



The Punjab Police Act, 2007

Act 10 of 2008

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PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 5th February, 2008

No. 10-Leg./2008.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 24th January, 2008, and is hereby published for general information :—

THE PUNJAB POLICE ACT, 2007

(Punjab Act No. 10 of 2008)

AN

ACT

to respond to the democratic aspirations of the people and to provide for the establishment, regulation and management of the police, redefine its role, duties and responsibilities and to enable it to function as an efficient, professional, effective, accountable, people friendly, service oriented and responsive agency, free from extraneous influences, accountable to law by taking into account the emerging challenges of policing, enforcement of rule of law, the concern for security of the State and the society, particularly the vulnerable sections and minorities, good governance, human rights and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Fifty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Punjab Police Act, 2007. Short title and commencement.
(2) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.
2. (1) In this Act, unless the context otherwise requires,— Definitions.
 - (a) “Annual Policing Plan” means a statement, prepared before the beginning of each financial year of the police priorities for the year, indicating the financial resources expected to be available and of the proposed allocation of such resources;
 - (b) “cattle” includes cows, buffaloes, elephants, camels, horses, asses, mules, sheep, goats and swine;
 - (c) “City Police Commissionerate” means a major urban area, notified as such by the State Government in the Official Gazette for the purposes of this Act;

- (d) "Commissioner" means the Commissioner of Police appointed under section 8;
- (e) "Community Police Resource Centre" means a body, registered under the Societies Registration Act, 1860 with a view to provide for public-police interface;
- (f) "competent authority" means an authority, as may be prescribed by rules for different purposes under this Act;
- (g) "Group-'C' posts" mean the posts, categorized as such under the relevant Service Rules;
- (h) "insurgency" means waging of armed struggle by a group of persons or a section of population against the State with the objective of secession of a part from the territory of India;
- (i) "internal security" means preservation of sovereignty and integrity of the State from the disruptive and antinational forces within the State;
- (j) "militant activities" include any violence by a group, using explosives, inflammable substance, firearms or other lethal weapons or hazardous substance in order to achieve its objectives;
- (k) "municipal area" means an area, defined as such in the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976;
- (l) "Non-Gazetted Officer" shall include an officer of the rank of Assistant Sub-Inspector of Police, Sub-Inspector of Police and Inspector of Police;
- (m) "organized crime" includes any crime, committed by a group or network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;
- (n) "outpost" means a police post, carved out of an area of a police station;
- (o) "outsource" means procurement of work from or its entrustment to some other agency or person, outside the police department;
- (p) "place of public amusement and public entertainment" means a place, which may be notified as such by the State Government from time to time;
- (q) "police district" means, an area, notified as such under section 10;

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- (r) "police officer" means any member of the Police Service of the State, constituted under this Act, and includes an Indian Police Service officer, allocated or deputed to the State cadre;
- (s) "Police range" means a geographical area, comprising two or more police districts, which may be notified as such by the State Government in the Official Gazette;
- (t) "Police zone" means a geographical area of the State, comprising two or more police ranges, which may be notified as such from time to time by the State Government in the Official Gazette;
- (u) "prescribed" means prescribed by rules made under this Act;
- (v) "public place" means any place to which the public have access and includes,—
- (i) a public building, market, mall, train, bus, monument and precincts thereof; and
 - (ii) any place, accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- (w) "Regulations" mean regulations made under this Act;
- (x) "Rules" mean rules made under this Act;
- (y) "section" means a section of this Act;
- (z) "Service" means the Police Service, constituted under this Act;
- (aa) "Special Cell" means a Police Investigating Unit, specially dealing with the crime of a particular type, like cyber crime, crime against Women and Children, crime related to Non-Resident Indians, economic offences and crime against Scheduled Castes;
- (bb) "State" means the State of Punjab;
- (cc) "State Government" means the Government of the State of Punjab;
- (dd) "Strategic Policing Plan" means a plan setting out the proposed arrangements for policing during a specified period, and includes priorities of the financial resources, expected to be available and of the proposed allocation of those resources;
- (ee) "subordinate rank" means a rank below the Assistant Superintendent of Police or Deputy Superintendent of Police; and

(ff) "terrorist activity" includes any activity of a person or a group of persons using explosive 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 of striking terror in the society or any section thereof, and with an intent to overawe the Government, established by law.

(2) The words and expressions, used in this Act, but not defined, shall have the same meanings as assigned to them in the General Clauses Act, 1897 (Act 10 of 1897), the Code of Criminal Procedure, 1973 (Act 2 of 1974) and the Indian Penal Code, 1860 (Act 45 of 1860).

CHAPTER II

CONSTITUTION AND ORGANIZATION OF POLICE SERVICE

Constitution of
Police Service.

3. (1) There shall be one Police Service in the State.

(2) Notwithstanding anything contained in any other law or any of the provisions of this Act, the members of the Police Service shall be liable for posting anywhere in the State and outside the State, as may be ordered by the competent authority.

Organization and
Composition of
Police Service.

4. Subject to the provisions of this Act,—

- (a) the Police Service shall consist of such numbers in various ranks and have such organizations or cadres, as the State Government may, by general or special order, determine, and shall include the members of the Indian Police Service, allocated or deputed to the State;
- (b) the officers of subordinate ranks of district police, armed police, intelligence and technical and support services shall form separate cadres. Seniority of each cadre shall be maintained at the State level. Transfer of a member of one cadre to another cadre shall not be allowed;
- (c) notwithstanding anything contained in sub-clause (b), a member of the Police Service may be allowed to be deputed on deputation from one cadre to another cadre or organisation or department, as per rules;
- (d) the direct recruitment to various subordinate ranks in the Police Service shall be made through a State Level Police Recruitment Board or District Level Police Recruitment Board in a transparent manner ;

- (e) the mode of recruitment, pay, allowances and other service conditions of the members of the Police Service shall be such, as may be prescribed ;
- (f) the State Government shall provide for employment opportunities to women in the Police Service and may provide for separate physical standards for their recruitment; and
- (g) the State Government may restructure the district police in order to provide the public with an officer-oriented civil interface of the police in such manner, as may be prescribed.

5. (1) For overall direction, control and supervision of the Police Service, the State Government shall appoint a Director General of Police. He shall also exercise such powers, perform such functions and duties, and have such responsibilities, as may be prescribed.

Appointment of
Director General,
Additional Director
General,
Inspector General,
Deputy or
Assistant Inspector
General.

(2) The State Government may appoint one or more Directors General of Police, Additional Directors General of Police and as many Inspectors General, Deputy Inspectors General or Assistant Inspectors General of Police, as it may deem necessary.

(3) The State Government may, by a general or special order direct in what manner and to what extent, an Additional Director General or an Inspector General or a Deputy Inspector General or an Assistant Inspector General of Police shall assist the Director General of Police in the performance, exercise and discharge of his powers, functions, duties and responsibilities.

6. (1) The State Government shall select the Director General of Police from amongst the Indian Police Service officers borne on the State cadre, who are in the rank of Director General or are eligible to hold this rank for appointment as Director General of Police.

Selection and
term of office
of Director
General of Police.

(2) The Director General of Police so appointed, shall have a tenure of not less than two years, unless he attains the age of superannuation :

Provided that the State Government may, transfer the Director General of Police before the completion of two years of his tenure, if he is—

- (a) convicted by a Court of law in a criminal case or where charges have been framed against him by a Court in a case involving corruption or moral turpitude; or
- (b) incapacitated by physical or mental illness or otherwise becoming unable to discharge his functions as Director General of Police; or
- (c) promoted to a higher post under the State or the Central Government :

Provided further that the State Government may also transfer the Director General of Police before the completion of two years' tenure, for special reasons, to be recorded in writing.

Providing of
Legal and
Finance Officers.

7. (1) The State Government may provide such number of Legal Officers and Finance Officers to aid and advise the office of Director General of Police on legal and financial matters, as may be prescribed.

(2) The State Government may also appoint in every Police district and City Police Commissionerate, one or more Legal Officers to advise the police on legal issues including the adequacy or otherwise of the available evidence, as deemed necessary in various cases, to be investigated by them.

(3) Appointment of Officers referred to in sub-sections (1) and (2), shall be made in the manner, as may be prescribed.

Administration of
police in
municipal areas.

8. (1) The State Government may, by notification in the Official Gazette, establish for a municipal area and its adjoining area, a police system, which is capable of handling the typical and complex problems of crime, public order or internal security, which may call for quick and comprehensive response from the police by way of purposeful direction, unitary chain of command, professional competence, functional specialization and legal authority coupled with accountability.

(2) For achieving the purposes mentioned in sub-section (1),—

- (i) the State Government may, appoint a police officer, not below the rank of Deputy Inspector General of Police, to be the Commissioner of Police for any aforesaid specified area; and
- (ii) The Commissioner, so appointed, shall exercise such powers, perform such functions and duties and have such responsibilities and authority, as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order :

Provided that the State Government may, direct that any of the powers, functions and duties, responsibilities or authority, exercisable or to be performed or discharged by the Commissioner of Police, shall be exercised or discharged subject to the control of the Director General of Police :

Provided further that in any area for which a Commissioner of Police is appointed, and empowered by the State Government by notification in the Official Gazette, subject to such conditions and limitations, as may be specified therein, he may exercise and perform in relation to the City Police Commissionerate, the powers and duties of an Executive Magistrate and of a

District Magistrate under such provisions of the Code of Criminal Procedure, 1973, and the following Acts or any other Act, as may be specified by notification :—

- (i) the Indian Explosives Act, 1884;
- (ii) the Mental Health Act, 1987;
- (iii) the Poisons Act, 1919;
- (iv) the Police (Incitement to Disaffection) Act, 1922;
- (v) the Immoral Traffic (Prevention) Act, 1956;
- (vi) the Arms Act, 1959;
- (vii) the Prevention of Cruelty to Animals Act, 1960;
- (viii) the Sarais Act, 1867;
- (ix) the Cinematograph Act, 1952; and
- (x) the Child Marriage Restraint Act, 1929.

9. (1) Each Police zone shall be headed by an officer of the rank of Inspector General of Police, who shall supervise the police administration of such zone, and report to the Director General of Police.

Creation of
Police zones
and ranges.

(2) Each Police range shall be headed by an officer of the rank of Deputy Inspector General of Police, who shall supervise the police administration of such range, and report to the Director General of Police through the Inspector General of Police of the Police zone.

10. The State Government may, by notification in the Official Gazette, declare any revenue district of the State or part thereof, to be a police district. The administration of the police throughout such district, shall vest in the Senior Superintendent of Police of the district, who may be assisted by as many Superintendents of Police, Assistant Superintendents of Police or Deputy Superintendents of Police, as the State Government may deem necessary.

Police districts.

11. For the purpose of dealing with a particular category of crime or providing better services to the community at large including victims of crime, the state Government may, by notification in the Official Gazette, create one or more Special Cells in each police district, to be headed by an officer, not below the rank of an Inspector.

District Level
Special Cells.

12. The State Government may, by notification in the Official Gazette, divide each police district into as many Sub-Divisions, as may be deemed necessary, which would be headed by an officer of the rank of an Assistant Superintendent of Police or a Deputy Superintendent of Police.

Police Sub-
Divisions.

13. (1) The State Government may, on recommendation of the Director General of Police, create, by notification in the Official Gazette, as many Police Stations and outposts, as may be deemed necessary by it, in a police district, keeping in view the population, area, crime situation and the workload in terms of law and order and the distance, to be covered by the inhabitants to reach the Police Station.

(2) Each Police Station shall be headed by a Station House Officer, not below the rank of Sub-Inspector of Police or Inspector of Police, as per the post, duly sanctioned for such Police Station, subject to the fulfilment of the conditions that the official,—

- (i) should not be facing prosecution in a criminal case;
- (ii) should not have been served with a charge-sheet in a vigilance enquiry or in a departmental enquiry, concerning serious misconduct involving moral turpitude;
- (iii) must have worked in the rank of Non-Gazetted Officer in a police station for a minimum period of three years;

- (iv) should not have been awarded a major punishment during a period of three years, preceding his posting as Station House Officer; and
- (v) must not have been doubted in respect of his integrity for a period of five years, preceding his posting as a Station House Officer.

(3) Three shall be a crime investigation unit in each Police Station.

14. The Senior Superintendent of Police of a district, shall get registered and established Community Police Resource Centre in the district, which may include among other things, streamlining of police Service delivery mechanism and initiatives, aimed at dissemination of information, redressal of public grievances, checking of domestic violence, assistance to elders, traffic education and management, child protection, victim relief and checking of drug menace.

15. (1) The officers posted to the following posts, shall have a minimum assured tenure of one year against those posts, which shall be extendable to maximum period of three years :—

- 1. Inspector General of Police of a zone;
- 2. Deputy Inspector General of Police of a range;
- 3. Senior Superintendent of Police;
- 4. Superintendent of Police;
- 5. Assistant Superintendent of Police;
- 6. Deputy Superintendent of Police;
- 7. Station House Officer of a Police Station :

in a police district and

Establishment of Community Police Resource Centre.
Term of office of key police functionaries.

Police Stations.

Provided that an officer may be removed or transferred by the competent authority from his post before the expiry of the said tenure, if he is,—

- (a) promoted to a higher post ; or
- (b) convicted or against whom, charges have been framed by a court of law; or
- (c) suspended from Service in accordance with the provisions of the relevant rules ; or
- (d) incapacitated by physical or mental illness or otherwise becoming unable to discharge his duties and functions; or
- (e) there is a need to fill up the vacancy, caused by promotion, transfer or retirement.

(2) In exceptional cases, an officer may be transferred from his post by the competent authority before the expiry of his tenure for inefficiency or negligence or non-performance or where a *prima facie* case of a serious nature is found against him on the basis of a preliminary enquiry.

16. (1) For the purpose of efficiency in the general administration of the district, the Senior Superintendent of Police of a district shall maintain proper co-ordination with the District Magistrate or Deputy Commissioner of the district. The District Magistrate or the Deputy Commissioner, shall, in addition to his functions and duties under the provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and other relevant Acts, coordinate and direct the functioning of the police in respect of the general administration of the district in general and in the following cases in particular, namely :—

Co-ordination with district administration.

- (a) promotion of land reforms and the settlement of land disputes;
- (b) control of law and order situation in the district;
- (c) conduct of elections to any public body;
- (d) handling of natural calamities and rehabilitation of the persons affected thereby;
- (e) dealing with situation arising out of any external aggression or internal disturbances;

- (f) removal of any persistent public grievance;
- (g) handling of communal or caste clashes;
- (h) removal of encroachments on public properties; and
- (i) handling of or dealing with any similar matter, not falling within the purview of any other department of the State Government, but which may effect the general welfare of the public.

(2) For the purpose of co-ordination, the District Magistrate may call a meeting or ask for any information of a general or special nature, as and when required from the Senior Superintendent of Police of a district and heads of the other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions, which shall be implemented by the concerned departments.

Railway Police.

17. With a view to prevent, detect and investigate crime and for the enforcement of law and maintenance of order in trains passing through the railway lines area and other railway area, falling in its jurisdiction, the State Government may, by notification in the Official Gazette, create one or more special railway police districts, with required number of Railway Police Sub-Divisions and Railway Police Stations consisting of such railway lines and other railway areas in the State, as it may deem necessary and appoint a Senior Superintendent of Police, one or more Superintendents of Police, Assistant Superintendents of Police and Deputy Superintendents of Police and such other Police Officers for policing such districts, in such manner, as may be prescribed.

Intelligence and
Criminal
Investigation
Wings.

18. The police shall have an Intelligence Wing for collection, collation, analysis and dissemination of intelligence and a separate Crime Investigation Wing for collection, collation and analysis of criminal intelligence and for investigating heinous crimes with inter-district or inter-state ramifications, major economic offences, cyber crime or other cases of serious nature.

Technical and
support Service.

19. (1) The State Government shall create and maintain such specialized and technical agencies and services, under the Director General of Police, as may be considered necessary or expedient for promoting efficiency in Police Service.

(2) The services created under sub-section (1), shall include a full fledged Forensic Science Laboratory at the State Level, a Finger Print Bureau, a State Crime Record Bureau and a Computer and Telecommunication Wing.

(3) Notwithstanding anything contained in sub-section (2), the Director General of Police may, if he so deems appropriate, hire or engage the services of

an expert—whether a person or body on such terms and conditions, as may be prescribed to carry out the purposes of this Act.

(4) The Police shall have a Research Wing to undertake specific studies relating to issues having impact on police functioning and crime and crime-pattern in order to improve police functioning and performance. The Director General of Police may hire or engage the services of any person or body on such terms and conditions, as may be prescribed for carrying out these purposes. The Research Wing shall also undertake the following tasks, namely :—

- (a) preparation of five years perspective plans to modernize and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the State Police; and
- (b) keeping abreast of the latest technologies, successfully introduced by other police organizations within the country or abroad, and assessing the adoption or otherwise of such technologies by the State Police.

20. (1) The State Government shall establish a Police Training Academy Police Training. at the State level and as many Police Training Colleges and Police Training Schools, as may be deemed necessary by it 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 other general and specialized in-service training courses for police personnel of different ranks and categories, as may be required from time to time.

(2) For the aforesaid purposes, the State Government shall procure the services of officers from the Police Service, or Paramilitary Forces or Armed Forces or other Professional Organizations for the Police Training Academy, Colleges and Schools, referred to in sub-section (1). The aforesaid officers shall be selected after carefully examining their teaching aptitude. The State Government shall evolve a scheme of monetary and other incentives on the pattern of those, followed by Sardar Vallabhai Patel National Police Academy, Hyderabad to attract and retain the best of the available talent in the service of such training institutions.

(3) No police officer shall be deployed on duty without undergoing and passing the prescribed basic training. No police officer shall be promoted to any higher rank without undergoing and passing the prescribed pre-promotion training.

(4) The Director of the Police Training Academy and the heads of Police Training Colleges and Schools may hire or engage the services of any person or body, qualified for the purpose of imparting the prescribed training on such terms and conditions, as may be prescribed.

(5) The State Government may establish training centres with the appropriate infrastructure in each police district or city police commissionerate or Armed Police Battalion, as the case may be.

(6) The State Government shall frame rules to provide for the utilization of the capitation fees, to be charged for training candidates from other States or Union Territories or countries for improving the infrastructure of such training institutions.

Oath or affirmation
by police personnel.

21. Every member of the Police Service, enrolled under this Act, shall, on appointment and completion of training, take before an officer, authorised in this behalf by the Director General of Police, an oath or affirmation, as may be prescribed.

Certificate of
appointment.

22. (1) Every police officer, not below the rank of Inspector, shall on appointment, receive an insignia and a certificate in such form, as may be prescribed. The certificate shall be issued under the hand and seal of such officer, as the State Government may by general or special order, direct.

(2) The Certificate of appointment shall become null and void, and the insignia shall be deemed to be withdrawn whenever the person named therein, ceases to belong to the Service and shall remain inoperative during the period, such person is suspended from the Service.

Special Police
Officers.

23. (1) When, it appears that any unlawful assembly has been convened or riot or disturbance in law and order has taken place, or the same is reasonably apprehended, and the police force ordinarily employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property, it shall be lawful for any police officer, not below the rank of Inspector to request to the nearest Executive Magistrate, to appoint so many of the residents of the neighbourhood, as such police officer may require, to act as special police officers for such time and within such limits, as he may deem necessary, and the Executive Magistrate, unless he sees cause to the contrary, shall comply with such a request.

(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;
- (b) have the powers, privileges and immunities and perform the duties and responsibilities of a regular police officer and be subject to the control of the authorities, specified under this Act; and
- (c) be honorary.

(3) The State Government, may by special order, specify the honorarium to be paid to such special police officer.

24. The Police Service shall have such ranks and posts, as may be notified by the State Government. The recruitment, training, posting, deputation, promotion, code of conduct, discipline, punishment and appeal and other service conditions of various ranks of Police Service shall be such, as may be prescribed.

Rank structure in Civil and Armed Police.

25. To assist the Police in enforcement of law and maintenance of order or in situations like breach of peace and in disaster management function, in escort of prisoners, as well as to discharge such other duties, which may require special weapons and tactical teams or presence of Armed Police, the State Government shall create Armed Police Units or Special 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. The constitution, recruitment, training, deployment and administration of such Reserves and Battalions, shall be regulated as per rules made under this Act.

District Armed Reserves and State Armed Police Battalions.

CHAPTER III

SUPERINTENDENCE AND ADMINISTRATION OF POLICE

26. The superintendence of State Police shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

Superintendence of State Police of vest in State Government

27. (1) The State Government shall, within a period of three months of the coming into force of this Act, establish a State Police Board to exercise the functions assigned to it under this Act.

Establishment of State Police Board.

(2) The State Police Board shall consist of following persons, namely :—

- | | |
|--|---------------------|
| (a) the Chief Minister, Punjab; | .. Chairperson |
| (b) the Home Minister, Punjab; | .. Vice-Chairperson |
| (c) the Chief Secretary, Punjab | .. Member |
| (d) the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice; | .. Member |
| (e) the Advocate General, Punjab; and | .. Member |
| (f) the Director General of Police. | .. Member-Secretary |

Functions of
State Police Board

28. The State Police Board shall perform the following functions, namely:—

- (a) to aid and advise the State Government in discharge of its functions and responsibilities under this Act;
- (b) to frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law;
- (c) to review and evaluate organizational performance of Police Service in the State; and
- (d) to identify shortcomings regarding infrastructure and equipment in police.

Strategic and annual
plans.

29. (1) The State Government shall,—

- (a) in consultation with the State Police Board, established under section 27, draw up a Strategic Policing Plan for a period of five-years (hereinafter referred to as the "Strategic Plan"), duly identifying the objectives of policing, sought to be achieved during the said period and setting out an action plan for their implementation;
- (b) in consultation with State Police Board, draw Annual Policing Plan prioritising the goals of Strategic Plan;
- (c) place before the State Legislature, within a period of six months of the coming into force of this Act, the Strategic Plan. Subsequent Strategic Plans shall, be placed before the State Legislature every three years; and
- (d) 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.

(2) The Strategic Policing Plan and the Annual Policing Plan shall be prepared after receiving inputs on the policing needs of the districts from the Senior Superintendents of Police and the Commissioners of Police, who, in turn, shall furnish the same in consultation with the public.

Administration of
State Police.

30. (1) The administration of Police shall vest with the Director General of Police and with such Additional Directors General of Police, Inspectors General of Police, Deputy Inspectors General of Police and such other Police Officers, as may be appointed under this Act, under the overall superintendence and control of the State Government.

(2) The administration of police in a district shall vest with the Senior Superintendent of Police.

31. (1) The following shall be the responsibilities of the Director General of Police, namely :-

Powers and responsibilities of the Director General of Police.

- (a) to enforce the policies and other action plans, approved by the State Government; and
- (b) to administer, control and supervise the police service to ensure its efficiency, effectiveness, responsiveness and accountability.

(2) The Director General of Police, with the approval of the State Government, may outsource any of the functions of the police in order to improve efficiency in the functioning of the police subject to rules framed under this Act.

32. (1) The State Government shall constitute a Police Establishment Committee (hereinafter referred to as the Establishment Committee), which shall consist of the following police officers, at the Headquarters, namely :—

Police Establishment Committees.

- (a) the Director General of Police; : Chairperson
- (b) the Head of State Intelligence Wing; : Member
- (c) the Head of the Administration Wing; : Member
- (d) the Head of Law and Order Wing; and : Member
- (e) the Inspector General of Police, Headquarters. : Member

(2) The Establishment Committee shall decide with regard to transfers and postings of police officers of the rank of Deputy Superintendents of Police.

(3) The Establishment Committee shall also consider and recommend to the Director General of Police, the names of the non-Gazetted Officers for posting to a police range on initial appointment, or for transfer of subordinate ranks from one police zone or police range to another police zone or police range, as the case may be, where such transfer is considered expedient for the Police Service.

(4) The transfers and postings of subordinate ranks, within a police zone, shall be decided by the Inspector General of Police of the zone on the recommendation of a Committee comprising of the Inspector General of Police of the zone and the Deputy Inspectors General of Police of all the ranges in that zone.

(5) The transfers and postings of officers of subordinate ranks, within a police range, shall be decided by the Deputy Inspector General of Police of the range on the recommendation of a Committee, comprising of the Deputy Inspector General of Police of the range and the Senior Superintendents of Police of all the districts in that range.

(6) The postings and transfers of officers of subordinate ranks within a police district, shall be decided by the Senior Superintendent of Police of the district on the recommendation of all Superintendents of Police posted in the district:

Provided that the Director General of Police or any other officer, authorized by him, may decide transfers falling under sub-sections (4), (5) and (6) at his own level in such cases, as he may deem fit.

CHAPTER-IV

POLICING IN THE CONTEXT OF PUBLIC ORDER AND INTERNAL SECURITY CHALLENGES

Internal Security
Scheme.

33. (1) The Director General of Police 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 to deal with problems of public order and security of the State as a whole or for any specific area or areas.

(2) The Internal Security Scheme shall be updated regularly by incorporating therein, the latest comprehensive standard operating procedures for the actions, to be taken by the police either independently or in co-ordination with other agencies in the period, before, during and after the occurrence of problems of each kind.

Creation of Special
Security Zone.

34. (1) As and when, the security of the State in any area is threatened by insurgency or any terrorist or militant activity whether by any organized crime group or otherwise, the State Government may, by notification in the Official Gazette, declare such an area as a Special Security Zone :

Provided that such notification shall be placed before the State Legislature, within a period of six months from the date of issue or the first sitting of the Legislature, whichever is earlier.

(2) For a Special Security Zone, as declared under sub-section (1), the State Government may, create an appropriate Police structure providing for such zone, a suitable command, control and response system.

(3) The Director General of Police shall with the concurrence of the State Government, issue orders, laying down standard operating procedures, to be followed by the police in a Special Security Zone.

(4) The State Government may, on the recommendation of the Director General of Police, and for the 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 or inflow thereof, is reasonably considered a threat to internal security or public order in the area, in any manner.

35. The State Government, may, for any special Security Zone, frame rules to prevent and control the activities of persons or organizations, which may have an impact on the internal security or public order.

Framing of rules.

CHAPTER-V

EFFECTIVE CRIME INVESTIGATION

36. (1) The State Government may, by notification in the Official Gazette, cause separation of law and order machinery from the investigation wing in such municipal area, as may be deemed appropriate by it in order to bring about more professionalism. The investigation staff shall ordinarily not be diverted for any other duties, except with the permission of the Deputy Inspector General of Police of the Range concerned.

Investigation by District Police.

(2) The State Government shall create in every district, specialized crime investigation unit, headed by an officer, not below the rank of an Inspector with an appropriate strength of officers and staff, for investigating such categories of specialized crime, as may be deemed appropriate. The personnel posted in this unit shall not be diverted to any other duty, except under exceptional circumstances with the written permission of the Deputy Inspector General of Police of the Range concerned.

37. The officers posted in special crime investigation units shall be selected on the basis of their aptitude, professional competence and integrity. Their professional skills shall be upgraded, from time to time, through specialized training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

Selection of officers.

38. The officers posted in the special crime investigation units, may investigate crimes, such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, specified by the Director General of Police, besides any other cases, specially entrusted to the unit by the Senior Superintendent of Police of a district.

Investigation of crime.

Legal and Forensic
advice.

39. The State Government may provide necessary legal and forensic aid to the investigating officer during the investigation.

CHAPTER-VI

ROLE, FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE POLICE

Role, functions and
duties of the
Police.

40. The role and functions of the police shall be,—

- (a) to prevent and detect crime;
- (b) to uphold and enforce the law impartially, and to protect life, liberty and property, human rights and dignity of the people;
- (c) to maintain law and order;
- (d) to maintain internal security;
- (e) to promote and preserve public order;
- (f) to provide possible help to people in distress or in situations arising out of natural or man-made disasters;
- (g) to facilitate orderly movement of people and vehicles and also to control and regulate traffic on roads and highways with a special emphasis on checking the violations under the Motor Vehicles Act, 1988 and the rules made thereunder, falling under the following categories, namely :—
 - (i) those, endangering the lives of road users;
 - (ii) those, restricting the smooth flow of traffic on roads; and
 - (iii) those, adding to the pollution of the environment;
- (h) to register and investigate all cognizable offences coming to their notice, by duly supplying a copy of First Information Report to the complainant forthwith and to carry out further investigation as per law;
- (i) to collect intelligence relating to matters, affecting public peace, crime, social harmony and security of State and take appropriate action;
- (j) to take charge of all unclaimed property and take action as per relevant rules;
- (k) to prevent and control public nuisance; and
- (l) to enforce any other duty assigned by law.

41. It shall be the duty of every police officer to,—

- (a) extend due courtesy while dealing with people;
- (b) guide and assist people especially those, needing help and protection;
- (c) provide all possible assistance to victims of crime and of road accidents, and in particular, make efforts that they receive timely medical aid;
- (d) be impartial and respectful for human rights, with special attention to weaker sections, while dealing with situations of conflict;
- (e) prevent harassment of women and children in public places;
- (f) render assistance to the people, particularly women, children, and the poor persons, against criminal exploitation by any person or organized group of persons;
- (g) arrange for legally permissible assistance and shelter to every person in custody and making known to all such persons, the provisions of legal aid schemes, available from the Government and also inform the authorities; and
- (h) actively work towards checking the social evils of drugs and female foeticide.

Social responsibilities of the police.

42. A senior police officer may, perform any duty, assigned by law or by a lawful order to any 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 convenient effect to the law or for avoiding any infringement thereof.

Senior police officer performing duties of subordinate officer.

43. (1) It shall be the duty of every officer-in-charge of a Police Station to keep a general diary in such form, as may, from time to time be specified by the State Government and to record therein, all complaints and charges made, the names of all persons arrested, the offences complained against them, the names of the complainants, the weapons or property that have been taken from their possession or otherwise or the witnesses, who have been examined.

Police officers to keep diary.

(2) Every Police Station shall keep such record, registers, forms and returns, as may be prescribed.

(3) The State Government or the Director General of Police, may specify the returns, reports and statements connected with prevention and detection of crime, maintenance of order, performance of duties, administration and management of the Police Service, required to be maintained at different levels.

Authority of
District Senior
Superintendent of
Police over village
watchman.

44. With a view to carry out the purposes of this Act, the State Government may declare that the authority, which is or may be exercised by the District Magistrate over a village watchman for the purposes of policing, shall be exercised by the district Senior Superintendent of Police:

Provided that such an authority shall be exercised under the overall control of the District Magistrate.

CHAPTER-VII

REGULATION, CONTROL AND DISCIPLINE

Issue of directions
or orders.

45. The Director General of Police shall be competent to issue directions or orders, not inconsistent with the provisions of this Act or the rules framed thereunder regarding,—

- (a) prevention and investigation of crime ;
- (b) maintenance of law and order ;
- (c) regulation and inspection of the police organization and of the work performed by the police officers ;
- (d) regulating the issue and use of arms and ammunition ;
- (e) wearing of uniform ;
- (f) organization, classification and distribution of the police force;
- (g) recruitment of subordinates, special police officers and ministerial staff ;
- (h) specifying the places of residence of the members of the police service ;
- (i) internal vigilance within the police ;
- (j) institution, management and regulation of any Non-Government fund for the purposes connected with the police administration or welfare of police personnel ;

Explanation.—For the purpose of this clause, “Non Government Fund” shall mean a Fund, in which no contribution is made either by the State Government or by the public ;

- (k) regulation, deployment, movement and location of the police ;
- (l) assignment of duties to the officers of all ranks and grades, and specifying the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties ;
- (m) regulating the collection and communication of intelligence and information by the police ;
- (n) specifying the record, registers and forms to be maintained and the returns, to be submitted by different police units and officers ;
- (o) community policing ;
- (p) functioning of police stations and other units ;
- (q) training of the police force and management of training institutions;
- (r) generally, for the purpose of administering this Act and for rendering the police more efficient, and preventing abuse of power or neglect of duties by them ; and
- (s) covering any aspect of police administration, which is incidental or co-related to the provisions of this Act or the rules framed thereunder.

46. Every police officer shall be considered to be always on duty, and may, at any time, be deployed in any part of the State or outside the State.

Police officers to be always on duty.

47. No police officer shall abdicate his duties or withdraw himself from his or her place of posting or deployment, without proper authorization.

Abdication of duties.

Explanation.—An officer who, remains absent after the expiry of authorized leave without reasonable cause, shall be deemed within the meaning of this section to have withdrawn himself from the duties of his office.

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

Employment in office of profit.

49. (1) Whoever, intentionally causes or attempts to cause, or does any act, which is likely to cause disaffection towards the Government, established by law, amongst the members of a police force, or induces or attempts to induce or does any act, which is likely to induce any member

Penalty for causing disaffection.

of police force to withhold his services or to commit a breach of discipline, shall be punished with imprisonment, which may extend to three years or with fine, which may extend to ten thousand rupees, or with both.

Explanation.—The expression of disapproval of measures of the State Government by lawful means, or disapproval of the administrative or other action of the State Government, do not constitute an offence under this section, unless they cause or are taken for the purpose of causing disaffection.

Restrictions
respecting right to
form association,
freedom of
speech.

50. (1) No member of a police Service shall, without the express sanction of the State Government,—

- (a) be a member of, or be associated in any way with, any trade union, labour union, political association ;
- (b) be a member of, or be associated in any way with any other society, institution, association or organization that is not recognized as part of the police Service of which, he is a member :

Provided that if such a society, institution, association or organisation is purely social, recreational or of religious nature, a member of the police Service, may become its member; and

- (c) communicate with the press or publish or cause to be published any book, letter or other document, except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic, scientific character or is of a prescribed nature.

(2) No member of a police Service shall participate in, or address, any meeting or take part in any demonstration for any political purpose or for such other purposes, as may be prescribed.

(3) Any person violating the provisions of this section, shall be liable to face disciplinary action as per the provisions of this Act or the rules made thereunder.

Penalty.

51. Any person who contravenes the provisions of sub-section (4) of Section 34, shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to three years, or with fine, which may extend to ten thousand rupees or with both.

52. Subject to any orders, which the Central Government may make in this behalf, a member of the Police Service may be deputed to discharge his duties in any other State, and shall, while discharging his duties there, be deemed to be a member of the Police Service of that State and be vested with the powers, functions and privileges and be subject to the liabilities of a Police officer belonging to the Service of that State.

Deployment of a member of Police Service beyond the State.

53. In the event of any component of the Police Service serving in any other State, whether independently or by being attached to the Police Service of that other State, every member of the said component, while discharging the duties of a police personnel in that other State, shall continue to be subject to the same laws in respect of discipline as would have been applicable to him, if he had been discharging those duties within the State.

Extension of disciplinary laws of State to member of Service when serving outside the State.

CHAPTER-VIII

POLICE ACCOUNTABILITY

54. The State Government may by notification, constitute Police Complaints Authorities at the State level as well as at the District level.

State and District Police Complaints Authority.

CHAPTER-IX

WELFARE AND GRIEVANCE REDRESSAL MECHANISM FOR POLICE PERSONNEL

55. The State Government shall designate an officer, not below the rank of an Assistant Inspector General of Police to head a police welfare wing in the office of the Director General of Police to aid and advise him in the implementation of welfare measures for police personnel.

Welfare.

56. A police welfare fund shall be created under the administration and control of the Director General of Police for the welfare activities and programmes for police personnel which, shall consist of the following contributions, namely :—

Creation of Police Welfare Fund.

(a) contributions by members of the police Service ; and

(b) such financial grants, as may be given by the State Government from time to time.

57. The Director General of Police, with the approval of the State Government, shall constitute, a fair and transparent police grievance redressal mechanism for looking into the grievances of police personnel.

Grievance redressal.

CHAPTER-X**GENERAL OFFENCES, PENALTIES AND
RESPONSIBILITIES**

Regulation of
public assemblies
and processions.

58. (1) The Senior Superintendent of Police of a district or an officer, not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police may, where necessary, regulate the conduct of all assemblies and processions on any public road, street or thoroughfare, and specify the routes by which and the time, at which such processions may pass.

(2) It shall be the duty of the person who organizes a procession on any road, street or thoroughfare, or who convenes an assembly at any public place, to give intimation in writing to the officer incharge of the concerned Police Station.

(3) The Senior Superintendent of Police of a district or any officer, not below the rank of Assistant Superintendent of Police or 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 the peace, may take necessary steps including making provision for satisfactory regulatory arrangements, upon which alone, such assembly or procession may take place. For special reasons to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions shall be given within forty-eight hours of receipt of intimation, as far as possible.

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

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

Direction to keep
order on public
roads.

60. (1) The Senior Superintendent of Police of a district or any police officer, authorized 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, injuries or annoyance to the passers-by.

(2) The Senior Superintendent of Police of a district may issue general directions under sub-section (1), in respect of the whole district or any part thereof.

61. Whoever contravenes the provisions of sections 58, 59 or 60, shall be punished with imprisonment of either description for a term, which may extend to six months, or with fine, which may extend to ten thousand rupees, or with both :

Penalty and composition of offences.

Provided that either before or after the institution of prosecution, these offences may be compounded before the competent authority or the court for such amount, as the State Government may, by notification in the Official Gazette, specify in this behalf.

62. (1) The Senior Superintendent of Police of a district may, by public notice, temporarily reserve for any public purpose, any street or other public place, and prohibit entry to such an area, except on such conditions, as may be specified.

Power to reserve public places and erect barriers.

(2) The Senior Superintendent of Police of a district, may authorize any police officer to erect barriers and other necessary structures on public roads and streets to check vehicles or occupants thereof to ensure safety and security.

(3) While acting under sub-section (2), the Senior Superintendent of Police of a district, shall specify the necessary steps to be taken for ensuring the safety of passers-by.

(4) The temporary structures shall be removed, once the purpose for which they were installed, is achieved.

63. Any person, who obstructs the discharge of duties and functions of a Police Officer, shall, on conviction, be liable to simple imprisonment for a term, not exceeding three months or with fine of rupees five thousand or with both.

Obstruction in Police Work.

64. Whoever, not being a member of the Police Service, wears, without obtaining permission from an officer, authorized in this behalf by the State Government by a general or special order, a police uniform or any dress, having the appearance of or bearing on any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment for a term, not exceeding six months or with fine, not exceeding rupees ten thousand or with both.

Unauthorized use of Police uniform.

Refusal to return certificate etc. on ceasing to be police officers.

65. Whoever, having ceased to be a police officer, does not return forthwith his certificate of appointment, clothing accoutrement and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be punished with imprisonment for a term, not exceeding six months or with fine, not exceeding rupees ten thousand or with both.

False or misleading statements made to police officer.

66. 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 six months or with fine, not exceeding rupees ten thousand or with both.

Offences by a Police Officer.

67. Whoever, being a police officer,—

- (a) intentionally abdicates his duties or withdraws from duties ; or
- (b) uses criminal force against another police officer, or indulges in gross insubordination ; or
- (c) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike or uses physical force to compel any authority to concede anything ; or
- (d) is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public ;

shall on conviction by a court, be punished with imprisonment for a term, which may extend to one year or with fine, not exceeding ten thousand rupees or with both.

Offences by Public

68. (1) A person shall on conviction by a court, be liable to imprisonment for a term, not exceeding one month or with fine of not less than one thousand rupees or with both, when he commits any of the following offences on any public road, or street or thoroughfare or footpath, or in any municipal council or corporation or notified area to the inconvenience, annoyance or danger of the residents or passers-by, namely :—

- (a) allows intentionally any cattle to stray or keeps standing any cattle or conveyance of any kind thereon longer than is necessary for loading or unloading or for taking up or getting down passengers, or leaves thereon any conveyance in such a manner, as to cause inconvenience or danger to the public or uses the public road or thoroughfare or footpath for sale or storage of goods ;
- (b) is found intoxicated and riotous ;

- (c) indulges in a drunken brawl or affray or assaults any person or indulges in any indecent exposure of the body ;
- (d) neglects to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession or otherwise creates a hazardous situation in a public place ;
- (e) defaces or affixes notices, or writing or drawing on walls, buildings, road signs or other structures without the prior permission of the custodian of the property ;
- (f) wilfully damages or sabotages any public alarm system ;
- (g) wilfully enters or remains without sufficient cause, in or upon any building, belonging to the Government or land or ground attached thereto, or any vehicle belonging to the State Government ;
- (h) knowingly and wilfully causes damage to an essential service, in order to cause general panic among the public ;
- (i) acts in contravention of a notice publicly displayed by the competent authority in any State Government building :

Provided that the police shall take cognizance of this offence only upon a complaint made by an authorized functionary of the concerned office ;

- (j) knowingly spreads rumours or causes a false alarm to mislead the police, fire brigade or any other essential service ;
- (k) causes annoyance to a woman by making indecent overtures of calls or by stalking :

Provided that the police shall take cognizance of this offence only upon a complaint made by the victim, or any other person authorized by her ; and

- (l) releases any obnoxious gas or fluid which causes annoyance or inconvenience or likely injury to anyone.

(2) Offences under sub-clauses (b), (c), (f), (g), (h), (k), and (l) of sub-section (1), shall be cognizable and bailable.

(3) Whoever, commits any offence under sub-section (1), on subsequent conviction, shall be liable to enhanced punishment, of imprisonment, not exceeding three months.

Prosecution of
police officers.

69. No suit or other legal proceeding shall lie against a police officer for any act, done in good faith or intended to be done in pursuance of this Act or of any rules or any order made thereunder, except on a report in writing of the facts, constituting such offence by, or with the previous sanction of an officer, authorized by the State Government in this behalf.

Prosecution for
offences under
other laws.

70. Subject to the provisions of section 300 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), nothing contained in this Act shall bar the prosecution of any person under any other law, for anything done or made punishable under this Act.

Limitation of
actions.

71. No Court shall take cognizance of any offence under this Act after the expiry of the period of limitation, as provided under Chapter XXXVI of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

CHAPTER-XI

MISCELLANEOUS

Powers of Senior
Superintendent of
Police to be
exercised by the
Commissioner.

72. All powers, functions and duties of the Senior Superintendent of Police of a district under this Act, shall be exercised, in respect of areas notified under section 8, by the Commissioner or any other officer, who may be authorised in this behalf by the State Government.

Disposal of fees
and rewards.

73. All fees paid for licenses or written permissions, issued under this Act, and all sums paid for the service of processes by police personnel, 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 are payable under the provisions of any other law in force to any local authority, be credited to the State Government in such manner, as may be prescribed.

Validity of orders
and actions.

74. No order, direction, or act done under any provision of this Act, or the rules made thereunder, shall be illegal, void or invalid merely by reason of any defect of form.

Officers holding
charge of or
succeeding to
vacancies.

75. A Police Officer taking charge of an office for a temporary period, shall exercise the same powers and duties of that office as conferred under this Act, on an officer holding regular charge of that office.

Licenses and
permissions.

76. (1) Any license or written permission, granted under the provisions of this Act, or the rules framed thereunder, 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 by charging such fee, as may be prescribed.

(2) If any of the conditions or restrictions, subject to which a license or written permission was granted under this Act, is infringed or evaded by the person to whom it was granted, or if such person is convicted of any offence in any matter to which such license or permission relates, the license or written permission so granted, shall be suspended or revoked by the competent authority.

(3) When any such license 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 license or written permission, until the order for suspending or revoking the same, is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such license or written permission has been granted, shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation.—For the purpose of this section, any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person, to whom the license 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 license or written permission has been granted.

77. Any public notice required to be given under any of the provisions of this Act, shall be in writing under the signature of the competent authority and shall be published in the locality, to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers of English or regional language or Hindi as the said authority may deem fit, or by any two or more of these means or by any other means, as it may think suitable :

Public notices.

Provided that the publication of notice may be dispensed with by the competent authority in public interest for reasons, to be recorded in writing.

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

Consent of competent authority.

79. Every license, written permission, notice, or other document, not being a summons or warrant, search warrant, required by this Act, or the rules made thereunder, to bear the signature of the competent authority, shall be deemed to be properly signed, if it bears a facsimile of its signature stamped thereon.

Signature on notices.

Power to make
rules.

80. (1) The State Government shall, by notification in the Official Gazette, make rules for carrying out the purposes of this Act, within one year from the date on which this Act comes into force.

(2) Every rule made under this Act, shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, for a total period of fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules, or the House agrees, that the rules should not be made, the rules 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 or omitted to be done under that rule.

Power to remove
difficulties.

81. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulties.

(2) Every notification issued under this section shall, as soon as may be, after it is issued, be laid before the State Legislature.

Power to try cases
summarily.

82. Subject to the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act, other than those, where specifically mentioned otherwise, shall be non-cognizable and be tried in a summary way by a Judicial Magistrate of the First Class specially empowered in this behalf.

Provision of Code
of Criminal
Procedure, 1973 to
apply to this Act.

83. The provisions of this Act, shall apply in so far as they are not inconsistent with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Withdrawal of
orders.

84. (1) Any order or orders, issued by the State Government under section 46 of the Police Act, 1861, extending its operation from time to time to the territories of the State of Punjab, shall be deemed to have been withdrawn on and with effect from the date of commencement of this Act.

(2) Notwithstanding such withdrawal, anything done or any action taken or any proceedings instituted by virtue of the order or orders, referred to in sub-section (1), shall be deemed to have been done or taken or instituted under this Act.

Continuation of
Punjab Police
Rules, 1934.

85. The Punjab Police Rules, 1934, framed under the Police Act, 1861 (Central Act 5 of 1861), shall remain in force, unless those rules are specifically superseded.

B.S. MEHANDIRATTA,

Secretary to Government of Punjab,
Department of Legal and Legislative affairs.

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 29th August, 2014

No.23-Leg./2014.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 20th Day of August, 2014, is hereby published for general information:-

THE PUNJAB POLICE (AMENDMENT) ACT, 2014

(Punjab Act No. 22 of 2014)

AN

ACT

further to amend the Punjab Police Act, 2007.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fifth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Police (Amendment) Act, 2014. Short title and commencement

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Police Act, 2007, for section 54, the following sections shall be substituted, namely:- Substitution of section 54 of Punjab Act 10 of 2008.

“54. (1) The State Government shall by notification in the Official Constitution of the State Police Complaints Authority and the Divisional Police Complaints Authority. Gazette, constitute a State Police Complaints Authority for the State of Punjab and the Divisional Police Complaints Authority for each, or a group of districts or police commissionerate, to exercise the powers and perform the functions conferred upon, or assigned to the State Authority and the Divisional Authority under this Act.

(2) The State Police Complaints Authority shall consist of the following who shall be appointed by the State Government, by notification in the Official Gazette,-

(i) a Chairperson, who is or a retired Civil Services Officer not below the rank of Chief Secretary of the State Government or a Secretary to the Government of India or a retired Director General of Police of the State Government;

(ii) two members from amongst the following:-

(a) a civil service officer who has retired from a post not below the rank of Principal Secretary to the State Government; or

(b) a police officer who has retired from a post not below the rank of Additional Director General of Police of the State Government; or

(c) persons belonging to the State of Punjab with repute and contribution in the field of academia, social work, public affairs or law:

Provided that the State Police Complaints Authority shall have at least one woman as a member in case the Chairperson is not a woman.

(3) The Divisional Police Complaints Authority shall consist of the following who shall be appointed by the State Government, by notification in the Official Gazette and shall have the jurisdiction in the area as specified by the State Government,-

(a) a Chairperson, who was a civil service officer retired from a post not below the rank of Secretary to the State Government or a police officer who has retired from a post not below the rank of Deputy Inspector General of Police of the State Government;

(b) two members from amongst the following:-

(i) a police officer who has retired from a post not

below the rank of Senior Superintendent of Police of the State Government; or

- (ii) Persons belonging to the State of Punjab with repute and contribution in the field of academia, social work, public affairs or law:

Provided that the Divisional Police Complaints Authority shall have at least one woman as a member in case the Chairperson is not a woman.

54-A. A person appointed as Chairperson or Member of the State Term of office of the Police Complaints Authority or the Chairperson and the Members. Divisional Police Complaints Authority shall hold office for a term of three years from the date on which he enters upon his office or till he attains the age of seventy years whichever is earlier.

54-B. A person shall be eligible to be appointed as Chairperson or Eligibility of Member of the State Police Complaints Chairperson and Authority or the Divisional Police Members. Complaints Authority if he-

- (a) is a citizen of India;
- (b) is not holding an office of profit under the Central or State Government;
- (c) does not hold any elected office, including that of a Member of Parliament or of a Member of State Legislature or of any local body under the Government;
- (d) is not a member of or is associated in any manner with, an organization declared unlawful under any law;
- (e) has not been convicted for any criminal offence involving moral turpitude; or for any other criminal offence;
- (f) is not facing prosecution for any offence mentioned in clause (e) and against whom charges have not been framed by a court of law; and
- (g) is not of an unsound mind.

54-C. (1) The Chairperson or any Member of the State Police Resignation and removal of Chairperson and Members. Complaints Authority or the Divisional Police Complaints Authority may, by notice in writing under his hand addressed to the State Government, resign from his office.

(2) The State Government may remove the Chairperson or any Member, on the following grounds, if he-

- (i) is adjudged an insolvent; or
- (ii) has been convicted by a criminal court at any time for an offence which, in the opinion of the State Government, involves moral turpitude; or
- (iii) is persistently negligent to perform his duties; or
- (iv) has acquired such financial or other interest which is likely to affect prejudicially his functions as a Chairperson or a Member; or
- (v) is in a situation that would make him ineligible for appointment as per the conditions of eligibility given in section 54-B:

Provided that the State Government may remove the Chairperson or any Member of the State Police Complaints Authority or the Divisional Police Complaints Authority for any other reasons to be recorded in writing.

54-D. The State Police Complaints Authority shall inquire into Functions of State Police Complaints Authority. allegations of 'serious misconduct' against police officers of the rank of Senior Superintendent of Police/Deputy Commissioner of Police and above, by taking cognizance on receipt of a complaint from a victim or any person duly authorized on his behalf through a self attested declaration.

54-E. The Divisional Police Complaints Authority shall inquire into Functions of the Divisional Police Complaints Authority. the allegations of 'serious misconduct' against police personnel of, and below, the

rank of Superintendent of Police/Assistant Commissioner of Police on a complaint received from a victim or any person, duly authorized on his behalf, through a self-attested declaration.

Explanation:—‘Serious misconduct’, for the purpose of sections 54-D and 54-E, shall mean any act or omission on the part of a police officer that leads to or amounts to –

- (a) grievous hurt in police custody;
- (b) illegal detention;
- (c) extortion;
- (d) land/house grabbing;
- (e) sexual harassment; and
- (f) any complaint referred by the State Government:

Provided that the State Police Complaints Authority or the Divisional Police Complaints Authority shall not inquire into any matter which is already being inquired by National Human Rights Commission or State Human Rights Commission, or any other body duly constituted under any law for the time being in force:

Provided further that the State Police Complaints Authority or the Divisional Police Complaints Authority shall not inquire into any complaint pertaining to any matter older than a year:

Provided further that no anonymous, synonymous, pseudonymous and non-specific complaint(s) shall be entertained by the State Police Complaints Authority or the Divisional Police Complaints Authority.

54-F. The State Police Complaints Authority shall make rules for Rules for conduct of business. the conduct of its business, and that of the Divisional Police Complaints Authorities, with the approval of the State Government.

54-G. The remuneration and allowances payable to, and other terms Remuneration, allowances and terms and conditions of service of Chairperson and members. and conditions of service of, the Chairperson and Members of the State Police Complaints Authority and the Divisional Police Complaints Authority shall be such as may be prescribed:

Provided that the remuneration and allowances, other terms and conditions of the Chairperson, or a Member of the State Police Complaints Authority and the Divisional Police Complaints Authority, shall not be varied to his disadvantage after his appointment.

- 54-H. (1) For the purpose of making an inquiry referred to in Powers of the sections 54-D and 54-E, the State Police Authority. Complaints Authority and the Divisional Police Complaints Authority shall be vested with powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely:—
- (i) summoning and enforcing the attendance of any person and examining him on oath;
 - (ii) discovery and production of any document;
 - (iii) receiving any public record or copy thereof from any court or office; and
 - (iv) issuing summons for the examination of witnesses or documents.
- (2) The State Police Complaints Authority or the Divisional Police Complaints Authority, as the case may be, before finalizing its opinion, shall give the head of the State Police or head of the district police, as the case may be, an opportunity to present the department's views and additional facts, if any.
- (3) The State Police Complaints Authority or the Divisional Police Complaints Authority, as the case may be, shall, upon completion of the inquiry, communicate its findings and recommendations to the State Government.
- (4) The State Government shall consider the findings and recommendations of the State Police Complaints Authority and the Divisional Police Complaints Authority for taking appropriate action.

- 54-I. Each Divisional Police Complaints Authority, shall prepare and submit to the State Police Complaints Authority, an annual report for the last calendar year before the 31st of January of the succeeding year. The State Police Complaints Authority shall compile a report, by clubbing all the reports submitted to it by the Divisional Police Complaints Authorities alongwith its own report, and shall submit it to the State Government. The annual report submitted to the State Government shall be laid as soon as may be, after its submission, before the House of the State Legislature while it is in session, for a period of fourteen days, which may be comprised in one session or in two or more successive sessions.”

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 19th April, 2018

No.10-Leg./2018.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 6th day of April, 2018, is hereby published for general information:-

THE PUNJAB POLICE (AMENDMENT) ACT, 2018.

(Punjab Act No. 9 of 2018)

AN

ACT

further to amend the Punjab Police Act, 2007.

BE it enacted by the Legislature of the State of Punjab in the Sixty-ninth Year of the Republic of India:-

1. (1) This Act may be called the Punjab Police (Amendment) Act, 2018. Short title and commencement.
(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Police Act, 2007 (hereinafter referred to as the principal Act), in section 2, clause (t) shall be omitted. Amendment in section 2 of Punjab Act 10 of 2008.
3. In the principal Act, in section (4), for clause (b), the following clause shall be substituted, namely:- Amendment in section 4 of Punjab Act 10 of 2008.
"(b) the officers of subordinate ranks of district police, armed police, intelligence, investigation and technical and support services shall form separate cadres. Seniority of each cadre shall be maintained at the State level. Transfer of a member of one cadre to another cadre shall not be allowed. However, the officer of subordinate rank working in special operation group may be transferred to district police after the successful completion of the fixed tenure in special operation group as specified by the Government. In case an officer of subordinate rank is rendered completely or partially disabled during operations or training, the period of fixed tenure can be relaxed by the Director General of Police for the purpose of transfer

to district police. The subordinate rank officer who opt for transfer to district police, if transferred, his seniority shall be placed at the bottom of the officers holding the same rank in the district police;"

4. In the principal Act, for section 9, the following section shall be substituted, namely:-
- Substitution of section 9 in Punjab Act 10 of 2008.
- "9. Each police range shall be headed by an officer of the rank of Inspector General of Police or Deputy Inspector General of Police, who shall supervise the police administration of such range, and report to the Director General of Police directly or through any superior officer as and when posted."
- Creation of police ranges.
5. In the principal Act, in section 15, in sub-section (1), for items 1 and 2, the following item shall be substituted, namely:-
- Amendment in section 15 of Punjab Act 10 of 2008.
- "1. Inspector General of Police or Deputy Inspector General of Police, as the case may be;"
6. In the principal Act, in section 32,-
- Amendment in section 32 of Punjab Act 10 of 2008.
- (a) in sub-section (3), the words and sign "police zone or" wherever occurring and "as the case may be," shall be omitted;
- (b) sub-section (4) shall be omitted; and
- (c) for sub-section (5), the following sub-section shall be substituted, namely:-
- "(5) The transfers and postings of officers of the subordinate ranks, within a police range, shall be made by the Inspector General of Police or the Deputy Inspector General of Police of the range, as the case may be, on the recommendations of a Committee, comprising of the Senior Superintendents of Police of all the districts in that range."
7. In the principal Act, in section 36, in sub-sections (1) and (2), for the words " the Deputy Inspector General of Police", wherever occurring, the words "the Inspector General of Police or the Deputy Inspector General of Police" shall be substituted.
- Amendment in section 36 of Punjab Act 10 of 2008.
8. (1) The Punjab Police (Amendment) Ordinance, 2018 (Punjab Ordinance No. 1 of 2018), is hereby repealed.
- Repeal and saving.
- (2) Notwithstanding such repeal, anything done or any action taken

under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

VIVEK PURI,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 21st September, 2018

No.20-Leg./2018.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 19th day of September, 2018, is hereby published for general information:-

THE PUNJAB POLICE (SECOND AMENMDENT) ACT, 2018
(Punjab Act No.19 of 2018)

AN

ACT

further to amend the Punjab Police Act, 2007.

BE it enacted by the Legislature of the State of Punjab in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Police (Second Amendment) Act, 2018. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Police Act, 2007 (hereinafter referred to as the principal Act), for the words “State Police Board”, wherever occurring except section 28, the words “State Security Commission” shall be substituted. Substitution of words “State Security Commission” in Punjab Act 10 of 2008.

3. In the principal Act, for section 6, the following section shall be substituted, namely:- Substitution of section 6 in Punjab Act 10 of 2008.

“(1) The State Government shall select the Director General of Police from amongst the Indian Police Service officers from a panel of at least three eligible officers borne on the cadre of the State of Punjab or any other State cadre, who are in the rank of Director General or are eligible to hold this rank for appointment as Director General of Police, based on their service record and range of experience, having a reasonable period of remainder service left, which shall in no case be less than twelve (12) months as on the date of appointment:

Selection and term of office of Director General of Police.

Provided that such a panel shall be prepared by a committee comprising of the Chief Secretary, the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice and outgoing Director General of Police, Punjab or an expert in internal security matters as may be set up by the State Government.

(2) The Director General of Police so appointed, shall have tenure of not less than two years irrespective of his date of superannuation.

(3) Notwithstanding anything contained in sub-section (2), the Director General of Police may be relieved of his responsibilities by the State Government acting in consultation with the State Security Commission consequent upon any action taken against him under the All India Services (Discipline and Appeal) Rules, 1969 or following his conviction in a court of law in a criminal offence or in a case of corruption, or if he is otherwise incapacitated from discharging his duties.”.

4. In the principal Act, in section 15, in sub-section (1), for the words and sign “one year against those posts, which shall be extendable to maximum period of three years”, the words “two years against those posts” shall be substituted. Amendment in section 15 of Punjab Act 10 of 2008.

5. In the principal Act, in section 27, for sub-section (2), the following sub-section shall be substituted, namely:- Amendment in section 27 of Punjab Act 10 of 2008.

“(2) The State Security Commission shall consist of following persons, namely:-

- | | |
|---|--------------------|
| (a) the Chief Minister, Punjab; | ..Chairperson |
| (b) the Home Minister, Punjab (in case the Chief Minister is also the Home Minister, the Chief Minister may nominate any other Minister as Member of the Commission in place of Home Minister); | ..Vice-Chairperson |
| (c) the Leader of the Opposition in the Punjab Legislative Assembly; | .. Member |
| (d) a retired Judge of a High Court; | ..Member |
| (e) the Chief Secretary, Punjab; | ..Member |
| (f) the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice; | ..Member |

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- (g) the Advocate General, Punjab; ..Member
- (h) not more than two eminent citizens ..Member
of prominence and integrity in
in public services to be nominated
by the State Government; and
- (i) the Director General of Police ..Member Secretary ”.
6. In the principal Act, in section 28,- Amendment in
section 28 of
Punjab Act 10 of
2008.
- (i) for the existing heading “Functions of State Police Board”, the heading “Functions of State Security Commission” shall be substituted; and
- (ii) for the words and signs “The State Police Board shall perform the following functions, namely:-”, the words and sign “The State Security Commission shall perform the following functions and make recommendations to the State Government and the recommendations so made shall be binding on the State Government, namely:-”.
7. In the principal Act, in section 32,- Amendment in
section 32 of
Punjab Act 10 of
2008.
- (i) for sub-section (2), the following sub-section shall be substituted, namely:-
“(2) The Establishment Committee shall decide with regard to transfers and postings of police officers of the rank of Deputy Superintendents of Police and make recommendations on postings/transfers of officers of the rank of Superintendent of Police.”; and
- (ii) after sub-section (6), the following sub-section shall be added, namely:-
“(7) The Establishment Committee shall function as a forum to dispose of complaints/representations from the rank of Superintendent of Police and above ranks, regarding promotions/transfers/disciplinary proceedings or their being subjected to illegal or irregular orders.”.

VIVEK PURI,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.