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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 21st March, 2018.

L. A. BILL No. 5 OF 2018.

A BILL TO PROVIDE FOR SELECTION AND APPOINTMENT OF DIRECTOR GENERAL OF POLICE (HEAD OF POLICE FORCE) AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

B.368- (H)

[1]

Short title, extent and commencement. 1. (1) This Act may be called the Telangana Police (Selection and Appointment of Director General of Police (Head of Police Force)) Act, 2018.

(2) It extends to the whole of the State of Telangana.

(3) It shall come into force with effect from the date of publication of the Act in the Telangana Gazette.

Definitions. 2. (1) In this Act, unless the context otherwise requires,-

(a) "Government" means the State Government;

(b) "Police Officer" means any member of the Telangana Police and includes an Indian Police Service (IPS) Officer working in connection with the affairs of the State and the Telangana Police;

(c) "State" means the State of Telangana.

Central Act No.2 of 1974. Central Act No.45 of 1860. (2) Words and expressions used in this Act, but not defined specifically, shall have the same meaning as provided in the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860.

Selection, appointment of the Director General of Police (Head of Police Force) and tenure. 3. (1) The Director General of Police (Head of Police Force) shall be selected and appointed by the State Government from amongst the officers of the Indian Police Service in the rank of Director General of Police on the basis of their length of service, very good history of service, professional knowledge and ability to lead Police Force in the State.

Central Act No.61 of 1951. (2) The Director General of Police (Head of Police Force) appointed under sub-section (1) shall have a minimum tenure of two years, subject to retirement in accordance with the rules made under the All India Services Act, 1951.

(3) The Director General of Police (Head of Police Force) may be relieved of his/her responsibilities under the following circumstances, namely,-

(a) on conviction by a court of law in a criminal offence or in a case of corruption;

(b) on punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post awarded under the provisions of the All India Services (Discipline and Appeal) Rules or any other relevant rules for the time being in force;

(c) on incapacitation by physical or mental illness or otherwise becoming unable to discharge his/ her functions;

(d) on appointment to any other post either under the State Government or Central Government, with his/ her consent for such posting;

(e) on any other administrative grounds.

STATEMENT OF OBJECTS AND REASONS

The Hon'ble Supreme Court of India in their Judgment, in Prakash Singh and Others Vs. Union of India [(2006) 8 SCC 1] issued directions to the State Government, till framing of the appropriate Legislations, on Selection and minimum tenure of Director General of Police as follows :-

“Selection and Minimum Tenure of DGP:

(2) The Director General of Police of the State shall be selected by the State Government from amongst the three senior-most officers of the Department who have been empanelled for promotion to that rank by the Union Public Service Commission on the basis of their length of service, very good record and range of experience for heading the police force. And, once he has been selected for the job, he should have a minimum tenure of at least two years irrespective of his date of superannuation. The DGP may, however, 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 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.”

3. Subsequently, the Hon'ble Supreme Court of India in Citizens for Justice and Peace Vs. State of Gujrat and others (W.P.(Civil) No.219 of 2006 decided on 13.01.2009) *inter alia* held that “an appointment of Government servant is the prerogative of the particular Government, particularly, when it is a sensitive appointment of Director General of Police.”

4. In the above circumstances, it has been decided to enact a legislation to provide a procedure for selection and appointment of the Director General of Police (Head of Police Force) by the State Government from among the officers holding the post of Director General of Police in the State and to provide for a minimum tenure of two years, subject to the rules made under the All India Services Act, 1951.

5. This Bill seeks to give effect to the above decision.

K.CHANDRASHEKAR RAO,
Chief Minister.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY.**

The Telangana Police (Selection and Appointment of Director General of Police (Head of Police Force)) Bill, 2018, after it is passed by both Houses of the State Legislature, may be submitted to the Governor for his assent under article 200 of the Constitution of India.

K.CHANDRASHEKAR RAO,
Chief Minister.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.