

(Authorised English Translation)

THE RAJASTHAN POLICE (AMENDMENT) BILL, 2020

(To be introduced in the Rajasthan Legislative Assembly)

A

*Bill**further to amend the Rajasthan Police Act, 2007.*

Be it enacted by the Rajasthan State Legislature in the Seventy-first Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Rajasthan Police (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on and from 4th July, 2020.

2. Amendment of section 48, Rajasthan Act No. 14 of 2007.- In section 48 of the Rajasthan Police Act, 2007 (Act No. 14 of 2007), hereinafter referred to as the principal Act,-

(i) in sub-section (2), for the existing expression "30 years", the expression "40 years" shall be substituted; and

(ii) for the existing sub-section (3), the following shall be substituted, namely:-

"(3) The District Superintendent of Police shall observe the following order of preference in the process of enlistment, namely:-

- (a) Ex-Serviceman/retired paramilitary personnel from Central or State paramilitary force;
- (b) Home guard volunteer;
- (c) any other local resident of the village possessing minimum educational qualification of having passed Class Eight."

3. Amendment of section 49, Rajasthan Act No. 14 of 2007.- In section 49 of the principal Act,-

- (i) for the existing expression “three years”, the expression “two years” shall be substituted; and
- (ii) in proviso, for the existing expression "village guard shall be removed", the expression "village guard shall be summarily removed" shall be substituted.

4. Amendment of section 50, Rajasthan Act No. 14 of 2007.- In section 50 of the principal Act,-

- (i) in clause (h), the existing word "and" appearing at the end shall be deleted; and
- (ii) in clause (i), for the existing punctuation mark “.”, appearing at the end, the punctuation mark “;” shall be substituted and after clause (i) so amended, the following shall be added, namely:-

“(j) assisting police in patrolling; and

(k) discharging such other duties as may be assigned by the District Superintendent of Police.”.

5. Amendment of section 53, Rajasthan Act No. 14 of 2007.- The existing sub-section (2) of section 53 of the principal Act shall be deleted.

6. Repeal and savings.- (1) The Rajasthan Police (Amendment) Ordinance, 2020 (Ordinance No. 8 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done, taken or made under this Act.

STATEMENT OF OBJECTS AND REASONS

Section 48 of the Rajasthan Police Act, 2007 provides for enlistment of village guards in rural areas. It lays down the age limit of person for enlistment and the order of preference in the process of enlistment. It has been felt that it is inappropriate to give additional responsibility of village guards under this Act to the employees of the State Government and Local Bodies. It has also been proposed to amend order of preference and minimum age from 30 years to 40 years for enlistment as provided in the Act, looking to nature of services provided by the village guards. Accordingly, section 48 is proposed to be amended.

Section 49 of the Act provides for tenure and removal of village guards. It has been felt that tenure of the village guards should be reduced from 3 years to 2 years and they should be removed summarily. Accordingly, section 49 is proposed to be amended.

Section 50 of the Act lays down the duties and responsibilities of village guards. The duty of assisting the police in patrolling has been proposed to be added to the existing duties and responsibilities. Accordingly, section 50 is proposed to be amended.

Section 53 of the Act provides that village guard shall be an honorary worker. Since an honorary worker is not necessarily to be paid any honorarium, therefore, sub-section (2) of section 53 is proposed to be deleted.

Since the Rajasthan State Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, he, therefore, promulgated the Rajasthan Police (Amendment) Ordinance, 2020 (Ordinance No. 8 of 2020) on 4th July, 2020, which was published in Rajasthan Gazette, Extraordinary, Part IV(B), dated 6th July, 2020.

The Bill seeks to replace the aforesaid Ordinance.

Hence the Bill.

अशोक गहलोत,
Minister Incharge.

**EXTRACTS TAKEN FROM THE RAJASTHAN POLICE
ACT, 2007
(Act No. 14 of 2007)**

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48. Enlistment of village guards in rural areas.-

(1) xx xx xx xx xx xx

(2) Able-bodied persons not below the age of 30 years and above the age of fifty-five years at the time of such enlistment and residing in a village, or in the case of a group of villages in a village of that group, may be enlisted as village guards.

(3) The District Superintendent of Police shall observe the following order of preference in the process of enlistment, namely:-

(a) an employee of the State Government, subject to the prior approval of his Head of Office for such enlistment;

(b) an employee of a local body, or any other institution owned or controlled substantially by the Central or State Government subject to the prior approval of his Head of Office for such enlistment;

(c) Home Guard volunteer;

(d) Ex-servicemen.

(4) xx xx xx xx xx xx

49. Tenure of village guards.- A person enlisted as a village guard will have a tenure of three years. The tenure shall not be extended or renewed:

Provided that a village guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any of the ineligibilities specified in sub-section (4) of section 48 or found negligent in discharge of his duties and responsibilities as Village Guard.

50. Duties and responsibilities of village guards.- The duties and responsibilities of a village guard shall include:-

(a) to (g) xx xx xx xx xx xx

(h) recording any public grievances or complaints in relation to policing; and

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

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53. Village guard to be an honorary worker.- (1) xx xx

(2) Every village guard shall always wear the identity Badge and keep the photo identity Card with him while he is engaged in discharging his functions and responsibilities under this Act.

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राजस्थान पुलिस (संशोधन) विधेयक, 2020

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

राजस्थान पुलिस अधिनियम, 2007 को और संशोधित करने के लिए विधेयक।

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

प्रमिल कुमार माथुर,
सचिव।

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(अशोक गहलोत, प्रभारी मंत्री)

Bill No.25 of 2020

THE RAJASTHAN POLICE (AMENDMENT) BILL, 2020

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

further to amend the Rajasthan Police Act, 2007.

(To be introduced in the Rajasthan Legislative Assembly)

**Pramil Kumar Mathur,
Secretary.**

(Ashok Gehlot, **Minister-Incharge**)