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PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 7th February, 2011.

No.LL(B) 146/2010/2.—The Meghalaya Police Act, 2010 (Act No. 7 of 2011) is hereby published for general information.

MEGHALAYA ACT NO. 7 OF 2011

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 4th February, 2011.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 7th February, 2011.

THE MEGHALAYA POLICE ACT, 2010

An

Act

to regulate the role, functions and management of police establishments and for matters relating thereto,

WHEREAS, in respect for and promotion of the human rights of the people and protection of their civil, political, social, economic and cultural rights, is the primary concern of the Rule of Law;

AND, WHEREAS, further it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of the people with due regard to Rule of Law especially for vulnerable sections of Society including the minorities and responding to the democratic aspirations of citizens;

AND, WHEREAS, also such functioning of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law to make more efficient instruments for prevention and detection of crime;

AND, WHEREAS, further also it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights;

AND, WHEREAS also it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly, impartial, transparent, honest, professional, accountable and responsive agency;

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

CHAPTER I PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Meghalaya Police Act, 2010.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, specify in this behalf.

Definitions.

2. (1) In this Act, unless the context otherwise requires, -
 - (a) "Act" means the Meghalaya Police Act, 2010;
 - (b) "Cattle" include and another domesticated animals like cows, buffalos, elephants, horses, asses, mules, sheep, goats and swine;
 - (c) "Core functions" mean duties related to sovereign functions of the State including arrests, search, seizure, crime investigation, crowd control and allied functions that can only be performed by the police as the agency of the State;
 - (d) "Headquarters Company" means a unit performing administrative and other support functions of Meghalaya Police Battalion including the India Reserve Battalion;
 - (e) "Insurgency" includes waging of armed struggle by a group or a section of population against the State with a political objective including the separation of a part from the territory of India;
 - (f) "Internal Security" means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;
 - (g) "Militant activities" include any violent activity of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its political objectives;
 - (h) "Non-core police functions" means such functions which are not core functions as may be prescribed;
 - (i) "Organized crime" includes any crime committed by a group or a network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;
 - (j) "Place of public amusement and public entertainment" includes such places as may be notified by the State Government;
 - (k) "Police District" means the territorial area notified as administrative and revenue district;
 - (l) "Police Officer" means any member of the Meghalaya

- Police constituted under this Act;
- (m) "Prescribed" means prescribed by rules under this Act;
 - (n) "Public place" means any place to which the police have access and includes-
 - (i) a public building and monument and precincts thereof; and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
 - (o) "Regulations" means regulations made under this Act;
 - (p) "Rules" means rules made under this Act;
 - (q) "Service" means the Police Service constituted under this Act;
 - (r) "Service companies" mean units of the Meghalaya Police Battalions including India Reserve Battalions and District Armed Branch which are deployed for law and order and other duties in support of civil police/authorities;
 - (s) "Subordinate Rank" means all ranks below the rank of Assistant or Deputy Superintendent of Police; and
 - (t) "Terrorist activity" includes any activity of a person or a group using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other substance of a hazardous nature with the aim to strike terror in the society or any section thereof, and with an intent to overawe the Government established by law:

Provided that any publication, document or communication to promote terrorist activities shall be deemed as terrorist activity.

(2) Words and expressions used in this Act but not defined specifically shall have the same meaning as provided in the Meghalaya Interpretation and General Clauses Act 1972, the Code of Criminal Procedure 1973, the Indian Penal code 1860 and the Administration of Justice and Police Rules as applicable in the State.

CHAPTER II

CONSTITUTION AND COMPOSITION OF THE POLICE SERVICE

One Police Service for the whole State.

3. (1) There shall be one Police Service for the whole State of Meghalaya. Members of the Police Service shall be liable to be posted to any branch of the Police Service in the State, including any of its specialised wings.

(2) The entire police establishment under the State Government shall, for the purpose of this Act, be deemed to be one Police Force and shall be formally enrolled and shall consist of such members of officers and men and shall be constituted in such manner, as shall from time to time be ordered by the State Government.

Constitution and composition of the Police Service.

4. Subject to the provisions of this Act: -

(1) The Police force shall consist of such numbers in various ranks and have such organization as the State Government may, by general or special orders determine.

(2) The direct recruitments to non-gazetted ranks in the Police Service shall be made through a Recruitment Board by a transparent process, adopting well-codified systems and procedures which should not be susceptible to any misuse or abuse.

(3) Recruitment to the Indian Police Service and to the rank of Deputy Superintendent of Police shall be made through the Union Public Service Commission and the Meghalaya Public Service Commission respectively.

(4) The composition of the Police Service shall, as far as possible, reflect adequate representation of all sections of society, including gender representation.

(5) The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time which shall be always commensurate with the arduous and hazardous nature of their duties.

(6) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed.

Appointment of Director General, Additional Director Generals, Inspector General, Deputy and Assistant Inspector Generals.

5. (1) For the overall direction and supervision of the Police Service, the State Government shall appoint a Director General of Police who shall exercise such powers, perform such functions and duties, and have such responsibilities and such authority, as may be prescribed or under the direction issued by the Government.

(2) The State Government may appoint one or more Additional Director Generals of Police, and as many Inspectors Generals, Deputy and Assistant Inspector Generals of Police as necessary.

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

Selection and Minimum Tenure of DGP.

6. (1) The State Government shall appoint a Director General of Police of the State *from* amongst the five eligible senior-most officers of the cadre who have been empanelled for promotion to that rank by the State Security Commission on the basis of following criteria:-

(a) length of service and fitness of health to standards as prescribed;

(b) assessment of the performance appraisal reports of the

previous 15 years of service by assigning weightages to different grading, namely, 'Outstanding', 'Very Good', 'Good' and 'Satisfactory';

- (c) Range of relevant experience, including experience of work in central police organisations, and training courses undergone;
- (d) Indictment in any criminal or disciplinary proceedings or on the counts of corruption or moral turpitude; or against whom charges have been framed by a court of law in such cases;
- (e) Due weight age to award of medals for gallantry, distinguished and meritorious service.

2. The Director General of Police so appointed should have a minimum tenure of one year subject to his normal date of superannuation:

Provided that the Director General of Police may be transferred from the post before the expiry of his tenure by the State Government consequent upon: -

- (a) conviction by a court of law in criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or
- (b) punishment of dismissal, removal, or compulsory retirement from service or of reduction to a lower post, or imposition of any other penalty other than censure awarded under the provisions of relevant Acts and Rules; or
- (c) suspension from service in accordance with the provisions of the rules; or
- (d) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police;
- (e) promotion to a higher post under either the State or the central Government, subject to the officer's consent to such a posting;
- (f) Inefficiency or negligence or misdemeanor prima facie established after preliminary enquiry:

Provided that in public interest the State Government may transfer the Director General of Police as may be deemed appropriate to meet any contingency.

Provided further that in case of any emergent need, pending completion of the process of selection of the Director General of Police, State Government may temporarily allow any eligible officer to hold charge of the post.

**Appointment of
Legal Advisors and
Financial Advisor.**

7. (1) The State Government shall appoint a Legal Advisor and a Financial Advisor to aid and advise the Director General of Police on legal and financial matters respectively.

(2) The State Government shall also appoint a Public Prosecutor in every District and the police may consult and seek his advise on any legal issues and matters including the adequacy or otherwise of the available evidence as deemed necessary in various cases investigated by them. Cases which need legal advice will be referred to the Public prosecutor by the District Superintendent of

Police/Deputy Commissioner concerned or by the Special Superintendent of Police (CID) as the case may be or by their Supervisory Officers.

(3) Appointment of officers at (1) and (2) above shall be made in accordance with the relevant provisions of relevant Rule or Law as the case maybe.

Creation of Police Ranges.

8. The State Government, in consultation with the Director General of Police, may by notification, create as many Police Ranges as considered necessary. Each Range, consisting of two or more Districts / Police Districts, shall be headed by an officer of the rank of Deputy Inspector General/Inspector General of Police who shall supervise the police administration of the Range and report to the Addl. Director General of Police, Law and Order if there is one or else to the Director General of Police.

Police Districts.

9. There shall be a Police District in each administrative district of the State. The administration of the police throughout such district shall vest in the Superintendent of Police who may be assisted by as many Assistant, Additional or Deputy Superintendents of Police, as considered necessary.

District-level Special Cells, Sub-Divisions and Circles.

10. (1) For the purpose of dealing with a particular category of crimes or for providing better services to the community at large including victims of crime, the State Government may, in consultation with the Director General of Police and by notification, create one or more Special Cells in each District, to be headed by an officer of the rank of Assistant/Deputy superintendent of Police.

(2) The State Government may by notification divide each District/Administrative Districts into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant/Deputy Superintendent of Police.

(3) The State Government may by notification divide each Police Sub-Division into one or more Circles, each headed by an officer of the rank of Inspector or Deputy Superintendent of Police:

Provided that in the event of a Circle being put under the charge of a Deputy Superintendent, such officer shall report directly to the District Superintendent of Police.

Police Stations.

11. (1) The State Government may, in consultation with the Director General of Police and by notification, create as many Police Stations with as many outposts and Beat Houses as necessary, in a Police District as deemed necessary, duly keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distances to be traversed by the inhabitants to reach the Police Station.

(2) One or more Police Stations may be assigned to a Police Circle for the purpose of control and supervision.

(3) A Police Station shall be headed by an Officer-in-Charge not below the rank of Sub-Inspector of Police:

Provided that larger Police Stations may be placed under the charge of officers of the rank of Inspector of Police.

(4) The State Government shall ensure availability of adequate strength of staff at each Police Station, based on the population, incidence of crime, law and order-related workload, volume of traffic and the geographical area.

(5) The State Government shall provide, as early as possible, each Police Station with all essential amenities including a reception-cum-visitors' room, separate toilets for men and women and separate lock-ups for men and women and 2 separate rest rooms for men and women.

(6) Each Police Station shall prominently display all the relevant information required to be made public, including the Supreme Court guidelines and directions, as also departmental orders on arrests, and the details regarding the persons arrested and held in lock-ups.

(7) Each Police Station shall be barrier free for access to persons with disability and will have amenities for them.

Term of office of key police functionaries.

12. (1) Officers posted as Director General of Police; Addl. Director General of Police, Law and Order; Inspectors General of Police; Range Deputy Inspectors General of Police, District Superintendents of Police, Sub-Divisional Police Officers, Circle Inspector or Officer-in-Charge of Police Station shall have a minimum tenure of two years:

Provided that any such officer may be transferred/removed from his post before the expiry of the minimum tenure of two years consequent upon:

- (a) promotion to a higher post; or
- (b) conviction, or charges having been framed, by a court of law in a criminal offence; or
- (c) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant Discipline & Appeal Rules; or
- (d) suspension from 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.

(2) In addition to the above grounds, in exceptional cases, any such officer may also be transferred from his post by the competent

authority before the expiry of his tenure for gross inefficiency in controlling crime, militancy and law and order situation or for gross negligence or dereliction of duty or where a prima facie case of a serious nature is established against him after a preliminary enquiry or when keeping in view communal or ethnic sensitivities, it is felt that it would be in larger public interest to transfer the concerned officer prematurely. All such cases of premature transfer will be placed before the Police Establishment Board for its consideration. The Police Establishment Board will record its considered opinion in a speaking manner and such opinion in case of subordinate ranks will be given due weightage for premature transfer by the Police Headquarter or Competent Authority. In respect of Deputy Superintendent of Police rank and above such recommendation would be examined by the State Government and decision of State Government would be final which will also be given as a speaking order.

Explanation: Competent authority means an officer authorised to order transfers and postings for the rank concerned.

**Coordination
within the District
Administration**

13. (1) For the purpose of efficiency in the general administration of the district, it shall be lawful for the District Magistrate, in addition to the provision of the Code of Criminal Procedure, 1973 and other relevant Acts/Rules, to coordinate the functioning of the police with other agencies of district administration in respect of matters relating to the following:-

- (a) the promotion of land reforms and the settlement of land disputes;
- (b) extensive disturbance of the public peace and tranquility in the district;
- (c) the conduct of elections to any public body;
- (d) the handling of natural calamities and rehabilitation of the persons affected thereby;
- (e) situations arising out of any external aggression or internal disturbances;
- (f) for any other matters as assigned/prescribed in any law applicable in the State;
- (g) any similar matter, not within the purview of any one department and affecting the general welfare of the public of the district; and
- (h) removal of any persistent public grievance.

(2) For the purpose of such coordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police and Heads of other Departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate orders and issue directions in writing, to achieve the objective of coordination.

(3) For the purpose of coordination, the District Magistrate shall ensure that all departments of the district, whose assistance is required for the efficient functioning of the police, will render full assistance to the Superintendent of Police.

Special Branch and Criminal Investigation Department.

14. (1) There shall be a Special Branch for collection, collation, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating inter-state, inter-district crimes and other specified offences, in accordance with the provisions of Chapter IX of this Act.

(2) The State Government may appoint a police officer of or above the rank of Inspector General of Police to head each of the aforesaid departments.

(3) The Criminal Investigation Department may have specialized wings to deal with different types of crimes requiring focused attention or special expertise for investigation. Each of these wings shall be headed by an officer not below the rank of Inspector.

(4) The Special Branch may have specialized wings to deal with and coordinate specialised tasks such as measures for intelligence collection, security, for counter terrorism, counter militancy and VIP Security.

(5) The State Government shall appoint officers of and above the rank of Superintendent of Police to serve in the Criminal Investigation Department, and the Special Branch, as deemed appropriate with due regard to the volume and variety of tasks to be handled. In case of those in the subordinate ranks and Deputy Superintendents of Police, their appointment to the Criminal Investigation Department and Special Branch will be decided by the Police Establishment Board even though, in case of Deputy Superintendents of Police, proposal for their posting will be submitted to the Government.

(6) A Vigilance and Anti Corruption Branch with adequate manpower will function as a part of Criminal Investigation Department.

Anti-Infiltration Directorate.

15. There may be an Anti-Infiltration Directorate headed by an officer of the rank of Additional Director General of Police or Inspector General of Police for effectively dealing with the problem of illegal influx of foreign nationals from across the international border. This will comprise Administrative, Establishment, Executive, Intelligence and Enforcement Wings, River Patrol and Mobile Task Force. Each wing/cell will be headed by an officer of the rank of Deputy Superintendent of Police/Superintendent of Police.

Technical and support Services.

16 (1) The State Government may create and maintain such ancillary technical agencies and services, under the overall control of the Director General of Police, as considered necessary or expedient for promoting efficiency of the Police Service.

(2) (a) The services so created may include a full-fledged Forensic Science Laboratory at the State-level and a Mobile Forensic Science Unit for every district, Finger Print Bureau, Computer Cell, SCRB and DCRB, Meghalaya Police Radio Organization, and such

other establishment as may be required from time to time. In addition to the regular staff, the Director General of Police may also hire services of any person qualified for this purpose on contract basis.

(b) It shall be the responsibility of the State Government to ensure regular maintenance of all scientific equipment and regular replenishment of consumables in the forensic laboratories.

(c) The State Government shall take all measures to encourage and promote the use of science and technology in all aspects of policing.

(3) The State Government may appoint for the whole State one Director of Police Telecommunications, not below the rank of Deputy Inspector General of Police and one Superintendent of Police and as many Addl. / Deputy Superintendents of Police as deemed necessary to assist them.

(4) The State Government may similarly appoint for the whole state one officer in charge of Police Transport, not below the rank of Superintendent of Police

(5) The State Government may appoint nodal officer, IT in the police department not below the rank of Deputy Inspector General of Police.

**Appointment of the
Principal of Police
Training
Academy/College/S
chool.**

17. (1) The State Government shall establish a full-fledged Police Training Academy/College/School at the State level for ensuring efficient post-induction training of all directly-recruited police personnel in the subordinate ranks, pre-promotion training for all those promoted in the subordinate ranks and such thematic and specialized in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.

(2) The State Government may appoint a police officer not below the rank of Inspector General of Police to be in charge of police training.

(3) The State Government may appoint officer of and above the rank of Superintendent of Police to the Police Training Academy/College/School.

(4) The State Government may also provide for appointment of police personnel in such Police Training Academy/ College/School after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the Police Service to the faculty of the Police Training Academy/College/ School.

(5) The State Government may also ensure appointment of persons with academic accomplishments in the fields of law, sociology, psychology, criminology, forensic science and other academic subjects relevant to police profession to the permanent faculty positions in the Police Training Academy/College/ School.

**Oath or affirmation
by police
personnel**

18. Every member of the Police Service enrolled under this Act shall, on appointment and completion of training, make and subscribe before the Superintendent of Police or other Unit Head, as the case may be, or another officer appointed in that behalf by him as the case may be, or collectively at the time of Passing Out Parade, an oath or affirmation, as prescribed.

**Certificate of
appointment.**

19. (1) Every police officer of or below the rank of Inspector shall on appointment receive an insignia and a certificate in the form as 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 Police Service or shall remain inoperative during the period such person continues to be under suspension.

**Special Police
Officers.**

20. (1) The Superintendent of Police or any officer, specially empowered in this behalf by the State Government, may, at any time by a written order issued under the hand and seal of such officer, appoint, for a period as specified in the appointment order, any able-bodied and willing person between the age of 18 and 50 years, whom he considers fit to be a Special Police Officer to assist the Police Service.

(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; and
- (b) Have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as a member of the Police Service.

(3) Appointment as Special Police Officer will be of honorary nature. However, the State Government may by special order, prescribe honorarium to be paid to them.

(4) Whoever refuses to act as a Special Police Officer or neglects his duties as Special Police Officer, shall be liable on conviction by a Court to a fine of minimum of Rs. 1000/-.

**Appointment of
Additional Police.**

21. (1) Additional police comprising officers of such ranks or grades for such purpose, for such time and on such pay as prescribed by the State Government, may be appointed, or deputed by the authority prescribed in that behalf.

(2) Every Additional Police Officer upon such appointment shall:

- (a) receive a certificate in a form approved by the State Government in this behalf;
- (b) be vested with all or such of the powers, privileges, duties and immunities of a police officer as are specially mentioned in the certificate; and

(c) be subject to the orders of the Superintendent of Police.

(3) The deployment or deputation of such Additional Police Officer may be made at the request of any person requiring such police, and the cost of such deployment shall be recovered in such manner as may be prescribed by the Government.

CHAPTER III

THE PRIMARY RANKS IN THE UNARMED BRANCH

Rank structure at the primary levels of Unarmed Branch.

22. (1) The rank structure in the subordinate ranks of the Unarmed Branch, in the ascending order, shall consist of Constable, Head Constable, Sub Inspector and Inspector.

(2) The direct recruitment in the subordinate ranks of the Unarmed Branch shall be made only to the ranks of Constable and Sub-Inspector.

Recruitment to the post of constable.

23. (1) The age group for recruitment as Constable shall be 18 to 21 years with relaxation of 5 years in case of SC/ST candidates. The minimum educational qualification shall be 10 + 2 passed.

(2) The recruitment of Constables shall be made through a Recruitment Board through a transparent process as per procedure laid down by the Government. The procedure should be such that the same is not amenable to any misuse or abuse.

Service Conditions of Primary Ranks in the Unarmed Branch.

24. (1) Three promotions should ordinarily be available to all meritorious police personnel. The Director General of Police shall, with the approval of State Government, frame the evaluation criteria for promotion through a transparent process, for different ranks.

(2) In order to provide for timely career progression, 50 per cent of sanctioned posts of Sub-Inspector shall be filled up by promotion.

(3) The Director General of Police, with the approval of the State Government, shall try to outsource as many non-core police functions as possible, to enable police officers to concentrate on core police functions.

CHAPTER IV

ARMED POLICE UNITS.

District Armed Branch and Meghalaya Police Battalions including the India Reserve Battalions.

25. To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breach of peace or law and order, and in disaster management functions, as well as to discharge such duties as require the presence of armed police, the State Government shall create Armed Police units with appropriate manpower strengths in the form of an Armed Branch for each Police District, and appropriate number of Meghalaya Police Battalions including the India Reserve Battalions for the State.

Role and functions. 26. (1) The Police Battalions will be a State-level reserve, to be deployed under specific orders of the Director General of Police, to aid and assist the civil police in dealing with virulent and widespread problems of public disorder or other forms of violence, needing deployment of armed police beyond the resources of the district police.

(2) The District Armed Branch, which will function under the control, direction and supervision of the District Superintendent of Police shall be the armed wing of the District Police to deal with an emergent law and order problem or any violent situation in the District, and for providing security guards or escort of violent prisoners, or such other duties as may be prescribed.

Organizational structure of District Armed Branch. 27. (1) The District Armed Branch shall be headed by an officer of the rank of either an Inspector or Deputy Superintendent of Police or an Additional Superintendent of Police, depending on the manpower strength of the Armed Branch set-up of the district.

(2) Each Armed Branch set-up shall have an appropriate number of Inspectors/Sub-Inspectors to deal with general administration of the Reserve, maintenance of equipment and stores, and training.

(3) It shall be the duty of the District Superintendent of Police to ensure that the personnel of the Armed Branch are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation between duty and rest for them.

Organizational structure of the Meghalaya Police Battalions including the India Reserve Battalions. 28 (1) A Commandant, equivalent in rank to Superintendent of Police, shall head each Armed Police Battalion. The Commandant may be assisted by a Second-in-Command, equivalent in rank to Additional Superintendent of Police. Each Battalion may be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Deputy Superintendent of Police.

(2) The Armed Police Battalions set-up of the State shall be headed by an officer of or above the rank of Inspector General of Police, (depending on the number of Battalions in the State), who shall be responsible for the administration, training, operational preparedness and welfare of personnel of all the armed police units in the State, under the overall guidance and supervision of the Director General of Police.

(3) In fixing the strength of senior officers for the Armed Police Battalions set-up, it may be ensured that for supervising the functioning and preparedness of every 4 Battalions, a senior officer of the rank of Deputy Inspector General is provided.

(4) The duties of the Addl. Director General of Police / Inspector General of Police in charge of the Armed Police Battalions set-up, the Commandant, Second-in-command, Assistant Commandants, Inspectors of the Service and the Headquarters Companies shall be

as prescribed by the State Government from time to time.

Recruitment.

29. (1) The direct recruitment to the District Armed Branch and the Armed Police Battalions, other than in the ministerial cadres, shall be limited to the ranks of Constable, and 20 % of sanctioned posts of Sub-Inspectors.

(2) The minimum qualification for recruitment as Constable shall be Matriculation and the age group shall be 18-21 years with relaxation of 5 years for SC/ST candidates. For the recruitment to the rank of Sub-Inspectors, the minimum qualification shall be graduation and the age limit 20 to 27 years with relaxation of 5 years for SC/ST candidates.

(3) The post of Assistant Commandants in the Battalions will be filled by the IPS or MPS officers.

(4) The recruitment to the rank of constables and Sub-Inspectors shall be made through a Recruitment Board by a transparent process, adopting well-codified systems and procedures which should not be susceptible to any misuse or abuse.

Training.

30. (1) Besides the initial training of new recruits in the District Armed Branch and the Armed Police Battalions, it shall also be ensured that all ranks in these units undergo an annual refresher training programme, by rotation, over and above specialised training in different skills as needed by different categories.

(2) The annual refresher training course shall be treated as mandatory, and under no circumstances the personnel undergoing such training shall be withdrawn for deployment on law and order, or any other duty except with the prior approval of the Director General of Police.

(3) The curricular for the initial as well as the annual refresher training courses, besides physical skills and fitness, shall lay due emphasis on the knowledge of constitutional and legal rights of the citizens as well skills relating to individual and collective interaction with the public, with special emphasis on courteous and impartial behavior.

(4) The content and methodology of the annual refresher training courses as well as the other specialised courses for the personnel of the District Armed Branch and the Armed Police Battalions shall be reviewed and revised from time to time by the officer heading the Armed Police Battalion set-up, in consultation with the Training Wing of the state police, and under the overall guidance of the Director General of Police.

Deployment.

31.(1) The deployment of units and sub-units of the District Armed Branch and the Armed Police Battalions shall be strictly restricted to only those situations where such deployment is considered absolutely necessary.

(2) The District Superintendent of Police shall carefully scrutinise each request for deployment of District Armed Branch, received from the field officers. Similarly, the Director General of Police shall closely scrutinise each request for the deployment of any force from the

Armed Police Battalions, received from any District Superintendent of Police, Range Deputy Inspector General of Police / Inspector General of Police, or any other field officer, before ordering such deployment. The scrutiny will include a realistic determination of the quantum of force required as also the duration for which the deployment is required.

(3) The deployment shall be made for a fixed period, as specified in the order, and unless the same is extended by a specific order, the force shall return to its headquarters, on the expiry of the initial period.

(4) It shall be the duty, in the case of District Armed Branch, of the District Superintendent of Police and that of the head of the Armed Police Battalion set-up of the State in respect of the Battalion personnel, to ensure that the personnel of these armed units are deployed in a manner that ensures their regular training and constant preparedness for their tasks, as also a fair rotation of duty between the various sub-units of the Armed Branch or a Battalion.

(5) While ordering deployment of any armed police unit, due care will also be taken to ensure, as far as possible, that the personnel are able to take due rest and also avail a weekly off.

**Adequacy of Arms,
Equipment and
Accoutrement**

32. The adequacy of arms, equipment and accoutrement for each Battalion as well as the District Armed Branch shall be assessed regularly on an annual basis by the officer heading the Armed Police Battalions set-up, in terms of the type, quality and quantities of each such item needed for each unit, in consultation with the Commandants and the District Superintendent of Police concerned.

**CHAPTER V
SUPERINTENDENCE AND ADMINISTRATION OF POLICE**

**Superintendence of
State police to vest
in the State
Government.**

33. (1) It shall be the responsibility of the State Government to ensure an efficient, responsive, accountable, impartial, honest, citizen-friendly and professional Police Service for the entire State. For this purpose, the power of superintendence of the Police Service shall vest in and be exercised by the State Government in accordance with the provisions of this Act and any other law as applicable.

(2) The State Government shall exercise its superintendence over the police in such manner and to such an extent as to promote the professional efficiency of the police and ensure that its performance is at all times in accordance with the law. This shall be achieved through laying down policies and guidelines, setting standards for quality policing, facilitating their implementation and ensuring that the police performs its task in a professional manner with functional autonomy.

**Strategic Policing
Plan.**

34. (1) The State Government may -
(a) in consultation with the State Security Commission

established under Section 35 of this Chapter, draw up a Strategic Policing Plan for a five-year period (hereinafter referred to as the "Strategic Plan"), duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation;

- (b) place before the State Legislature, within six months of the coming into force of this Act, the Strategic Plan. Subsequent Strategic Plans shall, thereafter, be laid before the State Legislature every three years;
- (c) place before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan that prioritizes the goals of the Strategic Plan for the year in question.

(2) The Strategic and the Annual Plans shall be prepared after receiving inputs on the policing needs of the districts from the District Superintendents of Police who, in turn, shall formulate the same in consultation with the community and various district authorities.

(3) The Strategic Plan, the Progress Report and the Annual Plan shall be made readily accessible to the public.

State Security Commission.

35.A State Security Commission shall be set up by the State Government which will function as a watchdog body and will exercise the functions assigned to it under the provisions of this Chapter. The recommendations of the Commission shall be to the extent feasible binding on the State Government.

Composition of the State Security Commission.

36. (1) The State Security Commission (hereinafter referred to as Commission) shall consist of the following:

- (a) The Chief Minister as its Chairperson
- (b) The Home Minister as its Vice Chairperson
- (c) The Leader of the Opposition in the State Assembly
- (d) Chief Secretary
- (e) The Principal secretary/Secretary Home (P) as member.
- (f) The Director General of Police as its Member-Secretary; and
- (g) Two non-political persons of proven reputation for integrity and competence, (hereinafter referred to as "Independent Members") from the fields of academia, law, public administration, media or NGOs.

(2) No serving Government employee shall be appointed as an Independent Member.

(3) Any vacancy in the Commission shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

Transport cost and sitting fees for 'Independent Members'.

37. The 'Independent Members' will be paid transportation cost and sitting fees at the rates fixed by the Government whenever the Commission meets. The expenditures on account of the same will be borne by the Government in a manner as may be prescribed by the Government.

- Composition of the Panel for selection of Independent Members.** 38. Independent Members shall be appointed on the recommendation of a Selection Panel, which shall consist of: -
- (a) a retired Chief Justice/*Justice* of a High Court as Chairperson, to be nominated by the Chief Justice of the High Court
 - (b) Chief Secretary
 - (c) Principal secretary/Secretary Home(P)
 - (d) Director General of Police
- Method of Selection.** 39. The Selection Panel shall evolve its own procedure to select Independent Members through a transparent process.
- Grounds of ineligibility for Independent Members.** 40. No person shall be appointed as an Independent Member of the Commission if he -
- (a) is not a citizen of India; or
 - (b) has been convicted by a court of law or against whom charges have been framed in a court of law; or
 - (c) has been dismissed or removed from service or compulsorily retired on the grounds of corruptions or misconduct; or
 - (d) holds an elected office, including that of Member of Parliament or State Legislature or a local body, or is an office-bearer or member of any political party or any organisation connected with a political party; or
 - (e) is of unsound mind.
- Meetings of the Commission.** 41. The Commission will meet for initial three years at least once a month and later every 3 months or more often if required by the exigencies of situation. Half of the members present shall constitute the quorum for the meeting.
- Term of office of Independent Members.** 42. A person shall be appointed as an Independent Member for a period of three years. The same person shall not be appointed for more than one term.
- Removal of Independent Members.** 43. (1) An Independent Member may be removed by the Government on the recommendation of the Commission on any of the following grounds:
- (a) proven incompetence; or
 - (b) proven misbehaviour; or
 - (c) failure to attend three consecutive meetings of the Commission without sufficient cause; or
 - (d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.
- (2) In addition, an Independent Member shall be removed from the Commission if he incurs any of the grounds of ineligibility specified under Section 40 of this chapter.
- (3) The Government shall explicitly state in writing the grounds for

such removal.

Functions of the Commission.

44. The Commission shall perform the following functions:-

- (a) frame broad policy guidelines for promoting efficient, effective, responsive, accountable, impartial, honest, professional and citizen-friendly policing, in accordance with the law;
- (b) prepare a panel of five police Officers for the rank of Director General of Police against prescribed criteria in accordance with the provisions of Section 6 of chapter II;
- (c) lay down broad policy guidelines so that the State police always acts according to the laws of the land and the Constitution of the country;
- (d) give directions for performance of preventive tasks and service-oriented functions of the police;
- (e) ensure that the State police is not subjected to any unwarranted pressure or influence;
- (f) identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, impartiality, honest policing, courteous behaviour, optimum utilisation of resources, and observance of human rights standards;
- (g) evaluate organizational performance of the Police Service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police;
- (h) the Commission shall also functions as a forum of appeal for disposing of representations from officers of the rank of Addl. Superintendent of Police and above, regarding their promotion, or their being subjected to illegal or irregular orders.

Administration of Police Service.

45. (1) The administration of the Police Service throughout the State shall be vested in the Director General of Police and in such Additional Directors General, Inspectors General, Deputy Inspectors General of Police and other officers as appointed under this Act subject to provisions of section 33 of this Act and as prescribed.

(2) The administration of police in district shall vest in the District Superintendent of Police.

(3) Administration will mean the suggestion for management of the Police Service, subject to law, rules and regulations; and will include framing of regulations; supervising the functioning of the police at all levels; appointment to subordinate ranks of the Service, deployment of the police personnel, posting, transfers, and the requisite disciplinary action up to and including the rank of Inspector of

Police; and advising the Government on the placement of officers of and above the rank of Assistant/Deputy Superintendent of Police:

Provided that the State Government may intervene in the exercise of the powers of administration by the Director General of Police or any other authorised officer only in accordance with the prescribed rules, regulations or in exceptional circumstances involving urgent public interest, reasons for which shall be recorded in writing.

Powers and responsibilities of the Director General of Police.

46. As head of the State Police Service, it shall be the responsibility of the Director General of Police to: -

- (a) operationalize the policies, the Strategic Plan and the Annual Plan prepared by the State Government, and
- (b) administer, control and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness, accountability, impartiality, honesty and courteous behaviour on the part of the police.

Police Establishment Board and Review Committee.

47. (1) The State Government shall constitute a Police Establishment Board (hereinafter referred to as the 'Board') with the Director General of Police as its Chairperson and four other senior-most officers within the police organisation of the State as members.

The functions of the Board will be as follows:-

- (a) to recommend all transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police. As regard transfer and posting of officers of the rank of Dy. Superintendent of Police, orders will be issued by the Government. The State Government may review the decisions of the Board only in exceptional cases after recording its reasons for doing so.
- (b) to make appropriate recommendations to the Government regarding postings and transfers of officers of and above the rank of Asst./Deputy Superintendent of Police / Addl. Superintendent of Police up to Deputy Inspector General Level. The State Government will give due weight age to recommendations made by the Board:

Provided, the State Govt. may take such action as deemed appropriate in respect of such recommendation:

Further, provided the State Govt. may suo-moto make such transfer and posting as deemed appropriate to meet any contingencies as prescribed.

- (c) The Board shall also consider and recommend the names of officers of the ranks of Sub-Inspector and Inspector for posting to a Police Range on initial appointment, or for transfer of Constable upto Inspector from one Police Range to another, or from a

Police District to SB, Infiltration, CID, ACB, SCRB, PTS, MLP Bn, etc or vice versa or from one specialised wing to another.

- (d) The Board will also serve as an Appellate Body against transfer orders passed by the Range Inspector General of Police/Deputy Inspector General of Police which the aggrieved person considers to be unjustified and also against decisions of Range Inspector General of Police / Dy. Inspector General of Police on representations made to them against transfer orders passed by district Superintendent of Police.

(2) A General Review Committee headed by the Chief Secretary with the Director General of Police and the Secretary, Home, Law and Political as members shall make recommendations to the Government for posting and transfer of officers of the level of Inspector General of Police up to the level of Addl. Director General of Police. It will also review functioning of the Police Establishment Board, general superintendence of the provisions of this Act and coordinate matters of prosecution in the State. This Committee shall also function as appellate authority against the decisions of Police Establishment Board and orders of Police Headquarter.

(3) Transfers within range and within Police district.

- (a) Inter-district transfers and postings of non-gazetted ranks, within a Police Range, shall be decided by the Range Inspector General of Police / Deputy Inspector General of Police on the recommendation of a Committee comprising all the District Superintendents of Police of the Range.
- (b) Postings and transfers of non-gazetted police officers within a Police District shall be decided by the District superintendent of Police on the recommendation of a District-level Committee in which all Additional/Deputy/Assistant Superintendents of Police posted in the District shall be members.
- (c) Range Inspector General of Police / Dy. Inspector General of Police will serve as an Appellate Authority against transfer orders passed by district Superintendents of Police which the aggrieved person considers to be unjustified.

(4) While effecting transfers and postings of police officers of all ranks, the concerned competent authority shall ensure that every officer is allowed a minimum tenure of two years. If any officer other than the officers mentioned in Section 12 of Chapter II is to be transferred before the expiry of this minimum term, the competent authority must record detailed reasons for the transfer.

(5) No authority other than the authority having power under

- this Act to order transfer shall issue any transfer order.
- Procedure for promotion of police officers.** 48. Promotion to each rank in the Police Service shall be based on merit, which would include seniority according to the existing Rules in force which may be amended from time to time:
Provided that for the officers of the Indian Police Service, such evaluation criteria shall be framed by the Government of India.
- Meeting of the Board and Review Committee.** 49. The Board and the Review Committee shall meet at least once in 2 months or sooner as may be required.
- Framing of Rule.** 50. Efforts will be made for precise rules to be laid down with regard to transfer, promotions and other service related matters.
- Computerization of service records.** 51. Service records of all police personnel with details of postings and training courses attended and other relevant details shall be computerised.
- Training Policy for the police.** 52. (1). The State Government shall lay down a Training Policy covering all ranks and categories of police personnel. This policy shall ensure that all police personnel are adequately trained to perform their job taking due care of proper attitudinal development, and shall be linked to career development scheme of police personnel in different ranks and categories.

(2) The policy shall also aim to promote a service culture of police personnel acquiring appropriate professional qualifications as they advance in their careers.
- Financial management and function as Heads of Department.** 53. (1) The Director General of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the State Government, sufficiently in advance in the preceding financial year. He shall function as Heads of Department as desired within the administrative control of Home (Police) Department.

(2) The budgetary requirements shall be carefully worked out on the basis of realistic needs of each branch, wing, unit and sub-unit of the Police Service, obtained from the unit officers concerned.

(3) The District Superintendents of Police shall take special care to ensure that the financial requirements of each Police Station in the district are worked out meticulously and adequately projected in the budgetary demands of the district, thus leaving no scope for the Police Stations to feel handicapped for meeting the legitimate expenditure on day-to-day police work.

(4) Subject to the provisions of the Delegation of Financial Powers Rules as amended and general direction issued by the Government from time to time, the budgetary allocations made by the Legislature shall be made available at the disposal of the Director General of Police who shall be vested with full powers to spend the

amounts earmarked under each head of the Budget Account.

(5) In order to meet various expenses on account of contingency expenditure, sufficient impress money shall be provided to police stations and other police units, the amount of which shall be reviewed and revised from time to time, as per the exigencies of circumstances.

CHAPTER VI ROLE, FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE POLICE

Role, functions and duties of the Police.

54. The role and functions of the police shall broadly be:

- (a) to uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;
- (b) to promote and preserve public order;
- (c) to protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;
- (d) to protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;
- (e) to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;
- (f) to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;
- (g) to register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant, and where appropriate, to apprehend the offenders, and extend requisite assistance in the prosecution of offenders;
- (h) to create and maintain a feeling of security in the community, and as far as possible, prevent conflicts and promote amity;
- (i) to provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;

- (j) to aid individuals, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distress situations;
- (k) to facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;
- (l) to collect intelligence relating to matters affecting public peace, and all kind of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves;
- (m) To take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.

**Social
responsibilities of
the police.**

55. Every police officer shall:

- (a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;
- (b) guide and assist members of the public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;
- (c) provide all requisite assistance to victims of crime and or road accidents, and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilitate their compensation and other legal claims;
- (d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;
- (e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;
- (f) render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organized group; and
- (g) inform every person in police custody about the free

legal aid scheme of the Government.

Duties in emergency situations.

56. (1) The State Government may, by notification in the official gazette, declare any specified service to be an essential service to the community, for a specified period, which may be extended from time to time, by a notification, as necessary.

(2) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every police officer to obey any order given by any officer superior to him in connection with the service specified in the declaration.

Senior police officer performing duties of a subordinate officer.

57. A senior police officer may perform any duty assigned by law or by a lawful order to any officer 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 complete or convenient effect to the law or for avoiding any infringement thereof. State Government may issue any instruction as may be necessary on this respect.

Police officers to keep diary.

58. It shall be the duty of every officer in charge of police station to keep a general diary in such form as shall from time to time be prescribed by the State Government and to record therein all complaints and charges preferred, the names of all persons arrested, names of complainants, offences charges against them, weapons and property taken from their possession or otherwise and witnesses examined in connection with the case, detailment of personnel for patrolling and other duties, etc.

CHAPTER VII

POLICING IN THE RURAL AREAS AND VILLAGE POLICE SYSTEM

Police Stations covering rural areas.

59. (1) Police Stations covering rural areas shall be so organized as to be self sufficient in matters of accommodation, for amenities as stipulated in Section 11 (5) of Chapter II as well as in communication facilities, transport and police housing. Each Police Station will also be equipped with adequate facilities of forensic science and scientific aids to investigation.

(2) Special attention shall be paid to the security of each Police Station, particularly in areas prone to violence or mass disturbances. It shall also be ensured that the manpower posted in such Police Station is not diverted elsewhere except when specially authorized by the Director General of Police for a specific purpose and for a specified period.

**Village visits by
Officer-in-Charge
of Police Stations.**

60. (1) The Officer-in-Charge of Police Stations shall visit every village under his jurisdiction, as per the minimum frequency prescribed by the Superintendent of Police through a general or special order, and shall interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

(2) All supervisory officers including the Superintendent of Police shall visit every month as many villages in their jurisdiction as possible. The purpose of such visits shall be to review the general state of crime, the law and order situation and the activities, if any, of violent and militant individuals or groups in the area and to interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

**Enlistment of
Village Guard and
Selection Criteria.**

61. (1) Each village in the district shall have at least one Village Guard, enlisted by the District Superintendent of Police from amongst able-bodied persons of either gender, between the age of 21 and 50 years and with unimpeachable character and antecedents, who are permanent residents of that village, possessing the ability to read and write in the local language, who have not been convicted by a court of law or have not had charges framed against them by a court of law in criminal cases or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct, and who are not active members of any political party, or organization allied to a political party or a militant outfit.

(2) A person enlisted as a Village Guard will normally have a tenure of three years, which may be renewed, upon satisfactory performance. No renewal shall, however, be granted to a person after he crosses the age of fifty years or who has served for two consecutive terms or who incurs any other condition of ineligibility specified in Section 61(1).

(3) A Village Guard shall be removed from the assignment at any time during the currency of his enlistment, if he incurs any condition of ineligibility stipulated in Section 61(1).

(4) The Village Guard shall be a public servant as defined in the Indian Penal Code, 1860.

(5) The Superintendent of Police shall ensure that every person, on his induction as a Village Guard, is administered a training course of a duration and as per the syllabus, prescribed by the Director General of Police. Periodical refresher training shall also be organized for those who are re-enlisted as Village Guards, for each renewed term.

(6) Every person enlisted as a Village Guard shall take an oath or affirmation, as prescribed, before the officer-in-charge of the Police Station concerned.

(7) Each Village Guard will be provided with an Identification Badge and a reasonable monthly honorarium and out-of-pocket expenses, as may be fixed by the Government from time to time. The honorarium so fixed shall not be less than that paid to a Home Guard in the State.

(8) Any person who for any reason ceases to be a Village Guard shall forthwith deliver up to the Superintendent of Police or to any officer authorized by him, his Identification Badge and all records and documents maintained by him as the Village Guard.

Duties and Responsibilities of Village Guard.

62. The duties and responsibilities of the Village Guard shall include: -

- (a) reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police and assisting the police in bringing the offenders to book;
- (b) maintaining a general vigil in the village from the point of view of crime prevention or prevention of a law and order problem, and promptly informing the police about the same;
- (c) remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police;
- (d) assisting any citizen in arresting or handing over to the Police Station any person or persons under section 43 of the Code of Criminal Procedure, 1973 along with the arms, ammunition, property or any objectionable or suspicious object, if any, seized from him, without delay. In case the arrested person is a woman, a male Village Guard shall be accompanied by a woman;
- (e) Securing and preserving the scene of any crime till the arrival of the police, duly ensuring that it is not disturbed by curious onlookers or anyone else;
- (f) meeting the Officer-in-Charge of the Police Station at a minimum frequency as prescribed by the Superintendent of Police through a general or special order, to report on such activities and incidents in the village as would have a bearing on crime, law and order or other policing concerns;
- (g) maintaining the prescribed records and registers; and
- (h) recording any public grievances or complaints in relation to policing.

Village Defence Parties

63.(1) The Superintendent of Police shall organize a group of local respectable persons for each village for the purpose of carrying out preventive patrolling, promoting crime reduction measures and generally assisting the police in their functioning. The group shall be called the Village Defence Party and may not normally consist of more than 15 members, with provision for having more than one

Village Defence Party if the size and population of the village so require. The composition of the Party shall reflect the diversity of local population including adequate gender representation. It shall work in cooperation and coordination with the Village Guard.

(2) Members shall be inducted into the Village Defence Parties by the Superintendent of Police in consultation with the Community Liaison Group, from amongst able-bodied persons, and with good character and antecedents, who are permanent residents of the village, who have not been convicted by a court of law or have not had charges framed against them by a court of law in criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of moral turpitude, corruption or misconduct, or are connected with any political party or any allied organization thereof.

(3). The Village Defence Party shall normally be reconstituted every three years. Members may be re-inducted whenever the Village Defence Party is reconstituted. No renewal shall, however, be granted to a person after he crosses the age of fifty years or who incurs any other condition of ineligibility specified in Section 63 (2). However, any vacancy may be filled up as and when it occurs.

(4). A person may also be removed from the membership of the Village Defence Party at any time during the currency of his tenure, if he incurs any condition of ineligibility specified in Section 63 (2).

(5). In the event of any complaint against the Village Defence Party or its members, the Superintendent of Police shall take appropriate action, including, if necessary, removal of the concerned members.

(6). Membership of the Village Defence Party shall be voluntary and honorary. However, to facilitate the proper functioning of the Village Defence Party, the Officer-in-Charge of Police Stations shall provide its members with the required equipment of day-to-day needs as well as reasonable out-of-pocket expenses, as prescribed from time to time. The District Superintendent of Police will make arrangements for necessary training of the members of each Village Defence Party.

(7). The members of the Village Defence Party shall wear Identification Badge issued by the District Superintendent of Police.

(8). Any person who for any reason ceases to be a member of a Village Defence Party shall forthwith deliver up to the Superintendent of Police or to an officer authorized by him, his Identification Badge and all records and documents maintained by him as a member of the Village Defence Party.

Community Liaison Group

64.(1) The District Superintendent of Police shall constitute a Community Liaison Group for each Police Station, comprising

respectable local residents of the area with unimpeachable character and antecedents, including retired public servants and heads of teaching institutions, if any, as representatives of the community, to generally advise the police in their functioning. The Community Liaison Group shall have a fair representation of gender, and all other segments and professions, of the society in villages falling in the Police Station area:

Provided that no person convicted by a court of law or against whom charges have been framed by a court of law in a criminal case, or dismissed, removed, discharged or compulsorily retired from any employment on grounds of corruption, moral turpitude or misconduct shall be eligible to be inducted into the Community Liaison Group:

Provided further that no person who is connected with any political party or an organization allied to a political party, shall be eligible to be inducted into the Community Liaison Group.

(2) The Community Liaison Group shall identify the existing and emerging policing needs of the area, which shall be taken into consideration by the Officer-in-Charge of the Police Station while preparing the annual policing strategy and action plan for his jurisdiction, for submission to the District Superintendent of Police. The Community Liaison Group shall perform such other functions as prescribed. It shall meet as frequently as necessary, and at least once in each quarter of a year. The meetings of the Community Liaison Group shall be attended by the Sub-Divisional Police Officer as well as the officer in charge of the Police Station and the Circle Inspector. Occasionally, Superintendent of Police will also attend the meetings of the Community Liaison Group at different Police Stations. The meetings shall be open to public.

CHAPTER VIII

POLICING IN THE CONTEXT OF PUBLIC ORDER AND INTERNAL SECURITY CHALLENGES

Internal Security Scheme

65.(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 to deal with problems of Public Order and security of the State, as specific to the area.

(2) The Internal Security Scheme so formulated shall be reviewed, and revised as necessary, at least once annually and more frequently, if required.

(3) The Internal Security Scheme shall, as far as possible, cover all major problems the area is prone to or which can otherwise be anticipated in the whole or any part thereof. In preparing the scheme, the Director General of Police shall give special attention to likely disturbance of public order arising out of non-implementation of developmental programmes in the backward and not so easily accessible areas.

(4) The schemes shall provide that officers deploying the police to deal with situations of conflict between communities, classes, castes, and political groups shall ensure that its composition, as far as possible, reflects social diversity of the area, including adequate representation of weaker sections and minorities.

(5) The Internal Security Scheme shall, inter alia, cover the role of the police with regard to the security of any establishment or installation relating to critical infrastructure, if any, located in the area.

(6) Any organization, while taking up any activity or programme which is otherwise unobjectionable but may have the potential for disturbing law and order, may inform the police, and thereupon, the police shall take such measures as deemed necessary to deal with the situation.

(7) While preparing the Internal Security Scheme under Section 66 (1), the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

(8) The Internal Security Scheme shall incorporate regularly updated and comprehensive Standard Operating Procedures for the action to be taken by the police, independently or in coordination with other concerned agencies in the period preceding, during, and in the aftermath of problems of each kind.

CHAPTER IX

EFFECTIVE CRIMINAL INVESTIGATION INCLUDING USE OF SCIENCE AND TECHNOLOGY IN INVESTIGATION

Criminal Investigation Department

66.(1) The Officers and Staff to be posted to the Criminal Investigation Department shall selected and specially trained.

(2) The Criminal Investigation Department may have specialized units for investigation of cyber crime, organized crime, homicide cases, economic offences, and any other category of offences, as notified by the State Government and which require specialized investigation. In addition to regular staff, the Director General of Police may also higher services of any person qualified for this purpose on contract basis to assist in investigation, if and when so required.

(3) The officers posted to the Criminal Investigation Department shall be selected on the basis of their aptitude, professional competence, experience in crime investigation and integrity. They shall undergo appropriate training upon induction, and their knowledge and skills shall be upgraded from time to time through appropriate refresher and specialized coursed.

(4) Officers posted to the Criminal Investigation Department shall have a minimum tenure of three years and a maximum of five years,

except that officers with proven ability in investigation of cases shall be considered for extended tenure by the Police Establishment Board on proposal to this effect being submitted by the Criminal Investigation Department.

(5) The Criminal Investigation Department may be provided with an appropriate number of legal advisors and crime analysts to guide, advise and assist the investigating Officer.

(6) The Criminal Investigation Department may be provided with adequate staff and funds.

(7) The Criminal Investigation Department may be equipped with adequate facilities of scientific aids to investigation and forensic science including qualified and trained manpower, in accordance with the guidelines, if any, issued in this regard by the Directorate Forensic Science or the Bureau of Police Research and Development of the Government of India.

CHAPTER X TRAINING, RESEARCH AND DEVELOPMENT

Training.

67.(1) The State Government shall evolve a Training Policy for the police, in accordance with the provisions of Section 52 of Chapter V, keeping in view the current and anticipated requirements of policing. The Policy will, as far as possible, take into account any guidelines in respect of police training as may be issued by the Union Government from time to time. The training policy shall aim at achieving the objectives of imparting knowledge in police subjects, developing of professional skills, inculcating the right attitudes, and promoting constitutional and ethical values among police personnel.

(2) This Training Policy shall ensure that police personnel are adequately trained to efficiently perform their job. Successful participation in appropriate training programmes shall be linked, as far as possible, to the promotion of police personnel of different ranks, and to their postings to different assignments, in a structured manner, as notified by the State Government from time to time.

(3) In evolving the training policy, optimum advantage shall be taken of the methodologies of distance learning, outsourcing and on-the-job training.

(4) The State Government shall create and upgrade, from time to time, the infrastructure and capabilities of their training institutions in consonance with the holistic training needs of police personnel of different ranks, which shall include, besides all types of specialized training, refresher training courses of appropriate duration. For this purpose, the State Government shall also create a suitable training centre with the requisite infrastructure in each Police District or Armed Police Battalion, as the case may be.

(5) The State Government shall ensure that full advantage is taken of the training facilities available in central and regional police training institutions, to adequately train police personnel of the State in specialized professional subjects, and to train the trainers of the State police training institutions.

(6) In upgrading their training infrastructure as well as the content and methodologies of their training courses, the training institutions shall take maximum advantage of the standards and practices evolved or guidelines issued by organizations such as the Bureau of Police Research & Development of Government of India, and the National Police Academy.

(7) For an objective periodical evaluation of the Training Policy of the State and its implementation, the State police may utilise the available assistance of organizations such as the Bureau of Police Research and Development of Government of India.

Research & Development.

68. (1) The State Government may establish a State Bureau of Police Research & Development with provision for appropriate staff, funds and other resources to regularly undertake research and analysis on all such subjects and issues which may lead to improvement in the standards of police functioning and performance. The State Government may also sponsor, in other reputed organizations and institutions, special studies and research in subjects having relevance to policing.

(2) The State Government may also take appropriate measures to harness developing technology for scientific and technical assistance in the investigation and detection of crime, and other policing tasks.

(3) The tasks of the State Bureau of Police Research & Development shall include:

- (a) preparation of five-year Perspective Plan to modernize and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the Police Service. This Plan shall cover mobility, weaponry, communication, training, forensic infrastructure, equipments and protective gears, official and residential accommodation, and any other subject which may have a bearing on qualitative improvement in policing;
- (b) keeping abreast of the latest equipment and innovative technologies successfully introduced by other police organizations within the country or abroad, and assessing the adaptability or otherwise of such equipment and technologies by the State police. These may include new products, arms

- and ammunition, riot control equipment, traffic control equipment, police transport, and various scientific and electronic equipments useful for scientific aids to investigation or other policing tasks;
- (c) liaising and coordinating with the Bureau of Police Research and Development of Government of India, the academia, reputed scientific organizations, institutions and laboratories and private sector undertakings on relevant matters;
 - (d) studying specific and developing problems of policing in the State with the objective of evolving solutions and remedial measures;
 - (e) examining the prevalent system of policing and suggesting structural, institutional, and other changes that need to be introduced in the police to make its functioning more efficient and responsive; and
 - (f) concurrently evaluating and documenting the impact of modernisation and training policies of the State police and reporting its findings to the Director General of Police and the State Government.

Career planning.

69. The State Government shall formulate a policy for career progression of police personnel in a manner that will ensure avenues for at least three promotions to meritorious police personnel in their career, through a transparent process in accordance with the provisions of Section 48 of Chapter V.

CHAPTER XI REGULATION, CONTROL AND DISCIPLINE

Framing of rules for administration of police

70. Subject to the approval of the State Government, The Director General of Police shall be competent to issue orders, not inconsistent with this Act or with any other enactment for the time being in force for:

- (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 police officers;
- (d) regulating the issue and use of arms and ammunition.
- (e) prescribing the places of residence of members of the Police Service;
- (f) institution, management and regulation of any non-government fund for purposes connected with the police administration or welfare of police personnel;
- (g) regulation, deployment, movements and location of the police;
- (h) assigning duties to officers of all ranks and grades, and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties;
- (i) regulating the collection and communication of intelligence and information by the police;

- (j) prescribing the records registers and forms to be maintained and the returns to be submitted by different police units and officers; and
- (k) generally, for the purpose of administering this Act and rendering the police more efficient, effective, transparent, impartial, honest, courteous and accountable and preventing abuse of power and neglect of duties by them;
- (l) wearing of uniform;
- (m) community policing;
- (n) functioning of Police Stations and other units/wings;
- (o) training of the police personnel and management of training institutions;
- (p) or anything else relating to role, functions, duties and responsibilities of the police.

Rules governing Discipline of Police Personnel.

71. Police personnel in the State shall be governed by the existing relevant Discipline and Appeal Rules and other Service Conduct Rules in force, as applicable to the Indian Police Service, the State Police Service and others serving in the Police establishment.

Police personnel always on duty.

72.(1) Police personnel who are not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the State.

(2) The State Government shall, however, ensure the grant of at least one day off in a week to all police personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to any of them.

(3) No police officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorisation.

Explanation: An officer who, being absent on authorised leave, fails without reasonable cause to report for duty on the expiry of such leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

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

**CHAPTER XII
POLICE ACCOUNTABILITY**

Police Accountability for conduct.

73. (1) In addition to the already existing mechanisms and functions, duties and responsibilities of the departmental authorities, accountability of the police shall be further ensured through the additional mechanisms detailed in this Chapter.

(2) The State Government shall, within three months of the coming into effect of this Act, establish a State-level Police Accountability Commission herein to be called as Accountability Commission, consisting of a Chairperson, members and such other

staff as may be necessary, to inquire into public complaints supported by sworn statement against the police personnel for serious misconduct and perform such other functions as stipulated in this Chapter.

Composition of the Commission

74. (1) The Accountability Commission shall consist of Chairperson and members with a credible record of integrity and commitment to human rights who will be as follows:

- (a) a retired officer superannuated in the rank of not below the Principal Secretary to the State Government as Chairperson.
- (b) a retired police officer superannuated in the rank of not below IGP; and
- (c) a person with a minimum of 10 years of experience either as judicial officer, practicing advocate in High Court or a professor of law or a retired officer with experience in public administration.

(2) The Chairperson and the members of the Accountability Commission shall be appointed out of a panel prepared by a Committee consisting of the following:

- (a) Home Minister as Chairperson
- (b) Chief Secretary.
- (c) Home Secretary.
- (d) Director General of Police.

(3) Vacancies in the Accountability Commission shall be filled up as soon as practicable, and in no case later than three months after a seat has fallen vacant.

(4) In selecting members of the Accountability Commission, the Panel shall adopt a transparent process.

Ineligibility for membership

75. A person shall be ineligible to be a member of the Accountability Commission, if he

- (a) is not a citizen of India;
- (b) is above 70 years of age;
- (c) is serving in any police, military or allied organization, or has so served in the twelve months preceding such appointment;
- (d) is employed as a public servant;
- (e) holds any elected office, including that of Member of Parliament or State Legislature or any local body;
- (f) is a member of, or is associated in any manner with, an organization declared as unlawful under an existing law;
- (g) is an officer-bearer or a member of any political party;
- (h) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more;
- (i) is facing prosecution for any offence mentioned in Sub-section (h) above and against whom charges have been framed by a court of law; or

- (j) is of unsound mind and has been so declared by a competent court

Term of office and conditions of service of members and Chairperson.

76. (1) The terms of office of a member, and the Chairperson, shall be three years unless:

- (a) he resigns at any time before the expiry of his terms; or
(b) he is removed from the office on any of the grounds mentioned in Section 75.

(2) Chairperson and members shall be eligible for reappointment on the expiry of term, provided that they shall not be eligible to hold office for more than two terms.

(3) The remuneration, allowances and other terms and conditions of service of the Chairperson and members shall be as notified by the State Government from time to time and shall not be varied to their disadvantage after appointment.

Removal of members.

77. Chairperson or any member of the Accountability Commission may be removed from office, by an order of the State Government on the grounds of:

- (a) Proven misconduct or misbehavior;
(b) Persistent neglect to perform duties of the Accountability Commission;
(c) Occurrence of any situation that would make a member ineligible for appointment to the Accountability Commission under Section 79; or
(d) Engaging during their term of office in any paid employment outside the duties of office.

The staff of the Accountability Commission.

78. (1) The Accountability Commission shall be assisted by adequate staff with requisite skills, for efficient discharge of their function.

(2) The strength of the staff may be prescribed by the State Government, keeping in view the size of the State, its population, and the average number of complaints against the police, and shall be periodically reviewed and revised.

(3) The staff shall be selected by the Accountability Commission, inter alia, on contract basis, through a transparent process.

(4) The remuneration and other terms and conditions of service of the staff shall be as prescribed by the Government from time to time.

Conduct of business.

79. The Accountability Commission shall devise its own rules for the conduct of its business. Decisions taken shall be by consensus and in case of difference of view, the majority view shall prevail.

Functions of the Commission.

80. (1) The Accountability Commission shall inquire into allegations of "serious misconduct" against police personnel, as detailed below, either *suo motu* or on a complaint received from any of the following:

- (a) a victim or any person on his behalf;
- (b) the National or the State Human Rights Committee
- (c) the police; or
- (e) any other source.

Explanation : "Serious misconduct" for the purpose of this chapter shall mean any act or omission of a police officer that leads to or amounts to:

- (a) death in police custody;
- (b) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860;
- (c) rape or attempt to commit rape; or
- (d) arrest or detention without due process of law:

Provided that the Accountability Commission shall inquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint.

(2) The Accountability Commission may also inquire into any other case referred to it by the State Government or Director General of Police if, in the opinion of the Commission, the nature of the case merits an independent inquiry.

(3) The Accountability Commission may monitor the status of departmental inquiries or departmental action on the complaints of misconduct against gazetted officers of and above the rank of Deputy / Assistant Superintendent of Police through a quarterly report obtained from the Director General of Police, and issue appropriate advice to the police department for expeditious completion of inquiry, if in the Accountability Commission's opinion the departmental inquiry or departmental action is getting unduly delayed in any such case:

Explanation: "Misconduct" in this context shall mean any willful breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affect the rights of any member of the public, excluding "serious misconduct" as defined in sub-section (1).

(4) The Accountability Commission may also call for a report from, and issue appropriate advice for further action or, if necessary, a direction for a fresh inquiry by another officer, to the Director General of Police when a complainant, being dissatisfied by the outcome of, or inordinate delay in the process of departmental inquiry into his complaint of "misconduct" as defined above, by any police officer, brings such matter to the notice of the Accountability Commission; and

(5) The Accountability Commission may lay down general guidelines for the state police to prevent misconduct on the part of the police personnel.

**Powers of the
Accountability
Commission.**

81.(1) In the cases directly enquired by it, the Accountability Commission shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of witnesses and examining them on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing authorities for the examination of witnesses or documents; and
- (f) any other matter as may be prescribed.

(2) The Accountability Commission shall have the power to require any person, subject to legal privilege, to furnish information on such points or matters as, in the opinion of the Accountability Commission, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 and 177 of the Indian Penal Code, 1860.

(3) The Accountability Commission shall be deemed to be a civil court, and when any offence, as defined in Sections 175, 178, 179, 180 or 228 of the Indian Penal Code, 1860, is committed in the view or presence of the Accountability Commission, it may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same. The Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under Section 346 of the Code of Criminal Procedure, 1973.

(4) Every proceeding before the Accountability Commission shall be deemed to be a judicial proceeding within the meanings of Sections 193 and 228, and for the purposes of Section 196 of the Indian Penal Code, 1860, the Accountability Commission shall be deemed to be a civil court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(5) The Accountability Commission shall have the power to advise the State Government on measures to ensure protection of witnesses, victims, and their families who might face any threat or harassment for making the complaint or for furnishing evidence.

(6) The Accountability Commission may visit any Police Station, lock-up, or any other place of detention used by the police and, if it thinks fit, it may be accompanied by a police officer.

Statements made to the Accountability Commission.

82.No statement made by the person in the course of giving evidence before the Accountability Commission shall subject that person to a civil or criminal proceeding or be used against him in such proceeding, except a prosecution for giving false evidence:

Provided that the statement

- (a) is made in reply to the question which he is required by the Accountability Commission to answer; or
- (b) is relevant to the subject matter of the inquiry

Provided further that on conclusion of the inquiry into a complaint of 'serious misconduct' against the police personnel, if the Accountability Commission is satisfied that the complaint was vexatious, frivolous or malafide, the Commission may impose such fine as considered appropriate, on the complainant.

Persons likely to be prejudicially affected to be heard.

83.If, at any stage of the inquiry, the Accountability Commission considers it necessary to inquire into the conduct of any person, or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, it shall give that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his support:

Provided that, nothing in this section shall apply where the credibility of a witness is being impeached.

Decisions and Directions of the Accountability Commission

84. (1) In the cases directly inquired into by the Accountability Commission, it may, upon completion of the inquiry, communicate its findings to the Director General of Police and the State Government with a direction to:-

- (a) register a First Information Report, and / or
- (b) initiate departmental action based on such findings, duly forwarding the evidence collected by it to the police.

Such directions of the Accountability Commission shall be binding:

Provided that the Accountability Commission, before finalizing its own opinion in all such cases shall give the Director General of Police an opportunity to present the department's view and additional facts, if any, not already in the notice of the Commission:

Provided further that, in such cases, the Accountability Commission may review its findings upon receipt of additional information from the Director General of Police that may have a material bearing on the case.

(2) The Accountability Commission may also recommend to the State Government payment of monetary compensation by the Government to the victims of the subject matter of such an inquiry.

Reports of the Commission

85. (1) The Accountability Commission shall prepare an Annual report at the end of each calendar year, inter alia, containing:

- (a) the number and type of cases of "serious misconduct" inquired into by it;
- (b) the number and type of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the departmental inquiry into his complaint;
- (c) the number and type of cases including those referred to in (b) above in which advice or direction was issued by it to the police for further action;
- (d) the number of complaints received by the Range Accountability Authorities, and the manner in which they were dealt with;
- (e) the identifiable patterns of misconduct on the part of police personnel in the State; and
- (f) Recommendations on measures to enhance police accountability.

(2) The annual report of the Accountability Commission shall be laid before the State Legislature in the budget session and shall be a public document, made easily accessible to the public.

(3) The Accountability Commission may also prepare special reports with respect to specific cases directly inquired into by it. These reports shall also be made easily accessible to the public.

Rights of the Complainant.

86. (1) The complainant may lodge his complaint relating to any "misconduct" or "serious misconduct" on the part of police personnel with either the departmental police authorities or with the Accountability Commission:

Provided that no complaint shall be entertained by the Accountability Commission if the subject matter of the complaint is being examined by any other commission, or any court.

(2) In cases where a complainant has lodged a complaint with the police authorities, he may inform the Accountability Commission at any stage of the departmental inquiry about any undue delay in the processing of the inquiry.

(3) The complainant shall have a right to be informed of the progress of the inquiry from time to time by the Accountability Commission. Upon completion of inquiry or departmental proceedings, the complainant shall be informed of the conclusions of the same as well as the final action in the case at the earliest.

(4) The complainant may attend all hearings in an inquiry concerning his case. The complainant shall be informed of the date and place of each hearing.

(5) All hearing shall be conducted in a language intelligible to the

complainant. In a case where hearings cannot be conducted in such a language, the services of an interpreter shall be requisitioned if the complainant so desires.

(6) Where upon the completion of the departmental inquiry, the complainant is dissatisfied with the outcome of the inquiry on the grounds that the said inquiry violated the principles of natural justice, he may approach the Accountability Commission for appropriate directions.

Duty of the police and other State agencies.

87. (1) All police officers and authorities shall refer all allegations of serious misconduct against police personnel, coming to their notice, to the Accountability Commission.

(2) It shall be the duty of the heads of the district police and of the State police as well as of any other concerned State agency to provide to the Accountability Commission all information they may reasonably require to perform their duties provided for in this Chapter.

Interference with the functioning of the Accountability Commission.

88. Whoever influences or interferes with the functioning of the Accountability Commission, except in the course of lawful duty, shall, on conviction by a court of law, be liable to a fine upto Rs. 10,000/- or to an imprisonment for a term not exceeding one year, or both.

Explanation: Any threat, coercion or inducement offered to any witness or victim of police misconduct or serious misconduct, shall be deemed to be interference with the functioning of the Accountability Commission for the purpose of this Section.

Training.

89. It shall be the duty of the Accountability Commission to ensure that all its members, and other staff is regularly trained, inter alia, about:

- (a) technical and legal issues related to departmental inquiries;
- (b) specific forms of human rights violation; and
- (c) appropriate handling of victims of police abuse

Review of police performance.

90. As mentioned earlier, the State Security Commission created under Section 35 of Chapter V shall regularly evaluate and review the performance of the Police Service in the state as a whole and also district-wise. For this purpose, the Commission shall:

- (a) identify performance indicators to evaluate the functioning of the Police Service, which shall, inter alia, include operational efficiency, public satisfaction, victim satisfaction vi-a-vis police investigation and response, accountability, impartiality, honest policing, courteous behavior, optimum utilization of resources, and observance of human rights standards, and suggest ways and means to improve the same;
- (b) review and evaluate organizational performance of the State police against: (i) the Annual Plan provided for

in Section 34 of Chapter V of this Act, (ii) performance indicators as identified and laid down by the Board itself (iii) resources available with, and constraints of the police; and

- (c) lay down policy guidelines for gathering information and statistics related to police work.

**Protection of
action taken in
good faith.**

91.No suit or other legal proceeding shall lie against the State Government, the State Security Commission, its members and staff, the Police Accountability Commission, its members, staff or any person acting under the direction of the State Security Commission, Police Accountability Commission in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Chapter.

Funding.

92.The State Government shall ensure that required funds are provided to the State Security Commission, Police Accountability Commission for effective performance of their functions and that the police shall not be required to provide them with any material or human resources for their smooth functioning.

CHAPTER XIII
WELFARE AND GRIEVANCE REDRESSAL MECHANISMS FOR
POLICE PERSONNEL

Welfare Bureau.

93.(1) There shall be a Police Welfare Bureau, (hereinafter referred to as 'Bureau') headed by an officer not below the rank of Deputy Inspector General of Police, in the office of the Director General of Police to advise and assist him in the implementation of welfare measures for police personnel.

(2) The functions and duties of the Bureau, shall, *inter alia*, include administration and monitoring of welfare measures for police personnel such as:

- (a) health care, particularly in respect of chronic and serious ailments, and including post-retirement health care schemes for police personnel and their dependents;
- (b) full and liberal medical assistance to police personnel suffering injury in the course of performance of duty;
- (c) financial security for the next of kin of those dying in harness;
- (d) post-retirement financial security;
- (e) group housing;
- (f) education and career counseling and training in appropriate skill for dependents of police officers; and
- (g) appropriate legal facilities for defence of police officers facing court proceedings in matters relating to bonafide discharge of duty.

(3) The Bureau shall have as many members as prescribed, and shall comprise representatives from all police ranks. It may also include other members in an advisory capacity. The members of the Bureau shall be nominated by the Director General of Police.

(4) The Bureau shall lay down norms and policies relating to police welfare, and monitor welfare activities undertaken by various police units in the State.

(5) The Bureau shall interact with other government departments, public sector undertakings and other organizations to facilitate gainful employment for retired police officers, and for the dependents of police personnel who have laid down their lives in due discharge of their duties.

(6) A Police Welfare Fund, under the administration and control of the Bureau, shall be created for the welfare activities and programmes for police personnel, which will have two components:

- (a) outright financial grant by the State; and
- (b) matching grant by the State to the contributions made by the police personnel, towards the welfare fund.

**Grievance
Redressal**

94. (1) There will be Staff Councils at District/Unit levels for timely and effective grievance redressal. The same shall meet at least twice in a year.

(2) There shall also be a State-level Staff Council for redressal of grievances which cannot be remedied at the level of District/Unit level Staff Councils.

(3) In addition to the above mechanism, SP level officers shall hold Grievance Redressal Day once in a week, DIGs once in a month, IGPs/ADGs once in two months and DGP once in a quarter in their office chambers when any member of the Police Department including the ministerial staff can meet them for redressal of grievances.

(4) The grievances that cannot be redressed by the said mechanism shall be forwarded to the State Government for remedial measures.

(6) An analysis of the grievances, their causes and their impact on the morale and efficiency of the Police Service shall be carried out annually.

Working hours.

95. The State Government may take effective steps to ensure that the average hours of duty of a police officer do not normally exceed eight hours a day:

Provide that in exceptional situations, the duty hours of a police officer may extend up to 12 hours or beyond. In such cases adequate compensation and facilities shall be provided to the police personnel.

**CHAPTER XIV
MEDALS, REWARDS AND COMMENDATION**

**Medals, Rewards
and Commendation
Certificates.**

96. (1) The Director General of Police will constitute a Committee of senior officers headed by an Additional Director General of Police or Inspector General of Police which will go through citations received for Gallantry Medal, President's Police Medal for Distinguished Service, Indian Police Medal for Meritorious Service, Governor's Medal, Meghalaya Day Award or other medals/awards which may be instituted by Central or State Government from time to time. The Committee shall make its recommendations to the DGP on the basis of citations, ACRs, awards / rewards and appreciation letters received by the persons concerned and other relevant criteria as may be laid down by the DGP in this regard.

(2) Officers of the ranks of Superintendent of Police and above shall sanction suitable money rewards to the police personnel of the rank of Inspector and below as an appreciation of good work done by them.

The DGP, ADGP, IGP, DIG and Officers of the rank of SP will be authorized to sanction money rewards up to amounts as may be prescribed by the State Government.

(3) Director General of Police shall, once in a year, award Commendation Certificates to police personnel who are found to have performed their duties with distinction or in an exemplary way. The Commendation Certificate will not exceed 50 in any year.

Bravery Awards and meritorious and distinguish service. 97. The State Government on the recommendation of the Director General of Police may approve bravery and meritorious and distinguish service to any police personnel.

CHAPTER XV GENERAL OFFENCES, PENALTIES, AND RESPONSIBILITIES ORDER IN STREETS AND PUBLIC PLACES

Regulation of public assemblies and processions. 98.(1) The District Superintendent of Police or an officer not below the rank of Assistant/Deputy Superintendent of Police, may where necessary, direct the conduct of all assemblies and processions on any public road, street or thoroughfare, and prescribe the routes by which and the time at which such procession may pass.

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

(3) The District Superintendent of Police or any officer not below the rank of Assistant/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 peace, may prescribe necessary conditions including making provision for satisfactory regulatory arrangements, on which alone such assembly or procession may take place. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All order and directions should be given within 48 hours of receipt of intimation, as far as possible.

Assemblies and processions violating prescribed conditions. 99. (1) The District Superintendent of Police or any Police Officer not below the rank of Sub-Inspector, authorized in this behalf by the District Superintendent of Police, may stop any assembly or procession which violates the conditions set under sub-sections (1) and (3) of Section 107, and order such assembly or procession to disperse.

(2) Any assembly or procession which neglects or refuses to obey any order given under sub-section (1) above shall be deemed to be an "unlawful assembly" under Chapter VIII of the Indian Penal Code 1860.

- Regulation of the use of music and other sound systems in public places.** 100. The District Superintendent or any officer not below the ranks of Assistant / Deputy Superintendent of Police may regulate the time and the volume at which music and other sound systems are used in connection with any performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighbourhood.
- Directions to keep order on public roads.** 101. (1) The District Superintendent of Police or any other 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, injury, or annoyance to passers by or pollution.
- (2) The District Superintendent of Police may issue general direction under sub-Section (1), in respect of the whole district or any part thereof, as per procedure laid down in Sanction 120.
- Penalty for disobeying order or directions.** 102. Any person not obeying the lawful orders issued under Sections 98,99 and 101 may be arrested and on conviction by a court of law, shall be liable to a fine of Rs. 5,000/-.
- Power to reserve public places and erect barriers.** 103.(1)The District Superintendent of Police may, by public notice, temporarily reserve for any public purpose any street or other public place, and prohibit the public from entering the areas so reserved, except on such conditions as may be specified.
- (2) The District Superintendent of Police may authorise any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants thereof for violation of any legal provisions by them.
- (3) In making such order, the District Superintendent of Police shall prescribe the necessary steps for ensuring the safety of passers-by.
- (4) The temporary structures shall be removed once the purpose for which they were installed is over.
- Obstruction in police work.** 104. Any person, who obstructs the discharge of duties and functions of a police officer, shall, on conviction, be liable to simple imprisonment not exceeding three months or fine of Rs. 5,000/- or both.
- Unauthorized use of police uniform.** 105. 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 or bearing any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding three months or fine of Rs. 5,000/- or both.

- Refusal to deliver up certificate etc. on ceasing to be police officers.** 106. Whoever, having ceased to be a police officer, does not forthwith deliver up his certificate of appointment, clothing, accoutrements and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be liable to a fine of Rs. 3,000/-.
- False or misleading statement made to the police.** 107. Whoever makes a false statement or a statement which is misleading in material particulars to police for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term which may extend to three months or a fine of Rs. 5,000/- or both.
- Dereliction of duty by a police officer.** 108. (1) Whoever, being a police officer: -
- (a) willfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Service; or
 - (b) without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973; or
 - (c) is found in a state of intoxication, while on duty; or
 - (d) Malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or
 - (e) acts in any other manner unbecoming of a police officer, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine of Rs. 5,000/- or both.
- (2) Whoever, being a police officer: -
- (a) is guilty of cowardice; or
 - (b) abdicates duties, with service weapons,
 - (c) uses criminal force against another police officer, or indulges in gross insubordination; or
 - (d) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything; or
 - (e) is guilty of sexual harassment in the course of duty, whether towards other police personnel or any member of the public; shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine of Rs. 10,000/- or both.
- Arrest, search, seizure and violence.** 109. Whoever, being a police officer: -
- (1) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or
 - (2) unlawfully and without reasonable cause seizes the property of any person; or
 - (3) unlawfully and without reasonable cause detains, or arrests a person; or

(4) unlawfully and without reasonable cause delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person; or

(5) subjects any person in his custody or with whom he may come into contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour; or

(6) holds out any threat or promise not warranted by law; shall, on conviction, be punished with imprisonment for a term which may extend to six months and shall be liable to fine of Rs. 5,000/-.

Offences by the public.

110. (1) Any person who commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any areas specially notified by the State Government or a Local Government for the purpose of this Section, to the inconvenience, annoyance or danger of the residents or passers-by shall, on conviction by a court, be liable to a fine of Rs. 5,000/- and on subsequent conviction, fine of Rs. 10,000/-.

- (a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;
- (b) being found intoxicated and riotous;
- (c) neglecting to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession; or otherwise creating a hazardous situation in a public place;
- (d) defacing, or affixing notices, or writing graffiti on walls, buildings or other structures without the prior permission of the custodian of the property;
- (e) willfully entering or remaining without sufficient cause in or upon any building belonging to the Government or land or ground attached thereto, or on any vehicle belonging to Government;
- (f) knowingly spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;
- (g) willfully damaging or sabotaging any public alarm system;
- (h) knowingly and willfully causing damage to an essential service, in order to cause general panic among the public;
- (i) acting in contravention of a notice publicly displayed by the competent authority in any 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) causing annoyance to a woman by making indecent overtures or call or by stalking.

(2) It shall be lawful for any police officer to take into custody, without a warrant, whoever commits any of the offences mentioned in sub-Section (1).

Procedure for posting directions and public notices.

111. (1) All general directions, regulation, and public notices issued under this Chapter shall be published by posting notices in the office of the District Magistrate of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it by the beating of drum or by advertising in local newspapers and other media, or by any other means as the Superintendent of Police may deem fit:

Provided that the Superintendent of Police may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, make such direction or regulation without previous publication.

(2) If any direction or regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or by law of the Corporation or of any other Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or by law.

Prosecution of police officers.

112. (1) No court shall take cognizance of any offence under this Act when the accused person is a police officer except with the previous sanction of an officer authorized by the State Government in this behalf.

(2) No court shall take cognizance of any offence against the members of ACB/CID and Special Branch alleged to have been committed in course of performance of his duty in conducting trap/covert operation, in the interest of maintenance of Public order, internal and national security except with the previous sanction of the State Government.

Prosecution for offences under other laws.

113. Subject to the provision contained in Section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for anything made punishable by this Act.

Summary disposal of certain cases.

114. (1) A court taking cognizance of an offence punishable under Sections 102 and 110 may state, upon the summons to be served to the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the court such sum as the court may specify.

(2) Where an accused person pleads guilty and remits the sum specified in the summons under sub-Section (1), no further proceedings in respect of the offence shall be taken against that person.

Recovery of penalties and fines imposed by Magistrates.

115. Provisions of Sections 64 to 70 of the Indian Penal Code, 1860 and Section 386 to 389 of the Code of Criminal Procedure, 1973 shall apply to penalties and fines imposed under this Act on conviction before a Magistrate :

Provided that notwithstanding anything contained in Section 65 of the Indian Penal Code, 1860, any person sentenced to fine under Sections 102 and 110 of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.

Limitations of actions. 116. No court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation provided for in Section 468 of the Code of Criminal Procedure, 1973. For computing the limitation period, provisions of Chapter XXXVI of the Code of Criminal Procedure shall apply.

CHAPTER XVI MISCELLANEOUS

Disposal of fees and rewards. 117. All fees paid for licences or written permission issued under this Act, and all sums paid for the service of processes by police officers 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 belong under the provisions of any enactment in force to any local authority, be credited to the State Government:

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer, or be divided amongst two or more police officers.

Method of proving orders and notifications. 118. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of the Act applicable thereto.

Validity of rules and order. 119. No rule, regulation, order, direction, or notification made or published and no adjudication, inquiry or act done under any provision of this Act, or under any rules made thereunder, which is in substantial conformity with the same, shall be deemed illegal, void or invalid by reason of any defect of form.

When office of Magistrate or police officer falls vacant, any officer holding charge competent to exercise power. 120. Whenever in consequence of the office of a Magistrate or police officer becoming vacant, any officer holds charge of the post of such Magistrate, or police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Magistrate or police officer, as the case may be.

Licenses and written permissions to specify conditions, and to be signed.

121. Any license or written permission granted under the provisions of this Act 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 and such fee then be charged thereof as may be prescribed by any rule under this Act in that behalf.

Revocation of licenses

122. Any license or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restriction are infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

When license revoked, grantee to be deemed without license.

123. When any such licence 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 licence 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.

Grantee to produce licence and permission, when required.

124. Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, 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 licence 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 licence or written permission has been granted.

Public notices how to be given.

125. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a 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 newspaper-English or regional language or Hindi as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable:

Provided that the competent authority may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, make such direction or regulation without previous publication.

Consent of a competent authority may be proved by writing under his signature.

126. Whenever under this Act, the doing or the omitting 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.

Signature on notices may be stamped.	127. Every license, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule there under, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.
Persons aggrieved may apply to State Government to annul, reverse or alter any rule or order.	128. In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a representation to the State Government to annul, reverse, or alter the aforesaid rule or order.
Employment of the police personnel beyond the State's jurisdiction	129. Subject to any order which Central Government may make in this behalf, a member of the Meghalaya police may discharge functions as laid down in law, in any other State and shall, while discharging such functions, be deemed to be a member of the Police Service of that State and shall be vested with powers, functions and privileges and be subject to liabilities of a member of the Police Service of that State.
Protection of action taken in good faith	130. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules made there under.
Power to make rules	131. The Government may make rules for carrying out the purposes of this Act.
Power to remove difficulties	132.(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty: Provided that no such removal shall be made after a period of two years from the commencement of this Act. (3) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the legislative assembly.
Notification of rules and regulations in the Official Gazette and laying of rules and regulations	133(1) Every rule and regulation made under this Act shall be made by notification in the Official Gazette. (2) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or regulation, as the case may be, or agrees that the rule or regulation should not be made, the rule or

regulation 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 under that rule or regulation.

Government to issue directions in order to achieve the objective of the Act

134. In furtherance of the objective and inconformity with the principle of this Act, the State Government may issue any direction; constitute any Committee, Commission and Advisory body to ensure security, public order and such related matter.

Interpretation.

135. Any dispute with matters of interpretation in the Act or Rules to be framed herein after, the decision of the Government shall be final

Repeal and savings.

136.(1)The Police Act 1861 (Act V of 1861), in its application to the State of Meghalaya and the Meghalaya Village Defense Organization Act 1966 (Assam Act no. XXII of 1966 as adapted by the Govt. of Meghalaya) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

L. M. SANGMA,
Secretary to the Govt. of Meghalaya,
Law Department.