | Decision of MHA |
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| <p>Chapter I Preliminary: Definitions & Interpretations 1.(a) This Act may be called the (...Name of the state...) Police Act, 2006. (b) It shall come into force on such date as the State Government may, by notification in the official Gazette, specify in this behalf. (c) It extends to the whole of the state of</p> <p>2. (1) In this Act, unless the context otherwise requires (a) Act means the (...Name of the state...) Police Act, 2006; (b) Cattle include cows, buffalos, elephants, camels, horses, asses, mules, sheep, goats and swine; (c) Core functions mean duties related to sovereign functions of the State including arrests, search, seizure, crime investigation, crowd control and allied functions that can only be performed by the police as the agency of the State; (d) Group ‘C’ Posts means the posts so categorised under the relevant State Service Rules; (e) Headquarters Company means a unit performing administrative and other support functions of a State Armed Police Battalion; (f) Insurgency includes waging of armed struggle by a group or a section of population against the state with a political objective including the separation of a part from the territory of India; (g) Internal Security means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State; (h) Militant activities include any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its political objectives;</p> | <p>Since the duties of the police are exhaustively defined in Sec. 57, definition of core and non-core function is not necessary. <i>(Sub-clause c)</i></p> <p>The term “insurgency” and “militancy” should not be defined in the Act as these terms have not earlier been used under any substantive law. Only the terms such as “unlawful activity” and “terrorist activity” should be used. <i>(Sub-clause f & h)</i></p> <p>Internal security is nowhere defined in law and has a distinct connotation vi-a-vis the Union Govt. under article 355. Hence 2(g) should be deleted.</p> | <p>1. a. Accepted b. Different provisions may be enforced from different dates. 2.1. a. Accepted. b. Definite in general terms and then include specifics. c. Accepted. d. Review and delete relevant. e. Add apostrophe after HQRS. f. Accepted. g. -do- (Replace "state" by "state or any other part of India") h. -do- (Replace "its political" by "their". Definition may be from TADA)</p> |

(i) Non-core police functions mean such functions which are not core functions as defined;

(j) Organised crime includes any crime committed by a group or a network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;

(k) Place of public amusement and public entertainment include such places as may be notified by the State Government;

(m) Police District means the territorial area notified under Section 10 of Chapter II of this Act, as distinct from a revenue district;

(n) Police Officer means any member of (...Name of the state...) Police Service constituted under this Act;

(o) Prescribed means prescribed under this Act;

(p) Public place means any place to which the public have access and includes:

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(q) Regulations mean regulations made under this Act;

(r) Rules mean rules made under this Act;

(s) Service Companies mean units of State Armed Police Battalions and District Armed Reserve which are deployed for law and order and other duties in support of civil police;

(t) Service means the Police Service constituted under this Act;

(u) Subordinate Rank means all ranks below the rank of Assistant or Deputy Superintendent of Police;

(v) Terrorist activity includes any activity of a person or a group using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe the Government established by law.

The definition of "organized crime" in Sub-clause (j) will be replaced by one existing in the corresponding substantive law, with appropriate modification.

The rest of the definition will be carefully examined and amended, if necessary to harmonise with definitions used in other laws.

The term "police officer" should be used throughout the Act. In some places, the term "police personnel" has been used. It should be replaced by "police officer".

i. as in (c).

j. Redefine as follows: Organized crime includes any serious crime committed by an organized criminal group comprising of two or more persons for the purpose of obtaining a financial or other material benefit.

k. Redefine to enlarge scope. States to define.

m. End it at "Act".

n. Accepted.

o. Substitute by "prescribed means, prescribed under rules & regulations".

p. Incorporate definition from anti smoking law.

(q-u) Accepted

v. Redefine briefly from 'Unlawful (Prevention) Activities Act'.

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| <p>(2) Words and expressions used in this Act but not defined specifically shall have the same meaning as provided in the General Clauses Act 1897, the Code of Criminal Procedure 1973, and the Indian Penal Code 1860.</p> | | <p>Add 'or any other law for the time being in force.'</p> <p>General: Study carefully whether any more terms need definition.</p> |
| <p>Chapter II Constitution and organisation of the Police Service 3. One Police Service for each state There shall be one Police Service for each state. Members of the Police Service shall be liable for posting to any branch of the Service in the state, including any of its specialised wings.</p> | <p>This basic feature of the existing framework needs to be continued. May be accepted with the substitution of "the" in place of "each" before "State" in the first sentence.</p> | <p>3. Accepted; replace 'each' with 'the'. Replace "Police Service" everywhere by "Police Organization".</p> |
| <p>4. Constitution and composition of the Police Service Subject to the provisions of this Act:⁷ (1) The Police Service shall consist of such numbers in various ranks and have such organisation as the State Government may by general or special orders determine.</p> <p>(2) The direct recruitments to non-gazetted ranks in the Police Service shall be made through a state-level Police Recruitment Board by a transparent process, adopting well-codified and scientific systems and procedures which shall be notified through appropriate rules to be framed by the State Government.</p> <p>(3) The recruitment to the Indian Police Service and to the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the State Public Service Commissions respectively.</p> <p>(4) The composition of the Police Service shall, as far as possible, reflect adequate representation of all sections of society, including gender representation.</p> <p>(5) The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time. These shall always be commensurate with the arduous nature of their duties.</p> | <p>The definition of police service needs to be elaborated so as to include members of the Indian Police Service and other services serving in connection with affairs of the State.</p> <p>Institutionalized, independent and transparent system of recruitment is necessary. Sub-clause 2 may be accepted.</p> <p>Sub-clause (3) is redundant as recruitment is covered under the respective acts.</p> <p>Sub-clause (4) is not necessary as it will make sectional recruitment justiciable.</p> <p>Second sentence of sub-clause (5) is not necessary in view of pay commissions set up by Govt.</p> <p>Presumed under law. However, may be discussed in the meeting.</p> | <p>4.</p> <ol style="list-style-type: none"> 1. Reformulate 2. End at 'Board' 3. Not required. Higher ranks as per relevant Acts. 4. Delete 5. Delete 2nd sentence |

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| <p>(6) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed.</p> | | <p>6. Accepted; retain the entire thing</p> |
| <p>5.Appointment of Director General, Additional Directors General, Inspectors General, Deputy and Assistant Inspectors General</p> <p>(1) For the overall direction and supervision of the Police Service, the State Government shall appoint a Director General of Police who shall exercise such powers, perform such functions and duties, and have such responsibilities and such authority, as may be prescribed.</p> <p>(2) The post of Director General of Police shall be the senior-most position in the hierarchy of the Police Service of the state and no other officer senior or equivalent in rank to the incumbent Director General of Police shall be posted to any position within the police organisation to ensure that the unity of command is maintained at all times: Provided that any other police officer holding the rank of Director General shall be appropriately appointed outside the state police organisation.</p> <p>(3) The State Government may appoint one or more Additional Director General, and as many Inspectors General, Deputy and Assistant Inspectors General as necessary.</p> <p>(4) The State Government may, by a general or special order and in consultation with the Director General of Police, direct in what manner and to what extent an Additional Director General or an Inspector General or a Deputy or Assistant Inspector General shall assist and aid the Director General of Police in the performance, exercise and discharge of his functions, powers, duties, and responsibilities.</p> | <p>Creation of DGP in this Act should be correlated to powers of IGP in Cr. P.C.</p> <p>It is sufficient to provide that “the Director General of Police shall be the Head of the Police Service of the State” and no further.</p> <p>Sub-clause (3) should be qualified to say that the appointments should be within the cadre structure approved by the competent authority.</p> <p>The utility of sub-clause (4) is debatable. May be discussed in the meeting.</p> | <p>5.</p> <p>1. Accepted, definite DGP.</p> <p>2. End at 'State', delete the proviso.</p> <p>3. Make Director plural.</p> <p>4. Delete.</p> |
| <p>6.Selection and term of office of the Director General of Police</p> <p>(1) The State Government shall appoint the Director General of Police from amongst three senior-most officers of the state Police Service, empanelled for the rank.</p> <p>(2) The empanelment for the rank of Director General of Police shall be done by the State Police Board created under section 41 of Chapter V of this Act, considering, inter alia, the following criteria: (a) Length of service and fitness of health, standards as prescribed by the State</p> | <p>‘Both aspects of selection and fixed tenure of police chief are crucial to reforms. However, it will suffice to provide in 6(2) that empanelment be as per procedure approved by the Govt. The criteria under 6(2) is unnecessary</p> | <p>6.</p> <p>1. The word 'eligible' may be inserted but the word 'three' need not be mentioned.</p> <p>2. A committee of CS, HS, DGP and such other members, as the Government may decide may prepare a panel which may be submitted to HM and CM. The details</p> |

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| <p>Government;</p> <p>(b) assessment of the performance appraisal reports of the previous 15 years of service by assigning weightages to different grading, namely, 'Outstanding', 'Very Good', 'Good', & 'Satisfactory' ;</p> <p>(c) range of relevant experience, including experience of work in central police organisations, and training courses undergone;</p> <p>(d) indictment in any criminal or disciplinary proceedings or on the counts of corruption or moral turpitude; or charges having been framed by a court of law in such cases.</p> <p>(e) due weightage to award of medals for gallantry, distinguished and meritorious service:</p> <p>(3) The Director General of Police so appointed shall have a minimum tenure of two years irrespective of his normal date of superannuation : Provided that the Director General of Police may be removed from the post before the expiry of his tenure by the State Government through a written order specifying reasons, consequent upon:(a) conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or</p> <p>(b) punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower post, awarded under the provisions of the All India Services (Discipline and Appeal) Rules 19- or any other relevant rule; or</p> <p>(c) suspension from service in accordance with the provisions of the said rules; or</p> <p>(d) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or</p> <p>(e) promotion to a higher post under either the State or the Central Government, subject to the officer's consent to such a posting.</p> | <p>as it applies to all senior positions.</p> <p>Sub-clause (3) conforms to Supreme Court Guidelines, however a reference may be made to DoPT as it has bearing on the service rules. This needs to further discussed.</p> <p>Further a provision may be inserted at 6(3)f to include cases of gross irregularity involving DGP, where a prima facie case is established.</p> | <p>given at "(a) to (e)" may be kept in the rules.</p> <p>3. The word "as far as possible" may be inserted after the word "shall" in the first line. The words "irrespective of his normal date of superannuation" may be deleted. The entire proviso may be taken to the rules</p> |
| <p>7. Appointment of Legal Advisors and Financial Advisor</p> <p>(1) The State Government shall appoint a Legal Advisor and a Financial Advisor to aid and advise the Director General of Police on legal and financial matters respectively.</p> <p>(2) The State Government shall also appoint in every District Police Unit and City Police Commissionerate one or more Legal Advisors to advise the police on legal issues and matters including the adequacy or otherwise of the available evidence as deemed necessary in various cases investigated by them.</p> <p>(3) Appointment of officers at (1) and (2) above shall be made in accordance with</p> | | <p>1. Accepted.</p> <p>2. The words "including by them" may be deleted.</p> <p>3. Accepted</p> |

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| <p>the rules prescribed.</p> | | |
| <p>8. Administration of Police in Metropolitan Areas, Major Urban Areas and other Notified Areas The administration of police in metropolitan areas, other major urban areas with a population of 10 lakhs or more, and in such other areas as may be notified for the purpose by the State Government, from time to time, shall be in accordance with the provisions of Chapter VIII of this Act.</p> | | <p>8. Accepted</p> |
| <p>9. Creation of Police Zones and Ranges (1) The State Government, in consultation with the Director General of Police, may by notification divide the entire geographical area of the state into one or more Police Zones. Each Zone, comprising two or more Police Ranges, shall be headed by an officer of the rank of Inspector General who shall supervise the police administration of the Zone and report directly to the Director General of Police. (2) The State Government, in consultation with the Director General of Police, may by notification create as many Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Deputy Inspector General who shall supervise the police administration of the Range and report directly to the Inspector General in charge of the Zone in the jurisdiction of which the Range falls.</p> | | <p>9. 1. The words" and report directly to the Director General of Police" may be deleted. 2. The words " and report directly falls" in the last three lines may be deleted.</p> |
| <p>10. Police Districts The State Government, in consultation with the Director General, may by notification declare any area within the state to be a Police District. The administration of the police throughout such district shall vest in the Superintendent of Police who may be assisted by as many Additional, Assistant or Deputy Superintendents, as deemed necessary and are notified.</p> | | <p>10. The words" and are notified" may be deleted from the last line.</p> |
| <p>11. District-level Special Cells, Sub-Divisions and Circles (1) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may, in consultation with the Director General and by notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of Assistant/Deputy Superintendent of Police. (2) The State Government may by notification divide each Police District into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant/Deputy Superintendent of Police. (3) The State Government may by notification divide each Police Sub-Division into</p> | | <p>11. 1 The words "to be headed by an officer of the rank of Assistant/ Deputy Superintendent of Police" may be deleted. 2. The words "to be headed by an officer of the rank of Assistant / Deputy Superintendent of Police" may be deleted. 3. The proviso may be deleted.</p> |

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| <p>two or more Circles, each headed by an officer of the rank of Inspector or Deputy Superintendent of Police: Provided that in the event of a Circle being put under the charge of a Deputy Superintendent, such officer shall report directly to the District Superintendent of Police.</p> | | |
| <p>12. Police Stations</p> <p>(1) The State Government may, in consultation with the Director General of Police and by notification, create as many Police Stations with as many outposts as necessary, in a Police District as deemed necessary, duly keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distances to be traversed by the inhabitants to reach the Police Station.</p> <p>(2) Two or more Police Stations may be assigned to a Police Circle for the purpose of control and supervision.</p> <p>(3) A Police Station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police</p> <p>(4) Provided that larger Police Stations may be placed under the supervision of officers of the rank of Inspector of Police. The State Government shall ensure availability of adequate strength of staff at each police station, duly based on the population, incidence of crime, law and order-related workload, and the geographical area.</p> <p>(5) The State Governments shall provide, as early as possible, each Police Station with all essential amenities including a reception-cum-visitors' room, separate toilets for men and women and separate lock-ups for men and women.</p> <p>(6) Each Police Station shall have a Women and Child Protection Desk, staffed, as far as possible, by women police personnel, to record complaints of crimes against women and children and to deal with the tasks relating to administration of special legislations relating to women and children.</p> <p>(7) Each Police Station shall prominently display all the relevant information required to be made public, including the Supreme Court guidelines and directions, as also departmental orders on arrests, and the details regarding the persons arrested and held in lock-ups.</p> | <p>Citizen friendly interface, sensitivity to women and children and respect for human rights are a must.</p> <p>However, since the suggested remodelling of police stations will require financial and manpower resources, "shall" should be qualified by "shall endeavour to" in sub-clause (5) and (6). Provision should be consistent with Sec. 2(s) Cr.P.C. Further, "many" and "as many" should be omitted.</p> <p>The word 'adequate' in sub-clause (4) is not necessary.</p> | <p>12.</p> <p>1. Accepted,</p> <p>2. May be deleted,</p> <p>3. May be deleted</p> <p>4. May be taken to Manual,</p> <p>5. May be taken to Manual</p> <p>6. Accepted</p> <p>7. To be deleted.</p> |

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| <p>13. Term of office of key police functionalities</p> <p>(1) An officer posted as a Station House Officer in a Police Station or as an officer in-charge of a Police Circle or Sub-Division or as a Superintendent of Police of a District shall have a term of a minimum of two years and a maximum of three years: Provided that any such officer may be removed from his post before the expiry of the minimum tenure of two years consequent upon:</p> <p>(a) promotion to a higher post; or (b) conviction, or charges having been framed, by a court of law in a criminal offence; or (c) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant Discipline & Appeal Rules; or (d) suspension from service in accordance with the provisions of the said Rules; or (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or (f) the need to fill up a vacancy caused by promotion, transfer, or retirement.</p> <p>(2) In exceptional cases, an officer may be removed from his post by the competent authority before the expiry of his tenure for gross inefficiency and negligence or where a prima facie case of a serious nature is established after a preliminary enquiry: Provided that in all such cases, the competent authority shall report in writing the matter with all details to the next higher authority as well as to the Director General of Police. It shall be open to the aggrieved officer, after complying with the order, to submit a representation against his premature removal to the Police Establishment Committee, which shall consider the same on merit and recommend due course of action to the competent authority.</p> <p>Explanation: Competent authority means an officer authorised to order transfers and postings for the rank concerned.</p> | <p>Stability of tenure of key field functionalities is important. However, the tenure being subject to the date of superannuation, officers having less than two year service would be precluded from holding these positions. Further, the upper limit of three years need not be prescribed, for functional reasons.</p> <p>The detailed grounds and procedure regarding removal before the end of minimum prescribed tenure under 13(1) and 13(2) may more appropriately incorporated in the manual.</p> | <p>13.</p> <p>1. Replace "shall" by may.</p> <p>2. Add after "a preliminary enquiry"; "Or in public interest for reasons to be recorded in writing".</p> |
| <p>14. Coordination within the District Administration</p> <p>(1) For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 and other relevant Acts, to coordinate the functioning of the police with other agencies of district administration in respect of matters relating to the following:</p> | <p>This coordination mechanism is necessary as the District Magistrate is the State Govt. representative and the nodal officer in the district. May be accepted and also included in the corresponding chapter on duties of police.</p> | |

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| <p>(a) the promotion of land reforms and the settlement of land disputes;</p> <p>(b) extensive disturbance of the public peace and tranquillity in the district;</p> <p>(c) the conduct of elections to any public body;</p> <p>(d) the handling of natural calamities and rehabilitation of the persons affected thereby;</p> <p>(e) situations arising out of any external aggression or internal disturbances;</p> <p>(f) any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district; and</p> <p>(g) removal of any persistent public grievance.</p> <p>(2) For the purpose of such coordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police and heads of other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of coordination.</p> <p>(3) For the purpose of coordination, the District Magistrate shall ensure that all departments of the district, whose assistance are required for the efficient functioning of the police, will render full assistance to the Superintendent of Police.</p> | <p>The words “threatening public peace and order” may be added at the end of (a).</p> <p>(b) may read as “maintenance of public order, communal harmony, public peace and tranquillity in the district”.</p> <p>In sub-clause (3), “Shall ensure” should be substituted by “facilitate” as DM may not have statutory control over other departments.</p> | <p>Delete“(a) the promotion of land reforms and the settlement of land disputes”</p> |
| <p>15. Railway Police</p> <p>(1) The State Government may, by notification in the Official Gazette, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendent and such other police officers for each such special district as it may deem fit.</p> <p>(2) Subject to the control of the Director General of Police, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.</p> <p>(3) Any police officer whom the State Government may by general or special order empower to act under this sub-section, may, subject to any orders which that</p> | <p>These provisions are not required as the functions of GRP are covered within the police stations created under Cr. P.C. and there is a separate Act for the Railway Protection Force. The set up of Railway Police can be prescribed in Manual.</p> | <p>15. Let the provisions remain as they are at present. These might be debated in the Standing Committee of Parliament. The term "Railway Areas" need to be defined.</p> |

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| <p>government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer-in-charge of a Police Station in that district. While exercising such powers he shall, subject to any such order as aforesaid, be deemed to be an officer-in-charge of the Police Station discharging the functions of such officer within the limits of his Station.</p> <p>(4) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the state, with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.</p> <p>(5) The Superintendent of Police may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act, to an Assistant or Deputy Superintendent.</p> | | |
| <p>16. State Intelligence and Criminal Investigation Departments</p> <p>(1) Every state police organisation shall have a State Intelligence Department for collection, collation, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating inter-state, inter-district crimes and other specified offences, in accordance with the provisions of Chapter X of this Act.</p> <p>(2) The State Government shall appoint a police officer of or above the rank of Deputy Inspector General of Police to head each of the aforesaid departments.</p> <p>(3) The Criminal Investigation Department shall have specialised wings to deal with different types of crime requiring focused attention or special expertise for investigation. Each of these wings shall be headed by an officer not below the rank of a Superintendent of Police.</p> <p>(4) The State Intelligence Department shall have specialised wings, to deal with and coordinate specialised tasks such as measures for counter terrorism, counter militancy and VIP Security.</p> <p>(5) The State Government shall appoint by rules prescribed under this Act, an appropriate number of officers from different ranks to serve in the Criminal Investigation Department, and the State Intelligence Department, as deemed appropriate with due regard to the volume and variety of tasks to be handled.</p> | <p>New and emerging trends of crime and threats from terrorism, organized crime, etc. necessitate specialized and well equipped units to counter them. May be accepted.</p> <p>The term “military” should not be used. The term “VIP” may be substituted by “personal”</p> | <p>16. The word "shall "appearing in all sub clauses (1) to (5) may be substituted by the word "may".</p> <p>The term "counter militancy" appearing in sub clause (4) may be deleted and "VIP" may be substituted by "personal".</p> <p>The words "appropriate number of" appearing in sub clause (5) may be deleted. Further, the words "as deemed appropriate" may also be deleted.</p> |

17. Technical and Support Services

(1) The State Government shall create and maintain such ancillary technical agencies and services, under the overall control of the Director General of Police, as considered necessary or expedient for promoting efficiency of the Police Service.

(2) (a) The services so created shall include a full-fledged Forensic Science Laboratory at the State-level, a Regional Forensic Science Laboratory for every Police Range and a Mobile Forensic Science Unit for every district, with appropriate equipment and scientific manpower, in keeping with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India.

(b) It shall be the responsibility of the State Government to ensure regular maintenance of all scientific equipment and regular replenishment of consumables in the forensic laboratories.

(c) The State Government shall take all measures to encourage and promote the use of science and technology in all aspects of policing.

(3) The State Government shall appoint for the whole state or any part thereof, one or more Directors of Police Telecommunications, not below the rank of Deputy Inspector General of Police and as many Superintendents of Police and Deputy Superintendents of Police as deemed necessary to assist them.

(4) The State Government shall similarly appoint for the whole state or any part thereof, one or more Directors of Police Transport, not below the rank of Deputy Inspectors General of Police, and as many Superintendents of Police and Deputy Superintendents of Police as deemed necessary to assist them.

(5) The State Government shall ensure regular maintenance of all the needed equipment and regular replenishment of consumables for the Police Telecommunications and the Police Transport Services.

Scientific investigation of crimes is needed for improving the quality of investigation and for securing conviction of the guilty. May be accepted. However, the forensic set up cannot be headed by DGP as per current legal position.

Comment of DFS:

DFS is the only agency in the country having previous experience of devising guidelines for setting up Regional FSL and Mobile FSL units at District level. Hence BPR&D may be omitted in 17(2).

In so far as (3) and (4) have implications on cadre strength. This should be part of separate exercise. "Shall" should therefore be replaced by "may".

17.

1. The word "shall " may be substituted by "may". The words "under overall control of the Director General of Police" may be deleted.

2. The words "or the Bureau of Police Research and Development" may be deleted.

3. The sub clause may be reformulated as follows: - "The State Government shall have a Directorate of Police Telecommunications consisting of such number of officials may be prescribed". This will be reformulated on similar lines as above.

4. The word "shall" may be substituted by "may".

5. One common clause may be introduced, which should have provision for maintenance of all items, including scientific equipment by the police telecommunications and police transport services.

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| <p>18. Appointment of Directors of State Police Academies and Principals of Police Training Colleges and Schools</p> <p>(1) The State Government shall establish a full-fledged Police Training Academy at the state level and as many fully-equipped Police Training Colleges and Schools as deemed necessary for ensuring efficient post-induction training of all directly-recruited police personnel in various ranks, pre-promotion training for all those promoted to higher levels and such thematic and specialised in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.</p> <p>(2) The State Government may appoint by prescribed rules, any police officer not below the rank of Inspector General of Police to be the Director of the State Police Academy, and an officer not below the rank of Deputy Inspector General of Police to head each Police Training College and an officer not below the rank of Superintendent of Police as the Principal of each Police Training School.</p> <p>(3) The State Government shall also provide for appointment, by rules prescribed, of appropriate number of officers from the Police Service, in such Police Training Academy, College(s) and Schools, after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the Police Service to the faculties of such training institutions.</p> <p>(4) The State shall also ensure appointment of persons with academic accomplishments in the fields of law, sociology, psychology, criminology, forensic science and other academic subjects relevant to police profession to the permanent faculty positions in these training institutions.</p> | <p>Having major financial implications, flexibility should be provided to the smaller States to avail of proper training facilities existing in bigger states. It needs to be discussed whether these provisions should come in the Act or in the Manual.</p> <p>At least one tenure in a training institution/crime wing/economic offence wing should be compulsory before promotion to DIG/IG.</p> | <p>18.</p> <p>1. Accepted. Delete 2nd paragraph of the comments.</p> <p>2. Accepted</p> <p>3. Delete the words "of appropriate number"</p> <p>4. Accepted</p> |
| <p>19. Organisation of research</p> <p>The State Government may set up such bodies and take up such other steps as considered necessary or expedient for the purpose of undertaking research into matters relating to the efficiency of the Police Service.</p> | <p>May be accepted.</p> | <p>19. Include development also. In other words, wherever the word "research" appears add the words "and development". Add the following words "and provide adequate resources commensurate with the requirement" at the end.</p> |
| <p>20. Oath or affirmation by police personnel</p> <p>Every member of the Police Service enrolled under this Act shall, on appointment and completion of training, make and subscribe before the Superintendent of Police</p> | <p>These details are more appropriately provided in the manual.</p> | <p>20. Accept with slight modifications. The words 'as prescribed;' appearing at the end may be substituted by "as per format</p> |

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| <p>or Commissioner, as the case may be, or another officer appointed in that behalf by him as the case may be, an oath or affirmation, as prescribed.</p> | | <p>given in the schedule appended to this Act".</p> |
| <p>21. Certificate of appointment (1) Every police officer of or below the rank of Inspector shall on appointment receive an insignia and a certificate in the form as prescribed. The certificate shall be issued under the hand and seal of such officer as the State Government may by general or special order direct.</p> <p>(2) The certificate of appointment shall become null and void, and the insignia shall be deemed to be withdrawn whenever the person named therein ceases to belong to the Police Service or shall remain inoperative during the period such person is suspended from the service.</p> | <p>These details are more appropriately provided in the manual.</p> | <p>21. The term "certificate" may be substituted by "letter of appointment".</p> |
| <p>22. Special Police Officers (1) The Superintendent of Police or any officer, specially empowered in this behalf by the State Government, may, at any time by a written order issued under the hand and seal of such officer, appoint, for a period as specified in the appointment order, any able-bodied and willing person between the age of 18 and 50 years, whom he considers fit to be a Special Police Officer to assist the Police Service.</p> <p>(2) Every Special Police Officer so appointed shall: (a) on appointment, undergo prescribed training and thereafter receive a certificate in a form approved by the State Government in this behalf; and (b) shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer.</p> | <p>May be accepted</p> | <p>22. The term "certificate" may be replaced by "letter of appointment" in sub-clause (a) The sub clause (b) may be read as follows:- "shall have such powers , privileges and immunities and be liable to such duties and responsibilities and be subject to such authorities as may be specified.</p> |
| <p>23. Appointment of Additional Police (1) Additional police comprising officers of such ranks or grades may be appointed or deputed for the purpose prescribed by the State Government for such time and on such pay as the authority prescribed in that behalf may determine.</p> <p>(2) Every Additional Police Officer upon such appointment, shall: (a) receive a certificate in a form approved by the State Government in this behalf; (b) be vested with all or such of the powers, privileges, duties and immunities of a police officer as are specially mentioned in the certificate; and (c) be subject to the orders of the Superintendent of Police.</p> | <p>May be deleted as private security is otherwise available and there is also a corresponding law regulating private security agencies. Further, this provision may be prone to misuse.</p> | <p>Accepted</p> |

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| <p>(3) The deployment or deputation of such Additional Police Officer may be made at the request of any person requiring such police, and the cost of such deployment shall be recovered in such manner as is prescribed under this Act or any other law for the time being in force.</p> | | |
| <p>Chapter III The Primary Ranks in Civil Police 24. Rank structure at the primary levels of Civil Police (1) The rank structure of Group 'C' posts in the Civil Police, in the ascending order, shall consist of Civil Police Officer Grade II, Civil Police Officer Grade I, Sub Inspector and Inspector. (2) The direct recruitment to Group 'C' posts in the Civil Police, other than in the ministerial and technical cadres, after the coming into force of this Act, shall be made only to the ranks of Civil Police Officer Grade II and Sub-Inspector:</p> <p>Provided that the quota for direct recruitment to these two ranks shall be so fixed as to provide a fair balance between the different ranks and prospects for promotion to eligible and meritorious officers at each level within a period of 8 to 10 years.</p> <p>(3) Every Civil Police Officers Grade II will undergo three years intensive training before being posted to the Service as a stipendiary cadet, and will, upon successful completion of training, have a graduation degree in police studies. Their scales of pay and conditions of service shall therefore be commensurate with ranks in other services under the state, which require similar levels of educational qualifications and training.</p> | <p>Proposed nomenclature may be accepted. However, one year diploma level training will be commensurate with the duties and responsibilities of the constable. The term "civil police" perhaps needs a definition.</p> <p>The intensive training should take into account all aspects including psychological, social, physical, armament, civil liberties and human rights.</p> | <p>24. 1. Accepted. 2. Proviso to go to rules. 3. <i>Civil police should be adequately trained as prescribed. Their salary should be as prescribed. Promotional avenues should be as prescribed.</i></p> |
| <p>25. Recruitment to the post of Civil Police Officer Grade II (1) The age group for recruitment as stipendiary Civil Police Officer Grade II cadet shall be 18 to 23 years. The minimum educational qualification shall be 10+2 Higher Secondary or equivalent examination. (2) All those who are selected as stipendiary Civil Police Officers Grade II cadets shall be given a three year intensive education and training on police subjects, including on-the-job training, prescribed by the State Government, which on successful completion should lead to award of a Bachelor's Degree in Police Studies from a university accredited for this purpose by the State Police Board created under Section 41 of Chapter V: Provided that a cadet shall not be given more than two opportunities to pass the prescribed degree examination. A cadet having failed to graduate successfully after</p> | <p>This is desirable for improving the quality of police personnel. For extremely backward areas, suitable relaxation may be considered.</p> <p>These details are more appropriately provided in the manual. Further, award of degree at the constable level may not be practicable. It also needs to be seen whether these provisions should go into the Manual.</p> | <p>25. 1. Accepted. 2. Leave it to rules</p> |

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| <p>two attempts will be deemed unsuitable to be appointed as a Civil Police Officer.</p> <p>(3) The recruitment shall be made through the State-level Police Recruitment Board provided for in Section 4(2) under Chapter II, through a transparent process. The recruitment standards and the details of procedure including written tests, physical and medical fitness tests shall be prescribed by the State Government.</p> | <p>May be accepted.</p> | <p>3. Accepted with deletion of words "through a transparent process".</p> |
| <p>26. Service Conditions of Primary Ranks of the Civil Police Service</p> <p>(1) Three promotions should ordinarily be available to all meritorious officers. The Police Recruitment Board shall evolve and lay down merit-cum-seniority criteria for promotion through a transparent process, for different ranks.</p> <p>(2) Every promotion of civil police officers should be linked with screening examinations and intensive training, so as to ensure higher levels of professional competence and accountability.</p> <p>(3) In order to provide a fast track for career progression to Civil Police Officers, 50 per cent of direct recruitment posts of Sub-Inspectors in the state shall be earmarked for those Civil Police Officers who have put in between seven and ten years of service including the three-year period of probation, to be filled through a Limited Departmental Competitive Examination.</p> <p>(4) The Government shall endeavour to introduce a shift system in the civil police to ensure proper working hours consistent with efficiency in performance.</p> <p>(5) The Director General of Police, with the approval of the State Government, shall try to outsource as many non-core police functions as possible, to enable police officers to concentrate on core police functions.</p> | <p>Both recommendations regarding promotion and screening are important for improving the morale and effectiveness of the services. However, details as in (2) to (5) may be more appropriately provided in the manual.</p> | <p>26.</p> <p>1. Delete the first line viz. "Three promotions ... officers", and the words "through a transparent process".</p> <p>2. Accepted</p> <p>3. For the word "50", substitute "certain" and insert the words "as prescribed under the Rules" between "in the state" and "shall be".</p> <p>4. Deleted</p> <p>5. Deleted.</p> |
| <p>27. Duties of Civil Police Officers</p> <p>The Duties of all officers of and above the rank of Civil Police Officer Grade II shall include, inter alia, the following:</p> <p>(a) serving and protecting the citizens;</p> <p>(b) engaging with the citizens and gaining their cooperation;</p> <p>(c) policing the Beat;</p> <p>(d) patrolling;</p> <p>(e) Law and Order duties;</p> | <p>These may be merged, with appropriate phraseology, in Section 57 which already provides for an exhaustive list of duties.</p> | <p>27.</p> <p>(a) Delete the words "serving and".</p> <p>(b) Deleted completely.</p> <p>(c) To (i): Accepted</p> |

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| <p>(f) collecting intelligence to support police work; (g) traffic duties; (h) investigations, enquiries, maintaining Police Station records and registers; and (i) auxiliary duties such as technology support, special skill support, staff support, out station duties, and such other tasks as assigned by senior officers from time to time.</p> | | |
| <p>Chapter IV Armed Police Units 28. District Armed Reserves and State Armed Police Battalions To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breaches of peace or law and order, and in disaster management functions, as well as to discharge such duties as require the presence of armed police, the State Government shall create Armed Police units with appropriate manpower strengths in the form of an Armed Police Reserve for each Police District, and appropriate number of Armed Police Battalions for the state, including provision of women units.</p> | <p>May be accepted.</p> | <p>Entire section should be drafted properly. Instead of the words "including provision of women units" at the end, a new sentence be added to read as "The Armed Police may have a number of women units".</p> |
| <p>29. Role and functions The Armed Police Battalions will be a state-level reserve, to be deployed under specific orders of the Director General of Police, to aid and assist the civil police in dealing with virulent and widespread problems of public disorder or other forms of violence, needing deployment of armed police beyond the resources of the district police.</p> | <p>In larger States, provision of delegation of authority by DGP may be necessary.</p> | <p>Accepted</p> |
| <p>30. The District Armed Reserve, which will function under the control, direction and supervision of the District Superintendent of Police shall be the armed wing of the District Police to deal with an emergent law and order problem or any violent situation in the District, and for providing security guards or escort of violent prisoners, or such other duties as may be prescribed.</p> | <p>This should be consistent with provisions of Cr.P.C. especially with respect to powers of DM.</p> | <p>Accepted.</p> |
| <p>31. Organisational structure of District Armed Reserves (1) The District Armed Police Reserve shall be headed by an officer of the rank of either a Deputy Superintendent of Police (Armed Reserve) or an Additional Superintendent of Police (Armed Reserve), depending on the manpower strength of the Armed Reserve set-up of the District. (2) The District Armed Reserve will be sub-divided into appropriate numbers of Platoons, each headed by a Reserve Sub-Inspector. The Platoons will be further subdivided into Sections, each of which will be headed by an Assistant Reserve Sub Inspector. Each Section shall have two Head Constables who could lead the half-Sections when so deployed.</p> | <p>Command structure and official structure being fairly expensive, this should be left for the state Govt. to prescribe under the rules particularly as the details are mostly administrative and non-statutory in nature.</p> | <p>31. 1. Accepted. (2-4):May be provided under the rules</p> |

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| <p>(3) The deployment of the District Armed Reserve for performing law and order duty with arms shall ordinarily not be in less than Section strength. Only when large-scale deployments have to be made, covering a wide area, and when firearms are not needed, the Armed Reserve set-up could be utilised in the strength of half-Sections.</p> <p>(4) Each Armed Reserve set-up shall have an appropriate number of Reserve Inspectors to deal with general administration of the Reserve, maintenance of equipment and stores, and training.</p> <p>(5) It shall be the duty of the District Superintendent of Police to ensure that the personnel of the Reserve are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation between duty and rest for them.</p> | | <p>5. This can be achieved through executive instructions.</p> |
| <p>32. Organisational structure of the Armed Police Battalions set-up A Commandant, equivalent in rank to Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to Additional Superintendent of Police, who will also be the Second-in-Command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Deputy Superintendent of Police.</p> | <p>May be accepted.</p> | <p>May be Provided in the Rules</p> |
| <p>33. (1) The Armed Police Battalions set-up of the state shall be headed by an officer of or above the rank of Deputy Inspector General, depending on the number of Battalions in the state, who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the armed police units in the state, under the overall guidance and supervision of the Director General.</p> <p>(2) In fixing the strength of senior officers for the Armed Police Battalions set-up, it shall be ensured that for supervising the functioning and preparedness of every 3-4 Battalions, a senior officer of the rank of Deputy Inspector General is provided, and if there are more than one such Deputy Inspectors General, the Armed Police Battalions set-up shall be headed by an officer of the rank of Inspector General or Additional Director General, as necessary.</p> | <p>The aspects of the cadre strength should be taken under a separate exercise and also with due regard to financial resources of the state. These provisions appear unnecessary in the Act.</p> | <p>33. (1 &2)Provide in the Rules</p> |
| <p>34. The duties of the head of the Armed Police Battalions set-up, the Deputy Inspector General, the Commandant, Deputy Commandants, Assistant Commandants, Reserve Inspectors of the Service and the Headquarters Companies</p> | <p>May be accepted.</p> | <p>Accepted</p> |

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| <p>shall be as prescribed by the State Government from time to time.</p> | | |
| <p>35. Recruitment</p> <p>(1) The direct recruitment to the District Armed Reserves and the Armed Police Battalions, other than in the ministerial and technical cadres, shall be limited to the ranks of Constable, Reserve Sub-Inspector and Deputy Superintendent of Police/Assistant Commandant, and should, as far as possible, reflect adequate representation of all sections of society.</p> <p>(2) The minimum qualification for recruitment as Constable shall be Matriculation or equivalent, and the age group shall be 18-21 years. For the recruitment to the rank of Reserve Sub-Inspectors, the minimum qualification shall be graduation and the age limit 21 to 24 years.</p> <p>(3) For recruitment to the rank of Deputy Superintendent of Police/Assistant Commandant, the educational qualifications and the age limit shall be the same as prescribed for that rank in the civil police.</p> <p>(4) The recruitment to the rank of Constables and Reserve Sub-Inspectors shall be made through the state-level Recruitment Board.</p> | <p>May be accepted.</p> <p>This should be as per laid down procedure and standards.</p> | <p>35.</p> <p>1. Delete the words" and should ... of society".</p> <p>2. Accepted</p> <p>3. Provide in the Rules</p> <p>4. Accepted</p> |
| <p>36. Training</p> <p>(1) Besides the initial training of new recruits in the District Armed Reserve and the State Armed Police Battalions, it shall also be ensured that all ranks in these units undergo an annual refresher training programme, by rotation, over and above specialised training in different skills as needed by different categories. To achieve this, appropriate strengths of 'Training Reserves' will be created in each District Armed Reserve setup. Each Battalion will have one full Company earmarked as the 'Training Reserve', to provide for rotational training to all personnel.</p> <p>(2) The annual refresher training course shall be treated as mandatory, and under no circumstances the personnel undergoing such training shall be withdrawn for deployment on law & order, or any other duty.</p> <p>(3) The curricula for the initial as well as the annual refresher training courses, besides physical skills and fitness, shall lay due emphasis on the knowledge of constitutional and legal rights of the citizens as well skills relating to individual and collective interaction with the public, with special emphasis on courteous and impartial behaviour.</p> | <p>Details after the first sentence are more appropriately provided in the manual. At best only the core areas of training should be broadly reflected along with the first sentence.</p> | <p>36.</p> <p>1. Provide in the Rules.</p> <p>2. Not accepted</p> <p>3. Provide in the Rules</p> |

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| <p>(4) The content and methodology of the annual refresher training courses as well as the other specialised courses for the personnel of the District Armed Reserves and the State Armed Police Battalions shall be reviewed and revised from time to time by the officer heading the State Armed Police Battalion set-up, in consultation with the Training Wing of the state police, and under the overall guidance of the Director General of Police.</p> | | <p>4. Provide in the Rules</p> |
| <p>37. Deployment</p> <p>(1) The deployment of units and sub-units of the District Armed Reserves and the State Armed Police Battalions shall be strictly restricted to only those situations where such deployment is considered absolutely necessary.</p> <p>(2) The District Superintendent of Police shall carefully scrutinise each request for deployment of District Armed Reserves, received from the field officers. Similarly, the Director General shall closely scrutinise each request for the deployment of any force from the State Armed Police Battalions, received from any District Superintendent of Police, Deputy Inspector General of Police of a Range, or any other field officer, before ordering such deployment. The scrutiny will include a realistic determination of the quantum of force required as also the duration for which the deployment is required.</p> <p>(3) The deployment shall be made for a fixed period, as specified in the order, and unless the same is extended by a specific order, the force shall return to its headquarters, on the expiry of the initial period.</p> <p>(4) It shall be the duty, in the case of District Armed Reserves, of the District Superintendent of Police and that of the head of the Armed Police Battalion set-up of the state in respect of the Battalion personnel, to ensure that the personnel of these armed units are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation of duty between the various sub-units of the Reserve or a Battalion.</p> <p>(5) While ordering deployment of any armed police unit, due care will also be taken to ensure, as far as possible, that the personnel are able to take due rest and also avail a weekly off.</p> | <p>This is an operational issue and should be provided for the manual.</p> <p>Position of DM should suitably figure in a manner consistent with Cr.P.C.</p> | <p>37. 1. This is procedural. Delete it.</p> <p>(2-5)Provide in the Rules</p> |
| <p>38. Adequacy of Arms, Equipment and Accoutrement</p> <p>The adequacy of arms, equipment and accoutrement for each Battalion as well as the District Armed Reserves shall be assessed regularly on an annual basis by the officer heading the State Armed Police Battalions set-up, in terms of the type,</p> | <p>These details are more appropriately provided in the manual, with the addition of non-lethal weapons.</p> | <p>Provide to manual.</p> |

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| <p>quality and quantities of each such item needed for each unit, in consultation with the Commandants and the District Superintendents of Police concerned.</p> | | |
| <p>Chapter V Superintendence and Administration of Police 39. Superintendence of state police to vest in the State Government (1) It shall be the responsibility of the State Government to ensure an efficient, effective, responsive and accountable Police Service for the entire state. For this purpose, the power of superintendence of the Police Service shall vest in and be exercised by the State Government in accordance with the provisions of this Act.</p> <p>(2) The State Government shall exercise its superintendence over the police in such manner and to such an extent as to promote the professional efficiency of the police and ensure that its performance is at all times in accordance with the law. This shall be achieved through laying down policies and guidelines, setting standards for quality policing, facilitating their implementation and ensuring that the police performs its task in a professional manner with functional autonomy.</p> | <p>This is in accordance with the constitutional responsibility vested with the executive. May be accepted.</p> | <p>1. Accepted</p> <p>2. Accepted</p> |
| <p>40. Strategic Policing Plan and Annual Policing Plan (1) The State Government shall: (a) in consultation with the State Police Board established under Section 41 of this chapter, draw up a Strategic Policing Plan for a five-year period (hereinafter referred to as the "Strategic Plan"), duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation; (b) place before the State Legislature, within three months of the coming into force of this Act, the Strategic Plan. Subsequent Strategic Plans shall, thereafter, be laid before the State Legislature every three years. (c) place before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan as well as an Annual Policing Plan (Annual Plan for short) that prioritises the goals of the Strategic Plan for the year in question.</p> <p>(2) The Strategic and the Annual Plans shall be prepared after receiving inputs on the policing needs of the districts from the District Superintendents of Police who, in turn, shall formulate the same in consultation with the community.</p> <p>(3) The Strategic Plan, the Progress Report and the Annual Plan shall be made readily accessible to the public.</p> | <p>May be accepted with the modification that there should be provision of revalidation of plan in case of new Govt. or in case of premature dissolution of legislature. Further, operational aspects should not go into the plan which would be a public document; the word "strategic" should hence be dropped.</p> | <p>40.</p> <p>1.(a) Concept of Plan is accepted but the section should be properly redrafted.</p> <p>(b) Plan be prepared. "Strategic Plan" should be "State Police Plan".</p> <p>(c) Only State Police Plan can be placed.</p> <p>2. Replace "Community" by "Experts".</p> <p>3. Only State Police Plan can be placed.</p> |
| <p>41. State Police Board</p> | <p>Being one of the important</p> | |

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| <p>The State Government shall, within six months of the coming into force of this Act, establish a State Police Board to exercise the functions assigned to it under the provisions of this Chapter.</p> | <p>recommendations may be accepted. However, the time limit of 'six months' need not be specified as constitution of the Board has already been made mandatory.</p> | <p>Accepted</p> |
| <p>42. Composition of the Board (1) The State Police Board shall have as its members: (a) the Home Minister as its Chairperson; (b) the Leader of the Opposition in the State Assembly; (c) a retired High Court Judge, nominated by the Chief Justice of the High Court; (d) the Chief Secretary; (e) the Secretary in charge of the Home Department; (f) the Director General of Police as its Member-Secretary; and (g) five non-political persons of proven reputation for integrity and competence (hereinafter referred to as "Independent Members") from the fields of academia, law, public administration, media or NGOs, to be appointed on the recommendation of the Selection Panel constituted under Section 43.</p> <p>(2) The composition of the Board shall reflect adequate gender and minority representation, and will have not less than two women as members.</p> <p>(3) No serving government employee shall be appointed as an Independent Member.</p> <p>(4) Any vacancy in the State Police Board shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.</p> | <p>The State Govts. may take a view as there was no consensus in the NIC Sub-Committee meeting or previously in CS/DGP conference. However, the structure has been endorsed in the Supreme Court Judgment of 22.09.2006. In respect of UTs a view has to be taken by MHA. Needs further discussion.</p> | <p>Composition of Board may be: HM, CS, HS, DGP, experts to be decided by government. No selection panel.</p> |
| <p>43. Composition of the panel for selection of Independent Members Independent Members of the State Police Board shall be appointed on the recommendation of a Selection Panel, which shall consist of: (a) a retired Chief Justice of a High Court as its Chairperson, to be nominated by the Chief Justice of the High Court; (b) the Chairperson of the State Human Rights Commission, or in the absence of such Commission in the state, a person nominated by the Chairperson of the National Human Rights Commission; and (c) the Chairperson of the State Public Service Commission.</p> | <p>Govt. is competent to constitute Board/Committees to advise it, for which people should be drawn from all walks of life. Selection committee exclusively constituted by judicial officers is likely to be narrow in its focus. Constitution of Selection Committee should be left to the State Govt. to be prescribed in the rules.</p> | <p>Delete</p> |
| <p>44. Method of selection The Selection Panel shall evolve its own procedure to select Independent Members</p> | <p>May be accepted subject to view on clause 42. This may also be part of the</p> | <p>Delete</p> |

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| through a transparent process. | rules. | |
| <p>45. Grounds of ineligibility for Independent Members</p> <p>No person shall be appointed as an Independent Member of the State Police Board if he:</p> <p>(a) is not a citizen of India; or</p> <p>(b) has been convicted by a court of law or against whom charges have been framed in a court of law; or</p> <p>(c) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct; or</p> <p>(d) holds an elected office, including that of Member of Parliament or State Legislature or a local body, or is an office-bearer of any political party or any organisation connected with a political party; or</p> <p>(e) is of unsound mind.</p> | <p>Exclusive of MPs/MLAs of the State from the Board may be without justification as they are otherwise associated in all fields of governance. For consideration if this ineligibility clause needs to be deleted or alternatively taken to clause 42(1)(g).</p> | Delete |
| <p>46. Term of office of Independent Members</p> <p>A person shall be appointed as an Independent Member for a period of three years. The same person shall not be appointed for more than two consecutive terms.</p> | <p>May be accepted subject to view on clause 42.</p> | Delete |
| <p>47. Removal of Independent Members</p> <p>(1) An Independent Member may be removed from the State Police Board by a two-thirds majority of members of the Board on any of the following grounds:</p> <p>(a) proven incompetence; or</p> <p>(b) proven misbehaviour; or</p> <p>(c) failure to attend three consecutive meetings of the State Police Board without sufficient cause; or</p> <p>(d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.</p> <p>(2) In addition, an Independent Member shall be removed from the State Police Board if he incurs any of the grounds of ineligibility specified under Section 45.</p> <p>(3) The State Police Board shall explicitly state in writing the grounds for such removal.</p> | <p>“Notwithstanding anything contained in Sec. 46” should be added before 47(1). This is also subject to view on clause 42.</p> | Delete |
| <p>48. Functions of the State Police Board</p> <p>The State Police Board shall perform the following functions:</p> <p>(a) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law;</p> <p>(b) prepare panels of police for the rank of Director General of Police against prescribed criteria with the provisions of Section 6 of Chapter II;</p> <p>(c) identify performance indicators to evaluate the functioning of the Police Service.</p> | <p>There has been no consensus on the issue (b) in NIC Sub-Committee Meeting. This may be deleted in view of the changed formulation in 6(2).</p> | Accepted |

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| <p>These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilisation of resources, and observance of human rights standards; and (e) in accordance with the provisions of Chapter XIII, review and evaluate organisational performance of the Police Service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.</p> | | |
| <p>49. Expenses of the State Police Board The expenses on account of remuneration, allowances and travel in connection with official business of the State Police Board, in respect of the Independent Members of the Board shall be borne by the State Government.</p> | <p>May be accepted subject to view on clause 42.</p> | <p>Accepted</p> |
| <p>50. Annual report of the State Police Board (1) The Board shall, at the end of each year, present to the State Government a report on its work during the preceding year as well on the evaluation of performance of the Police Service, as provided for in Chapter XIII. (2) The State Government shall lay the Annual Report before the State Legislature in the budget session. The Annual Report shall be made easily accessible to the public.</p> | <p>Sub-clause (1) may be accepted subject to view on clause 42. Sub-clause (2) may not be necessary.</p> | <p>1. Delete 2. Delete</p> |
| <p>51. Administration of Police Service (1) The administration of the Police Service throughout the state shall be vested in the Director General of Police and in such Additional Directors General, Inspectors General, Deputy Inspectors General and other officers as appointed under this Act. (2) The administration of police in a district shall vest in the District Superintendent of Police. (3) Administration will mean the management of the Police Service, subject to law, rules and regulations; and will include framing of regulations; supervising the functioning of the police at all levels; appointment to subordinate ranks of the Service, deployment of the police personnel, posting, transfers, and the requisite disciplinary action up to and including the rank of Inspector of Police; and advising the Government on the placement of officers of and above the rank of Assistant/Deputy Superintendent of Police: Provided that the State Government may intervene in the exercise of the powers of administration by the Director General of Police or any other authorised officer only in accordance with the prescribed rules, regulations or in exceptional circumstances involving urgent public interest, reasons for which shall be recorded in writing.</p> | <p>This is necessary for unity of command. May be accepted. Proviso for legitimate intervention is required for preserving the constitutional responsibility for discharging of duty by State Govt. as per law.</p> | <p>51. 1. Accepted 2. Accepted 3. Accepted but to be redrafted keeping the essence as same.</p> |
| <p>52. Powers and responsibilities of the Director General of Police</p> | | |

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| <p>As head of the state Police Service, it shall be the responsibility of the Director General of Police to:</p> <p>(a) operationalise the policies, the Strategic Plan and the Annual Plan prepared by the State Government, referred to in Section 40 of this Chapter; and</p> <p>(b) administer, control and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability.</p> | <p>May be accepted</p> | <p>Accepted</p> |
| <p>53. Police Establishment Committees</p> <p>(1) The State Government shall constitute a Police Establishment Committee (hereinafter referred to as the 'Establishment Committee') with the Director General of Police as its Chairperson and four other senior-most officers within the police organisation of the state as members.</p> <p>(2) Accept and examine complaints from police officers about being subjected to illegal orders. The Establishment Committee shall make appropriate recommendation to the Director General of Police for necessary action: Provided that if the matter under report involves any authority of or above the ranks of the members of the Establishment Committee, it shall forward such report to the State Police Committee for further action.</p> <p>(3) The Establishment Committee shall recommend names of suitable officers to the State Government for posting to all the positions in the ranks of Assistant/Deputy Superintendents and above in the police organisation of the state, excluding the Director General of Police. The State Government shall ordinarily accept these recommendations, and if it disagrees with any such recommendation, it shall record reasons for disagreement.</p> <p>(4) The Establishment Committee shall also consider and recommend to the Director General of Police the names of officers of the ranks of Sub-Inspector and Inspector for posting to a Police Range on initial appointment, or for transfer from one Police Range to another, where such transfer is considered expedient for the Police Service.</p> <p>(5) Inter-district transfers and postings of non-gazetted ranks, within a Police Range, shall be decided by the Range Deputy Inspector General, as competent authority, on the recommendation of a Committee comprising all the District Superintendents of Police of the Range.</p> <p>(6) Postings and transfers of non-gazetted police officers within a Police District</p> | <p>This need an executive functions and need not figure in the statue which will make it justiciable. Further, in the NIC Sub-Committee meeting it was suggested that the recruitment and promotion should be handled by such bodies but transfer and posting are prerogative of the executive which should continue to be necessary.</p> <p>May be discussed further.</p> | <p>53.</p> <p>(1) Accepted. Replace "senior-most" by "senior".</p> <p>(2) Delete "about being subjected to illegal orders"."State Police Committee" to read as "State Police Board."</p> <p>(3) Replace shall ordinarily by "may". Delete, "and if it disagrees with any such recommendation, it shall record reasons for disagreement".</p> <p>(4) Provide in Rules.</p> <p>(5) It may go to rules.</p> <p>(6) It may go to Rules</p> |

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| <p>shall be decided by the District Superintendent of Police, as competent authority, on the recommendation of a District-level Committee in which all Additional/Deputy/Assistant Superintendents of Police posted in the District shall be members.</p> <p>(7) While effecting transfers and postings of police officers of all ranks, the concerned competent authority shall ensure that every officer is ordinarily allowed a minimum tenure of two years in a posting. If any officer is to be transferred before the expiry of this minimum term, the competent authority must record detailed reasons for the transfer.</p> <p>(8) No authority other than the authority having power under this Act to order transfer shall issue any transfer order.</p> | | <p>(7) Accepted</p> <p>(8) Delete it.</p> |
| <p>54. Procedure for promotion of police officers Promotion to each rank in the Police Service shall be based on merit, which would include seniority, to be evaluated through the result of a qualifying examination and performance evaluation in respect of each officer. The Director General of Police shall, with the approval of the State Government, frame the evaluation criteria for each rank and category of police personnel: Provided that for the officers of the Indian Police Service, such evaluation criteria shall be as framed by the Government of India.</p> | <p>May be accepted.</p> | <p>Re-draft it.</p> |
| <p>55. Training-cum-Education Policy for the police</p> <p>(1) The State Government shall lay down a Training-cum-Education Policy covering all ranks and categories of police personnel. This Policy shall ensure that all police personnel are adequately trained to perform their job taking due care of proper attitudinal development, and shall be linked to career development scheme of police personnel in different ranks and categories.</p> <p>(2) The policy shall also aim to promote a service culture of police personnel acquiring appropriate educational and professional qualifications as they advance in their careers.</p> | <p>Only the first sentence needs to be retained, the rest can go in the manual.</p> | <p>55. (1)&(2) : Only the first sentence to be retained. The rest can go to manual</p> |
| <p>56. Financial management</p> <p>(1) The Director General of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the State Government, sufficiently in advance in the preceding financial year.</p> <p>(2) The budgetary requirements shall be carefully worked out on the basis of realistic needs of each branch, wing, unit and sub-unit of the Police Service,</p> | <p>Only sub-clause (1) needs to be retained, the rest can be incorporated in the manual.</p> | <p>56. (1) Accepted, 'Police service' will be 'police organization'.</p> |

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| <p>obtained from the unit officers concerned.</p> <p>(3) The District Superintendents of Police shall take special care to ensure that the financial requirements of each Police Station in the district are worked out meticulously and adequately projected in the budgetary demands of the district, thus leaving no scope for the Police Stations to feel handicapped for meeting the legitimate expenditure on day-to-day police work.</p> <p>(4) The budgetary allocations made by the Legislature shall be placed at the disposal of the Director General of Police who shall be vested with full powers to spend the amounts earmarked under each head of the Budget Account.</p> <p>(5) In order to meet different kinds of contingency expenditure, sufficient imprest money shall be provided to police stations and other police units, the amount of which shall be reviewed and revised from time to time, as per the exigencies of circumstances.</p> | | <p>(2-5) to go in rules.</p> |
| <p>Chapter VI Role, Functions, Duties and Responsibilities of the Police 57. Role, functions and duties of the police The role and functions of the police shall broadly be:</p> <p>(a) to uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;</p> <p>(b) to promote and preserve public order;</p> <p>(c) to protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;</p> <p>(d) to protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;</p> <p>(e) to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;</p> <p>(f) to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;</p> <p>(g) to register and investigate all cognizable offences coming to their notice through</p> | <p>This provision is necessary as the existing Act nowhere spells out the role and functions of the police. May be accepted with the addition that obligatory duties under clause 14 should be included here and in (g) both cognizable and non-cognizable should be included.</p> | <p>Delete the word "impartially" in (a). Rest Accepted.</p> |

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| <p>such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend the offenders, and extend requisite assistance in the prosecution of offenders;</p> <p>(h) to create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity; (i) to provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;</p> <p>(j) to aid individual, who are in danger of physical harm to their person or property , and to provide necessary help and afford relief to people in distress situations;</p> <p>(k) to facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;</p> <p>(l) to collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.</p> <p>(m) to take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.</p> | | |
| <p>58. Social responsibilities of the police</p> <p>Every police officer shall:</p> <p>(a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;</p> <p>(b) guide and assist members of the public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;</p> <p>(c) provide all requisite assistance to victims of crime and of road accidents, and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilitate their compensation and other legal claims;</p> <p>(d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;</p> <p>(e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;</p> <p>(f) render all requisite assistance to the members of the public, particularly women,</p> | <p>This should not form part of statutory duties of police as it will make it justiciable. This should more appropriately be part of regulations or code o ethics set down for the police.</p> | <p>Make these part of code of ethics</p> |

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| <p>children, and the poor and indigent persons, against criminal exploitation by any person or organised group; and</p> <p>(g) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.</p> | | |
| <p>59. Duties in emergency situations</p> <p>(1) The State Government may, by notification in the official gazette, declare any specified service to be an essential service to the community, for a specified period, which may be extended from time to time, by a notification, as necessary.</p> <p>(2) Upon a declaration being made under sub-section (1) and so long it remains in force, it shall be the duty of every police officer to obey any order given by any officer superior to him in connection with the service specified in the declaration.</p> | <p>It needs to be discussed whether and to what extent it is necessary in view of provision of ESMA.</p> | <p>Delete entire 59.</p> |
| <p>60. Senior police officer performing duties of a subordinate officer</p> <p>A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.</p> | <p>Provision may not be needed in view of identical provision already existing in Section 36 Cr.P.C.</p> | <p>Delete it</p> |
| <p>Chapter VII</p> <p>61. Policing in Rural Areas and Village Police System Police Stations covering rural areas</p> <p>Police Stations covering rural areas shall be so organised as to be self sufficient in matters of accommodation, for amenities as stipulated in Sections 12 (5) and 12 (6) of Chapter II, as well as in communication facilities, transport and police housing. Each Police Station will also be equipped with adequate facilities of forensic science and scientific aids to investigation.</p> | <p>This is a desirable provision. However, having resource implication it should be enabling and not mandatory.</p> | <p>Make it practical and within means of the government</p> |
| <p>62. Special attention shall be paid to the security of each Police Station, particularly in areas prone to violence or mass disturbances. It shall also be ensured that the manpower posted in such Police Stations, is not diverted elsewhere except when specially authorised by the Director General of Police for a specific purpose and a specified period.</p> | <p>Being operational issue should be covered in the manual.</p> | <p>Take it to manual</p> |
| <p>63. The jurisdictional area of a Police Station shall be divided into a suitable number of Beats, each covering a cluster of villages, to be kept under the direct charge of a Civil Police Officer Grade II or Grade I, for maintaining regular and close contact with the villages under his charge.</p> | <p>Recommendations from Section 63 to 85 are necessary for restoring the focus on the village policing system and revamping it to the present day requirement. Hence, State Govts. May be impressed upon to provide</p> | <p>Take it to manual</p> |

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| | necessary resources and manpower for making this system operational. However, having resource implications, the provision should be enabling rather than mandatory ('may' instead of shall). | |
| 64. The officer in charge of each Police Station, called the Station House Officer, shall ensure that every village in his jurisdiction is covered by a Beat Police Officer as per the minimum frequency prescribed by the Superintendent of Police by a general or special order. | May be accepted | Put it to the Manual |
| 65. Duties and responsibilities of Beat Civil Police Officers, Grade II and Grade I The duties and responsibilities of the Beat Civil Police Officers, Grade II and Grade I shall, inter alia, be: (a) to liase with community elders, members of the Community Liaison Group, if any, the Village Defence Party, the Village Guard, and the residents of each village under his charge, and to review, during every visit, the crime prevention measures in the village; (b) to collect information relating to crimes and criminals and activities of subversive, militant and anti-social nature, if any, in the village and communicate the same to the Station House Officer ; (c) to maintain watch over history-sheeted criminals, if any, and others with criminal record or bad characters; (d) to acquaint himself with local disputes having potential for violence or with caste or communal overtones, and inform the Station House Officer of the Police Station of the same with all available details; (e) to carry out any other policing task in respect of the village assigned by the State Government, the Director General of Police, the District Superintendent of Police or by Station House Officer of the police station through a general or special order; (f) to record any public grievances and complaints in relation to policing; and (g) to maintain a record of aforesaid duties and responsibilities carried out by him during his visit and submit the same to the officer in charge of the Police Station. | General duties are already listed in clause 57. These being special responsibilities of the police manning rural areas, these details should be provided in the manual over and above clause 57. | "Shall "in the first line be substituted by" may". These may be provided in the manual. |
| 66. Village visits by Station House Officer and supervisory officers The Station House Officer shall visit every village under his jurisdiction, as per the minimum frequency prescribed by the Superintendent of Police through a general or special order, and shall interact with as 46 many local residents as possible so as to assess the level of public satisfaction with the police. | May be accepted | Take it to manual |
| 67. All supervisory officers including the Superintendent of Police shall visit every month as many villages in their jurisdiction as possible. The purpose of such visits | May be accepted after combining with | Accepted |

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| <p>shall be to review the general state of crime, the law and order situation and the activities, if any, of violent and militant individuals or groups in the area and to interact with as many local residents as possible so as to assess the level of public satisfaction with the police.</p> | <p>66 and leaving the details for the manual.</p> | |
| <p>Village Police System 68. Enlistment of Village Guard and Selection Criteria Each village in the district shall have at least one Village Guard, enlisted by the District Superintendent of Police from amongst able-bodied persons of either gender, between the age of 21 and 60 years and with unimpeachable character and antecedents, who are permanent residents of that village, possessing the ability to read and write in the local language, who have not been convicted by a court of law or have not had charges framed against them by a court of law in a criminal case or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct, and who are not active members of any political party, or organization allied to a political party or a militant outfit.</p> | <p>Although desirable, the provision from clause 68 to 70 has tremendous financial implication for the states. Alternative scheme of entrusting serving village officials in the revenue or other wings with these duties, on payment of minimum honorarium, might, might be more feasible for the States.</p> | <p>Accepted</p> |
| <p>69. A person enlisted as a Village Guard will normally have a tenure of three years, which may be renewed, upon satisfactory performance. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who has served for three consecutive terms or who incurs any other condition of ineligibility specified in Section 68</p> | | <p>Provide in Rules</p> |
| <p>70. A Village Guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any condition of ineligibility stipulated in - Section 68.</p> | | <p>Provide in Rules</p> |
| <p>71. The Village Guard shall be a public servant as defined in the Indian Penal Code, 1860.</p> | <p>May be accepted</p> | <p>Accepted</p> |
| <p>72. The Superintendent of Police shall ensure that every person, on his induction as a Village Guard, is administered a training course of a duration and as per the syllabus, prescribed by the Director General of Police. Periodical refresher training shall also be organised for those who are re-enlisted as Village Guards, for each renewed term.</p> | <p>The details under clauses 72 to 75 are more appropriately provided in the manual.</p> | <p>Redraft as "The village guard may be imparted requisite training".</p> |
| <p>73. 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.</p> | | <p>Accepted</p> |
| <p>74. Each Village Guard will be provided with an Identification Badge and a reasonable monthly honorarium and due out-of-pocket expenses, as prescribed by the District Superintendent of Police. The honorarium so fixed shall not be less than that paid to a Home Guard in the state.</p> | | <p>Provision to go in Rules but modify to say - "Expenditure incurred by the village guard may be reimbursed by the Govt."</p> |
| <p>75. Any person who for any reason ceases to be a Village Guard shall forthwith</p> | | |

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| <p>deliver up to the Superintendent of Police or to an officer authorised by him, his Identification Badge and all records and documents maintained by him as the Village Guard.</p> | | Accepted |
| <p>76. Duties & Responsibilities of Village Guard</p> <p>The duties and responsibilities of the Village Guard shall include:</p> <p>(a) reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police and assisting the police in bringing the offenders to book;</p> <p>(b) maintaining a general vigil in the village from the point of view of crime prevention or prevention of a law and order problem, and promptly informing the police about the same;</p> <p>(c) remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village, that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police;</p> <p>(d) assisting any citizen in arresting or handing over to the Police Station any person or persons under section 43 of the Code of Criminal Procedure, 1973 along with the arms, ammunition, property or any objectionable or suspicious object, if any, seized from him, without delay.</p> <p>In case the arrested person is a woman, a male Village Guard shall be accompanied by a woman;</p> <p>(e) securing and preserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed by curious onlookers or anyone else;</p> <p>(f) meeting the Station House Officer of the Police Station at a minimum frequency as prescribed by the Superintendent of Police through a general or special order, to report on such activities and incidents in the village as would have a bearing on crime, law and order or other policing concerns;</p> <p>(g) maintaining the prescribed records and registers;</p> <p>(h) recording any public grievances or complaints in relation to policing; and</p> <p>(i) liaising with the village Panchayat on matters relating to crime and law & order in the village.</p> | <p>May be accepted with the inclusion of the revenue wing in clause (i).</p> | Accepted |
| <p>77. Village Defence Parties</p> <p>The Superintendent of Police shall organise a group of local respectable persons for each village for the purpose of carrying out preventive patrolling, promoting crime reduction measures and generally assisting the police in their functioning. The group will be called the Village Defence Party and may not normally consist of more than 15 members, with provision for having more than one Village Defence Party if the size and population of the village so require. The composition of the Party shall</p> | <p>Clauses 77 to 86 need not be provided in the Act except in the form of an enabling provision to the effect that the District SP shall endeavour to provide an effective system of prevention of crime and resolution of</p> | <p>Replace "shall" by "may". The word "Supdt. Of Police" be replaced by "A Police Officer".</p> |

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| <p>reflect the diversity of local population including adequate gender representation. It shall work in cooperation and coordination with the Village Guard.</p> | <p>law and order problems at the village level through organization of defence parties and participation of the local community through organized community groups, as per demands of the situation on the ground. Further the details of the above system should be provided in the manual.</p> | |
| <p>78. Members will be inducted into the Village Defence Parties by the Superintendent of Police in consultation with the Community Liaison Group, from amongst able-bodied persons, and with good character and antecedents, who are permanent residents of that village, who have not been convicted by a court of law or have not had charges framed against them by a court of law in a criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of moral turpitude, corruption or misconduct, or are connected with any political party or any allied organisation thereof.</p> | <p>Financial considerations of the system envisaged above would require the State Govt. to take an appropriate view in the matter.</p> | <p>Replace "the Supdt. Of Police" by a "Police Officer".</p> |
| <p>79. The Village Defence Party will normally be reconstituted every three years. Members may be re-nominated subject to at least one third new member being inducted every year. No renewal shall, however, be granted to a person after he crosses the age of sixty years or who incurs any other condition of ineligibility specified in Section 78. However, any vacancy may be filled up as and when it occurs.</p> | | <p>Provide in Rules.</p> |
| <p>80. A person may also be removed from the membership of the Village Defence Party at any time during the currency of his tenure, if he incurs any condition of ineligibility specified in Section 78.</p> | | <p>Accepted.</p> |
| <p>81. In the event of any complaint against the Village Defence Party or its members, the Superintendent of Police will take appropriate action, including, if necessary, removal of the concerned members.</p> | | <p>Replace "the Supdt. Of Police" by a "Police Officer".</p> |
| <p>82. Membership of the Village Defence Party shall be voluntary and honorary. However, to facilitate the proper functioning of the Village Defence Party, the Station House Officer shall provide its members with the required equipment of day-to-day needs as well as reasonable out-of-pocket expenses, as prescribed from time to time. The District Superintendent of Police will make arrangements for necessary training of the members of each Village Defence Party.</p> | | <p>Delete the words "and honorary. However,", to will become "To". Replace "The DSP" by "The Police Officer".</p> |
| <p>83. The members of the Village Defence Party shall wear such an Identification Badge as issued by the District Superintendent of Police.</p> | | <p>Modify as "Shall be given badges which they shall wear on duty".</p> |
| <p>84. Any person who for any reason ceases to be a member of a Village Defence Party shall forthwith deliver, to the Superintendent of Police or to an officer</p> | | <p>Replace "the Supdt. Of Police" by a " Police</p> |

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| <p>authorised by him, his Identification Badge and all records and documents maintained by him as a member of the Village Defence Party.</p> | | <p>Officer".</p> |
| <p>85. Community Liaison Group The District Superintendent of Police shall constitute a Community Liaison Group for each Police Station, comprising respectable local residents of the area with unimpeachable character and antecedents, including retired public servants and heads of teaching institutions, if any, as representatives of the community, to generally advise the police in their functioning. The Community Liaison Group shall have a fair representation of gender, and all other segments and professions, of the society in villages falling in the Police Station area. The Community Liaison Group shall have two representatives nominated by each Panchayat Samiti in the jurisdiction of the concerned Police Station from amongst its members:</p> <p><i>Provided</i> that no person convicted by a court of law or against whom charges have been framed by a court of law in a criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct shall be eligible to be inducted into the Community Liaison Group.</p> <p>Provided further that no person who is connected with any political party or an organisation allied to a political party, other than the nominated representatives of the Panchayat Samitis, shall be eligible to be inducted into the Community Liaison Group.</p> | | <p>Replace "shall" by "may". Replace "shall" by "may".</p> <p>Redraft to make it general - "As and when it becomes necessary.... SP may consult a group of persons consisting of elected representatives experts,..."</p> <p>First proviso: Accepted</p> <p>Second proviso: Rephrase "not actively involved in political activity."</p> |
| <p>86. The Community Liaison Group will identify the existing and emerging policing needs of the area, which will be taken into consideration by the Station House Officer while preparing the annual policing strategy and action plan for his jurisdiction, for submission to the District superintendent of Police. The Community Liaison Group shall perform such other functions as prescribed. It will meet as frequently as necessary, and at least once in each quarter of a year. The meetings of the Community Liaison Group shall be attended by the Sub-Divisional Magistrate and Sub-Divisional Police Officer as well as the officer in charge of the Police Station and the Circle Inspector. The meetings shall be open to public.</p> | | <p>Don't make it binding. It should be general without indicating number of meetings.</p> |
| <p>Chapter VIII 87. Policing in Metropolitan Areas, Major Urban and Other Notified Areas The State Government shall establish for each of the metropolitan areas, other major urban areas with a population of 10 lakhs or more, and such other areas as notified for the purpose from time to time, a police system which is capable of handling the typically complex problems of crime, public order and internal security</p> | <p>The complex challenges of model urban policing are distinct and different from those in other areas. These require specialized manpower, infrastructure, legal and management structures. These recommendations are</p> | <p>Replace "shall" by "may"</p> |

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| <p>in urban areas, which call for quick and comprehensive response springing from purposeful direction, unitary chain of command, professional competence, functional specialisation, and legal authority coupled with accountability, in accordance with the provisions of this Chapter.</p> | <p>appropriate and may be accepted. However, having major financial implications for States opting for the system, “shall” should be substituted by “may”. Further, in cities like Delhi and Mumbai, provisions of chapter VIII exist in the form of a special Act. Hence, this chapter could more appropriately be given in the form of a schedule appended to the model Act for the State to adopt.</p> <p>The provisions in this chapter are identical to those in the existing laws in Mumbai and Delhi and may be broadly accepted.</p> <p>Further, while taking in view on UTs, a view on changes, if any, in the Delhi Police Act, 1978 needs to be separately taken.</p> | |
| <p>88. (1) Commissioner of Police: The Commissioner of Police in whom the administration of police is vested in such area may be an officer of the rank of Deputy Inspector General of Police or above, depending on the population, and the magnitude and complexity of policing tasks in such area.</p> <p>(2) Additional, Joint, Deputy and Assistant Commissioners of Police: The Government may divide the area specified in Section 87 into convenient territorial units and appropriate special units, and appoint one or more Additional, Joint, Deputy and Assistant Commissioners to assist the Commissioner of Police in the discharge of his duties.</p> <p>(3) Powers, functions and duties: The Commissioner and other officers under him shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority, as prescribed :</p> <p><i>Provided</i> that any of these powers, functions, or duties, exercised or performed by the Commissioner, shall be subject to the overall control and direction of the Director General of Police.</p> | <p>Further, while taking in view on UTs, a view on changes, if any, in the Delhi Police Act, 1978 needs to be separately taken.</p> | <p>(1)Redraft to make it simple</p> <p>(2)Accepted</p> <p>(3)Replaced "shall "by "may".</p> |

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| <p>(4) Appointment of Financial Advisor and Legal Advisor: The Government shall appoint a Financial Advisor and one or more Legal Advisors to aid and assist the Commissioner of Police on financial and legal matters respectively.</p> | | <p>(4) Replaced "shall" by "may".</p> |
| <p>89. Subject to such conditions and limitations as may be specified by the State Government: (a) the Commissioner of Police shall exercise the powers and duties of a District Magistrate under such provisions of the Code of Criminal Procedure 1973, and such other Acts, as may be specified; (b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of Assistant Commissioner of Police) shall exercise the powers and duties of an Executive Magistrate, under the provisions of the Code of Criminal Procedure, 1973, as may be specified, under the overall control and supervision of the Commissioner of Police.</p> | | <p>Accepted but make it more concise.</p> |
| <p>90. Constitution of police districts, police sub-divisions and police stations: The State Government, in consultation with the Director General of Police, shall:- (a) constitute appropriate number of Police Districts within each Commissionerate; (b) divide such Police Districts into Police Sub-Divisions and specify the Police Stations comprised in each Sub-Divisions; and (c) define the limits and extent of such Police Districts, Police Sub-Divisions and Police Stations;</p> | | <p>Accepted.</p> |
| <p>91. Officers in charge of police districts, police sub-divisions and Police Stations (1) Each Police District shall be under the charge of a Deputy Commissioner of Police, who may, if necessary, be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police. (2) Each Police Sub-Division shall be under the charge of an Assistant Commissioner of Police and each Police Station shall be under the charge of an Inspector of Police.</p> | | <p>Accepted.</p> |
| <p>92. Preservation of order and regulation of traffic The Commissioner of Police may, from time to time, make rules and regulations, not inconsistent with this Act, and subject to any Government orders, in respect of the following: (a) for regulating the use of public roads, streets and public places by persons walking, driving, cycling, or accompanying animals, and for parking of vehicles including bicycles, with a view to ensuring smooth and orderly movement of traffic; (b) licensing, or regulating, or if necessary in public interest, prohibiting for reasons to be recorded in writing, the keeping of a place of public amusement or public entertainment, or running cinemas and other forms of public amusement or public entertainment, for ensuring the safety and well-being of persons likely to be</p> | | <p>Accepted.</p> |

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| <p>affected;</p> <p>(c) licensing, or regulating or, if necessary in public interest, prohibiting the playing of music in public streets or public places, and the using of a loud speaker or any other sound system in any public place, or places of public entertainment; and</p> <p>(d) regulating the entry or exit at any place of public amusement, public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbance at such places.</p> | | <p>Part of the Cr. P.C</p> |
| <p>93. Regulation of public assemblies and processions :</p> <p>(1) Any person intending to organise a procession, religious, social, political or otherwise, on any road, street, or thoroughfare, or convene an assembly in any public place, in an area specified in this Chapter, shall give intimation in writing to the officer in charge of the concerned Police Station.</p> <p>(2) The Commissioner of Police or any officer not below the rank of Inspector, authorised by the Commissioner of Police, may, on receipt of such intimation or otherwise, give, from time to time, such orders not inconsistent with this Act, about the following, orally or in writing, as may be necessary:-</p> <p>(a) the mode of any assembly or passing of any procession, or the conduct, behaviour or acts of members of such assembly or procession;</p> <p>(b) prescribing the routes and the time at which such processions may or may not pass;</p> <p>(c) preventing obstruction on the occasion of such a procession or assembly in the neighbourhood of any place of worship during the time of public worship, and in every case when any road, street or public place or any place of public resort may be thronged or is likely to be obstructed; or</p> <p>(d) maintaining order on roads, streets, public places and all other places where public throng :</p> <p>Provided that all orders and directions in respect of any procession or assembly for which intimation has been received from the organisers, shall be issued, as far as possible, within 48 hours of receipt of intimation.</p> | | <p>Accepted. Replaced "shall" by "may" and delete the words 'as far as possible'.</p> |
| <p>94. Prevention of disorder</p> <p>The Commissioner of Police may, whenever and for such time, as he considers necessary for the preservation of the public peace and safety, by notification, issue an order to the public or to a particular individual or organisation, prohibiting the following:</p> <p>(a) carrying in any public place, or road, street or thoroughfare, fire arms, swords, spears, bludgeons, knives, other offensive weapons, or any explosive material;</p> <p>(b) collection or carrying of stones or missiles, or any objects or means of casting</p> | | <p>Accepted.</p> |

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| <p>missiles; (c) keeping, carrying along or offering for exhibition any corpses or effigies or other provocative pictures, boards or placards with offensive slogans; and (d) making a provocative speech, gesture, or any kind of public display which is indecent, offensive or explosive, or which is likely to create religious tension or hatred between different communities, groups or individuals, or which instigates disobedience of lawful authority.</p> | | |
| <p>95. Prevention of danger to human life and imminent threat to peace and order The Commissioner of Police or any officer not below the rank of Assistant Commissioner of Police may direct, in the manner as specified, any person to abstain from a certain act or to take action with respect to any nuclear, biological, chemical or any other dangerous material under his possession or control, with a view to preventing danger or damage to human life or property, or an imminent threat to peace and order.</p> | | Accepted. |
| <p>96. Security for keeping peace and order (1) The Commissioner of Police or any officer of and above the rank of Assistant Commissioner, on receipt of information that a person: (a) is likely to do any wrongful act that may lead to disturbance of public order; or (b) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under section 489A, 489B, 489C or 489D of that Code; or (c) habitually commits, or attempts to commit, or abets the commission of offences involving a breach of the peace; or (d) is so dangerous as to render his being at large hazardous to the community; 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.</p> | | Accepted. |
| <p>97. Removal of persons about to commit offences (1) Whenever it appears to the Commissioner of Police- (a) that the movements or acts of any person are causing or are likely to cause alarm, danger or harm to person or property, in the jurisdiction of the Commissionerate, or (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or</p> | | Accepted. |

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 in public against such person by reason of apprehension on their part as regards the safety of their person or their family members or their property, the Commissioner of Police may, by order in writing duly served on such person, or through public announcement or other means, as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to remove himself outside the area of the Commissionerate by such route and for such time as the Commissioner of Police may specify, and not to enter or return to the Commissionerate or part thereof, as the case may be from which he was directed to remove himself.

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

(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) An order made under this Section shall not exceed the period of two years.

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

(5) The State Government or the Commissioner of Police may by order permit any person in respect of whom an order has been passed under this Section to enter or return to the area of the Commissionerate for a temporary period as may be

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| <p>specified in the order.</p> <p>(6) If any person violates an order passed under this Section shall be liable to imprisonment for a term not exceeding six months and fine.</p> | | |
| <p>98. Establishment of Special Armed Police Units</p> <p>The Government may establish such special armed police units, including special riot control squads, for the areas covered under this Chapter, for meeting diverse requirements of riot or mob control, disaster management and VIP security, as necessary, and provide for the requisite equipment, and training consistent with human rights standards, for such units.</p> | | <p>Replace "VIP" by "Personal". Delete the words "consistent with human rights standards".</p> |
| <p>99. Prevention and Detection of Crime</p> <p>For effective prevention of crime, and speedy and efficient investigation of criminal cases reported within the area notified under Section 87, the Government may, in consultation with the Director General of Police and the Commissioner of Police:</p> <p>(a) create and maintain at every Police Station, a dedicated team of police personnel of different ranks exclusively for the purpose of investigation of crime, with a provision of an appropriate number of supervisory officers;</p> <p>(b) constitute one or more specialised investigation teams for dealing with major and complex crimes, including organised crime, cyber crime, and economic offences;</p> <p>(c) establish a special criminal intelligence unit with adequate technical infrastructure and manpower support, capable of tackling the requirements of counter-intelligence work;</p> <p>(d) constitute one or more Special Task Forces for prevention and control of activities of organised criminal groups and anti-social gangs;</p> <p>(e) create a special desk in each Police Station, and one or more specialised units at the Commissionerate level, for dealing with crimes against women and children and the tasks relating to administration of special legislations on crimes involving women and children;</p> <p>(f) create appropriate cells to deal with crimes relating to senior citizens and tourists;</p> <p>(g) provide one or more state-of-the-art Mobile Forensic Science Units, manned by well-trained scientific staff and police personnel, and adequate facilities for scientific interrogation; and (h) establish a centralised facility for custody of those arrested, in accordance with established standards of human rights of persons in custody.</p> | | <p>Accepted.</p> |
| <p>100. Emergency Response System</p> <p>The Government may establish for each area notified under Section 87, a well-</p> | | <p>Accepted.</p> |

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| <p>equipped Control Room with adequate communication facilities, dedicated network of patrol vehicles and other necessary wherewithal. The Control Room should be in a state of preparedness to meet any emergency situation with utmost speed and highest efficiency.</p> | | |
| <p>101. The Commissioner of Police shall prepare, and regularly update, comprehensive schemes for riot control and disaster management, inter alia, in accordance with the directions, if any, of the Government and the Director General Police.</p> | | <p>Accepted.</p> |
| <p>102. Community participation in policing</p> <p>(1) The Commissioner of Police shall ensure involvement of the community in policing by constituting a Citizens' Policing Committee, every two years, for each locality or a group of localities or colonies, including slums. These Citizens' Policing Committees, aimed at promoting people's participation in safeguarding their own life and property, should consist of an appropriate number of local residents of the area with unquestionable character, integrity and antecedents, and having commitment to public safety and security. The Citizens' Policing Committees shall have a fair representation from all strata and professions of the society in the area, as also due gender representation.</p> <p>(2) The police will take the assistance of the Citizens' Policing Committees in identifying the existing and emerging needs and priorities of policing in the area, besides involving them in working out and implementing policing strategies and action plans, and in the performance of such other functions as prescribed.</p> <p>(3) The police will provide to the public, through the Citizens' Policing Committees, at regular intervals, a feedback on the action taken on the identified policing needs, and will also endeavour to create public awareness on policing issues by promoting two-way communication through these Committees.</p> <p>(4) The meetings of these Committees will be convened, as frequently as deemed necessary, but at least once in every three months. The concerned Assistant Commissioner of Police, besides the officer in charge of the Police Station, shall attend the meetings of the Committee.</p> | | <p>(1)Re Draft it.</p> <p>(2)Replace " will "by "may" and modify as in case of VDP.</p> |
| <p>103. Police to be associated in urban planning While planning for any major developmental activity including development of new colonies, in any area notified under Section 87, the concerned agency shall consult the Commissioner of Police to assess the likely impact of the proposed developmental activity on the safety and security needs of the citizens or any other policing requirements, and the</p> | | |

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| <p>suggestions based on such assessment shall be given due consideration in finalising the plan.</p> | | |
| <p>104. Liaison and coordination with other government agencies In order to ensure proper liaison, consultation and coordination between the police, the municipal authorities, the district administration and such other departments of the government, whose functioning impacts the working of the police, the State Government by notification, will constitute appropriate coordination machinery and lay down procedures. The structure of the machinery will be as notified.</p> | | |
| <p>105. Powers to operate certain Special Acts The State Government shall assign the enforcement and administration specially of the following Acts as well as other similar Acts, as it deems necessary, to the Commissioner of Police: (1) The Indian Explosives Act 1884; (2) The Mental Health Act, 1987. (3) The Poisons Act 1919. (4) The Police (Incitement to Disaffection) Act,1922. (5) The Immoral Traffic Prevention Act, 1956. (6) The Arms Act, 1959. (7) The Prevention of Cruelty to Animals Act, 1960 (8) The Indian Sarais Act, 1867. (9) The Cinematograph Act, 1952 (10) The Child Marriage Restraint Act, 1929</p> | | <p>Replace "shall" by "may".</p> |
| <p>Chapter IX 106. Policing in the Context of Public Order and Internal Security Challenges Internal Security Schemes The Director General shall, with the approval of the State Government, draw up an Internal Security Scheme for the entire state as well as for each of the districts and urban areas notified under Section 87, to deal with problems of Public Order and Security of State, as specific to the area.</p> | <p>Provisions of clause 106 to 111 may be accepted in view of present day security scenario in various parts of the country which call for special strategy and mechanism to deal with the situation.</p> | <p>Accepted</p> |
| <p>107. The Internal Security Schemes so formulated shall be reviewed, and revised as necessary, at least once annually and more frequently if required.</p> | <p>However, the term “internal security” in this chapter should be fully replaced by “Security” as internal security has a different connotation which includes duties cast on the Union Govt. in view of Article 355. Similarly “internal security scheme “should be termed as “Security Scheme” and should fall squarely in jurisdiction of the State.</p> | <p>Accepted</p> |

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| | Further, harmony with existing Acts, such as the Armed Forces (Special Powers) Act etc, needs to be maintained. | |
| <p>108. (1) The Internal Security Schemes will, as far as possible, cover all major problems the area is prone to or which can otherwise be anticipated in the whole or any part thereof. In preparing the Schemes, the Director General of Police shall give special attention to likely disturbance of public order arising out of non-implementation of developmental programmes in the backward and not so easily accessible areas.</p> <p>(2) The schemes will provide that officers deploying the police to deal with situations of conflict between communities, classes, castes, and political groups shall ensure that its composition, as far as possible, reflects social diversity of the area including adequate representation of weaker sections and minorities.</p> | | <p>Delete the second line -" In preparing..... accessible areas".</p> <p>Delete it.</p> |
| 109. The Internal Security Scheme shall, inter alia, cover the role of the police with regard to the security of any establishment or installation relating to critical infrastructure, if any located in the area.. | | Accepted |
| <p>110. (1) Any organisation, while taking up any activity or programme which is otherwise unobjectionable but may have the potential for disturbing law and order may inform the police, and thereupon, the police shall take such measures as deemed necessary to deal with the situation.</p> <p>(2) While preparing the Internal Security Scheme under Section 106, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.</p> | | Accepted |
| 111. The Internal Security Schemes will incorporate regularly updated and comprehensive Standard Operating Procedures for the action to be taken by the police, independently or in coordination with other concerned agencies in the period preceding, during, and in the aftermath of problems of each kind. | | Substitute (<i>sic</i>) the words "public and private" between the words "concerned" and "agencies". |
| <p>112. Creation of Special Security Zones</p> <p>If and when the security of State in an area is threatened by insurgency, any terrorist or militant activity, or activities of any organised crime group, the Union Government may, with the concurrence of the State Government, declare such area as a Special Security Zone:</p> <p>Provided that any such notification shall be placed before the appropriate legislature for ratification, within a period of six months from the date of issue, or the first sitting of the legislature, whichever is earlier. Provided further that the period of the notification shall not exceed two years unless it is ratified by the</p> | Terms "insurgency" and "militant activities" should be deleted and substituted by unlawful and terrorist activities, both of which are defined in the statute. Further, role of Union Govt. should be excluded as the state legislature has no competence to include Union Government in a State Act. The term "special" should also be | Accepted |

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| Parliament with the concurrence of the State Legislature. | deleted. | |
| 113. The State Government shall create an appropriate police structure and a suitable command, control, and response system, for each such Special Security Zone. | Te administrative and development activities of the Govt. need to be coordinated with the police response in such areas. The naxal affected states are a case in point. The recommendation therefore, is relevant. | Replace "shall" by "may". Add "including standing operating procedure". |
| 114. The State Government, in order to ensure coordinated functioning of different wings of the administration, shall set up, in each Special Security Zone, a suitable administrative structure which will integrate administrative and developmental measures in the area with the police response to deal with the problems of public order and security. | | Replace "shall" by "may". |
| 115. The Director General of Police shall, with the concurrence of the State Government, issue orders, laying down Standard Operating Procedures to be followed by police in a Special Security Zone. | May be accepted | Replace "concurrence" by "approval". |
| 116. The Union Government, at the request of the concerned State Governments, may declare areas falling in more than one state, as a Special Security Zone and provide for an appropriate integrated mechanism to be funded and resourced by the concerned State Governments and the Union Government. | May be accepted. However, concurrence of State Govts. would also needed while prescribing the integrated mechanism. | Delete the words "to be..... Union Government" & add "to deal with it". Insert "Operational "between "integrated and mechanism" [Which may have an integrated operational mechanism.] Add the words "with the help of concerned State Government" at the end. |
| 117. The State Government may, on the recommendation of the Director General, and for reasons to be recorded in writing, ban or regulate the production, sale, storage, possession or entry of any devices, or equipment, or any explosive, poisonous, chemical, biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, if the use of such devices, equipment, material, article or funds, is reasonably considered a threat to Internal Security or public order in the area, in any manner. | This provision may be in general terms and consistent with the specific laws on this subject. | Delete the words, "onin writing". |
| 118. The State Government, for any Special Security Zone falling within the State, may make rules to prevent and control the activities mentioned in Section 117, of persons or organisations, which may have an impact on Internal Security or Public Order. | May be accepted. | Accepted |
| 119. In cases where the Special Security Zone extends to more than one state, the Union Government shall, in consultation with the concerned state governments, make appropriate rules as contemplated in Section | May be accepted. | |
| 120. Involvement of the community To ensure the involvement of the community and civil society in effectively dealing | May be accepted. | Delete "in consultation with... DGP". |

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| <p>with problems of Internal Security or Public Order, the State Government, in consultation with the Director General of Police, shall issue guidelines with regard to constitution of Citizens' Policing Committees to promote the community's participation in prevention and control of problems, and for the protection of human rights.</p> | | |
| <p>121. Additional courts To facilitate proper prosecution and speedy trial of cases, the State Government may create additional courts or benches in the Special Security Zone with appropriate infrastructure, and technological facilities.</p> | <p>Though desirable, this may not be possible in view of resource implications.</p> | <p>Accepted</p> |
| <p>Chapter X 122. Effective Crime Investigation, Including Use of Science and Technology in Investigation Investigations by district police The State Government shall ensure that in all urban Police Stations, and those in the crime-prone rural areas, a Special Crime Investigation Unit, headed by an officer not below the rank of Sub-Inspector of Police, is created with an appropriate strength of officers and staff, for the investigating (<i>sic</i>) economic and heinous crimes. The personnel posted to this unit shall not be diverted to any other duty, except under very special circumstances with the written permission of the Director General of Police.</p> | <p>Functional separation of investigation from law and order activities of the police has been an important element of police reforms. This would, however, require extensive resources; both in terms of manpower and capital; hence graded approach may be followed. This needs to be made compatible with 49 recommendations.</p> | <p>Delete the line "The personnel...DGP" at the end. Replace "shall by "may".</p> <p>Delete "for the investigating (<i>sic</i>) economic and heinous crimes".</p> <p>Re-draft first line.</p> |
| <p>123. The officers posted in Special Crime Investigation Units will be selected on the basis of their aptitude, professional competence and integrity. Their professional skills will be upgraded, from time to time, through specialised training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.</p> | <p><u>Comment of DFS:</u> Following may be inserted after first sentence: "The officers in the socialized crime investigation units shall have certification from prescribed authorities, which should be renewed every three years after testing their proficiency".</p> | <p>To Manual</p> |
| <p>124. Officers posted to Special Crime Investigation Units will normally have a minimum tenure of three years and a maximum of five years, after which they will be rotated to law and order and other assignments.</p> | <p>Posting in crime unit should be one of the prerequisites for future promotion.</p> | <p>To Manual</p> |
| <p>125. (1) The officers posted to the special crime investigating units will investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, as notified by the Director General of Police, besides any other cases specially entrusted to the unit by the District Superintendent of Police.</p> <p>(2) All other crimes will be investigated by other staff posted in such Police Stations.</p> | <p>These detail should be incorporated in the manual.</p> | <p>Replace "crimes" by "Offences".</p> <p>Replace "DGP" by "State Government".</p> |
| <p>126. Each Police Station shall be provided with an appropriate number of Crime</p> | <p><u>Comment of DFS:</u></p> | |

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| <p>Scene Technicians to promptly visit the scenes of crime along with the Investigating Officer concerned to spot and gather all available scientific clues. These Crime Scene Technicians will be Civil Police officers Grade II or Grade I, specially selected and adequately trained for the purpose.</p> | <p>The following should be added: "The investigating officers shall carry out investigation with the aid of scientific techniques and collect all physical clues. He shall also prepares a sketch of the crime scene and record all the details pertaining to the crime scene. The collected physical clues of crime shall be forwarded to the forensic science laboratory at the earliest possible. The forensic science laboratory conducting the examination of physical clues of crime scene and the medical officers conducting post mortem examination shall be required to submit their report to the forwarding authority within the specified time frame".</p> | <p>To Manual</p> |
| <p>127. Necessary legal and forensic advice will be made available to investigating officers during investigations.</p> | <p>May be accepted.</p> | <p>To Manual</p> |
| <p>128. The investigations of cases taken up by the Special Crime Investigation Unit personnel, over and above the supervision of the Station House Officer concerned, will be supervised at the district level by an officer not below the rank of Additional Superintendent of Police, who will report directly to the District Superintendent of Police. This supervisory officer may be assisted by an appropriate number of officers of the rank of Deputy Superintendent of Police, posted for the specific purpose of ensuring quality investigation on professional lines: Provided that in smaller districts where the volume of work does not justify posting of an Additional Superintendent of Police, an officer of the rank of Deputy Superintendent of Police shall be posted for this purpose.</p> | <p>Implication of cadre strength should be studied in a separate exercise. This provision should be confined to specifying the functional lines of command.</p> | <p>To Manual</p> |
| <p>129. At the headquarters of each Police District, one or more Special Investigation Cells will be created, with the requisite strength of officers and staff, to take up investigation of offences of a more serious nature and other complex crimes, including economic crimes. These Cells will function under the direct control and supervision of the Additional Superintendent of Police mentioned in Section 128.</p> | <p>Professional and efficient investigation of crime is a major area of public expectation for which police needs to be duly equipped with trained manpower and scientific equipment. Use of scientific methods will improve quality of evidence and conviction rates. The more complex crime having</p> | <p>Replace "will" by "may". Delete the last line.</p> |

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| | inter-state ramifications may be tackled by the state unit. May be accepted. | |
| 130. The officers and staff to be posted to this Cell shall also be selected and specially trained, as provided in Section 123. | | To Manual |
| 131. Criminal Investigation Department The Criminal Investigation Department of the state, created under Section 16 of Chapter II, shall take up investigation of such crimes of inter-state, inter-district or of otherwise serious nature, as notified by the State Government from time to time, and as may be specifically entrusted to it by the Director General of Police in accordance with the prescribed procedures and norms. | Save the key enabling provision, the remaining details should be incorporated in the manual. | Accepted. Delete the words "by the DGP" |
| 132. The Criminal Investigation Department will have specialised units for investigation of cyber crime, organised crime, homicide cases, economic offences, and any other category of offences, as notified by the State Government and which require specialised investigative skills. | | Replace "will have" by "may create". |
| 133. The officers posted to the Criminal Investigation Department will be selected on the basis of their aptitude, professional competence, experience and integrity. They will undergo appropriate training upon induction, and their knowledge and skills will be upgraded from time to time through appropriate refresher and specialised courses. | | Accepted. Delete "and integrity" from first line. |
| 134. Officers posted to the Criminal Investigation Department shall have a minimum tenure of three years and a maximum of five years. | May be accepted. Posting in CID should be one of the prerequisites for promotion. | Replace by an omnibus clause (see below) |
| 135. The Criminal Investigation Department will be provided with an appropriate number of legal advisors and crime analysts to guide, advise and assist the investigating officers. | Should contain the basic enabling provision and leave the details for the manual. "Shall" should be substituted by "may" in view of resource implication for the state. | Replace "will" by "shall". Accepted with condition that words "will" and "shall" be substituted by "may". |
| 136. The Criminal Investigation Department shall be provided with adequate staff and funds. The head of this Department will be vested with financial powers of a head of the department. | | Delete last line. |
| 137. The Crime Investigation Units in Police Station, the Specialised Investigation Cells at the district level and the Criminal Investigation Department shall be equipped with adequate facilities of scientific aids to investigation and forensic science including qualified and trained manpower, in accordance with the guidelines, if any, issued in this regard by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India. | | To manual. |
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| <p>Chapter XI Training, Research and Development 138. Training The State Government shall evolve a Training-cum-Education Policy for the police, in accordance with the provisions of Section 55 of Chapter V, keeping in view the current and anticipated requirements of policing. The Policy will, as far as possible, take into account any guidelines in respect of police training as may be issued by the Union Government from time to time. The training policy shall aim at achieving the objectives of imparting knowledge in police subjects, developing of professional skills, inculcating the right attitudes, and promoting constitutional and ethical values among police personnel.</p> | <p>Emphasis on training, education and skill upgradation is well placed. The increasing complexities of crime, use of high technology by criminals, etc. require periodic training and orientation of the police personnel. Merits acceptance.</p> | <p>Accepted.</p> |
| <p>139. This Training Policy shall ensure that police personnel are adequately trained to efficiently perform their job. Successful participation in appropriate training programmes shall be linked, as far as possible, to the promotion of police personnel of different ranks, and to their postings to different assignments, in a structured manner, as notified by the State Government from time to time.</p> | <p>The contours and details of the training and its infrastructure components are best covered in the policy framed by the executive, the police manual and through the modernization schemes operated within the States. These details need not be provided in the statute.</p> | <p>Accepted.</p> |
| <p>140. In evolving the training policy, optimum advantage shall be taken of the methodologies of distance learning, outsourcing and on-the-job training</p> | | <p>Accepted and add "as prescribed" at the end.</p> |
| <p>141. The State Government shall create and upgrade, from time to time, the infrastructure and capabilities of their training institutions in consonance with the holistic training needs of police personnel of different ranks, which shall include, besides all types of specialised training, a compulsory refresher training course of appropriate duration, for all ranks annually. For this purpose, the State Government shall also create a suitable training centre with the requisite infrastructure in each Police District or Armed Police Battalion, as the case may be.</p> | | <p>Accepted.</p> |
| <p>141. The State Government shall ensure that full advantage is taken of the training facilities available in central and regional police training institutions, to adequately train police personnel of the state in specialised professional subjects, and to train the trainers of the state police training institutions.</p> | | <p>Accepted.</p> |
| <p>142. 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.</p> | | <p>Accepted, but delete the words "by Academy" but add "at the national and international levels".</p> |
| <p>143. For an objective periodical evaluation of the Training Policy of the state and its</p> | | |

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| <p>implementation, the state police may utilise the available assistance of organisations such as the Bureau of Police Research and Development of Government of India.</p> | <p>May be accepted.</p> | <p>Delete the names of BPR&D.</p> |
| <p>144. Research & Development The State Government may establish a State Bureau of Police Research & Development with provision for appropriate staff, funds and other resources to regularly undertake research and analysis on all such subjects and issues which may lead to improvement in the standards of police functioning and performance. The State Government may also sponsor, in other reputed organisations and institutions, special studies and research in subjects having relevance to policing.</p> | <p>May be accepted as this is a desirable objective.</p> | <p>Accepted.</p> |
| <p>145. The State Government may also take appropriate measures to harness developing technology for scientific and technical assistance in the investigation and detection of crime, and other policing tasks.</p> | <p>These are better covered through policy instruments and executive instructions and need not figure in the statute.</p> | <p>Accepted.</p> |
| <p>146. The tasks of the State Bureau of Police Research & Development shall include:</p> <p>(a) preparation of five-year Perspective Plans to modernise and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the Police Service. This Plan shall cover mobility, weaponry, communication, training, forensic infrastructure, equipments and protective gears, official and residential accommodation, and any other subject which may have a bearing on qualitative improvement in policing;</p> <p>(b) keeping abreast of the latest equipment and innovative technologies successfully introduced by other police organisations within the country or abroad, and assessing the adaptability or otherwise of such equipment and technologies by the state police. These may include new products, arms and ammunition, riot control equipment, traffic control equipment, police transport, and various scientific and electronic equipments useful for scientific aids to investigation or other policing tasks;</p> <p>(c) liaising and coordinating with the Bureau of Police Research and Development of Government of India, the academia, reputed scientific organisations, institutions and laboratories and private sector undertakings on relevant matters;</p> <p>(d) studying specific and developing problems of policing in the state with the objective of evolving solutions and remedial measures;</p> | | <p>Accepted.</p> |

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| <p>(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</p> <p>f) concurrently evaluating and documenting the impact of modernization and training policies of the state police and reporting its findings to the Director General of Police and the State Government.</p> | | |
| <p>147. Career planning The State Government shall formulate a policy for career progression of police personnel in a manner that will ensure avenues for at least three promotions to meritorious officers in their career, through a transparent process in accordance with the provisions of Section 54 of Chapter V.</p> | <p>May be accepted as being crucial to improving the moral and professionalism in the forces, and for attracting meritorious individuals to the service.</p> | <p>Delete "at least three"&"through a ... Chapter V".</p> |
| <p>Chapter XII 148. Regulation, Control and Discipline Framing of rules for administration of police Subject to the approval of the State Government, the Director General of Police shall make rules, regulations or issue orders, not inconsistent with this Act or with any other enactment for the time being in force for:</p> <p>(a) prevention and investigation of crime; (b) maintenance of law and order; (c) regulation and inspection of the police organisation, and of the work performed by police officers; (d) determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service; (e) prescribing the places of residence of members of the Police Service; (f) institution, management and regulation of any non-government fund for purposes connected with the police administration or welfare of police personnel; (g) regulation, deployment, movements and location of the police; (h) assigning duties to officers of all ranks and grades, and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties, (i) regulating the collection and communication of intelligence and information by the police; (j) prescribing the records registers and forms to be maintained and the returns to be submitted by different police units and officers; and (k) generally, for the purpose of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.</p> | <p>May be accepted.</p> | <p>To read as: State Government shall make rules...force for".</p> |

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| <p>149. Disciplinary Penalties</p> <p>(1) Subject to the provisions of Article 311 of the Constitution and the Rules and Regulations made under this Act, an officer of the rank of Superintendent of Police or above may award any of the following punishment to a police officer of a rank for which he is the appointing authority:</p> <p>(a) reduction in rank; (b) compulsory retirement; (c) removal from service; or (d) dismissal</p> <p>(2) Any police officer of the rank of Superintendent of Police or above, subject to the rules made in this behalf, may award any of the following punishments to any non-gazetted police officer subordinate to him:</p> <p>(a) reduction in pay; (b) withholding of increment (c) withholding of promotion; (d) fine not exceeding one month's pay; or (e) reprimand or censure.</p> <p>(3) An Assistant Superintendent of Police or any officer of equivalent rank may award the punishment of reprimand or censure to an officer of or below the rank of Sub Inspector of Police.</p> <p>(4) Any officer of and above the rank of Inspector may award punishments to Constables and Head Constables, as prescribed.</p> <p>(5) Any punishment mentioned in sub-Sections (1), (2), (3) or (4), awarded to an officer, will not affect his liability for prosecution for any criminal offence committed by him in the same transaction for which departmental action has led to award of punishment to him for any transgression of departmental rules.</p> | <p>May be accepted.</p> | <p>Accepted.</p> |
| <p>150. Suspension</p> <p>(1) A police officer of or above the rank of Superintendent of Police may place a police officer of the rank of Inspector or below subordinate to him, under suspension:</p> <p>(a) where a disciplinary proceeding for award of punishment against him is contemplated or is pending; (b) where in the opinion of the aforesaid authority, there is a prima facie case that such officer has engaged himself in activities prejudicial to the Security of State for which an enquiry is contemplated or pending; or (c) where in the opinion of the aforesaid authority there is prima facie evidence in respect of any criminal offence under investigation, inquiry or trial.</p> | <p>May be accepted.</p> | <p>(1) Accepted.</p> |

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| <p>(2) Every order of suspension passed under this section shall be in writing, giving briefly the reasons.</p> <p>(3) Where an officer is placed under suspension, whether in connection with a disciplinary proceeding or otherwise, and another disciplinary proceeding is ordered against him during the currency of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the officer shall continue to be under suspension until the completion of all or any of such proceedings.</p> <p>(4) An order of suspension so made may at any time be revoked or modified, or in any case be reviewed every six months or earlier, suo moto or on a representation made by the officer under suspension, by the authority which made the order or by any authority to which such authority is subordinate.</p> <p>(5) In case the period of suspension exceeds two years, the case shall be referred to the State Police Board for appropriate directions.</p> | | (5) Delete it. |
| <p>151. Suspension orders of officers of subordinate rank shall be made only by police officers above or of the equivalent rank of Superintendent of Police.</p> | May be accepted. | |
| <p>152. Misconduct A police officer shall, in addition to any other delinquent act or behaviour, as specified in the relevant rules, be liable for disciplinary action for any of the following misconduct:</p> <p>(a) disobedience of lawful orders; (b) neglect of duty; (c) insubordination or any oppressive conduct; (d) unauthorised malingering or absence from duty; (e) act of cowardice; (f) misuse of authority; or (g) any act unbecoming of an officer.</p> | May be accepted. | Accepted. Delete "lawful". |
| <p>153. Appeals against orders of punishment An appeal against any order of punishment passed against an officer under Section 149 or any rules made there under, shall lie:</p> <p>(a) where the order is passed by the Director General of Police, to the State Government; and (b) where the order is passed by an officer subordinate to the Director General of Police, to the officer next higher in rank in the police hierarchy who passed such order.</p> | May be accepted. | Accepted. |

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| <p>154. Separate set of rules for police personnel The State Government shall frame the Classification, Control and Appeals Rules for police personnel, which will, among other things, ensure timely disposal of disciplinary proceedings.</p> | <p>This provision is necessary for ensuring regulation of the forces in a fair, transparent and judicious manner. May be accepted.</p> | <p>Accepted.</p> |
| <p>155. Police officers always on duty (1) Every officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the state. (2) The State Government shall, however, ensure the grant of at least one day off in a week to all police personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to any of them.</p> | <p>May be accepted.</p> | <p>(1)Accepted. (2)Delete it.</p> |
| <p>156. No police officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorisation. Explanation: An officer who, being absent on authorised leave, fails without reasonable cause to report for duty at the expiration of such leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.</p> | <p>May be accepted</p> | <p>Accepted</p> |
| <p>157. No police officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act.</p> | <p>May be accepted.</p> | <p>Accepted.</p> |
| <p>Chapter XIII 158. Police Accountability In addition to the already existing mechanisms, and functions, duties and responsibilities of the departmental authorities, accountability of the police shall be further ensured through the additional mechanisms detailed in this chapter.</p> | <p>An Institutional mechanism for ensuring police accountability is an important ingredient of police reforms. May be accepted.</p> | <p>The entire concept of accountability is accepted in principle. Existing mechanisms needs strengthening rather than creating additional mechanism. include accountability in manual etc. <i>The comments on the entire chapter need to be revised accordingly.</i></p> |
| <p>159. Accountability for conduct Police Accountability Commission The State Government shall, within three months of the coming into effect of this Act, establish a State-level Police Accountability Commission (“the Commission”), consisting of a Chairperson, Members and such other staff as may be necessary, to inquire into public complaints supported by sworn statement against the police personnel for serious misconduct and perform such other functions as stipulated in this Chapter.</p> | <p>Some states may require time to implement provisions of this chapter. The mandatory limit of three months should be modified to “as soon as may be” in place of “within three months”.</p> | <p>Deleted "within three months"</p> |
| <p>160. Composition of the Commission The Commission shall have five members with a credible record of integrity and</p> | <p>The Constitution envisages mutual independence of the legislature,</p> | <p>Accepted.</p> |

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| <p>commitment to human rights and shall consist of:</p> <p>(a) a retired High Court Judge, who shall be the Chairperson of the Commission;</p> <p>(b) a retired police officer from another state cadre, superannuated in the rank of Director General of Police;</p> <p>(c) a person with a minimum of 10 years of experience either as a judicial officer, public prosecutor, practicing advocate, or a professor of law;</p> <p>(d) a person of repute and standing from the civil society; and</p> <p>(e) a retired officer with experience in public administration from another state:</p> <p>Provided that at least one member of the Commission shall be a woman and not more than one member shall be a retired police officer.</p> | <p>executive and judiciary and is based on a fine equilibrium of these three wings. Regular involvement of judicial officers with the police at all levels would adversely influence impartiality of the former and offset the present balance. This would also be in derogation of the principle of accountability of the executive to the legislature.</p> <p>There already exist several bodies of judicial and quasi-judicial nature to whom the police are variously responsible. Hence, constitution of another such body may not be functionally necessary. Lokayukta may be vested this responsibility.</p> | |
| <p>161. Selection of Chairperson and members of the Commission</p> <p>(1) The Chairperson of the Commission shall be appointed out of a panel of three retired high court judges, received from the Chief Justice of the High Court concerned.</p> <p>(2) Members of the Commission, other than the Chairperson, shall be appointed on the recommendation of a Selection Panel consisting of (i) the Chairperson of the Commission appointed under sub-Section (1); (ii) the Chairperson of the State Public Service Commission; and (iii) the Chairperson or a member of the State Human Rights Commission or, in the event of there being no such Commission in the State, the 'Lokayukta' or the Chairperson of the State Vigilance Commission.</p> <p>(3) The Selection Panel shall be constituted no later than one month from the coming into effect of this Act, and shall nominate members of the Commission within two months of its constitution, and as and when required thereafter.</p> <p>(4) Vacancies in the Commission shall be filled up as soon as practicable, and in no case later than three months after a seat has fallen vacant.</p> <p>(5) In selecting members of the Commission, the Panel shall adopt a transparent process.</p> | <p>Subject to view on clause 160, the nominations should be made by a selection committee duly constituted and notified by the Govt. as these are primarily govt. functions and Govt. is competent to constitute suitable selection panel to make recommendations.</p> | <p>(2) In (iii) Delete "Chairperson or".</p> <p>(3) Delete</p> <p>(4) Delete "and in...fallen vacant".</p> <p>(5) Delete</p> |
| <p>162. Ineligibility for membership</p> <p>A person shall be ineligible to be a member of the Commission, if he</p> | | |

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| <p>(a) is not a citizen of India; (b) is above 70 years of age; (c) is serving in any police, military or allied organisation, or has so served in the twelve months preceding such appointment; (d) is employed as a public servant; (e) holds any elected office, including that of Member of Parliament or State Legislature or any local body; (f) is a member of, or is associated in any manner with, an organization declared as unlawful under an existing law; (g) is an office-bearer or a member of any political party; (h) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more; (i) is facing prosecution for any offence mentioned in Sub-section (h) above and against whom charges have been framed by a court of law; or (j) is of unsound mind and has been so declared by a competent court</p> | <p>May be deleted in view of comments on 161 above.</p> | <p>Delete (e). Delete 'or a member 'in (g)</p> |
| <p>163. Term of office and conditions of service of members and Chairperson (1) The term of office of a member, and the Chairperson, shall be three years unless: (a) he resigns at any time before the expiry of his term; or (b) he is removed from the office on any of the grounds mentioned in Section162. (2) Members shall be eligible for reappointment on the expiry of term, provided that no member shall be eligible to hold office for more than two terms. (3) The remuneration, allowances and other terms and conditions of service of the members shall be as notified by the State Government from time to time and shall not be varied to their disadvantage after appointment.</p> | | <p>Accepted.</p> |
| <p>164. Removal of members (1) Any member of the Commission may be removed from office, on them recommendation of the Commission, by an order of the State Government on the grounds of: (a) proven misconduct or misbehaviour; (b) persistent neglect to perform duties of the Commission; (c) occurrence of any situation that would make a member ineligible for appointment to the Commission under Section162; or (d) any member engaging himself during his term of office in any paid employment outside the duties of his office.</p> | | <p>Accepted.</p> |

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| <p>165. The staff of the Commission</p> <p>(1) Members of the Commission shall be assisted by adequate staff with requisite skills, for efficient discharge of their functions of the Commission.</p> <p>(2) The strength of the staff may be prescribed by the State Government, keeping in view the size of the state, its population, and the average number of complaints against the police, and shall be periodically reviewed and revised.</p> <p>(3) The staff shall be selected by the Commission, inter alia, on a contractual basis, through a transparent process.</p> <p>(4) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.</p> | | <p>Take it to Rules.</p> <p>Delete "through a transparent process"</p> |
| <p>166. Conduct of business</p> <p>The Commission shall devise its own rules for the conduct of its business.</p> | | <p>Accepted</p> |
| <p>167. Functions of the Commission</p> <p>(1) The Commission shall inquire into allegations of "serious misconduct" against police personnel, as detailed below, either suo moto or on a complaint received from any of the following:</p> <p>(a) a victim or any person on his behalf;</p> <p>(b) the National or the State Human Rights Commission;</p> <p>(c) the police; or</p> <p>(d) any other source.</p> <p>Explanation: "Serious misconduct" for the purpose of this chapter shall mean any act or omission of a police officer that leads to or amounts to:</p> <p>(a) death in police custody ;</p> <p>(b) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860;</p> <p>(c) rape or attempt to commit rape; or</p> <p>(d) arrest or detention without due process of law.</p> <p>Provided that the Commission shall inquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint.</p> <p>(2) The Commission may also inquire into any other case referred to it by the Director General of Police if, in the opinion of the Commission, the nature of the case merits an independent inquiry.</p> <p>(3) The Commission may monitor the status of departmental inquiries or departmental action on the complaints of "misconduct" against gazette officers of and above the rank of Deputy/Assistant Superintendent of Police through a quarterly report obtained periodically from the Director General of Police, and issue</p> | <p>May be accepted.</p> | <p>Accepted (tentatively)</p> |

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| <p>appropriate advice to the police department for expeditious completion of inquiry, if in the Commission’s opinion the departmental inquiry or departmental action is getting unduly delayed in any such case;</p> <p>Explanation: “Misconduct” in this context shall mean any willful breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affects the rights of any member of the public, excluding “serious misconduct” as defined in sub-Section (1)</p> <p>(4) The Commission may also call for a report from, and issue appropriate advice for further action or, if necessary, a direction for a fresh inquiry by another officer, to the Director General of Police when a complainant, being dissatisfied by the outcome of, or inordinate delay in the process of departmental inquiry into his complaint of “misconduct” as defined above, by any police officer, brings such matter to the notice of the Commission; and</p> <p>(5) The Commission may lay down general guidelines for the state police to prevent misconduct on the part of police personnel.</p> | | |
| <p>168. Powers of the Commission</p> <p>(1) In the cases directly enquired by it, 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:</p> <p>(a) summoning and enforcing the attendance of witnesses and examining them on oath;</p> <p>(b) discovery and production of any document;</p> <p>(c) receiving evidence on affidavits;</p> <p>(d) requisitioning any public record or copy thereof from any court or office;</p> <p>(e) issuing authorities for the examination of witnesses or documents; and</p> <p>(f) any other matter as may be prescribed.</p> <p>(2) The Commission shall have the power to require any person, subject to legal privilege, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 and 177 of the Indian Penal Code, 1860.</p> <p>(3) The Commission shall be deemed to be a civil court, and when any offence, as defined in Sections 175, 178, 179, 180 or 228 of the Indian Penal Code, 1860, is</p> | <p>May be accepted.</p> | <p>Accepted.</p> |

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| <p>committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same. The Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code of Criminal Procedure, 1973.</p> <p>(4) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meanings of Sections 193 and 228, and for the purposes of Section 196 of the Indian Penal Code, 1860, the Commission shall be deemed to be a civil court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.</p> <p>(5) The Commission shall have the power to advise the State Government on measures to ensure protection of witnesses, victims, and their families who might face any threat or harassment for making the complaint or for furnishing evidence.</p> <p>(6) The Commission may visit any police station, lock-up, or any other place of detention used by the police and, if it thinks fit, it may be accompanied by a police officer.</p> | | |
| <p>169. Statements made to the Commission No statement made by a person in the course of giving evidence before the Commission shall subject that person to a civil or criminal proceeding or be used against him in such proceeding, except a prosecution for giving false evidence: Provided that the statement</p> <p>(a) is made in reply to the question which he is required by the Commission to answer; or</p> <p>(b) is relevant to the subject matter of the inquiry Provided further that on conclusion of the inquiry into a complaint of 'serious misconduct' against the police personnel, if the Commission is satisfied that the complaint was vexatious, frivolous or malafide, the Commission may impose such fine as considered appropriate on the complainant.</p> | <p>May be accepted.</p> | <p>Accepted.</p> |
| <p>170. Persons likely to be prejudicially affected to be heard If, at any stage of the inquiry, the Commission considers it necessary to inquire into the conduct of any person, or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, it shall give that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his support:</p> | <p>May be accepted.</p> | <p>Accepted.</p> |

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| <p>Provided that nothing in this section shall apply where the credibility of a witness is being impeached.</p> | | |
| <p>171. Decisions and Directions of the Commission (1) In the cases directly inquired by the Commission, it may, upon completion of the inquiry, communicate its findings to the Director General of Police and the State Government with a direction to:- (a) register a First Information Report; and/or (b) initiate departmental action based on such findings, duly forwarding the evidence collected by it to the police. Such directions of the Commission shall be binding: Provided that the Commission, before finalising its own opinion in all such cases shall give the Director General of Police an opportunity to present the department's view and additional facts, if any, not already in the notice of the Commission: Provided further that, in such cases, the Commission may review its findings upon receipt of additional information from the Director General of Police that may have a material bearing on the case.</p> <p>(2) The Commission may also recommend to the State Government payment of monetary compensation by the government to the victims of the subject matter of such an inquiry.</p> | <p>May be accepted.</p> | <p>(1) Accepted.</p> <p>(2) In view of proposed amendment in Cr.PC this may not be necessary.</p> |
| <p>172. Reports of the Commission (1) The Commission shall prepare an annual report at the end of each calendar year, inter alia, containing: (a) the number and type of cases of "serious misconduct" inquired into by it; (b) the number and type of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint; (c) the number and type of cases including those referred to in (b) above in which advice or direction was issued by it to the police for further action; (d) the number of complaints received by the District Accountability Authorities, and the manner in which they were dealt with; (e) the identifiable patterns of misconduct on the part of police personnel in the state; and (f) recommendations on measures to enhance police accountability.</p> <p>(2) The annual report of the Commission shall be laid before the State Legislature in the budget session and shall be a public document, made easily accessible to the public.</p> | <p>May be accepted.</p> | <p>(2) Delete "and shall be a public".</p> |

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| <p>(3) The Commission may also prepare special reports with respect to specific cases directly inquired into by it. These reports shall also be made easily accessible to the public</p> | | <p>(3) Accepted.</p> |
| <p>173. District Accountability Authority</p> <p>(1) The State Government shall establish in each police district or a group of districts in a police range, a District Accountability Authority to monitor departmental inquiries into cases of complaints of misconduct against police personnel, as defined in Section 167(3).</p> <p>(2) The District Accountability Authority shall have three members with a credible record of integrity and commitment to human rights and shall consist of a retired District and Sessions Judge, who shall be the Chairperson of the Authority; a retired senior police officer, and a person with a minimum of 10 years total experience as a judicial officer, public prosecutor, practicing advocate, professor of law, or a person with experience in public administration, as Members.</p> <p>(3) The Chairperson and other members of the District Accountability Authorities will be appointed by the Government on the recommendation of the Selection Panel referred to in Section 161 (2).</p> <p>(4) Vacancies in the Authority shall be filled up as soon as practicable, and in no case later than three months after a seat has been vacated.</p> <p>(5) In selecting members of the Authority, the Selection Panel shall adopt a transparent process.</p> <p>(6) The conditions of eligibility, term of office, terms and conditions of service, and conditions of removal from office for the Chairperson and members of the District Accountability Authorities will be the same as provided in Sections 162, 163 and 164 respectively.</p> <p>(7) The District Accountability Authority shall be assisted by adequate legal and administrative staff with requisite skills and experience.</p> <p>(8) The staff shall be selected by the Commission, inter alia, on a contractual basis, through a transparent process.</p> | <p>This has major financial implications for States. Further, regular involvement of judicial officers with the police at all levels would adversely influence impartiality of the executive accountability in the framework of district administration. Such authorities should more appropriately be constituted, for a group of districts, at the division/range level with Divisional Commissioner, DIG and an eminent member from the public as its members.</p> | <p>(4) No need for time limit.</p> <p>(5) Delete.</p> <p>(8) Delete through a transparent process".</p> |

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| <p>(9) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.</p> | | |
| <p>174. Functions of District Accountability Authority (1) The District Accountability Authority shall: (a) forward the complaints of “serious misconduct”, received directly by it , to the Commission for further action; (b) forward for further action, the complaints of “misconduct” received directly by it, to the District Superintendent of Police. Provided that if the complaint contains allegations against any police officer of or above the rank of Assistant / Deputy Superintendent of Police, the District Accountability Authority shall forward the same to the Director General of Police under intimation to the Commission, for further action. (c) monitor the status of departmental inquiries or action on the complaints of “misconduct” against officers below the rank of Assistant/ Deputy Superintendent of Police, through a quarterly report obtained periodically from the District Superintendent of Police; (d) issue appropriate advice to the District Superintendent of Police for expeditious completion of inquiry, if, in the Authority’s opinion, the inquiry is getting unduly delayed in any such case; (e) report cases to the Commission where departmental enquiry into “misconduct” is not concluded in time by the police department in spite of the Authority’s advice(s) to the District Superintendent of Police issued under sub-section (d) above.</p> <p>(2) The Authority may also, in respect of a complaint of “misconduct” against an officer below the rank of Assistant/ Deputy Superintendent Police, call for a report from, and issue appropriate advice for further action or, if necessary, a direction for fresh inquiry by another officer, to the District Superintendent of Police when a complainant, being dissatisfied by an inordinate delay in the process of departmental inquiry into his complaint of “misconduct” or outcome of the inquiry if the principles of natural justice have been violated in the conduct of the disciplinary inquiry, brings such matter to its notice;</p> | <p>May be accepted.</p> | |
| <p>175. Report of the District Accountability Authority (1) Each District Accountability Authority shall prepare and submit to the Commission an annual report before the end of each calendar year, inter alia, containing: (a) the numbers and types of cases of “serious misconduct” and “misconduct” forwarded by it to the Commission and the District Superintendents of Police</p> | <p>May be accepted.</p> | <p>Accepted</p> |

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| <p>respectively, during the year;</p> <p>(b) the number and types of cases monitored by it during the year;</p> <p>(c) the number and types of cases of “misconduct” referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;</p> <p>(d) the number and types of cases referred to in (c) above in which advice or direction was issued by it to the police for further action; and</p> <p>(e) recommendation on measures to enhance police accountability.</p> | | |
| <p>176. Relationship between the Commission and the District Authority</p> <p>(1) The Commission shall control and supervise, and issue suitable directions to the District Authorities for their proper functioning.</p> <p>(2) The District Authorities will assist the Commission in everyway for the proper discharge of the Commission’s functions.</p> <p>(3) Where the Commission considers that any of the conditions laid down in Section 164 read with Section 173 (6) of this Chapter for the removal of a member has been fulfilled, it shall be competent to request the State Government to initiate appropriate proceedings against that member of the District Authority.</p> | <p>May be accepted.</p> | <p>Accepted</p> |
| <p>177. Rights of the complainant</p> <p>(1) The complainant may lodge his complaint relating to any “misconduct” or “serious misconduct” on the part of police personnel with either the departmental police authorities or with the Commission or the District Accountability Authority: Provided that no complaint shall be entertained by the Commission or the District Authority if the subject matter of the complaint is being examined by any other commission, or any court.</p> <p>(2) In cases where a complainant has lodged a complaint with the police authorities, he may inform the Commission or the District Accountability Authority at any stage of the departmental inquiry about any undue delay in the processing of the inquiry.</p> <p>(3) The complainant shall have a right to be informed of the progress of the inquiry from time to time by the inquiring authority (the concerned police authority Commission or the District Accountability Authority). Upon completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the same as well as the final action in the case at the earliest.</p> <p>(4) The complainant may attend all hearings in an inquiry concerning his case. The</p> | <p>May be accepted.</p> | <p>Title "Rights & Duties of the complainant".</p> <p>(4)Re-Draft.</p> |

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| <p>complainant shall be informed of the date and place of each hearing.</p> <p>(5) All hearings shall be conducted in a language intelligible to the complainant. In a case where hearings cannot be conducted in such a language, the services of an interpreter shall be requisitioned if the complainant so desires.</p> <p>(6) Where upon the completion of the departmental inquiry, the complainant is dissatisfied with the outcome of the inquiry on the grounds that the said inquiry violated the principles of natural justice, he may approach the Commission or the Authority for appropriate directions.</p> | | (5) Delete it. |
| <p>178. Duty of the police and other state agencies</p> <p>(1) All police officers and authorities shall refer all allegations of “serious misconduct” against police personnel, coming to their notice, to the Commission.</p> <p>(2) It shall be the duty of the heads of the district police and of the state police as well as of any other concerned state agency to provide to the Commission and to the District Accountability Authority all information they may reasonably require to perform their duties provided for in this Chapter.</p> | May be accepted. | Accepted |
| <p>179. Interference with the functioning of the Commission or the Authority Whoever influences or interferes with the functioning of the Commission or the District Accountability Authority, except in the course of lawful duty, shall, on conviction by a court of law, be liable to a fine or to an imprisonment for a term not exceeding one year, or both. Explanation: Any threat, coercion or inducement offered to any witness or victim of police misconduct or serious misconduct, shall be deemed to be interference with the functioning of the Commission for the purposes of this Section.</p> | May be accepted. | Accepted |
| <p>180. Training</p> <p>It shall be the duty of the Commission to ensure that all its Members, and other staff as well as Members of the District Accountability Authorities and their staff are regularly trained, inter alia, about:</p> <p>(a) technical and legal issues related to departmental inquiries;</p> <p>(b) specific forms of human rights violation; and 93</p> <p>(c) appropriate handling of victims of police abuse</p> | May be accepted. | Delete it. |
| <p>Accountability for performance</p> <p>181. Review of police performance</p> <p>(1) The State Police Board created under Section 41 of Chapter V shall regularly evaluate and review the performance of the Police Service in the state as a whole and also district-wise. For this purpose, the Board shall:</p> | Clauses 181 to 184 should not be part of Chapter XIII. These should be either merged with relevant chapter or | Accepted |

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| <p>(a) identify performance indicators to evaluate the functioning of the Police Service, which shall, inter alia, include operational efficiency, public satisfaction, victim gratification vis-à-vis police investigation and response, accountability, optimum utilisation of resources, and human rights record;</p> <p>(b) review and evaluate organisational performance of the State police against: (i) the Annual Plan provided for in Section 40 of Chapter V of this Act, (ii) performance indicators as identified and laid down by the Board itself (iii) resources available with, and constraints of the police;</p> <p>(c) lay down policy guidelines for gathering information and statistics related to police work; and</p> <p>(d) suggest ways and means to improve the efficiency, effectiveness, accountability, and responsiveness of the police.</p> <p>(2) In order to assist the Board to regularly review and evaluate police performance, the State 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 prescribed and drawn from amongst serving or retired police officers, social scientists, police academics and crime statisticians, appointed by the State Government from panels of names recommended by the Board.</p> <p>(3) The conditions of eligibility, term of office, and conditions of service, and conditions of removal from office of non-official members of the Inspectorate will be the same as provided in Sections 162, 163 and 164 respectively.</p> <p>(4) In evaluating police performance, the Board may by itself or through its Inspectorate or any other agency or officers authorised by them in this behalf:-</p> <p>(a) visit any Police Stations, offices or any other police establishment;</p> <p>(b) examine any document and records maintained by the police; and</p> <p>(c) make arrangements to conduct various kinds of surveys including public opinion surveys.</p> | <p>become a separate chapter.</p> | |
| <p>182. Reports of the Board on police performance</p> <p>(1) The Board shall, at the end of each calendar year, prepare and forward to the State Government an annual report on police performance, which shall, inter alia, include recommendations for improvement.</p> <p>(2) This report shall be laid before the State Legislature in the budget session and shall be a public document, made easily accessible to the public.</p> | <p>May be accepted. Annual performance evaluation of the police will help transform it into a service oriented organization ad take corrective steps.</p> | <p>However, strategic plan need not be accessible to public.</p> |

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| <p>183. Protection of action taken in good faith No suit or other legal proceeding shall lie against the State Government, the State Police Board, its members and staff, the Police Accountability Commission, its members, staff or any person acting under the direction of the Board or the Commission, or members or staff of the District Accountability Authorities, in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Chapter.</p> | <p>May be accepted.</p> | <p>Accepted</p> |
| <p>184. Funding The State Government shall ensure that adequate funds are provided to the Commission and the District Accountability Authorities for the effective performance of their functions and that the police shall not be required to provide any material or human resources to the Commission or the District Accountability Authorities for their smooth functioning.</p> | <p>Need not figure in the statute as it is an executive function.</p> | <p>Accepted</p> |
| <p>Chapter XIV Welfare and Grievance Redressal Mechanisms for Police Personnel 185. Welfare Bureau (1) There shall be a Police Welfare Bureau, (hereinafter referred to as 'Bureau') headed by an officer not below the rank of Deputy Inspector General of Police, in the office of the Director General of Police to advise and assist him in the implementation of welfare measures for police personnel. (2) The functions and duties of the Bureau shall, inter alia, include administration and monitoring of welfare measures for police personnel, such as: (a) health care, particularly in respect of chronic and serious ailments, and including post-retirement health care schemes for police personnel and their dependents; (b) full and liberal medical assistance to police personnel suffering injury in the course of performance of duty; (c) financial security for the next of kin of those dying in harness; (d) post-retirement financial security; (e) group housing; (f) education and career counselling and training in appropriate skills for dependents of police officers; and (g) appropriate legal facilities for defence of police officers facing court proceedings in matters relating to bonafide discharge of duty. (3) The Bureau shall have as many members as prescribed, and shall comprise of representatives from all police ranks. It may have also include other members in an</p> | <p>Adequate welfare measures for the police personnel and their family are quite important for their efficient functioning. Adequate provision of state resources need also be made for the purpose. The recommendations in clause 185 to 188 are very relevant and merit acceptance. However, except for the key enabling provisions, the details for this chapter (Clause 185 to188) could more appropriately be covered under the police manual and relevant regulations. The provisions, if kept here, may be made enabling and not mandatory.</p> | <p>Accepted</p> |

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| <p>advisory capacity. The members of the Bureau shall be nominated by the Director General of Police.</p> <p>(4) The Bureau shall lay down norms and policies relating to police welfare, and monitor welfare activities undertaken by various police units in the state.</p> <p>(5) The Bureau shall interact with other government departments, public sector undertakings and other organisations to facilitate gainful employment for retired police officers, and for the dependents of police personnel who have laid down their lives in due discharge of their duties.</p> <p>(6) A Police Welfare Fund, under the administration and control of the Bureau, shall be created for the welfare activities and programmes for police personnel, which will have two components:</p> <p>(a) outright financial grant by the state; and</p> <p>(b) matching grant by the state to the contributions made by the police personnel, towards the welfare fund.</p> | | |
| <p>186. Insurance cover, allowances and medical facilities</p> <p>(1) The State Government shall provide adequate insurance coverage for all police personnel against any injury, disability, or death caused in the course of performance of their duty.</p> <p>(2) Police officers posted in special wings, such as Counter-Terrorism Operations Units, Bomb Disposal Squads, Commando Groups etc. shall be paid risk allowance, commensurate with the risks involved in those duties.</p> <p>(3) In addition to facilities as may be made available in police hospitals for general treatment and specialised services, police personnel shall also be provided with a medical insurance cover that would enable them to keep up the required standards of health and physical fitness.</p> <p>(4) Facilities for stress management, including psychological counselling, to cope with professional stress, shall be given due attention in all police units and establishments.</p> | | <p>Delete the words "causedtheir duty".</p> <p>(2)By the State Government</p> <p>(3)By the State Government.</p> <p>(4)Accepted.</p> |
| <p>187. Grievance Redressal</p> <p>(1) The Director General of Police, with the approval of the State Government shall put in place, a fair, transparent, and participatory grievance redressal mechanism for looking into individual as well as collective grievances of police personnel, which</p> | | <p>Accepted</p> |

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| <p>shall be freely received and channelled upwards from all levels of the organisation.</p> <p>(2) The 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 State Government for remedial measures.</p> <p>(3) An analysis of the grievances, their causes and their impact on the morale and efficiency of the Police Service shall be carried out annually. This analysis shall be included in the annual report of the State Police Board.</p> | | |
| <p>188. Working hours</p> <p>The State Government shall take effective steps to ensure that the average hours of duty of a police officer do not normally exceed eight hours a day: Provided that in exceptional situations, the duty hours of a police officer may extend up to 12 hours or beyond. In such cases, adequate compensation and facilities shall be provided to the police personnel.</p> | | Delete it |
| <p>Chapter XV</p> <p>General Offences, Penalties, and Responsibilities</p> <p>Order in streets and public places</p> <p>189. Regulation of public assemblies and processions</p> <p>(1) The District Superintendent of Police or an officer not below the rank of Assistant/Deputy Superintendent of Police may, where necessary, direct the conduct of all assemblies and processions on any public road, street or thoroughfare, and prescribe the routes by which and the time at which such a procession may pass.</p> <p>(2) It shall be duty of any person intending to organise a procession on any road, street or thoroughfare, or to convene an assembly at any public place, to give intimation in writing to the officer in charge of the concerned Police Station.</p> <p>(3) The District Superintendent or any officer not below the rank of Assistant/Deputy Superintendent of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may prescribe necessary conditions including making provisions for satisfactory regulatory arrangements, on which alone such assembly or procession may take place. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions should be given within 48 hours of receipt of intimation, as far as</p> | <p>.... The penal and procedure matters in relevant areas. May be accepted.</p> | Accepted |

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| possible. | | |
| <p>190. Assemblies and processions violating prescribed conditions</p> <p>(1) The District Superintendent of Police or any Police Officer not below the rank of Sub-Inspector, authorised in this behalf by the District Superintendent of Police, may stop any assembly or procession which 100 violates the conditions set under sub-sections (1) and (3) of Section 189, and order such assembly or procession to disperse.</p> <p>(2) Any assembly or procession which neglects or refuses to obey any order given under sub-section (1) above shall be deemed to be an “unlawful assembly” under Chapter VIII of the Indian Penal Code 1860.</p> | | Accepted |
| <p>191. Regulation of the use of music and other sound systems in public places</p> <p>The District Superintendent or any officer not below the rank of Assistant/ Deputy Superintendent of Police may regulate the time and the volume at which music and other sound systems are used in connection with any performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighbourhood.</p> | | Accepted |
| <p>192. Directions to keep order on public roads</p> <p>(1) The District Superintendent of Police or any other Police Officer authorised by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, or annoyance to passers by or pollution.</p> <p>(2) The District Superintendent of Police may issue general directions under sub-Section (1), in respect of the whole district or any part thereof, as per procedure laid down in Section 202.</p> | | Accepted |
| <p>193. Penalty for disobeying orders or directions</p> <p>Any person not obeying the lawful orders issued under Sections 189, 190 and 192 may be arrested and on conviction by a court of law, shall be liable to a fine.</p> | | Accepted |
| <p>194. Power to reserve public places and erect barriers</p> <p>(1) The District Superintendent of Police may, by public notice, temporarily reserve for any public purpose any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.</p> <p>(2) (a) The District Superintendent of Police may authorise any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants thereof for violation of any legal provisions by them.</p> | | Accepted |

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| <p>(b) In making such order, the District Superintendent of Police shall prescribe the necessary steps for ensuring the safety of passers-by.</p> <p>(c) These temporary structures shall be removed once the purpose for which they were installed is over.</p> | | |
| <p>Offences against the police 195. Obstruction in police work Any person, who obstructs the discharge of duties and functions of a police officer, shall, on conviction, be liable to simple imprisonment not exceeding three months or fine or both</p> | | Accepted |
| <p>196. Unauthorised use of police uniform Whoever, not being a member of the Police Service wears, without obtaining permission from an officer authorised in this behalf by the State Government by a general or special order, a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or fine or both.</p> | | Accepted |
| <p>197. Refusal to deliver up certificate etc. on ceasing to be police officers Whoever, having ceased to be a police officer, does not forthwith deliver up his/her certificate of appointment, clothing, accoutrements and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be liable to a fine.</p> | | Accepted |
| <p>198. False or misleading statement made to the police Whoever makes a false statement or a statement which is misleading in material particulars to a police officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term which may extend to three months or a fine or both.</p> | | Accepted |
| <p>Offences by the police 199. Dereliction of duty by a police officer (1) Whoever, being a police officer: (a) wilfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Service; or (b) without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973; or (c) is found in a state of intoxication, while on duty; or (d) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or (e) acts in any other manner unbecoming of a police officer; shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine or both.</p> | | <p><i>The problem of non registration of cases by police may be taken care of by amending CrPC and allowing people to file copy of FIR also with the magistrate.</i></p> <p><i>This section may be taken from section 29 of present Police Act, after improving upon it (such as by deleting the reference to "hard labor" etc).</i></p> |

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| <p>(2) Whoever, being a police officer:</p> <p>(a) is guilty of cowardice; or</p> <p>(b) abdicates duties, or withdraws from duties, or remains absent without authorisation from duty for more than 21 days; or</p> <p>(c) uses criminal force against another police officer, or indulges in gross insubordination; or</p> <p>(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; or</p> <p>(e) is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public; shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine or both.</p> | | <p>(2) Delete" for more than 21 days"</p> |
| <p>200. Arrest, search, seizure and violence Whoever, being a police officer:</p> <p>(1) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or</p> <p>(2) unlawfully and without reasonable cause seizes the property of any person; or</p> <p>(3) unlawfully and without reasonable cause detains, searches, or arrests a person; or</p> <p>(4) unlawfully and without reasonable cause delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person; or</p> <p>(5) subjects any person in her/his custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour; or</p> <p>(6) holds out any threat or promise not warranted by law; shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall be liable to fine.</p> | | <p>Accepted</p> |
| <p>201. Offences by the public</p> <p>(1) Any person who commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any area specially notified by the State Government or a Local Government for the purpose of this Section, to the</p> | | <p>Accepted</p> |

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| <p>inconvenience, annoyance or danger of the residents or passers-by shall, on conviction by a court, be liable to a fine:</p> <p>(a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;</p> <p>(b) being found intoxicated and riotous;</p> <p>(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;</p> <p>(d) defacing, or affixing notices, or writing graffiti on walls, buildings or other structures without the prior permission of the custodian of the property;</p> <p>(e) wilfully entering or remaining without sufficient cause in or upon any building belonging to the Government or land or ground attached thereto, or on any vehicle belonging to Government;;</p> <p>(f) knowingly spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;</p> <p>(g) wilfully damaging or sabotaging any public alarm system;</p> <p>(h) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;</p> <p>(i) acting in contravention of a notice publicly displayed by the competent authority in any government building :</p> <p>Provided that the police shall take cognizance of this offence only upon a complaint made by an authorised functionary of the concerned office.</p> <p>(j) causing annoyance to a woman by making indecent overtures or calls or by stalking : Provided that the police shall take cognizance of this offence only upon a complaint made by the victim.</p> <p>(2) It shall be lawful for any police officer to take into custody, without a warrant, whoever commits any of the offences mentioned in sub-Section (1).</p> <p>(3) Whoever commits any offence under sub-Section (1), on subsequent conviction shall be liable to enhanced punishment.</p> | | |
| <p>Procedural matters</p> <p>202. Procedure for posting directions and public notices</p> <p>(1) All general directions, regulations, and public notices issued under this Chapter shall be published by posting notices in the office of the District Magistrate, Tehsil office,, and Panchayat office of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice</p> | | (1) Accepted |

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| <p>especially relates, or by announcing it by the beating of drum or by advertising in local newspapers and other media, or by any other means as the Superintendent of Police may deem fit :</p> <p>Provided that the Superintendent of Police may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, make such direction or regulation without previous publication.</p> <p>(2) If any direction or regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bylaw of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bylaw.</p> | | (2) delete it |
| <p>203. Prosecution of police officers</p> <p>No court shall take cognizance of any offence under this Act when the accused person is a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of an officer authorised by the State Government in this behalf.</p> | May be accepted in so far it is consistent with similar provisions under section 197 of Cr.P.C. | Accepted |
| <p>204. Prosecution for offences under other laws</p> <p>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.</p> | | Accepted |
| <p>205. Summary disposal of certain cases</p> <p>(1) A court taking cognizance of an offence punishable under Sections 193 and 201 may state, upon the summons to be served to the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the court such sum as the court may specify.</p> <p>(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.</p> | | Accepted |
| <p>206. Recovery of penalties and fines imposed by Magistrates</p> <p>Provisions of Sections 64 to 70 of the Indian Penal Code, 1860 and Sections 386 to 389 of the Code of Criminal Procedure, 1973 shall apply to penalties and fines imposed under this Act on conviction before a Magistrate :</p> <p>Provided that notwithstanding anything contained in Section 65 of the Indian Penal Code, 1860, any person sentenced to fine under Sections 193 and 201 of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.</p> | May be accepted. | Accepted |

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| <p>207. Limitation of actions No court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation provided for in Section 468 of the Code of Criminal Procedure, 1973. For computing the limitation period, provisions of Chapter XXXVI of the Code of Criminal Procedure shall apply.</p> | May be accepted. | Accepted |
| <p>Chapter XVI Miscellaneous 208. Powers of District Superintendent of Police to be exercised by Commissioner of Police All powers, functions and duties of the District Superintendent of Police described in this Act shall be exercised, in respect of areas notified under Section 87 of Chapter VIII, by the Commissioner of Police or any other officer authorised in this behalf.</p> | May be accepted. | Accepted |
| <p>209. Disposal of fees and rewards All fees paid for licences or written permission issued under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government: Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer, or be divided amongst two or more Police officers.</p> | May be accepted. | Accepted |
| <p>210. Method of proving orders and notifications Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy 108 thereof in the Official Gazette, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of the Act applicable thereto.</p> | May be accepted. | Accepted |
| <p>211. Validity of rules and orders No rule, regulation, order, direction, or notification made or published and no adjudication, inquiry or act done under any provision of this Act, or under any rules made there under, which is in substantial conformity with the same, shall be deemed illegal, void or invalid by reason of any defect of form.</p> | May be accepted. | Accepted |
| <p>212. Officers holding charge of or succeeding to vacancies competent to exercise powers Whenever in consequence of the office of a Commissioner, Magistrate or police</p> | May be accepted. | Delete it |

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| <p>officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate, or police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or police officer, as the case may be.</p> | <p>Is it necessary?</p> | |
| <p>213. Licences and written permissions to specify conditions, and to be signed (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee than be charged there for as is prescribed by any rule under this Act in that behalf.</p> <p>(2) Revocation of licences: Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of it 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.</p> <p>(3) When licence revoked, grantee to be deemed without licence: When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a licence or written permission until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.</p> <p>(4) Grantee to produce licence and permission, when required: Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a police officer.</p> <p>Explanation: For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such licence or written permission has been granted.</p> | <p>May be accepted.</p> | <p>Accepted</p> |
| <p>214. Public notices how to be given Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public</p> | <p>May be accepted.</p> | <p>Accepted</p> |

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| <p>places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers-English or regional language or Hindi- 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.</p> <p>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.</p> | | |
| <p>215. Consent of a competent authority may be proved by writing under his signature</p> <p>Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.</p> | May be accepted. | Accepted |
| <p>216. Signature on notices may be stamped</p> <p>Every licence, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule there under, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.</p> | May be accepted. | Delete it |
| <p>217. Power to make rules</p> <p>The Government may make rules for carrying out the purposes of this Act.</p> | May be accepted. | Accepted |
| <p>218. Power to remove difficulties</p> <p>(1) If any difficulty arises in giving effect to the provisions of this Act the State Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty.</p> <p>(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the appropriate legislature.</p> | May be accepted. | (1) Accepted (2) Two year's limitation. |
| <p>219. Notification of rules and regulations in the Official Gazette and laying of rules and regulations</p> <p>(a) Every rule and regulation made under this Act shall be made by notification in the Official Gazette.</p> <p>(b) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of the state Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in</p> | May be accepted. | Accepted |

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| <p>making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.</p> | | |
| <p>220. Persons aggrieved may apply to State Government to annul, reverse or alter any rule or order In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a representation to the State Government to annul, reverse, or alter the aforesaid rule or order.</p> | <p>May be accepted.</p> | <p>Delete it</p> |
| <p>221. Repeal and saving (1) The (...Name of the state) Police Act (...Date of enactment) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted under the Act so repealed shall be deemed to have been done or taken or instituted under the corresponding provisions of this Act. (3) All references in any enactment to any of the provisions of the Act so repealed shall be construed as references to the corresponding provisions of this Act.</p> | <p>May be accepted.</p> | <p>Accepted</p> |