

No. 1215/XXXVI (4)/2008
Dated Dehradun, January 04, 2008

NOTIFICATION
Miscellaneous

IN pursuance of the provisions of Clause(3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of The Uttarakhand Police Bill, 2007 (Uttarakhand Adhiniyam Sankhya 01 of 2003).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 2nd January , 2008.

THE UTTARAKHAND POLICE ACT, 2007
As amended by the Select Committee
(Act No. 01 of 2008)

To provide for establishment, regulations and management of the police, redefine its role, duties and its responsibilities and to enable it to function as an efficient professional effective, accountable and people friendly and responsive agency by taking into account the emerging challenges of policing, enforcement of rule of law, the concern for the security of the State and the people, good governance and human rights, this

AN

ACT

Be it enacted by the legislature of the State of Uttarakhand in the Fifty Eighth year of the Republic of India.

CHAPTER I

PRELIMINARY

- Short title,
extent and
commitment
1. (1) This Act may be called the Uttarakhand Police Act, 2007.
(2) It extends to the whole of the State of Uttarakhand and to the Police force of the State deployed outside the State, except the Revenue Police Area.
(3) It shall come into force on the date as the State, except the Revenue Police Area
 2. In this Act, unless the context otherwise requires-
- Definitions
- (a) “Act” means the Uttarakhand Police Act, 2007;
 - (b) “Cattle” means and includes cows, buffaloes, elephants, camels, horses, asses, mules, sheep, goats and swine;
 - (c) “Chief Secretary” means the Chief Secretary to the State Government;

- (d) “District” means a Revenue territory, notified as a Revenue District under the U.P. Land Revenue Act, 1901 (As amended from time to time and as applicable to the State of Uttarakhand)
- (e) “District Magistrate” means the Chief Officer, entrusted with the administration of a District and so appointed by the State Government under Section 20 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);
- (f) “Divisional Commissioner” means the officer designated as such and in charge of a Revenue Division, notified under the U.P. Land Revenue Act, 1901 (As amended from time to time and as applicable to the State of Uttarakhand)
- (g) “Domestic Help” means a person working for remuneration or otherwise performing domestic chores in a household;
- (h) “Insurgency” means and includes waging of armed struggle, by a group or a section of population, against the State, which includes the separation of a part from the territory of India;
- (i) “Internal Security” means preservation of Sovereignty and Integrity of the State from disruptive and anti-national forces within the state;
- (j) “Militant Activities” means and includes any violent activity of a group, using explosives, inflammable substances, firearms or other lethal weapons or hazardous substances, in order to achieve its political objectives;
- (k) “Moral turpitude” means involvement in any crime, which among other things, either pertains to cheating, forgery, drugs, intoxication, offending the modesty of a woman, or any offence against the State as mentioned in Chapter VI of the Indian Penal Code (Central Act 45 of 1860);
- (l) “Organized crime” means and 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;
- (m) “Place of public amusement and public entertainment” means and includes such places, as may be notified by the State Government;
- (n) “Police District” means the territorial area, notified by the government for this purpose;
- (o) “The boundary of the Police District” means the territorial area of the Revenue District, excluding the Revenue Police Area;

- (p) “ Police Officer” means any officer, belonging to the Indian Police Service, Uttarakhand Police Service or Utrtrakhand Police Service or Uttarakhand Police Subordinate Service and includes any other service, constituted under this Act.
- (q) “Police Personnel” means and includes such police officers and all other persons, whom the Appointing Authority is the Director General of Police or any officer subordinate to him;
- (r) “Prescribed” means prescribed under this Act;
- (s) “Public place” means any place, to which the public have access and includes –
- (i) a public building, monument and precincts thereof; and
 - (ii) any place, accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- (t) “Regulation” means regulations made under this Act;
- (u) “Revenue Police Area” means the area, existing as such or to be notified as a Revenue Police Area;
- (v) “Revenue Police System” means the system of policing, existing in a Revenue Police Area;
- (w) “Rules” means rules, made under this Act;
- (x) “Service” means the Police Service, constituted under this Act;
- (y) “Subordinate Rank” means all ranks, below the rank of Assistant or Deputy Superintendent of Police;
- (z) “Superintendent of Police” means the police officer in charge of a Police District and shall include police officers of equivalent rank;
- (za) “Terrorist activity” means and 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;

(zb) “Victim means a victim of crime who, individually or collectively, have suffered criminal harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, and includes acts or omissions that are in violation of laws operative within Uttarakhand;

(zc) “Witness” means a person –

(a) who has made a statement, or who has given or agreed to give evidence in relation to the commission of any offences, as may be prescribed;

(b) relation or associate to a person, referred to in clause (a) above, may require protection or other assistance under this Act; or

(c) for any other reason, may require protection or other assistance under this Act.

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

CHAPTER II

CONSTITUTION AND ORGANIZATION OF THE POLICE FORCE

3. (1) There shall be a Police Force for the State.

Constitution
of the Police
Force for the
State

(2) The Police Force shall consist of such ranks and members and have such organization(s), as the State Government may, by general or special orders, prescribe.

(3) The administration of the Police Force of the State, subject to the overall control of the State Government, shall vest in the Director General of Police.

Police
Ranges

4. (1) The State Government may, by notification, divide the state into one or more Police Ranges.

(2) The administration of the Police Force in the Police Range shall vest in an officer, not below the rank of Deputy Inspector General of Police.

Police District 5. The administration of the Police District within the local jurisdiction of the District Magistrate, shall be vested in a Superintendent of Police under the general coordination and direction of the District Magistrate.

District level Special Cells 6. For the purpose of dealing with a particular category of crime or providing better service to the community at large including victims of crime, the State Government may create one or more Special Cells in a Police District.

Police Stations 7. (1) The State Government shall, by notification, create Police Stations , with or without posts.

(2) The State Government shall, by notification, notify the Circle and there shall be minimum two Police Stations in a Circle.

(3) A Police Station shall be headed by an Officer-in-charge, who shall not be below the rank of Sub-Inspector of Police.

Revenue Police Areas 8. under the Revenue Police System, such area of any District shall fall as the Government determines time to time.

Railway Police 9. (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, create one or more Railway Police District under the control of Superintendent of Police including such railway areas in the State as the State Government may specify.

(2) The State Government may, by notification, divide a Railway Police District into one or more Circles, to be headed by an officer of the Rank of Assistant / Deputy Superintendent of Police.

(3) The State Government may, by notification, create one or more Police Stations in the Railway Police District, to be headed by an officer of the rank not below the rank of a Sub-Inspector of Police.

Intelligence Department 10. The State Government may, by a general or special order, create a State Intelligence Department for collection, collation, analysis and dissemination of intelligence.

Crime Investigation Department	<p>11. The State Government may, by a general or special order, create a Crime Investigation Department for investigation of specified crimes, as directed by the State Government and / or by Director General of Police.</p>
Specialised Police Force	<p>12. Notwithstanding anything contained in this Act, or any other law for the time being in force –</p> <ol style="list-style-type: none"> (1) The State Government may, by general or special order, create Specialised Police Force and may also determine the number, functions and responsibilities of such Police Force. (2) A specialized Police Force may comprise of such administrative structure and hierarchy, as may be prescribed. (3) The duties, responsibilities, powers and privileges of a Specialised Police Force may be such, as prescribed by the State Government. (4) The State Government may, by a general or special order, disband or rationalize such a Specialised Police Force at any time. <p>13. To assist the civil police in enforcement of law and maintenance of order or in situations of likely breach of peace or in disaster management functions, in escort or prisoners, or to discharge such other duties, which may require special weapons and tactical teams or presence or armed police, the State Government shall create Armed Police Units or Special Armed Police Units with appropriate manpower strengths in the form of an Armed Police Reserve for each Police District and Armed Police Battalions for the State. The constitution, recruitment, training, deployment and administration of such Reserve Battalions shall be as per rules made under this Act.</p>
Special Police Officers	<p>14. Subject to the rules prescribed in this behalf, the Superintendent of Police shall, under special circumstances, appoint Special Police Officer in consultation with the District Magistrate.</p>
Police Training Institutions	<p>15. (1) The State Government may lay down a Training-cum-Education Policy, in consultation with the Director General of Police, for the police officers and personnel. This policy shall also aim to promote a service culture among police officers for acquiring appropriate educational and professional qualifications, as they advance in their career.</p> <ol style="list-style-type: none"> (2) The State Government may, by a general or special order, establish Police Training Institutions including State Police Training Institutes, Police Training Schools, and other Training Institutions, including Police Academy.

(3) The supervision and administration of the Police Training Institutions shall be in accordance with Rules, made for this purpose.

Bureau of
Police
Research &
Development

16. (1) The State Government may establish a Bureau of Police Research and Development for undertaking research into matters, relating to police and crime.

(2) The administration and working conditions of the Bureau may be such as may be prescribed.

Technical
Support
Forces

17. The State Government may create and maintain, under the overall control of the Director General of Police, such technical agencies and forces as required through notifications made from time to time for this purpose.

Legal
Advisor &
Financial
Controller

18. The State Government may appoint a Legal Advisor and a Financial Controller to assist and advise the Director General of Police on legal and financial matters respectively.

CHAPTER III

ADMINISTRATION OF THE POLICE FORCE

Superinten
dence over
the Police
Force

19. Notwithstanding anything contained in any law, the State Government shall exercise power of superintendence over the Police Force in respect of all matters.

Director
General of
Police

20. (1) For the overall control, direction and supervision of the Police Force, the State Government shall appoint a Director General of Police.

(2) The Director General of police shall be appointed from a panel of officers, already working in the rank of the Director General of Police, or the officers, who have been found suitable for promotion in the rank of Director General of Police, after screening by a Committee, as constituted by the Government;

Provided that the number of officers in the panel shall not exceed three times the number of cadre posts, sanctioned for the rank of Director General of Police in the State.

- (3) The Director General of Police, so appointed, shall have a minimum tenure of two years, subject to superannuation.
- (4) The State Government may remove the Director General of Police from his/her post before the expiry of the tenure, by a written order, specifying reasons, on the following grounds -
 - (i) on 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
 - (ii) on becoming incapable to perform his/her functions as the Director General of Police due to physical or mental illness; or
 - (iii) on promotion or transfer to a higher or similar post under the Central or any other State Government; or
 - (iv) on his/her own request.
- (5) In exceptional cases, the Director General of Police may be removed from his post by the State Government before the expiry of his/her tenure, for gross inefficiency and negligence, where a prima facie case of a serious nature has been established after a preliminary enquiry.

Administr
ation of
Police

21. Subject to the approval of the State Government, the Director General of Police shall make regulations or issue orders, not inconsistent with this Act and with any other law for the time being in force for –
 - (a) prevention of crime,
 - (b) investigation of crime,
 - (c) maintenance of law and order,
 - (d) regulation and inspection of the police organization and of the work performed by police officers,
 - (e) determining the description and quantity of arms, accoutrements, clothing and other wherewithal's to be provided to the Police Force;
 - (f) selection of the places of residence of members of the Police Force,
 - (g) regulation, deployment, movements and location of the police force,

- (h) assigning duties to officers of all ranks and grades and prescribe the manner and the conditions, subject to which they shall exercise and perform their respective powers and duties,
- (i) regulating the collection and communication of intelligence and information by the police,
- (j) prescribing the records, registers and forms to be maintained and the returns to be submitted by different police units and officers and generally, for the purpose of rendering the police more efficient, preventing abuse of power and neglect of duties by them.

Disciplinary Proceedings 22. Subject to the provisions of Article 311 of the Constitution of India, disciplinary proceedings shall be conducted, as per the Rules and Regulations made under this Act.

Disciplinary Penalties 23. (1) An officer of the rank of Superintendent of Police or above may award any of the following punishments to a police officer or a rank for which he is the Appointing Authority, namely -

- (a) Reduction in rank,
- (b) Compulsory retirement,
- (c) Removal from service,
- (d) Dismissal,
- (e) Reduction in salary,
- (f) Withholding of increment, and
- (g) Withholding of promotion

(2) Any police officer of the rank of Superintendent of Police or above may award any of the following punishments to any non-gazetted police officer subordinate to him, namely –

- (a) fine not exceeding one month's salary,
- (b) reprimand or censure.

(3) A Deputy Superintendent of Police or any officer of equivalent rank may award the punishment of reprimand or censure, to a Police Inspector or Sub-Inspector of Police or an officer below its rank.

(4) Any officer of and above the rank of Inspector may award minor punishments to Constables and Head Constables.

(5) Any punishment, mentioned in sub-section (1), (2), (3) or (4) above, 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 the award of punishment to him for any transgression of departmental rules.

24. A police officer of or above the rank of Superintendent of Police may place a police officer of the rank of Inspector or below, subordinate to him, under suspension for reasons to be recorded in writing.

25. 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) unauthorized malingering or absence from duty;
- (e) act of cowardice;
- (f) misuse of right; or
- (g) any other act, unbecoming of an officer.

Appeals
against
orders of
punishment

26. An appeal against any order of punishment passed against an officer under in the present Act or any rules made there under, shall lie -

- (a) where the order has been passed by the Director General of Police to the State Government; and
- (b) where the order has been passed by an officer, subordinate to the Director General of Police to the officer, who is next higher in rank in the Police hierarchy from the officer, who passed such order.

Administrati
on of Police
in Railway
Areas

27. (1) The State Government may place an officer not below the rank of Deputy Inspector General of Police, to assist the Director General of Police in the administration of the Railway Areas.

- (2) The administration of a Police District in a Railway Area shall vest in a Superintendent of Police.
- (3) Subject to the control of the Director General of Police, such police officers shall discharge police functions, connected with the railways, situated within their respective charges and such other functions, as the State Government may, from time to time, assign to them.
- (4) Any police officer, whom the State Government has, by a general or special order, empowered to act under this sub-section, may exercise within the Police District or any part thereof, any of the powers of an officer-in-charge of a Police Station in that Police District. While exercising such powers, he shall be deemed to be an Officer-in-Charge of that Police Station, discharging the functions of such officer within the limits of his Police Station.
- (5) Subject to any general or special orders, which the State Government may pass 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 be subjected to the liabilities of police officers under this Act or any other law for the time being in force.
- (6) The Superintendent of Police may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act, to an Assistant or Deputy Superintendent of Police.

Term of office of key police functionaries 28. (1) A Police Officer, posted as an Officer-in-charge of a Police Station; shall have a minimum term of one year and, as an Office-in-Charge of a Police Circle or as a Superintendent of Police or as a Deputy Inspector General / Inspector General of a Range, shall have a minimum term of two years, subject to superannuation;

Provided that any police officer covered under this section may be transferred from his post before the expiry of the tenure by the competent authority by a written order, specifying reasons on the following grounds:-

- (a) on promotion to a higher post or proceeding on deputation; or
- (b) on proving the guilt; or
- (c) on framing of a charge by a court of law for a criminal offence; or

(d) on becoming incapable due to any physical or mental illness or otherwise becoming unable to discharge his functions and duties; or

(e) for filling up a vacancy; or

(f) on his own request; or

(g) in the public interest.

(2) In exceptional cases, an officer may be removed from his post by the competent Authority for gross inefficiency or negligence, where a prima facie case of a serious nature has been established after a preliminary enquiry.

CHAPTER IV

STATE POLICE BOARD AND POLICE ESTABLISHMENT COMMITTEE

29. The State Government shall, as soon as may be, establish a State Police Board to perform the functions, assigned to it under the provisions of this Chapter.

30. The State Police Board shall comprise the following -

(a) Home Minister Chairman

(b) The Leader of the Opposition or as the case may be, if there is no Leader of the Opposition, the Leader of the largest single opposition party in the State Legislative Assembly Member

(c) Chief Secretary Member

(d) Principal Secretary / Secretary, Home Department Member

(e) Director General of Police Member

(f) Two non-political persons of proven reputation for integrity and competence (hereinafter referred to as “Independent Members”) from any field, such as academia, law, public administration, media or any other field, to be appointed on the recommendation of the Selection Panel, constituted under this Act, Member

(g) One police officer, belonging to the State cadre of Indian Police Service, not below the rank of Additional Director General of Police, to be nominated by the State Government, as its Secretary.

31. Independent Member(s) of the State Police Board shall be appointed on the recommendation of a Selection Panel, which shall consist of -

- (a) Chief Minister of the State,
- (b) Speaker of the State Legislative Assembly,
- (c) Home Minister of the State, and
- (d) Leader of the Opposition in the State Legislative Assembly; or as the case may be, if there is no Leader of the Opposition, the Leader of the largest single opposition party in the State Legislative Assembly.

32. No person shall be appointed as an independent Member of the State Police Board if he -

- (a) is not citizen of India; or
- (b) has been convicted by a court of law or charges have been framed against him/her by 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 political office, which includes a member of Parliament or State Legislature or a local body, or is an office-bearer of any political party or any organization, connected with any political party; or
- (e) is of unsound mind.

33. A person may be appointed as an Independent Member for a period of two years. No person shall be appointed for more than one term. An independent member shall be entitled to a sitting fee, transport to and from the place of meeting, as well as for touring expenses in connection with any task, entrusted by the Board, as prescribed from time to time.

34. (1) The State Government may remove any Independent Member of the State Police Board at any point of time on any of the following grounds:-

- (a) proven incompetence; or
- (b) proven misbehavior; or
- (c) failure to attend three consecutive meetings of the State Police Board without sufficient reason; or
- (d) becoming incapable by reasons of physical or mental infirmity; or

(e) otherwise becoming unable to discharge his functions as a member; or

(f) on the recommendation of the Selection Panel.

(2) In addition, an Independent Member may also be removed from the State Police Board by the State Government, if he incurs any of the grounds of ineligibility, specified in this Chapter.

(3) The State Government shall state in writing the grounds for such removal.

Functions of State Police Board 35. The State Police Board shall perform the following functions, namely -

(1) Suggest and advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing,

(2) Suggest the State Government in identifying performance indicators, which shall, inter alia, include operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilization of resources, and observances of human rights standards,

(3) Suggest measures to enhance the performance of the Police Force periodically as per the performance indicators, identified in sub section (2) above,

(4) Suggest towards evaluating organizational performance of the police against –

(i) performance indicators, as identified and laid down by the State Police Board itself;

(ii) resources available with, and constraints of the police;

(5) suggest policy guidelines for gathering information and statistics related to police work; and

(6) suggest ways and means to improve the efficiency, effectiveness, accountability, and responsiveness of the police.

Expenses of the State Police Board 36. The expenses on account of remuneration, allowances, and travel in connection with official business of the State Police Board, and in respect of the Independent Members of the Board, shall be borne by the State Government, as per the rules prescribed in this respect.

Annual report of the State Police Board 37. The State Police Board shall at the end of each year, present to the State Government a report on its work during the preceding year on the evaluation of performance of the Police Force. The State Government shall, as soon as may be, lay this report before the State Assembly.

38. (1) The State Government shall, as soon as may be, constitute a Police Establishment Committee (hereinafter referred to as the 'Committee') with the Director General of Police as its Chairperson and two other senior most police officers in the Department, not below the rank of Inspector General of Police, as members.

(2) Establishment Committee shall perform the following functions and duties, namely:-

- (a) lay procedures for the selection and promotions in the Subordinate Ranks;
- (b) transfer of subordinate officers from one Range to another;
- (c) transfer of officers of the rank of Deputy Superintendent of Police/Assistant Superintendent of Police;
- (d) recommend to the State Government, regarding the transfer and posting of police officers of the rank of Additional Superintendent of Police and above;
- (e) prescribe guidelines and instruction for transfer of subordinate officers from one Police District to another; and
- (f) analyse and redress the grievances of the police personnel and wherever necessary, suggest remedial measures to the State Government.

(3) The State Government may, in such matters as it may deem fit, for reasons to be recorded in writing, alter or amend the decisions of the Committee,

CHAPTER V

ROLE FUNCTIONS AND DUTIES OF THE POLICE

39. (1) The indicative role and functions of the police, as per the rules made by the Government from time to time, may broadly constitute the following –

- (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 assist in maintaining law and 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 installations and establishment etc, against acts of vandalism or any kind of attack;
- (e) to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive actions and measures as well as by assisting and cooperating with other relevant agencies 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, apprehend the offenders and conduct investigations as per law;
- (h) to create and maintain a feeling of security in the community and, as far as possible, prevent conflicts and promote amity;
- (i) to provide all possible help to people in situations, arising out of natural or man-made disasters, and provide active assistance to other agencies in relief and rehabilitation measures;
- (j) to help the individuals, who are in danger of physical harm to their person or property, and to provide necessary help and afford relief to people in distressed situations;
- (k) to facilitate orderly movement of people and vehicles and to control and regulate traffic on roads and highways;
- (l) to collect intelligence reports, relating to matters affecting public peace, and all kinds of crimes, including social offences and other matters relating to national security and disseminate the same to all such agencies as may be prescribed, besides acting on it themselves.
- (m) to perform all such other duties and discharge such responsibilities, as may be enjoined on these by the State Government or an Authority, empowered to issue such directions under any law for the time being in force;

- (n) to keep and display, in the Police Station, a record of habitual offenders and persons involved in organized crime;
- (o) to maintain, updated record of habitual offenders and persons involved in organized crime, at the District and State level.

(2) A police officer shall take charge, as a police officer on duty, of all unclaimed properties and shall take action for their safe custody and disposal in accordance with the provisions of Section 46.

40. Notwithstanding anything contained in this Act, it shall be lawful for the police force and armed police units to investigate and to render such assistance, as may be required in the Revenue Police Area, in the scientific investigations of crimes and regulation of crowd and relief, rescue operations and such other arrangements, as the District Magistrate may direct in exceptional circumstances through the superintendent of Police of the District.

41. A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him. He/She may assist, 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 may appear necessary or expedient for comprehensively enforcing the law or for avoiding any infringement thereof.

42. Every police officer shall, for the purposes of this Act, be considered to be always on duty, and may, at any time, be employed as a police officer in any part of the State or outside it.

43. No police officer shall engage himself in an employment or office whatsoever, other than his duties under this Act, unless expressly permitted to do so in writing by the State Government.

44. No police officer shall withdraw himself from duties of his office.

45. It shall be the duty of any police officer to lay any information before a Judicial Magistrate, having jurisdiction and to apply for summons, warrant, search warrant or , such other legal process, as may be, by law, issued against any person, committing an offence.

46. It shall be the duty of every police officer to take charge of all unclaimed moveable property and to furnish an inventory thereof to the Superintendent of Police, who shall be competent for the disposal of the same in the manner prescribed and shall keep the concerned court, having competent jurisdiction, fully informed in this regard.

47. It shall be the duty of every officer in charge of a Police Station to keep a general diary in such form and manner as may, from time to time, be prescribed.

48. The State Government may direct the submission of returns by the Director General of Police and other officers, as the State Government may deem proper, and may prescribe the forms, in which such return are to be prepared.

49. (1) The State Government may prescribe uniform, insignia and accoutrements for police officers, or as the case may be, police officers of any class.

(2) The Director General of Police may, from time to time, issue directions for wearing of uniforms and carrying of insignia and accoutrements.

CHAPTER VI

SPECIAL PROVISIONS FOR POLICING

50. (1) The State Government may create, for Police Districts or Police Stations, a Special Crime Investigation Units, headed by an officer not below the rank of Sub-Inspector of Police and may also specify the offences to be investigated by such units.

(2) The Police officers posted to such units shall not be diverted to any other duty, except under very special circumstances, with the written permission of the Director General of Police.

(3) The Special Crime Investigation Units may also investigate other offences, as may be specified by general or special order of Director General of Police.

51.(1) Subject to such inquiry and restrictions, as may be specified by the State Government or any officer authorized for the purpose, the Superintendent of Police may, by public notice, temporarily reserve, for any public purpose, any street or other public place and prohibit the public from entering the area so reserved, except on such conditions as may be specified.

(2) The Superintendent of Police may authorize any police officer:-

(a) to erect barriers and other necessary structures on public roads and streets, required for maintenance of law and order.

(b) to check vehicles or occupants thereof, for violation of any law.

(3) The District Superintendent of Police or any officer, not below the rank of Assistant/Deputy Superintendent of Police, may regulate the time and the volume of music and other sound systems, which are being used in connection with any performance and other activities in or near any street or public place causing annoyance to the residents of the neighborhood.

52. (1) In respect of a Police District, the Superintendent of Police, in concurrence with the District Magistrate, may issue general or special orders in such manner, as may be prescribed, in respect of the following:-

(a) Regulating places of public amusement and public entertainment and, if necessary in the interest of general public, prohibiting any such

places of public amusement and public entertainment for ensuring the safety and well-being of person, likely to be affected;

- (b) Regulating the entry or exit at any place of public amusement, public entertainment, or at any place of public meeting or assembly and providing for the maintenance of public peace and prevention of disturbance at such places;
- (c) Regulating all assemblies and processions on any public road, street or thoroughfare and lay down the route, by which and the time, at which such a procession may pass;
- (d) It shall be the duty of any person intending to organize a procession on any road or street or thoroughfare or to convene a public meeting at any public place, to inform the District Magistrate, the District Superintendent of Police, and the Officer in-charge of the concerned Police Station;
- (e) If any of the officers, mentioned in clause (d) above, has reason to believe, or on receipt of information and upon being satisfied has reason believe that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, he may prescribe necessary conditions, including provisions for satisfactory regulatory arrangements. On those conditions alone, the assembly or the procession may be taken out. In special circumstances and for reasons to be recorded in writing, such assembly or procession may be prohibited in public interest.
- (f) Any assembly or procession, which neglects or refuses to obey any order issued under clause (e) above, shall be deemed to be an

“unlawful assembly” under Chapter VIII of the Indian Penal Code, 1860.

- (2) However, in exceptional and unavoidable circumstance, the officer-in-charge of the Police Station shall take action in matters referred to in sub-section (1), with the concurrence of the concerned Executive Magistrate.
- (3) The Superintendent of Police may, by an order published in prominent local newspapers, require every owner of a household, a shop, or a public premise to furnish details of a tenant or domestic help in the specified format.
- (4) The District Superintendent of Police may levy such service charges, as may be prescribed, on a person, who, for any monetary gain, conducts any business, organizes any Function, Exhibition, Sale, entertainment etc., which requires deployment of extra Police force for the purpose of the safety of general public or maintaining public peace and law and order.

53. Superintendent of Police may, time to time, issue directions for regulating the use of public road and street in respect of motorists, cyclists, pedestrians and persons, accompanying animals, and for parking of vehicles including bicycles, with a view to ensuring smooth and orderly movement of traffic.

54. (1) The State Government shall, as soon as may be, frame Rules for Witness Protection as a measure of Human Rights protection.

(2) The State Government or an officer, authorized by the State Government may apply to the Court, having jurisdiction, for declaring a witness as a protected witness under such terms and such conditions, as may be prescribed.

(3) The measures for protecting such witness may include, inter alia:-

(a) Making necessary arrangements;

- (i) allowing the witness to establish a new identity ; or
 - (ii) providing arrangements to protect and provide security to the witness and his family;
- (b) relocating the witness;
 - (c) providing accommodation for the witness;
 - (d) providing transport for the property of the witness;
 - (e) providing reasonable financial assistance to the witness;
 - (f) permitting any person, involved in the administration of the witness protection programme, to use an assumed name in carrying out his or her duties and for documentation in support of those assumed names;
 - (g) taking any of the steps listed in clauses (a) to (f), in respect of a foreign witness, present in Uttarakhand, pursuant to an agreement or arrangement between India and a foreign State, relating to witness protection;
 - (h) any other action, which the State Government considers necessary, to ensure the safety of the witness.

(4) The State Government may pass such orders, as deemed necessary, to remove any difficulty in the operation of this section.

55. (1) The State Government may prescribe appropriate measure for the safety, protection and assistance for a victim from the accused.

(2) The State Government may pass such other orders, as deemed necessary, to remove any difficulty in the operation of this section.

56. (1) Each village or group of villages in a Police District shall have one Village Guard, enlisted by the Superintendent of Police for such tenure, as prescribed in accordance with the Rules, prescribed in this behalf.

(2) A person of sound health, in the age group of 30 to 60 years, residing in the village or the group of villages concerned, shall be eligible for enlistment as Village Guard, in the order of preference laid down below –

- (a) Ex-Serviceman/ Para military personnel
- (b) Home Guard volunteers/ Pranteya Rakshak Dal (P.K.D),
- (c) A sports person, who has represented a District at the State level; and

(d) Any other person.

(3) No person having any of the disqualifications laid down below, shall be enlisted, if –

(a) He has been convicted for an offence involving moral turpitude;

(b) A case involving a criminal charge, is either under trial or is under investigation against him.

(4) The tenure of a person, enlisted as village Guard, shall be 3 years. That tenure may be extended or renewed by the District Superintendent of Police;

Provided that a village Guard, during the tenure of his enlistment, may be removed from his guardship, if he incurs any of the disqualifications, specified in sub-section (3) or if he is found neglecting his duties and responsibilities as a village Guard.

57. (1) Village Guard shall be an honorary worker and shall be deemed to be a Public Servant, as defined in the Indian Penal Code, 1860 (Act No.45 of 1860)

(2) He may be paid such honorarium and pocket expenses, as determined by the State Government from time to time.

58. (1) Each Village Guard in the Police District, may be provided with an Identification Badge, Uniform and a Photo Identify Card, by the Superintendent of Police or an officer authorized by him.

(2) Any person, who ceases to be such a Village Guard, shall, forthwith, deliver to the Superintendent of Police or to an officer authorized by him, his Identification Badge, Uniform, Photo Identify Card and all records and documents, maintained by him as Village Guard.

59. The duties and responsibilities of a village Guard shall be as follows, namely.

(1) Reporting the occurrence of any crime or law and order situation in the village, at the earliest, to the police station and assisting the police in bringing the offenders to book;

- (2) Maintaining a general vigil in the village from the point of view of prevention of crime or prevention of a law and order problem and promptly informing the police station about the same;
- (3) Remaining alert and sensitive to any information about any suspicious activity, movement of suspicious persons or development of any conspiracy in the village, that is likely to lead to a crime or breach of law and order, and promptly passing on such information to the police station;
- (4) Assisting any citizen, in arresting or handing over to the Police Station, any person or persons under section 43 of the Code of Criminal Procedure, 1973 along with the arms, ammunition, property or any objectionable or suspicious object, if any, seized from him, without delay. In case the arrested person is a woman, the male Village Guard shall be accompanied by a woman;
- (5) Security and preserving the scene of any crime, till the arrival of the police and duly ensuring that it is not disturbed by curious onlookers or anyone else;
- (6) Meeting the in-charge of the Police Station at such periodical intervals, as prescribed by the Superintendent of Police through a general or special order, to report on such activities and incidents in the villages, as would have a bearing on crime, law and order and other policing concerns;
- (7) Maintaining the prescribed records and registers;
- (8) Recording any public grievances or complaints in relation to policing, and liaising with the village Panchayat, on matters relating to crime and law and order in the village; and
- (9) Performing such other general duties, as the District Magistrate or the Superintendent of Police may direct.

60. The Superintendent of Police may, wherever required, organize a group of local respectable persons for any village, to form a village Defence Team, for carrying out preventive patrolling, promoting crime reduction measures and generally, assisting the police in their functioning in the manner prescribed.

61. (1) The district Superintendent of Police shall, in the prescribed manner constitute one or more Community Liaison Groups out of the representatives of the community, in every Police Station, to assist the police force in discharging their duties.

(2) Such Community Liaison Group(s) shall perform such functions and shall have such responsibilities, as may be prescribed.

CHAPTER VII

POLICE ADMINISTRATION IN THE CONTEXT OF PUBLIC ORDER AND INTERNAL SECURITY

62. (1) The Director General of Police shall, with the approval of the State Government, form an Internal Security Scheme to deal with the problems of Public order and security of the entire State. The Internal Security Schemes for the District shall be prepared jointly by the concerned District Magistrate and Superintendent of Police.

(2) The Internal Security Schemes shall be reviewed and revised as necessary at least once in three years, provided that the work of revision may be completed before the expiry of three years from the date of preceding review/revision.

(3) The Internal Security Schemes shall, inter alia, cover the role of the civil administration and the police with regard to the security of any establishment or installation, relating to important infrastructure, if any, located in the area.

(4) While preparing the Internal Security Schemes, the Director General of Police, the District Magistrates and the Superintendents of Police, as the case may be, shall take into consideration the contingencies of specific law and order problems and security requirements, that may arise in such situations.

(5) The Internal Security Schemes shall incorporate regularly updated and comprehensive Standard Operating Procedures for the action to be taken by the civil administration and the police and other State Government Departments.

CHAPTER VIII

POLICE ACCOUNTABILITY

63. In addition to the existing mechanisms, functions, duties and responsibilities of the departmental authorities, accountability for the police shall be further insured through the additional mechanism detailed in this chapter.

64. The State Government shall, within six months of the coming into effect of this Act, establish a State Police Complaints Authority, (hereinafter referred to as the 'Authority') consisting of a Chairperson and maximum four other Members to inquire into public complaints against the police personnel for serious misconduct and to perform such other functions, as stipulated in this Chapter.

65. (1) The Authority shall consist of maximum five member, to be appointed by the State Government, with a credible record of integrity and commitment to human rights. The Authority shall consist of the following:-

- (a) four persons of eminence with experience in public dealing and having credible record of integrity and commitment to human rights as independent members.
- (b) a Police officer superannuated in the rank not below the rank of Inspector General of Police;

(2) At least one member of the Authority shall be a woman and not more than one member shall be a police officer.

(3) Out of the four independent members, at least one member of the Authority shall be from amongst persons, having a good knowledge of law.

(4) The State Government shall appoint one of the independent members, as Chairman of the Authority.

66. A person shall not be eligible to be a member of the Authority, if he/she –

- (a) is not a citizen of Indian;
- (b) is above 70 years of age;
- (c) is serving in any police, military or allied organization;
- (d) is employed as a public servant;
- (e) holds any elected office, which include Member of Parliament or Member of State Legislature or of any Local Body;
- (f) is a member of, or is associated, in any manner, with an organization, declared as unlawful under an existing law;
- (g) is an office bearer or a member of any political party;
- (h) has been convicted for any offence or against who charges have been framed by any court of law; or
- (i) is a person of unsound mind and has been so declared by a competent court.

67. (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 grounds, mentioned under section 68.

(2) The Chairperson and the members shall be eligible for reappointment.

(3) The remuneration, allowances and other terms and conditions of service of the members shall be such, as may be notified by the State Government from time to time.

68. The Chairperson or any member of the Authority may be removed from his office by an order of the Governor on the following grounds:-

- (a) Proven misconduct or misbehaviour;
- (b) Persistent neglect to perform duties of the Authority;
- (c) Occurrence of any such situation, that would make a member ineligible for appointment to the Authority under Section 66; or

(d) Any member engaging himself, during his term of office, in any paid employment outside the duties of his office.

69. (1) The State Government shall provide staff to the members of the Authority.

(2) The strength of the staff shall be prescribed by the State Government.

(3) The Staff shall be selected by the Authority in accordance with the procedure, prescribed by the Government.

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

70. The Authority shall frame its own Rules for the conduct of its business with the approval of the Government.

71. (1) The Authority shall forward the complaints of misconduct, received directly by it, to the Director General of Police for further action, however, no cognizance shall be taken of anonymous complaints.

(2) The Authority may inquire into allegations of “Serious misconduct” against police personnel, on a complaint received by it.

Explanations: “Serious misconduct” for the purpose of this Chapter, means any act of a police officer, due to which charges may be framed for the following:-

(a) death in police custody;

(b) grievous hurt, as defined under section 320 of the Indian Penal Code, 1860.

(c) rape or attempt to commit rape;

(d) arrest or detention without due process of law;

(e) violation of human rights; or

(f) Corruption.

(3) The Authority may also inquire into any other case, referred to it by the State Government or the Director General of Police if, in the opinion of the Authority, the nature of the case is fit for independent inquiry.

(4) The Authority may monitor the status of departmental inquiries or departmental action on the complaints of ‘misconduct’ against gazetted

officers, through a quarterly reports, obtained periodically from the Director General of Police, and may give appropriate advice to the State Government for completion of action in such cases.

(5) The Authority may also call for a report from the Director General of Police and may issue appropriate advice for further action or a direction for a fresh inquiry by another officer, when a complainant, on 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.

(6) The Authority may suggest general guidelines for the State Police to prevent misconduct on the part of police personnels.

72. (1) 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 Section 176 and 177 of the Indian Penal Code, 1860.

(2) The Authority, for discharging its duties under this Chapter, shall have the power of a Civil Court.

(3) In the cases enquired directly by it, the Authority may, upon the completion of the enquiry, communicate its finding to the State Government and recommend suitable action.

73. (1) The Authority shall prepare an annual report at the end of each calendar year, inter alia, containing the following, with such other things:-

- (a) the number and type of cases of “serious misconduct”, which have been inquired into by it;
- (b) the number and type of cases of “serious misconduct”, which have been 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 patterns of ‘misconduct’ committed by the police personnel in the State, which has been identified; and

(e) recommendations relating to measures to enhance police accountability.

(2) The annual report of the Authority shall be laid before the State Assembly. The report shall be a public document, which shall be accessible to the public.

(3) The Authority may also prepare special report with respect to specific cases, directly inquired into by it. These reports shall also be made accessible to the Public.

74. (1) Any person 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 Authority or any court established by law.

(2) In cases, where a person 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 (the concerned police Authority or the Authority). Upon completion of inquiry or departmental proceeding, the complainant shall, as soon as may be, be informed of the conclusions of the same.

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

76. For the efficient performance of duties, a separate component in appropriate major head of the State budget, as the State Government may determine, shall be provided.

CHAPTER IX

WELFARE AND GRIEVANCE REDRESSAL

77. (1) The Director General of Police shall be responsible for the implementation of the welfare measures for the police officers and other personnel under his supervision and control.
- (2) The State Government may, in this regard, appoint one or more police officers to advise and assist the Director General of Police.
78. (1) There shall be a Police Welfare Bureau (hereinafter referred to as the 'Bureau'), which shall be headed by an officer, who shall not be below the Rank of Deputy Inspector General of Police.
- (2) The function and duties of the Bureau shall, inter alia, include administration and monitoring of welfare measures for police personnel, such as –
- (a) health cure, particularly in respect of chronic and serious ailments, which include the post-retirement health care schemes for police officers and other personnel and their dependents, as are applicable to the employees of State Government;
 - (b) Medical assistance to police officers and other personnel, suffering injury in the course of the performance of duty, as determined by the State Government;
 - (c) Financial assistance to the next of kin of those dying in action, as determined by the State Government;
 - (d) Education and career counseling and training in appropriate skills for dependents of police officers and other personnel, as determined by the State Government; and
 - (e) Appropriate legal facilities, relating to bona fide discharge of duties, as determined by the State Government.
- (3) The composition of the Bureau and its powers and functions shall be such, as may be prescribed by the State government.
79. (1) The State Government shall prescribe an Insurance Coverage for all police officers against injury, disability, or death caused while on duty.

(2) The State Government may also prescribe an allowance for Police Officers, posted in special wings carrying aggravated risks, as per State Government rules.

80. (1) The Director General of Police, with the approval of the State Government, shall put in place a fair, transparent, and participatory grievance redressal mechanism, by way of Regulations, for looking into individual as well as collective grievances of the police personnel. The grievances shall be liberally entertained.

(2) This mechanism shall ensure a right of appeal to the aggrieved party, if he is not satisfied with the disposal of his grievances at the first level.

CHAPTER X

GENERAL OFFENCES, PENALTIES AND RESPONSIBILITIES

81.(1) Any person, who commits any of the following offences, on any road, or street, thoroughfare, or any open place, which may cause inconvenience, annoyance or danger to the residents or passers-by, shall, on being found guilty by a court, be punished with a fine minimum Rs. Five Hundred and maximum Rs. One Thousand, such as –

(a) being found intoxicated and riotous or found to be committing a nuisance in public;

(b) knowingly spreading rumors or causing a false alarm to mislead the police fire brigade, or any other essential service.

(2) It shall be lawful for any police officer to take into custody without a warrant any individual, who commits any of the offences mentioned under sub-section (1) and fails to compound that offence on the spot.

(3) The offences mentioned under this section, may be compounded on the spot on depositing half of the minimum prescribed amount with the police officers specially empowered in this behalf.

(4) A person, detained in custody under sub-section(1), shall be released as soon as the offence has been compounded, otherwise such person shall be produced before the Magistrate, having jurisdiction within 24 hours of being taken into custody.

82. (1) For effective management of law and order in a Division, wherever required, coordination among various other agencies and State Government shall be made by the Divisional Commissioner.

(2) For effective management of law and order in a District, wherever required, coordination among various other agencies and State Government shall be made by the District Magistrate.

(3) For the purpose of coordination, the District Magistrate may call for information of a general or special nature, as and when required, from the Superintendent of Police of a district and heads of other departments of the district. Where the situation so demands, the District Magistrate shall pass appropriate written orders and issue directions to achieve the objective of coordinations.

(4) For the purpose of coordination, on receiving directions from the District Magistrate, head of all concerned departments shall ensure that full assistance is rendered to the Superintendent of Police of the district.

83. (1) Any person, not complying the lawful orders, issued under section 51, 52, 53 and sub-section (3) and (4) of section 81, shall be prosecuted in a court of competent jurisdiction and on conviction, shall be liable to a fine, which may extend upto rupees ten thousand.

(2) However, the offence under section 51, 52 and 53 may be compounded on the spot, if a fine, amounting to half of the maximum prescribed, is deposited with the Officer-in-charge of the concerned Police Station.

84. Whoever, not being a police officer, wears a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform, without being authorized by the State Government or as the case may be, by an officer authorized by the State Government, shall, on conviction, be punished with imprisonment, which may extend up to six months or fine, which may extend up to rupees five thousand or with both.

85. Every Police officer –

(a) who is guilty of violation of any duty or of willful breach or of neglect of any rule or regulation of lawful order by a competent authority; or

- (b) who has withdrawn from the duties of his office without permission or without having given prior notice; or
- (c) who, being absent on leave, has failed, without reasonable cause, to report himself/herself to duty on the expiration of such leave; or
- (d) who has engaged himself/herself, without authority, in any employment other than his police duty; or
- (e) who is found guilty of cowardice; or
- (f) who has been found inflicting any unwarranted personal violence to any person in his custody; or
- (g) who, without lawful reasons, fails to register a First Information Report, as required by section 154 of the code of Criminal Procedure, 1973; or
- (h) who is found in a state of intoxication, while on duty; or
- (i) who acts in any other manner, unbecoming of a Police Officer;

shall be punished with a fine, which may extend to an amount equal to three month salary, or with imprisonment of either description which may extend to three months, or with both.

- (j) (i) Any proceeding under this section shall be instituted by the Appointing Authority or District Superintendent of Police.
- (ii) The finding of the legal proceedings, instituted under this section, shall be entered in the personal service records of the concerned Police personnel.

CHAPTER XI

86. (1) The Indian Police Act, 1861 (Act 5 of 1861) is hereby repealed in its application to the State of Uttarakhand.

- (2) The repeal under sub-section (1) shall not affect the previous operation of the enactments so repealed and anything done or action taken or deemed to have been done or taken earlier (including any appointment or delegation made or notification, order, direction or notice issued). Rules or Regulations made under the provisions of the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made under the corresponding provisions of this Act, and shall continue to be in force unless and until superseded by anything done or action taken under this Act.

87. (1) The State Government may make Rules for carrying out the purposes of this Act.

Power to
make Rules
and
Regulations

(2) All rules made under this Act shall be laid, as soon as may be, before the House of the State Legislature.

(3) The Director General of Police may frame Regulations, with the approval of the State Government, in respect of matters, specified in this Act.

(4) State Government may direct the Director General of Police to amend any Regulation made by him in such manner, as it may direct and thereupon, the Director General of Police shall amend the Regulation in the manner as directed.

(5) Every Rule and Regulation made this Act shall be notified by the State Government in the Official Gazette.

88. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, in the Official Gazette, make such provisions, within three years from the commencement of this Act, which are not inconsistent with this Act, as it deems necessary or expedient for removing the difficulty.

Power to
remove
difficulties

(2) Every order, issued under the section, shall, as soon as may be, be laid before the State Legislature.

By Order,

Smt. INDIRA ASHISH,
Secretary.