

**DRAFT**  
**DELHI POLICE BILL, 2010**

## **Preamble**

WHEREAS respect for 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, it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens;

AND WHEREAS such functioning of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law;

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

NOW, THEREFORE, since it is necessary for this purpose to enact a new law relating to the establishment and management of the Delhi Police Service, it is hereby enacted as follows:

## Chapter I

### **Preliminary: Definitions & Interpretations**

- 1.(a) This Act may be called the **Delhi Police Act, 2010**.
- (b) It shall come into force on such date as the *Administrator* may, by notification in the official Gazette, specify in this behalf
- (c) It extends to the whole of the National Capital Territory of Delhi.
- 2.(1) In this Act, unless the context otherwise requires
  - (a) Act means the Delhi Police Act, 2010.
  - (b) Cattle include cows, buffalos, elephants, camels, horses, asses, mules, sheep, goats and swine;
  - (c) Crank telephone calls means such telephone calls, whether made once; or repeatedly, on the same day or over a period of time in such a way that they create harassment or criminal intimidation to the person receiving or responding to the call
  - (d) Delhi means the National Capital Territory of Delhi.
  - (e) Hoax calls means any such calls made to Police or any individual agency by means of telephone/E-mail or any other means of communication with the intention to cause false alarm, danger and disturbance to public peace regarding presence of a bomb or any other explosive device, or commission of crime.
  - (f) 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;
  - (g) Internal Security means preservation of sovereignty and integrity of the State from the disruptive and anti-national forces from within the State;
  - (h) 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 objective;

- (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 means any place where music, signing dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money theatre, music hall, billiard or bagatelle room, gymnasium, fencing school, swimming pool or dancing halls discotheque;
- (k) Place of public entertainment means a lodging house, boarding and lodging house or residential hostel and includes any eating house or other place in which any kind of liquor or intoxicating drug is supplied (such as a tavern or a shop where beer, spirit, arrack, toddy, ganja, bhang or opium is supplied) to the public for consumption in or near such place;
- (l) Prescribed means prescribed under this Act;
- (m) Public place means any place to which the public 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;
- (n) Regulations means regulations made under this Act;
- (o) Rules mean rules made under this Act;
- (p) Service means the Police Service constituted under this Act;
- (q) Stalking means to follow, chase stealthily one or more persons intentionally to create a sense of injury, nuisance, harassment and fear of criminal intimidation in the person or persons being followed;
- (r) Subordinate Rank means all ranks below the rank of Assistant Commissioner of Police;
- (s) 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 chemicals or any 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.

2. Words and expressions used in this Act but not defined specifically shall have the same meaning as provided in the General Clauses Act 1897, the Code of Criminal Procedure 1973, and the Indian Penal Code 1860.

## Chapter II

### Constitution and organisation of the Police Service

#### 3. One Police Service for each State

There shall be one Police Service for Delhi State. Members of the Police Service shall be liable for posting for any branch of the Service in the state, including any of its specialised wings.

#### 4. Constitution and composition of the Police Service

Subject to the provisions of this Act:

- (1) The Police Service shall consist of such number in various ranks and have such organisation as *Administrator* may be general or special orders determine.
- (2) The direct recruitments to non-gazetted ranks in the Police Service shall be made through a state-level "Police Recruitment Board" by a transparent process, adopting well-codified and scientific systems and procedures which shall be notified through appropriate rules to be framed by the *Administrator*.
- (3) The recruitment to the Indian Police Service and *DANIPS* shall be made through the Union Public Service Commission.
- (4) The pay, allowances, service and working conditions of police personnel shall be as prescribed by rules, from time to time.

#### 5. Appointment of Commissioner of Police, Special Commissioner of Police, Joint Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police

- (1) For the overall direction and supervision of the Police Service, **the *Administrator*, in consultation with Central Government**, shall appoint Commissioner of Police who shall exercise such powers, perform such functions and duties, and have such responsibilities and such authority, as may be prescribed.

- (2) The *Administrator* may appoint one or more Special Commissioners of Police, Joint Commissioners of Police, Additional Commissioners of police and Deputy Commissioners of Police as necessary.
- (3) The *Administrator* may by a general or special order and in consultation with the Commissioner of Police, direct in what manner and to what extent Special Commissioner or Joint Commissioner or Additional Commissioner or Deputy Commissioner or Additional Deputy Commissioner shall assist and aid the Commissioner of Police in the performance, exercise and discharge of his functions, powers, duties and responsibilities.

#### **6. Selection and term of office of the Commissioner of Police**

- (1) ***Administrator, in consultation with Central Government,*** shall appoint the Commissioner of Police from amongst the senior-most rank officers of the Police Service serving in AGMU Cadre.
- (2) The Commissioner of Police so appointed shall have minimum tenure of two years irrespective of his normal date of superannuation:

Provided that the Commissioner of Police may be removed from the post before the expiry of his tenure by the *Administrator* in consultation with Central Government through a written order specifying reasons, consequent upon:

- (a) conviction by a Court of law in a 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, awarded under the provision of the All India Services (Discipline and Appeal) Rules 19- or any other relevant rules; or
- (c) suspension from service in accordance with the provisions of the said rules; and
- (d) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Commissioner of Police ; or
- (e) promotion to a higher post under either the State or the Central Government, subject to the officer's consent to such a positing.

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

- (1) The *Administrator* shall provide such numbers of Legal Advisors and Financial Advisors to aid and advise the Commissioner of Police on legal and financial matters respectively.
- (2) The *Administrator* may also provide in every District Police Unit one or more Legal Advisors to advise the police on legal issues and matters including the adequacy or otherwise of the available evidence as deemed necessary in various cases investigated by them.
- (3) Appointment of officers at (1) and (2) above shall be made in accordance with the rules prescribed.

## **8. Creation of Ranges**

The *Administrator*, in consultation with the Commissioner of Police, may by notification create as may Police Ranges as deemed necessary. Each Range, consisting of two or more Police Districts, shall be headed by an officer of the rank of Additional Commissioner of Police or above who shall supervise the police administration of the Range and report directly to the Commissioner of Police.

## **9. Police District**

The *Administrator*, in consultation with the Commissioner of Police, may by notification declare any area within the State to be a Police District. The administration of the police throughout such district shall vest in the Deputy Commissioner of Police who may be assisted by as many Additional Deputy Commissioners of Police as deemed necessary and are notified.

## **10. District-level Special Cells, Sub-Divisions and Circles**

- (1) For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, *Administrator* may, in consultation with Commissioner of Police and by notification, create one or more Special Cells in each Police District, to be headed by an officer of the rank of Additional Deputy Commissioner of Police/Assistant Commissioner of Police.
- (2) The *Administrator*, may, in consultation with Commissioner of Police, by notification divide each Police District into as many Sub-Divisions as



deemed necessary, to be headed by an officer of the rank of Assistant Commissioner of Police.

- (3) The *Administrator*, in consultation with Commissioner of Police, may by notification divide each Police Sub-Division into two or more Circles, each headed by an officer of the rank of Inspector of Police. Two or more Police Stations may be assigned to a Police Circle for the purpose of control and supervision

## **11. Police Stations**

- (1) The *Administrator* may, in consultation with the Commissioner of Police and by notification, create as many Police Stations with as many outposts 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) A Police Station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police.

Provided that larger Police Stations may be placed under the supervision of officer of the rank of Inspector of Police.

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

## **12. Terms of office of key police functionaries**

- (1) ***Police officers on operational duties in the field like Joint/Additional Commissioner of Police in-charge of Range or Deputy Commissioner of Police in-charge District or Station House Officer in-charge of a Police Station or an Officer in-charge of Police Circle or Sub-Division shall have a term of minimum of two years***

Provided that any such officer may be 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 exceptional cases, an officer may be removed from his post by the competent authority before the expiry of his tenure for gross inefficiency and negligence or where a prima facie case of a serious nature is established after a preliminary enquiry:

Provided that in all such cases, the competent authority shall report in writing the matter with all details to the next higher authority as well as to the Commissioner of Police. It shall be open to the aggrieved officer, after complying with the order, to submit a representation against his premature removal to the Police Establishment Committee, which shall consider the same on merit and recommend due course of action to the competent authority.

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

### **13. Railway Police**

- (1) The *Administrator*, in consultation with Commissioner of Police, may by notification in the Official Gazette, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Deputy Commissioner of Police, one or more Additional and Deputy Commissioners of Police and such other police officers for each such special district as it may deem fit.
- (2) Subject to the control of the Commissioner of Police, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the Commissioner of Police may from time to time assign to them.

- (3) Any police officer whom the *Administrator* may by general or special order empower to act under the sub-section, may, subject to any order made in this behalf, exercise within the special district or any part thereof any of the powers of an officer-in-charge of a Police Station in that district. While exercising such powers he shall, subject to any such order as aforesaid, be deemed to be an officer-in-charge of the Police Station discharging the functions of such officer within the limits of his Station.
- (4) Subject to any general or special orders which the *Administrator* may make in this behalf, such police officers shall, in the discharge of their functions be vested within every part of the state, with the powers and privileges and subject to the liabilities of police officers under this Act or any other law for the time being in force.

#### **14. State Intelligence Department**

- (1) There shall be a State Intelligence Department for collection, collation, analysis and dissemination of Intelligence.
- (2) The *Administrator*, in consultation with Commissioner of Police, shall appoint a police officer of or above the rank of Additional Commissioner of Police to head the aforesaid departments.
- (3) The State Intelligence Department may have specialised wings, to deal with and coordinate specialised tasks such as measures for counter terrorism, counter militancy and VIP Security.
- (4) The *Administrator* in consultation with Commissioner of Police shall appoint by rules prescribed under this Act, an appropriate number of officers from different ranks to serve in the State Intelligence Department, as deemed appropriate with due regard to the volume and variety of tasks to be handled.

#### **15. Crime Investigation Cells**

- (1) The *Administrator* shall ensure that in all the Police Stations, a Special Crime Investigation Unit, headed by an officer not below the rank of Sub-Inspector of Police is created with an appropriate strength of officers and staff, for the investigating economic and heinous crimes. The personnel posted to this unit shall not be diverted to any other duty, except under very special circumstances with the written permission of the Commissioner of Police.

- (2) (a) The officers posted to the special crime investigating units will investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, as notified by the Commissioner of Police besides any other cases specially entrusted to the unit by the Deputy Commissioner of Police.  
  
(b) All other crimes will be investigated by other staff posted in such Police stations.
- (3) The investigations of cases taken up by the Special Crime Investigation Unit personnel, over and above the supervision of the Station House Officer concerned, will be supervised at the district level by an officer not below the rank of Additional Deputy Commissioner of Police, who will report directly to the Deputy Commissioner of Police.
- (4) At all the headquarters of each Police District, one or more Special Investigation Cells will be created, with the requisite strength of officers and staff, to take up investigation of offences of a more serious nature and other complex crimes, including economic crimes.
- (5) There shall be a Criminal Investigation Department for investigation of inter-state, inter-district crimes or other specified offences of serious nature, as notified by the *Administrator* in consultation with Commissioner of Police from time to time, and as may be specifically entrusted to it by the Commissioner of Police in accordance with the prescribed procedures and norms.
- (6) The Criminal investigation Department will have specialised units for investigation of cyber crime, organised crime, homicide cases, economic offences, and any other category of offences, as notified by the *Administrator* in consultation with Commissioner of Police and which require specialised investigative skills.
- (7) The officers posted in Special Crime Investigation Units will be selected on the basis of their aptitude, professional competence and integrity. Their professional skills will be upgraded, from time to time, through specialised training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

- (8) Officers posted to Special Crime Investigation Units will normally have a minimum tenure of two years after which they will be rotated to law and order and other assignments.
- (9) The Criminal Investigation Department will be provided with an appropriate number of legal advisors and crime analysts to guide, advise and assist the investigating officers.
- (10) The Crime Investigation Units in Police Station, the Specialised Investigation Cells at the district level and the Criminal Investigation Department shall 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 of Forensic Science or the Bureau of Police Research and Development of the Government of India.
- (11) The *Administrator* may, in consultation with Commissioner of Police
  - (a) create a special desk in each Police Station, and one or more specialised units at the Commissionerate level, for dealing with crimes against women and children and the tasks relating to administration of special legislation on crimes involving women and children; or
  - (b) create appropriate cells to deal with crimes relating to senior citizens and tourists; and

## **16. Technical and Support Services**

The *Administrator*, in consultation with Commissioner of Police, shall create & maintain:

- (1) such ancillary technical agencies and services under the overall control of the Commissioner of Police, as considered necessary or expedient for promoting efficiency of the Police Service.
- (2) The services so created shall include full-fledged Forensic Science Laboratories/ State-of-the-art Mobile Forensic Science Units with appropriate equipment and scientific manpower, in keeping with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India.
- (3) There may be a Directorate of Police Telecommunications, headed by not below the rank of Deputy Commissioner of Police and as many

Additional Deputy Commissioners/Assistant Commissioners of Police deemed necessary to assist them.

- (4) There may be a Directorate of Police Transport, headed by not below the rank of Deputy Commissioner of Police and as many Additional Deputy Commissioners of Police and Assistant Commissioners of Police as deemed necessary to assist them.
- (5) The Commissioner of Police shall ensure regular maintenance of all the needed equipment and regular replenishment of consumables for the forensic laboratories Police Tele-communications and the Police Transport Services.

#### **17. Emergency Response System**

The *Administrator* may establish a well-equipped Control Room with adequate communication facilities, dedicated network of patrol vehicles and other necessary wherewithal. The Control Room should be in a state of preparedness to meet any emergency situation with utmost speed and highest efficiency.

The Commissioner of Police shall prepare, and regularly update, comprehensive schemes for riot control and disaster management, inter alia, in accordance with the directions, if any, of the Central Government.

#### **18. Training**

- (1) The *Administrator* shall establish a full-fledged Police Training Academy at the state level and as many fully equipped Police Training Colleges and Schools as deemed necessary for ensuring efficient post-induction training of all directly-recruited police personnel in various ranks, pre-promotion training for all those promoted to higher levels and such thematic and specialised in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.
- (2) The *Administrator* in consultations with Commissioner of Police may appoint by prescribed rules, any police officer not below the rank of Joint Commissioner of Police to be the Director of the State Police Academy, and an officer not below the rank of Additional Commissioner

of Police to head each Police Training College and an officer not below the rank of Deputy Commissioner of Police the Principal of each Police Training School.

- (3) The *Administrator*, in consultation with Commissioner of Police, shall also provide for appointment, by rules prescribed, of appropriate number of officers from the Police Service, in such Police Training Academy, College(s) and Schools, 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 faculties of such training institutions.
- (4) The *Administrator*, in consultation with Commissioner of Police, shall 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 these training institutions.

#### **19. Organisation of Research & Development**

- (1) The *Administrator*, in consultation with Commissioner of Police, may set up such bodies and take up such other steps as considered necessary or expedient for the purpose of undertaking research into matters relating to the efficiency of the Police Service.
- (2) The *Administrator* 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 tasks of the State Bureau of Police Research & Development shall include:

- (a) preparation of five-year Perspective Plans to modernise 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 organisations 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 organisations, 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 Commissioner of Police.

## **20. Oath or affirmation by police personnel**

Every member of the Police Services enrolled under this Act shall, on appointment and completion of training, make and subscribe before the Commissioner of Police or another officer appointed in that behalf by him as the case may be, an oath or affirmation, as prescribed.

## **21. Certificate of appointment**

- (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 the seal of such officer as the *Administrator* 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 is suspended from the service.

## **22. Special Police Officers**

- (1) The Deputy Commissioner of Police or any officer, specially empowered in this behalf by the Commissioner of Police 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 *Administrator* in this behalf, and
  - (b) shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer.

## **Chapter III**

### **The Primary Ranks in Civil Police**

#### **23. Rank structure at the primary levels of Civil Police**

- (1) The rank structure of group 'C' posts in the Civil Police, in the ascending order, shall consist of Civil Police Officer Grade II, Civil Police Officer Grade I, Sub Inspector and Inspector.
- (2) The direct recruitment to Group 'C' posts in the Civil Police ,other than in the ministerial and technical cadres, after the coming into force of this Act, shall be made only to the ranks of Civil Police Grade II and Sub-Inspector

*Provided* that the quota for direct recruitment to these two ranks shall be so fixed as to provide a fair balance between the different ranks and prospects for promotion to eligible and meritorious officer at each level within a period of 8 to 10 years.

- (3) The recruitments shall be made through the Police Recruitment Board provide Section 4(2) under chapter II through a transparent process. The recruitment standards, qualifications and the details of procedure including written tests, physical and medical fitness tests shall be as *prescribed by rules*.
- (4) *Service Conditions of primary Ranks of the Civil Police Service shall be as prescribed by rules.*
- (5) The Commissioner of Police with the approval of the Central Government shall try to outsource as many non-core police functions as possible to enable police officers to concentrate on some police functions.

## Chapter IV

### Armed Police Units

24. To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breaches 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 *Administrator*, in consultation with Central Government, shall create Armed Police Units with appropriate manpower strengths in the form of an Armed Police Reserve for each Police District, and appropriate number of Armed Police Battalions for the State, including provision of woman units.
25. The Armed Police Battalions will be state-level reserve, to be deployed under specific orders of the Commissioner 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.
26. The District Armed Reserve, which will function under the control, direction and supervision of the Deputy Commissioner 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.
27. The duties of the head of the Armed Police Battalions set-up, the Commandant, Deputy Commandants, Assistant Commandants, Reserve Inspectors of the Service and the Headquarters Companies shall be as prescribed by the Commissioner of Police from time to time.

#### 28. Recruitment

The direct recruitment to the District Armed Reserves and the Armed Police Battalions, other than in the ministerial and technical cadres, shall be limited to the ranks of Constable, Reserve Sub-Inspector and shall be made through the Police Recruitment Board provided for in Section 4(2) under Chapter II, through a transparent process. The recruitment standards,

qualifications and the details of procedure including written tests, physical and medical fitness tests shall be as prescribed by rules.

29. The *Administrator*, in consultation with Central Government, may establish such special armed police units, including special riot control squads, for meeting diverse requirements of riot or mob control, disaster management and VIP Security, as necessary, and provide for the requisite equipment, and training consistent with human rights standards, for such units.

### **30 Training**

- (1) Besides the initial training of new recruits in the District Armed Reserve and the State 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. To achieve this, appropriate strengths of 'Training Reserves' will be created in District Armed Reserve set-up.
- (2) The curricula 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 behaviour.
- (3) The content and methodology of the annual refresher training courses as well as the other specialised courses for the personnel of the District Armed Reserves and the State Armed Police Battalions shall be reviewed and revised from time to time by the officer heading the State Armed Police Battalion set-up, in consultation with the Training Wing of the police, and under the overall guidance of the Commissioner of Police.

### **31. Deployment**

- (1) The deployment of units and sub-units of the District Armed Reserves and the State Armed Police Battalions shall be strictly restricted to only those situations where such deployment is considered absolutely necessary.
- (2) 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.

- (3) It shall be the duty, in the case of District Armed Reserves, of the Deputy Commissioner 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 Reserve or a Battalion.

**32. Adequacy of Arms, Equipment and Accoutrement**

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

## Chapter V

### Superintendence and Administration of Police

#### 33. Superintendence of state police to vest in the *Administrator*

- (1) It shall be the responsibility of the *Administrator* to ensure an efficient, effective, responsive and accountable 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 *Administrator* in accordance with the provisions of this Act.

**Provided the *Administrator* shall consult Central Government before issuing any direction, regulation etc., which involves any additional financial commitment.**

- (2) The *Administrator* 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 and functional autonomy.

#### 34. Security Commission

The *Administrator* shall, within six months of the coming into force of this Act, establish a Security Commission to exercise the functions assigned to it under the provisions of this Chapter.

#### 35. Composition of the Commission

- (1) *The Security Commission shall have as its members:*
- (a) *Administrator as its Chairperson.*
  - (b) *Chief Minister.*
  - (c) *A member of SHRC as nominated by Chairperson*
  - (d) *Chief Secretary, Delhi*
  - (e) *Home Secretary, Delhi*

- (f) *Joint Secretary (Ministry of Home Affairs)*
  - (g) *Commissioner of Police, Delhi – Member- Secretary*
  - (h) *3 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, to be appointed by the Chairperson.*
- (2) The composition of the Commission shall reflect adequate gender and minority representation, and will have not less than two women as members
  - (3) No serving government employee shall be appointed as an Independent Member.
  - (4) Any Vacancy in the Security Commission shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

### **36. Grounds of Ineligibility for Independent Members**

No person shall be appointed as an Independent Member of the Security 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 corruption 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 of any political party or any organisation connected with a political party; or
- (e) is of unsound mind.

### **37. Term of office of Independent Members**

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 two consecutive terms.

**38. Removal of Independent Members**

- (1) An Independent Member may be removed from the Commission by a two-thirds majority of members 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 State Police Board 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 Security Commission if he incurs any of the grounds of ineligibility specified under Section 36.
- (3) The Commission shall explicitly state in writing the grounds for such removal.

**39. Functions of the Security Commission**

The Security Commission shall perform the following functions:

- (a) frame broad policy guidelines for promoting efficient, effective responsive and accountable policing, in accordance with the law;
- (b) identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-a-vis police investigation and response, accountability, optimum utilisation of resources, and observance of human rights standards; and
- (c) review and evaluate organisational 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.

**39(b) Protection of action taken in good faith**

*No suit or other legal proceeding shall lie against the Security Commission, its members and staff or any person acting under the direction of*



*the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Chapter.*

#### **40. Expense of the Security Commission**

The expenses on account of remuneration, allowances and travel in connection with official business of the Commission, in respect of the Independent Members of the Board shall be *separately earmarked by Delhi Police*.

#### **41. Annual report of the Security Commission**

- (1) The Commission shall, at the end of each year, present to the Central Government a report on its work during the preceding year as well on the evaluation of performance of the Police Service.
- (2) The Central Government shall lay the Annual Report before both the houses of Parliament in the budget session. The Annual Report shall be made easily accessible to the public.

#### **42. Administration of Police Service**

- (1) The administration of the Police Service shall be vested in the Commissioner of Police and in such Special Commissioner of Police, Joint Commissioner of Police, Additional Commissioner of Police and other officers as appointed under this Act.
- (2) The administration of police in a district shall vest in the Deputy Commissioner of Police.
- (3) Administration will mean the 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 *Administrator* on the placement of officers of and above the rank of Assistant Commissioner of Police.

Provided that the *Administrator* may intervene in the exercise of the powers of administration by the Commissioner 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.

#### **43. Powers and responsibilities of the Commissioner of Police**

As head of the Police Service, it shall be the responsibility of the Commissioner of Police to:

- (a) operationalise the policies, and the Annual Plan prepared for policing.
- (b) administer, control and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability.

#### **44. Police Establishment Committee**

- (1) The *Administrator* shall constitute a Police Establishment Committee (hereinafter referred to as the 'Establishment Committee') with the Commissioner of Police as its Chairperson and four other senior-most officers within the police organisation of the state as members.
- (2) The Establishment Committee shall accept and examine complaints from police officers about being subjected to illegal orders. The Establishment Committee shall make appropriate recommendation to the Commissioner of Police for necessary action.
- (3) The Establishment Committee shall recommend names of suitable officers to the *Administrator* for posting to all the positions in the ranks of Assistant Commissioner of Police and above in the police organisation of the state, excluding the Commissioner of Police. The *Administrator* shall ordinarily accept these recommendations, and if it disagrees with any such recommendation, it shall record reasons for disagreement.
- (4) The Establishment Committee shall also consider and recommend to the Commissioner of Police the names of officers of the ranks of Sub-Inspector and Inspector for posting to a Police Range on initial appointment, or for transfer from one Police Range to another, where such transfer is considered expedient for the Police Service.
- (5) Inter-district transfer and postings of non-gazetted ranks, within a Police Range, shall be decided by the Joint/Additional Commissioner of Police as competent authority, on the recommendation of a Committee comprising all the Deputy Commissioners of the Range.

- (6) Postings and transfers of non-gazetted police officers within a Police District shall be decided by the Deputy Commissioner of Police, as competent authority, on the recommendation of a District-level Committee in which all Additional Deputy Commissioner of Police & Assistant Commissioner of Police of Police posted in the District shall be members.
- (7) No authority other than the authority having power under this Act to order transfer shall issue any transfer order.

**45. Procedure for promotion of police officers**

Promotion to each rank in the Police Service shall be based on merit, which would include seniority, to be evaluated through the result of a qualifying examination and performance evaluation in respect of each officer. The Commissioner of Police shall, with the approval of the *Administrator* frame the evaluation criteria for each rank and category of police personnel.

Provided that for the officers of the Indian Police Service/*DANIPS*, such evaluation criteria shall be as framed by the Central Government.

**46. Training-cum-Education Policy for the police.**

- (1) The *Administrator*, in consultation with Commissioner of Police, shall lay down a Training-cum-Education Policy covering all ranks and categories of police personnel. The 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 educational and professional qualifications as they advance in their careers.
- (3) In upgrading training infrastructure as well as the content and methodologies of training courses, the training institutions shall take maximum advantage of the standards and practices evolved or guidelines issued by organisations such as the Bureau of Police Research & Development of Government of India, and the National Police Academy.

**47. Financial management**

- (1) The Commissioner of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the *Administrator*, sufficiently in advance in the preceding financial year.
- (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 budgetary allocations shall be placed at the disposal of the Commissioner of Police who shall be vested with full powers to spend the amounts earmarked under each head of the Budget Account ***subject to the provisions contained in the General Financial Rules, Delegation of Financial Rules and the instructions issued by the Ministry of Finance from time to time.***
- (4) In order to meet different kinds of contingency expenditure, sufficient imprest 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

#### 48. Role, functions and duties of the Police

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 unity;

- (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 individual, 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.

#### **49. Social responsibilities of the police**

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 of 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 organised group; and
- (g) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.

**50. Duties in emergency situations**

- (a) The *Administrator* 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 notification, as necessary.
- (b) Upon a declaration being made under sub-section (1) and so long 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.

**51. Senior police officer performing duties of a subordinate officer.**

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.

**52. Subject to conditions and limitations as may be specified by the *Administrator*:**

- (a) the Commissioner of Police shall exercise the powers and duties of a District Magistrate under such provisions of the Code of Criminal Procedure, 1973, and such other Acts, as may be specified;

- (b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of Assistant Commissioner of Police) shall exercise the powers and duties of an Executive Magistrate, under the provisions of the Code of Criminal Procedure, 1973, as may be specified, under the overall control and supervision of the Commissioner of Police.

## **Chapter VII**

### **Policing**

#### **53. Preservation of order and regulation of traffic**

The Commissioner of Police may, from time to time, make rules and regulations, not inconsistent with this Act, and subject to any Government orders, in respect of the following:

- (a) for regulating the use of public roads, streets and public places by persons walking, driving, cycling or accompanying animals, and for parking of vehicles including bicycles, with a view to ensuring smooth and orderly movement of traffic;
- (b) licensing, or regulating, of if necessary in public interest, prohibiting for reasons to be recorded in writing, the keeping of a place of public amusement or public entertainment, or running cinemas and other forms of public amusement or public entertainment, for ensuring the safety and well-being of persons likely to be affected;
- (c) licensing, or regulating or, if necessary in public interest, prohibiting the playing of music in public streets or public places, and the using of a loud speaker or any other sound system in any public place, or places of public entertainment; and
- (d) regulating the entry or exit at any of public amusement, public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbances at such places.

#### **54. Regulation of public assemblies and processions:**



- (1) Any person intending to organise a procession, religious, social, political or otherwise, on any road, street, or thoroughfare, or convene an assembly in any public place, in an area specified in this Chapter, shall give intimation in writing to the officer in charge of the concerned Police Station.
- (2) The Commissioner of Police or any officer not below the rank of Inspector, authorised by the Commissioner of Police, may, on receipt of such intimation or otherwise, give, from time to time, such orders not inconsistent with this Act, about the following, orally or in writing, as may be necessary:-
  - (a) the mode of assembly or passing of any procession, or the conduct, behaviour or acts of members of such assembly or procession;
  - (b) prescribing the routes and the time at which such processions may or may not pass;
  - (c) preventing obstruction on the occasion of such a procession or assembly in the neighbourhood of any place of worship during the time of public worship, and in every case where any road, street or public place or any place of public resort may be thronged or is likely to be obstructed; or
  - (d) maintaining order on roads, streets, public places and all other places where public throng:

Provided that all orders and directions in respect of any procession or assembly for which intimation has been received from the organisers, shall be issued, as far as possible, within 48 hours of receipt of intimation.

## **55. Prevention of disorder**

The Commissioner of Police may, whenever and for such time, as he considers necessary for the preservation of the public peace and safety, by notification, issue an order to the public or to a particular individual or organisation, prohibiting the following:

- (a) carrying in any public place, or road, street or thoroughfare, fire arms, swords, spears, bludgeons, knives, other offensive weapons, or any explosive material;
- (b) collection or carrying of stones or missiles, or any objects or means of casting missiles;
- (c) keeping, carrying along or offering for exhibition any corpses or effigies or other provocative pictures, boards or placards with offensive slogans; and
- (d) making a provocative speech, gesture or any kind of public display which is indecent, offensive or explosive, or which is likely to create religious tension or hatred between different communities, group or individuals, or which instigates disobedience of lawful authority.

**56. Prevention of danger to human life and imminent threat to peace and order**

The Commissioner of Police or any officer not below the rank of Assistant Commissioner of Police may direct, in the manner as specified, any person to abstain from a certain act or to take action with respect to any nuclear, biological, chemical or any other dangerous material under his possession or control, with a view to preventing danger or damage to human life or property, or an imminent threat to peace and order.

**57. Security for keeping peace and order**

- (1) The Commissioner of Police or any officer of and above the rank of Assistant Commissioner, on receipt of information that a person:
  - (a) is likely to do any wrongful act that may lead to disturbance of public order; or
  - (b) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, of any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under Section 489A, 489B, 489C or 489D of that Code; or

- (c) habitually commits, or attempts to commit, or abets the commission of offences involving a breach of the peace; or
- (d) is so dangerous as to render his being at large hazardous to the community;

may require by an order, such person to show cause why he should not be ordered to execute a bond, with or without sureties, for good behaviour in the interest of peace and order in his jurisdiction, for a period not exceeding one year.

- (2) An officer acting under sub-section (1) shall conduct the proceedings and issue orders in accordance with the procedure laid down in section 111 to 122, and 124 of the Code of Criminal Procedure, 1973.

#### **58. Removal of persons about to commit offences**

- (1) Whenever it appears to the Commissioner of Police:-
  - (a) that the movements or acts of any person are causing or are likely to cause alarm, danger or harm to person or property, in the jurisdiction of the Commissionerate, or
  - (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI, XVII or XXII of the Indian Penal Code, 1860 or under Sections 290 or Sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence; or
  - (c) that such person;
    - (i) is so dangerous as to render his being at large in the area of the Commissionerate hazardous to the community; or
    - (ii) has been found habitually intimidating other persons by act of violence or by show of force; or
    - (iii) habitually commits affray or breach of peace or riot, or habitually makes forcible collection or money or threatens people for illegal pecuniary gain for himself or for others; or

- (iv) has been habitually outraging the modesty of, or molesting, women and children, and witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or their family members or their property, the Commissioner of Police may, by order in writing duly served on such person, or through public announcement or other means, as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to remove himself outside the area of the Commissionerate by such route and for such time as the Commissioner of Police may specify, and not to enter or return to the Commissionerate or part thereof, as the case may be from which he was directed to remove himself.

**Explanation:** A person who during a period within one year immediately preceding the commencement of an action under this Section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have 'habitually committed that act'.

(2) No order under this Section shall be passed without giving a reasonable opportunity of tendering an explanation to the person sought to be removed.

(3) An order made under this Section shall not exceed the period of two years.

(4) A person aggrieved for any action taken under this Section may appeal to the State Government within thirty days of passing of the order.

(5) The Commissioner of Police may by order permit any person in respect of whom an order has been passed under this Section to enter or return to the area of the Commissionerate for a temporary period as may be specified in the order.

(6) If any person violates an order passed under this Section shall be liable to imprisonment for a term not exceeding six months and fine.

## **59. Internal Security Schemes**

- (1) The Commissioner of Police shall, with the approval of the *Administrator*, draw up an Internal Security Scheme for the entire area

as well as for each of the districts, to deal with problems of Public Order and Security of State, as specific to the area.

- (2) The Internal Security Schemes so formulated shall be reviewed, and revised as necessary, at least once annually and more frequently if required.
- (3) The Schemes will 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.
- (4) 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.
- (5) The Internal Security Schemes will 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.

#### **60. Community participation in policing**

- (1) The Commissioner of Police shall ensure involvement of the community in policing by constituting a Citizens Policing Committee, every two years, for each locality or a group of localities or colonies, including slums. These Citizens' Policing Committees, aimed at promoting people's participation in safeguarding their own life and property, should consist of an appropriate number of local residents of the area with unquestionable character, integrity and antecedents, and having commitment to public safety and security. The Citizens' Policing Committees shall have a fair representation from all strata and professions of the society in the area, as also due gender representation.
- (2) The police will take the assistance of the Citizens' Policing Committees in identifying the existing and emerging needs and priorities of policing in the area, besides involving them in working out and implementing policing strategies and action plans, and in the performance of such other functions as prescribed.

- (3) The police will provide to the public, through the Citizens' Policing Committees, at regular intervals, a feedback on the action taken on the identified policing needs, and will also endeavour to create public awareness on policing issues by promoting two-way communication through these Committees.
- (4) The meetings of these Committees will be convened, as frequently as deemed necessary, but at least once in every three months. The concerned Assistant Commissioner of Police, besides the officer in charge of the Police Station, shall attend the meetings of the Committee.

#### **61. Liaison and coordination with other government agencies**

In order to ensure proper liaison, consultation and coordination between the police, the municipal authorities, the district administration and such other departments of the government, whose functioning impacts the working of the police, the *Administrator* by notification, will constitute appropriate coordination machinery and lay down procedures. The structure of the machinery will be as notified.

#### **62. Powers to operate certain Special Acts**

The *Administrator* shall assign the enforcement and administration specially of the following Acts as well as other similar Acts, as it deems necessary, to the Commissioner of Police:

- (1) Press and Regulation of Books Act, 1867
- (2) The Indian Explosives Act, 1884.
- (3) The Explosives Substances ( Amendment) Act, 2001
- (4) The Mental Health Act, 1987.
- (5) The Poisons Act, 1919.
- (6) The Police (Incitement to Disaffection) Act, 1922.
- (7) The Immoral Traffic Prevention Act, 1956.
- (8) The Arms Act, 1959.
- (9) The Prevention of Cruelty to Animals Act, 1960.
- (10) The Cinematograph Act, 1952.
- (11) The Child Marriage Restraint Act, 1929.

## Chapter VIII

### Regulation, Control and Discipline

#### Framing of regulations for administration of police

- 63.** Subject to the approval of the *Administrator*, the Commissioner of Police shall make regulations or 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 organisation, and of the work performed by police officer;
  - (d) determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service;
  - (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, movement 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 communicating 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 rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

### **Disciplinary Penalties**

- 64.** (1) Subject to the provisions of Article 311 of the Constitution and the Rules and Regulations made under this Act, an officer of the rank of Deputy Commissioner of Police or above may award any of the following punishment to a police officer of rank for which he is the appointing authority:
- (a) reduction in rank;
  - (b) compulsory retirement;
  - (c) removal from service; or
  - (d) dismissal
- (2) Any police officer of the rank of Deputy Commissioner of Police or above, subject to the rules made in this behalf, may award any of the following punishments to any non-gazetted police officer subordinate to him;
- (a) reduction in pay;
  - (b) withholding of increment;
  - (c) withholding of promotion;
  - (d) fine not exceeding one month's pay; or
  - (e) reprimand or censure.
- (3) An Assistant Commissioner of Police or any officer of equivalent rank may award the punishment of reprimand or censure to an officer of or below the rank of Sub Inspector of Police.
- (4) Any officer of and above the rank of Inspector may award punishments to Constables and Head Constables, as prescribed.
- (5) Any punishment mentioned in sub-Section (1), (2), (3) or (4), awarded to an officer, will not affect his liability for prosecution for any criminal offence committed by him in the same transaction for which departmental action has led to award of punishment to him for any transgression of departmental rules.



## **Suspension**

- 65.** (1) A police officer of or above the rank of Deputy Commissioner of Police may place a police officer of the rank of Inspector or below subordinate to him, under suspension:
- (a) where a disciplinary proceeding for award of punishment against him is contemplated or is pending.
  - (b) where in the opinion of the aforesaid authority, there is a prima facie case that such officer has engaged himself in activities prejudicial to the Security of State for which an enquiry is contemplated or pending; or
  - (c) where in the opinion of the aforesaid authority there is prima facie evidence in respect of any criminal offence under investigation, inquiry or trial.
- (2) Every order of suspension passed under this section shall be in writing giving briefly the reasons.
- (3) Where an officer is placed under suspension, whether in connection with a disciplinary proceedings or otherwise, and another disciplinary proceeding is ordered against him during the currency of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the officer shall continue to be under suspension until the completion of all or any of such proceedings.
- (4) An order of suspension so made may at any time be revoked or modified, or in any case be reviewed every six months or earlier, suo moto or on a representation made by the officer under suspension, by the authority which made the order or by any authority to which such authority is subordinate.
- (5) In case the period of suspension exceeds two years, the case shall be referred to the Security Commission for appropriate directions.
- 66.** Suspension orders of officers of subordinate rank shall be made only by police officers above or of the equivalent rank of Deputy Commissioner of Police.

## **Misconduct**

**67.** A police officer shall, in addition to any other delinquent act or behaviour, as specified in the relevant rules, be liable for disciplinary action for any of the following misconduct:

- (a) disobedience of lawful orders;
- (b) neglect of duty;
- (c) insubordination or any oppressive conduct;
- (d) unauthorised malingering or absence from duty;
- (e) act of cowardice;
- (f) misuse of authority; or
- (g) any act unbecoming of an officer.

#### **Appeals against order of punishment**

**68.** An appeal against any order of punishment passed against an officer under Section 149 or any rules made there under, shall lie:

- (a) Where the order is passed by the Commissioner of Police, to the *Administrator*; and
- (b) where the order is passed by an officer subordinate to the Commissioner of Police, to the officer next higher in rank in the police hierarchy who passed such order.

#### **Separate set of rules for police personnel**

**69.** The *Administrator* shall frame the Classification, Control and Appeals Rules for police personnel, which will, among other things, ensure timely disposal of disciplinary proceedings.

#### **Police officers always on duty**

**70.** Every officer not on leave or under suspension shall, for all purpose of this Act, be considered to be always on duty and may at any time be deployed in any part of the state.

**71.** No police officer shall abdicate his duties or withdraw himself from the 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 at the expiration of such

leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

- 72.** No police officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act.

## Chapter IX

### Police Accountability

- 73.** 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 mechanism detailed in this chapter.

#### Accountability for conduct

- 74.** The *Administrator* shall, within three months of the coming into effect of this Act establish a Police Complaint Authority ('the Authority') 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.

**75. Composition of the Authority**

The Authority shall have members with a credible record of integrity and commitment to human rights and shall consist of:

- (a) a retired High Court Judge, who shall be the Chairperson of the Commission;
- (b) a retired police officer from another state cadre, superannuated in the rank of Director General of Police;
- (c) a person with a minimum of 10 years of experience either as a judicial officer, public prosecutor, practicing advocate, or a professor of law;
- (d) a person of repute and standing from the civil society; and
- (e) a retired officer with experience in public administration from another state:

Provided that at least one member of the Authority shall be a woman and not more than one member shall be a retired police officer.

**76. Ineligibility for membership**

A person shall be ineligible to be a member of the Authority

- (a) is not a citizen of India;

- (b) is above 70 years of age;
- (c) is serving in any police, military or allied organisation, 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 organisation declared as unlawful under an existing law;
- (g) is an office-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 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.

#### **77. Term of office and conditions of service of members and Chairperson**

- (1) The term of office of a member, and the Chairperson, shall be three years unless;
  - (a) he resigns at any time before the expiry of his term; or
  - (b) he is removed from the office on any of the ground mentioned in Section 80.
- (2) Members shall be eligible for reappointment on the expiry of term, provided that no member shall be eligible to hold office for more than two terms.
- (3) The remuneration, allowances and other terms and conditions of service of the members shall be as notified by the *Administrator* from time to time and shall not be varied to their disadvantage after appointment.

#### **78. Removal of members**

- (1) Any member of the Authority may be removed from office, on the recommendation of the Authority by an order of the *Administrator* on the ground of:
  - (a) proven misconduct or misbehaviour;
  - (b) persistent neglect to perform duties of the Authority;

- (c) occurrence of any situation that would make a member ineligible for appointment to the Authority under Section 162; or
- (d) any member engaging himself during his term of office in paid employment outside the duties of his office.

**79. The staff of the Authority**

- (1) Members of the Authority shall be assisted by adequate staff with requisite skills, for efficient discharge of their functions of the Authority.
- (2) The strength of the staff may be prescribed keeping in view the average number of complaints against the police, and shall be periodically reviewed and revised.
- (3) The staff shall be provided by the *Administrator*, inter alia, on a contractual basis, through a transparent process.
- (4) The remuneration and other terms and conditions of service of the staff shall be as prescribed from time to time.

**80. Conduct of business**

The Authority shall devise its own rules for the conduct of the business.

**81. Functions of the Authority**

- (1) The Authority shall inquire into allegations of 'serious misconduct' against police personnel, as detailed below, either suo moto 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 Commission;
  - (c) the police; or
  - (d) 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:

- (i) death in police custody;
- (ii) grievous hurt, as defined in Section 320 of the Indian Penal Code, 1860.
- (iii) rape or attempt to commit rape; or

- (iv) arrest or detention without due process of law.

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

- (2) The Authority may also inquire into any other case referred to it by the Commissioner of Police if, in the opinion of the Authority, the nature of the case merits an independent inquiry.
- (3) The Authority may monitor the status of departmental inquiries or departmental action on the complaints of 'misconduct' against gazetted officers of and above the rank of Assistant Commissioner of Police through a quarterly report obtained periodically from the Commissioner of Police, and issue appropriate advice to the police department for expeditious completion or inquiry, if in the Authority's opinion the departmental inquiry or departmental action is getting unduly delayed in any such case.

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

- (4) The Authority 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 Commissioner 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 Authority; and
- (5) The Authority may lay down general guidelines for the police to prevent misconduct on the part of police personnel.

## **82. Powers of the Authority**

- (1) In the cases directly enquired by it, the Authority 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 affidavit;
  - (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 Authority 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 Authority, 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 Authority shall be deemed to be a civil court, and when any offence, as defined in Section 175, `76,`79, 180 or 228 of the Indian Penal Code, 1860, is committed in the view or presence of the Authority, the Authority 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 Authority 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 Authority 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 Authority shall have the power to advise the Administration 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 Authority 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.

**83. Statements made to the Authority**

No statement made by a person in the course of giving evidence before the Authority 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 Authority 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 Authority is satisfied that the complaint was vexatious, frivolous or malafide, the Authority may impose such fine as considered appropriate on the complainant.

**84. Persons likely to be prejudicially affected to be heard**

If, at any state of the inquiry, the Authority 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.

**85. Decisions and Directions of the Authority**

- (1) In the cases directly inquired by the Authority, it may, upon completion of the inquiry, communicate its findings to the Commissioner of Police 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 Authority shall be binding:

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

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

- (2) The Authority may also recommend to the *Administrator* payment of monetary compensation to the victims of the subject matter of such an inquiry.

#### **86. Reports of the Authority**

- (1) The Authority 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 identifiable patterns of misconduct on the part of police personnel in the state; and
  - (e) recommendations on measures to enhance police accountability.
- (2) The annual report of the Authority 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 Authority 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.

### **87. Rights of the complainant**

- (1) The complainant may lodge his complaint relating to any “misconduct” or “serious misconduct” on the part of police personnel with the Authority

Provided that no complaint shall be entertained by the Authority 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 Authority 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 inquiring authority. 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 hearing 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 Authority for appropriate directions.

**88. Duty of the police and other state agencies**

- (1) All police officers and authorities shall refer all allegations of “serious misconduct” against police personnel, coming to their notice, to the Authority.
- (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 Authority all information they may reasonably require to perform their duties provided for in this Chapter.

**89. Interference with the functioning of the Authority**

Whoever influences or interferes with the functioning of the Authority, except in the course of lawful duty, shall, on conviction by a court of law, be liable to a fine 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 Authority for the purposes of this Section.

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

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

**92. Funding**

The *Administrator* shall ensure that adequate funds are provided to the Security Commission and the Police Complaint Authority effective performance of their functions.

## **Chapter X**

### **Welfare and Grievance Redressal Mechanisms for Police Personnel**

#### **93. Welfare Bureau**

- (1) There shall be a Police Welfare Bureau, (hereinafter referred to as 'Bureau') headed by an officer not below the rank of Additional Commissioner of Police, in the office of Commissioner 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 counselling and training in appropriate skills 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 of 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 Commissioner of Police.

- (4) The Bureau shall lay down norms and policies relating to police welfare and monitor welfare activities undertaken by various police units.
- (5) The Bureau shall interact with other government departments, public sector undertakings and other organisations 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 Central Government; and
  - (b) matching grant by the Central Government to the contributions made by the police personnel, towards the welfare fund.

#### **94. Grievance Redressal**

- (1) The Commissioner of Police shall put in place, a fair, transparent, and participatory grievance redressal mechanism for looking into individual as well as collective grievances of police personnel, which shall be freely received and channelled upwards from all levels of the organisation.
- (2) The grievances that cannot be redressed by the said mechanism shall be forwarded to the Security Commission which in turn, shall make appropriate recommendations to the authorities concerned Government for remedial measures.

## **Chapter XI**

### **General Offences, Penalties and Responsibilities**

#### **Order in streets and public places**

##### **95. Regulation of public assemblies and processions**

- (1) The Deputy Commissioner of Police or an officer not below the rank of Assistant Commissioner 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 a procession may pass.
- (2) It shall be duty of any person intending to organise 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 Deputy Commissioner of Police or any officer not below the rank of Assistant Commissioner 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 provisions for satisfactory regulatory arrangements, on which along 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 orders and directions should be given within 48 hours of receipt of intimation, as far as possible.

##### **96. Assemblies and processions violating prescribed conditions**

- (1) The Deputy Commissioner of Police or any Police Officer not below the rank of Sub-Inspector, authorised in this behalf by the Deputy Commissioner of Police, may stop any assembly or procession which violates the conditions set under sub-section (1) and (3) of Section 95, 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 VII of the Indian Penal Code 1860.

**97. Regulation of the use of music and other sound systems in public places**

The Deputy Commissioner of Police or any officer not below the rank of Assistant Commissioner 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.

**98. Directions to keep order on public roads**

- (1) The Commissioner of Police or any other Police Officer authorised 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 obstructions, injury, or annoyance to passersby or pollution
- (2) The Deputy Commissioner of Police may issue general directions under sub-Section (1), in respect of the whole district or any part thereof, as per procedure laid down in Section 108.

**99. Penalty for disobeying orders or directions**

Any person not obeying the lawful orders issued under Sections 95, 96 and 98 may be arrested and on conviction by a Court of law, shall be liable to a fine.

**100. Power to reserve public places and erect barriers.**

- (1) The Deputy Commissioner of Police may, by public notice, temporarily reserve for any public purposes any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.
- (2) (a) The Deputy Commissioner of Police may authorise any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants there of for violation of any legal provisions by them.



- (b) In making such order, the Deputy Commissioner of Police shall prescribe the necessary steps for ensuring the safety of passers-by.
- (c) These temporary structures shall be removed once the purpose for which they were installed is over.

### **Offences against the police**

#### **101. Obstruction in police work**

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 or both.

#### **102. Unauthorised use of police uniform**

Whoever, not being a member of the Police Service wears, without obtaining permission from an officer authorised 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 six months or fine or both.

#### **103. Refusal to deliver up certificate etc. on ceasing to be police officers**

Whoever, having ceased to be a police officer, does not forthwith deliver up his/her 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.

#### **104. False misleading statement made to the police**

Whoever makes a false statement or a statement which is misleading in material particulars to a police officer 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 both.

### **Offences by the police**

#### **105. Dereliction of duty by a police officer**

- (1) Whoever, being a police officer;
  - (a) wilfully 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 or both.

(2) Whoever, being a police officer:

- (a) is guilty of cowardice; or
- (b) abdicates duties, or withdraws from duties, or remains absent without authorisation from duty for more than 21 days; or
- (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 officers 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 or both.

#### **106. Arrest, search, seizure and violence**

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, searches, or arrest a person; or

- (4) unlawfully and without reasonable cause detains, searches, or arrests a person; or
- (5) subjects any person in her / 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 one year and shall be liable to fine.

#### **107. Offences by the public**

- (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 area specially notified by the Commissioner of Police 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.
  - (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) wilfully 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) wilfully damaging or sabotaging any public alarm system;

- (h) knowingly and wilfully 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 authorised functionary of the concerned office.

- (j) causing annoyance to a women by making indecent overtures or calls or by stalking;

Provided that the police shall take cognizance of this offence only upon a complaint made by the victim.

- (k) causing harassment through crank calls with the intent to create a sense of harassment, nuisance, injury or fear:

Provided that the police shall take cognizance of this offence only upon a complaint made by the victim

- (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)
- (3) Whoever commits any offence under sub-Section (1), on subsequent conviction shall be liable to enhanced punishment.

### **Procedural matters**

#### **108. Procedure for posting directions and public notices**

- (1) All general directions, regulations, and public notices issued under this Chapter shall be published by posting notices in the office of the Deputy Commissioner of Police/Police Station 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 Deputy Commissioner of Police may deem fit:

Provided that the Deputy Commissioner 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 bylaw 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 bylaw.

#### **109. Prosecution of police officers**

No court shall take cognizance of any offence under this Act when the accused person is a police officer except on a report in writing of the facts constituting such offence by, or with the previous sanction of an officer authorised by the *Administrator* in this behalf.

#### **110. Prosecution for offences under other laws**

Subject to the provisions 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.

#### **111. Summary disposal of certain cases**

- (1) A court taking cognizance of an offence punishable under Sections 99 and 107 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.

#### **112. Recovery of penalties and fines imposed by Magistrates**

Provisions of Section 64 to 70 of the Indian Penal Code, 1860 and Sections 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 99 and 107 of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.

**113. Limitation of actions**

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 XII**

### **Miscellaneous**

#### **114. Powers of Deputy Commissioner of Police to be exercised by Commissioner of Police**

All powers, functions and duties of the Deputy Commissioner of Police shall be exercised by the Commissioner of Police or any other officer authorised in this behalf.

#### **115. Disposal of fees and rewards**

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 *Administrator* or under any rule made by the *Administrator* 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.

#### **116. Method of proving orders and notifications**

Any order or notification published or issued by the *Administrator* 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 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 thereof.

#### **117. Validity of rules and orders**

No rule, regulation, order, direction, or notification made or published and no adjudication, injury or act done under any provision of this Act,

or under any rule made there under ,which is in substantial conformity with the same ,shall be deemed illegal, void or invalid by reason of any defect of form.

**118. Officers holding charge of or succeeding to vacancies competent to exercise powers**

Whenever in consequence of the office of a Commissioner, or police officer becoming vacant, any officer holds charge of the post of such Commissioner, or police officer or succeeds, either temporarily or permanently, to this 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 Commissioner, or police officer, as the case may be.

**119. Licences and written permissions to specify conditions, and to be signed**

- (1) Any licence 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 than be charged there for as is prescribed by any rule under this Act in that behalf.
- (2) **Revocation of licence:** Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its condition or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter such licence or permission relates.
- (3) **when licence revoked, grantee to be deemed without licence:** 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.
- (4) **Grantee to produce licence and permission, when required:** 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 of 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.

#### **120. Public notices how to be given**

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.

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

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.

#### **122. Signature on notices may be stamped**

Every licence, 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.

**123. Power to make rules**

The Central Government may make rules for carrying out the purposes of this Act.

**124. Power to remove difficulties**

- (1) If any difficulty arises in giving effect to the provisions of this Act the Central Government may, by notification in the Official Gazette, make such provisions as it deems necessary or expedient for removing the difficulty.
- (2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before each House of Parliament.

**125. Notification of rules and regulations in the Official Gazette and laying of rules and regulations**

- (a) Every rule and regulation made under this Act shall be made by notification in the Official Gazette.
- (b) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of the Parliament, 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 of the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation as the case may be, or both Houses agree 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.

**126. Persons aggrieved may apply to Central Government to annul, reverse or alter any rule or order**

In the case of any rule or order made by any 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 Central Government to annul, reverse, or alter the aforesaid rule or order.

**127. Repeal and saving**

- (1) The Delhi Police Act, 1978 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted under the Act so repealed shall be deemed to have been done or taken or instituted under the corresponding provisions of this Act.
- (3) All references in any enactment to any of the provisions of the Act so repealed shall be construed as references to the corresponding provisions of this Act.