



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FIRST SESSION**

**THE KARNATAKA POLICE (AMENDMENT) BILL, 2013
(L.A. Bill No. 02 of 2013)**

A Bill further to amend the Karnataka Police Act, 1963.

Whereas it is expedient further to amend the Karnataka Police Act, 1963 (Karnataka Act No. 4 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-fourth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Police (Amendment) Act, 2013.

(2) It shall come into force at once.

2. Amendment of section 20 B.- In the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964) (hereinafter referred to as the principal Act), in section 20B,-

(i) for sub-section (1), the following shall be substituted, namely:-

" (1) The State Government shall, by notification in the official Gazette, establish a Police Establishment Board with the Director General and Inspector General of Police as Chairman and three senior police officers not below the rank of Additional Director General of Police as members to be nominated by the Government. Additional Director General of Police (Administration) shall be the Member Secretary";

(ii) in sub-section (2), clause (c) shall be omitted;

(iii) for sub-section (4), the following shall be substituted, namely:-

"(4) The Government may modify the decision of the Police Establishment Board after recording its reasons for doing so."

3. Amendment of section 20 F.- In section 20F of the principal Act,-

(i) for sub-section (1), the following shall be substituted, namely:-

"(1) Subject to superannuation, the officers who are in operational duties or such other duties as may be notified by the Government from time to time shall have a minimum tenure of one year:

Provided that any such officer may be transferred by the Police Establishment Board or by the Government as the case may be from his post before the expiry of the minimum tenure consequent upon,-

- (a) promotion to a higher post; or
- (b) on conviction, or charges having been framed by a court of Law in a criminal offence; or
- (c) imposition of punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant discipline and Appeal Rules; or
- (d) suspension from the 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; or
- (g) on request of the officer concerned in writing:

Provided further that the Government may, transfer an officer before the expiry of his minimum tenure on account of

misconduct or gross negligence or an act of moral turpitude in the opinion of the State Government".

(ii) for sub-section (2), the following shall be substituted, namely:-

"(2) Subject to superannuation, the Additional Director General of Police, the Inspector General of Police in charge of Range or Superintendent of Police in charge of a District including Additional Superintendent of Police who are on operational duties in the field or such other duties as may be notified by the Government from time to time shall have a minimum tenure of one year:

Provided that the Government may transfer such officer within a period of one year for reasons of gross misconduct or negligence or an act of moral turpitude in the opinion of the State Government or under circumstances specified in the proviso to sub-section (1)".

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964) in order to comply with the directions of Hon'ble Supreme Court of India in Writ Application No. 310/1996 (Sri. Prakash Singh and others V/s Union of India and others) in respect of Police Reforms and to ensure effective functioning of the Police Establishment Board.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

K.J. GEORGE
Minister for Home

P. OMPRAKASHA
Secretary
Karnataka Legislative Assembly

ANNEXURE

Extract from the Karnataka Police Act, 1963 (Karnataka Act No. 4 of 1964)

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20B. Police Establishment Board.- (1) The State Government shall, by notification in the official Gazette, establish a Police Establishment Board with the Director General and Inspector General of Police as Chairman and three senior most police officers not below the rank of Additional Director General of Police working within the police department as members. Additional Director General of Police (Administration) shall be the convener.

(2) The functions of the Police Establishment Board shall be as follows, namely:-

- (a) Subject to the provisions of section 20F, it shall decide on transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police.
- (b) It shall also make recommendation for promotion to the rank of Deputy Superintendents of Police after duly verifying reservation and quota prescribed for direct recruitment and promotion. For this purpose a separate register shall be maintained by Director General and Inspector General of Police, as per orders or guidelines prescribed by Government from time to time.
- (c) It shall make appropriate recommendations to the Government regarding postings and transfers of officers of and above the rank of Additional Superintendent of Police.
- (d) Generally review the functioning of the police force in the State.
- (e) Perform such other functions as may be prescribed.

(3) Subject to its control and directions, the Police Establishment Board may authorize the Superintendent of Police to effect transfers of Group C and D officials within the district and the Inspector General of Police within the Range.

(4) The Government may modify the decision of the Police Establishment Board in exceptional cases only after recording its reasons for doing so. The Government shall give due weightage and shall normally

cept the recommendations made by the Board, regarding postings and transfers of officers of and above the rank of Additional Superintendent of Police.

(5) The transfers decided and effected by the Police establishment Board shall be strictly in accordance with section 20F and the general transfer guidelines issued by Government from time to time.

(6) The cases pertaining to transfer of Police officers or personnel on complaints shall be considered by the Police Establishment Board and action taken in this regard shall be reported to Government.

(7) Copies of proceedings of the Police Establishment Board and the transfer orders issued thereon shall be sent to Government forthwith.

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20F. Tenure of officers incharge of police stations, circle, sub-division, district and range - (1) Subject to superannuation, the officers who are in operational duties and incharge of Police station, Circle, Sub-division may have a minimum tenure of one year:

Provided that any such officer may be transferred by the Police Establishment Board or by the Government in consultation with the Police Establishment Board, from his post before the expiry of the above minimum tenure consequent upon,-

- (a) promotion to a higher post; or
- (b) on conviction, or charges having been framed by a court of Law in a criminal offence;
- (c) imposition of punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant discipline and Appeal Rules; or
- (d) suspension from the 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; or
- (g) on request of the officer concerned in writing:

Provided further that the Government may, after consultation with the Police Establishment Board, may transfer an officer before the expiry of his tenure on account of misconduct or gross negligence or an act of moral turpitude.

(2) Subject to superannuation, the Inspector General of Police in charge of Range or Superintendent of Police in charge of a District including Additional Superintendent of Police who are on operational duties in the field shall have a minimum tenure of one year:

Provided that the Government may transfer an officer of the above category within a period of one year for reasons of gross misconduct or negligence or an act of moral turpitude or under circumstances enumerated in the proviso to sub-section (1).

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