



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५(२)]

मंगळवार, मार्च १०, २०१५/फाल्गुन १९, शके १९३६

[पृष्ठे ७, किंमत : रुपये २७.००

असाधारण क्रमांक १४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Police (Amendment) Bill, 2015 (L. A. Bill No. III of 2015), introduced in the Legislative Assembly on the 10th March 2015, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

L. A. BILL No. III OF 2015.

A BILL

further to amend the Maharashtra Police Act.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to

XXII of 1951. Mah. Ord. II of 2015. 16th February 2015 ;
amend the Maharashtra Police Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Police (Amendment) Ordinance, 2015 on

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

- Short title and commencement. **1.** (1) This Act may be called the Maharashtra Police (Amendment) Act, 2015.
(2) It shall be deemed to have come into force on the 16th February 2015.
- Amendment of section 2 of XXII of 1951. **2.** In section 2 of the Maharashtra Police Act (hereinafter referred to as “the principal Act”),—
(a) after clause (4), the following clause shall be inserted, namely :—
“*(4A-1)* “Constabulary” means Police Constable, Police Naik, Police Head Constable and Assistant Sub-Inspector ; ” ;
(b) in clause (6A), for the words “ after completion of normal tenure of two years” the words “after completion of normal tenure as mentioned in sub-section (1) of section 22N” shall be substituted ;
(c) in clause (10A),—
(i) for the words “and Police Establishment Board at Commissionerate Level” the words “ , “ Police Establishment Board at Commissionerate Level”, “Police Establishment Board at District Level” and “Police Establishment Board at the Levels of Specialized Agencies” shall be substituted ;
(ii) for the word, figures and letter “and 22I” the figures, letters and word “ , 22I, 22J-1 and 22J-3” shall be substituted ;
(d) after clause (14A), the following clause shall be inserted, namely :—
“*(14A-1)* “ Specialized Agencies” means Crime Investigation Department, State Intelligence Department, Protection of Civil Rights, Anti-Corruption Bureau, State Reserve Police Force, Anti-Terrorist Squad, Highway Traffic and Training Directorate ;”.
- Amendment of section 22D of XXII of 1951. **3.** In section 22D of the principal Act, in sub-section (2), in clause (a), after the words “Police Officers” the words “and the State Government shall give due weight to its recommendations” shall be added.
- Insertion of section 22J-1 to 22J-4 in XXII of 1951. **4.** After section 22J of the principal Act, the following sections shall be inserted, namely :—
Police Establishment Board at District Level. **“ 22J-1.** (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at District Level.
(2) The Police Establishment Board at District Level shall consist of the following members, namely :—
(a) District Superintendent of Police ... Chairperson ;
(b) Senior most Additional Superintendent of Police ... Member ;
(c) Deputy Superintendent of Police (Head Quarter) ... Member-Secretary :

Provided that, if none of the aforesaid members is from the Backward Class, then the District Superintendent of Police shall appoint an additional member of the rank of the Deputy Superintendent of Police belonging to such class.

Explanation.—For the purpose of this sub-section, the expression “Backward Class” means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22J-2. The Police Establishment Board at District Level shall perform the following functions, namely :—

Functions of Police Establishment Board at District Level.

(a) The Board shall decide all transfers, postings of Police Personnel to the rank of Police Inspector within the District Police Force.

(b) The Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2 regarding the postings and transfers out of the District.

Explanation.—For the purposes of this section, the expression “Police Personnel” means a Police Personnel to the rank of Police Inspector.

22J-3. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Police Establishment Board at the Levels of Specialized Agencies, namely Crime Investigation Department, State Intelligence Department, Protection of Civil Rights, Anti-Corruption Bureau, State Reserve Police Force, Anti-Terrorist Squad, Highway Traffic and Training Directorate.

Police Establishment Board at Levels of Specialized Agencies.

(2) The Police Establishment Board at the Level of Specialized Agencies shall consist of a Chairperson, as the Head of the concerned Specialized Agency and three senior-most Police Officers of that Specialized Agency :

Provided that, if none of the aforesaid members is from the Backward Class, then the concerned Head of the Specialized Agency shall appoint an additional member of any senior most Police Officer belonging to such class.

Explanation.—For the purposes of this sub-section, the expression “Backward Class” means the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes.

22J-4. The Police Establishment Board at the Levels of Specialized Agencies shall perform the following functions, namely :—

Functions of Police Establishment Board at Levels of Specialized Agencies.

(a) The respective Board shall decide all transfers and postings of all Police Personnel to the rank of Police Inspector within the Specialized Agencies.

(b) The respective Board shall be authorized to make appropriate recommendations to the Police Establishment Board No. 2, regarding the postings and transfers out of the Specialized Agency, of the Police Personnel to the rank of Police Inspector.

Explanation.—For the purposes of this section, the expression “Police Personnel” means a Police Personnel to the rank of Police Inspector.”.

5. In section 22K of the principal Act, for the words “and Police Establishment Board at Commissionerate Level” the words “, Police Establishment Board at Commissionerate Level, Police Establishment Board at District Level and Police Establishment Board at the Levels of Specialized Agencies” shall be substituted.

Amendment of section 22K of XXII of 1951.

Amend-
ment of
section
22N of
XXII of
1951.

6. In section 22N of the principal Act,—

(a) in sub-section (1),—

(i) for the words “Any Police Personnel in the Police Force shall have a normal tenure of two years on one post or office, subject to the promotion or superannuation.” the following shall be substituted, namely :—

“(1) Police Officers in the police force shall have a normal tenure as mentioned below, subject to the promotion or superannuation :—

(a) for Police Personnel of and above the rank of Deputy Superintendent of Police or Assistant Commissioner of Police a normal tenure shall be of two years at one place of posting ;

(b) for Police Constabulary a normal tenure shall be of five years at one place of posting ;

(c) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of two years at a Police Station or Branch, four years in a District and eight years in a Range, however, for the Local Crime Branch and Special Branch in a District and the Crime Branch and Special Branch in a Commissionerate, a normal tenure shall be of three years ;

(d) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector a normal tenure shall be of six years at Commissionerates other than Mumbai, and eight years at Mumbai Commissionerate ;

(e) for Police Officers of the rank of Police Sub-Inspector, Assistant Police Inspector and Police Inspector in Specialized Agencies a normal tenure shall be of three years.”;

(ii) in entry (c), relating to “Officers upto Police Inspectors”, in the column under the heading “Competent Authority” , after entry (c), the following entries shall be added, namely :—

“(d) Police Establishment Board at District Level.

(e) Police Establishment Board at the Level of Specialized Agency.”;

(b) in sub-section (2),—

(i) the proviso shall be deleted ;

(ii) for the *Explanation*, the following *Explanation* shall be substituted, namely :—

“*Explanation.*—For the purposes of this sub-section, the expression “Competent Authority” shall mean :—

<i>Police Personnel</i>	<i>Competent Authority</i>
(a) Officers of the Indian Police Service	Chief Minister ;
(b) Maharashtra Police Service Officers of and above the rank of Deputy Superintendent of Police.	Home Minister ;
(c) Police Personnel upto the rank of Police Inspector for transfer out of the respective Range or Commissionerate or Specialized Agency.	Police Establishment Board No. 2 ;

- (d) Police Personnel upto the rank of Police Inspector for transfer within the respective Range, Commissionerate or Specialized Agency. Police Establishment Boards at the Level of Range, Commissionerate or Specialized Agency, as the case may be;
- (e) Police Personnel upto the rank of Police Inspector for transfer within the District. Police Establishment Board at District Level :

Provided that, in case of any serious complaint, irregularity, law and order problem the highest Competent Authority can make the transfer of any Police Personnel without any recommendation of the concerned Police Establishment Board.”.

7. After section 22N of the principal Act, the following section shall be inserted, namely :—

Insertion of section 22N-1 in XXII of 1951.

“ **22N-1.** Notwithstanding anything contained in sub-section (1) of section 22N or any other provisions of this Act, to ensure that the Government work is not adversely affected on account of large scale transfers of Police Personnel from one single Department or office, not more than one-third of the Police Personnel shall be transferred from any office or Department at a time, in a year.”.

Maximum percentage of transfer in a year.

Mah. Ord. II of 2015. **8.** (1) The Maharashtra Police (Amendment) Ordinance, 2015, is hereby repealed.

Repeal of Mah. Ord. II of 2015 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

In pursuance of the Judgment of Hon'ble Supreme Court in Writ Petition (Civil) No. 310 of 1996, dated the 22nd September 2006, the Government of Maharashtra had amended the Maharashtra Police Act to provide for Selection and Tenure of Director General and Inspector General of Police by amending section 6 and to provide constitution of State Security Commission, Police Establishment Boards at various levels, Minimum Tenure of Police Officers on Operational Duties, Separation of Investigation Police and Law and Order Police and Police Complaints Authority at State and Division level etc. by incorporating various sections in the said Act.

However, to further carry out the spirit of police reforms based on the experience gained since the aforesaid amendments and to delegate administrative powers in the Police Force at all levels, it is expedient to establish Police Establishment Boards at the District Level and of the Specialized Agencies, and also to provide for adequate tenure of posting to the Police Personnel upto the rank of Police Inspector.

2. The maximum percentage of transfers of Police Personnel in a year was not fixed in the Maharashtra Police Act. Therefore, it was necessary to fix the maximum percentage of transfers in a year, to ensure that the Government work should not be adversely affected because of large-scale transfers of the Police Personnel from one office or Specialized Branch at a time.

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Police Act (XXII of 1951), for the purposes aforesaid, the Maharashtra Police (Amendment) Ordinance, 2015 (Mah. Ord. II of 2015), was promulgated by the Governor of Maharashtra on the 16th February 2015.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 2nd March 2015.

DEVENDRA FADNAVIS,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 4.—Under this clause, which seeks to insert section 22J-1 to 22J-4 in the Maharashtra Police Act (XXII of 1951),—

(a) in section 22J-1, in sub-section (1), power is taken to State Government to constitute, by notification in the *Official Gazette*, a Police Establishment Board at District Level for the purposes of the said Act ;

(b) in section 22J-3, in sub-section (1), power is taken to State Government to constitute, by notification in the *Official Gazette*, a Police Establishment Board at the Levels of Specialized Agencies for the purposes of the said Act.

2. The abovementioned proposals for delegation of legislative power are of normal character.