

HARYANA VIDHAN SABHA

Bill No. 9-HLA of 2007

THE HARYANA POLICE BILL, 2007

A

BILL

to provide a new State police law 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, people friendly and responsive agency by taking into the account the emerging challenges of policing, enforcement of rule of law, the concern for security of the State and the people, good governance and human rights.

Be it enacted by the Legislature of the State of Haryana in the Fifty-eighth Year of the Republic of India.

Chapter I

Definitions and Interpretations

Short title, extent and commencement.

1. (1) This Act may be called the Haryana Police Act, 2007.
(2) It extends to the whole of the State of Haryana.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires,-
 - (a) "Cattle" include cows, buffaloes, elephants, camels, horses, asses, mules, sheep, goats and swine;
 - (b) "Commissioner" means Commissioner of Police appointed as such under Section 8 of this Act;
 - (c) "Competent authority" means the authority as may be prescribed;
 - (d) "Group C posts" means the posts so categorized under the relevant State Service Rules;
 - (e) "Insurgency" includes waging of armed struggle by a group or a section of population against the State with a political objective including the separation of a part from the territory of India;
 - (f) "internal security" means preservation of sovereignty and integrity of the State from disruptive and anti-national forces from within the State;
 - (g) "militant activities" include any violence of a group using explosives, inflammable substances, firearms or other lethal weapons or hazardous substance in order to achieve its political objectives;
 - (h) "municipal area" means the area as defined in the Haryana Municipal Act, 1973 (24 of 1973) and the rules made thereunder;
 - (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) "police district" means the area as is notified under section 10 of Chapter II of this Act as distinct from a revenue district;
 - (k) "place of public amusement and public entertainment" include such place as may be notified by the State Government;
 - (l) "police officer" means any member of the police service of the State constituted under this Act and includes Indian Police Service (IPS) officers of State cadre;
 - (m) "prescribed" means prescribed by rules made under this Act;
 - (n) "public place" means any place to which the public have access and

includes,-

- (i) a public building, market, malls, trains, buses, monuments and precincts thereof; and
- (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
- (o) "regulations" means regulations made under this Act;
- (p) "rules" means rules made under this Act;
- (q) "service" means the police service constituted under this Act;
- (r) "State Government" means the Government of the State of Haryana in the Administrative Department;
- (s) "subordinate rank" means all ranks below the Assistant or Deputy Superintendent of Police;
- (t) "terrorist activity" includes any activity of a person or a group using explosive 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 Government established by law.

(2) Words and expressions used in this Act but not defined specifically shall have the meanings assigned to them in the General Clauses Act, 1897 (Act 10 of 1897), the Code of Criminal Procedure, 1973 (Act 2 of 1974) and the Indian Penal Code, 1860 (Act 45 of 1860).

Chapter II

Constitution and organization of police service

Constitution of police service.

3. There shall be one Police service for the State, constituted by the State Government under this Act. Notwithstanding anything contained in any other law or any of the provisions of this Act, members of the police service shall be liable for posting anywhere in the State and outside the State as ordered by the competent authority and to any branch of the service in the State, including any of its specialised wings.

Organization and composition of police service.

4. Subject to the provisions of this Act,-

(1) the police service shall consist of such numbers in various ranks and have such organization or cadres as the State Government may, by general or special order, determine and shall include the members of the Indian Police Service allocated to the State;

(2) the direct recruitment to various gazetted and non-gazetted ranks in the police service shall be made through a State Level Police Recruitment Board or District Level Police Recruitment Boards by a transparent process, adopting well codified systems which shall be framed under this Act;

(3) the pay, allowances, service conditions, mode of recruitment of the police personnel shall be such as may be prescribed from time to time;

(4) police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity.

Appointment of Director General, Additional Director General, Inspector General, Deputy or Assistant Inspector General.

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

(2) The State Government may appoint one or more Directors General of Police, Additional Directors General, and as many Inspectors General, Deputy or Assistant Inspectors General of Police as may be necessary.

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

Selection and term of office of Director General of Police.

6. (1) The State Government shall appoint the Director General of Police from amongst the officers holding the rank of Director General of Police.

(2) The Director General of Police so appointed shall have a minimum tenure of one year irrespective of his normal date of superannuation:

Provided that the Director General of Police may be transferred from the post before the expiry of his tenure by the State Government 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 provisions of the All India Services (Discipline and Appeal) Rules, 1969 or any other relevant rule; or
- (c) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or
- (d) promotion to a higher post under either in the State or the Central Government.

Appointment of Legal and Finance officers.

7. (1) The State Government may appoint adequate Legal officers and Finance officers to aid and advise the Director General of Police on legal and financial matters, as may be prescribed.

(2) The State Government may also appoint in every District Police Unit and City Police Commissionerate, as the case may be, one or more Legal officers 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 under sub-sections (1) and (2) shall be made in the manner as may be prescribed.

Administration of police in municipal areas, major urban areas and other notification areas.

8. The State Government may, by notification in the Official Gazette, establish for each of the major urban areas as may be notified for the purpose from time to time, a police system which is capable of handling the typical complex problems of crime, public order and internal security in urban or suburban areas, which call for quick and comprehensive response springing

from purposeful direction, unitary chain of command, professional competence, functional specialization, and legal authority coupled with accountability as follow:-

(i) the State Government may appoint a police officer not below the rank of Inspector General of Police to be the Commissioner for any area specified in a notification issued by the State Government in this behalf and published in the Official Gazette:

(ii) the Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State, Government by a general or special order:

Provided that the State Government may direct that any of the powers, functions and duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, or discharged subject to the control of the Director General of Police:

Provided further that in any area for which a Commissioner is appointed and is empowered to exercise any power or perform any function or duty under this Act or any other Act, the District Magistrate shall not exercise the same power or perform the same function or duty notwithstanding the fact that such area forms part of a district within the territorial jurisdiction of the District Magistrate.

Creation of police range.

9. The State Government may, by notification in the Official Gazette, divide the entire geographical area of the State into one or more police ranges. Each range, comprising two or more police districts, shall be headed by an officer of the rank of Inspector General of Police who shall supervise the police administration of the range and report to the Director General of Police.

Police districts

10. The State Government, in consultation with the Director General of Police, may by notification in the Official Gazette, declare any area within the State to be a police district. The administration of the police throughout such district shall vest in the Superintendent of Police of a district who may be

assisted by as many Additional, Assistant or Deputy Superintendent of Police, as deemed necessary and are notified.

District Level Special
Cells and Sub-
Divisions.

11. (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, the State Government may, by notification in the Official Gazette, create one or more Special Cells in each Police District, to be headed by an officer of not below the rank of Inspector.

(2) The State Government may, by notification in the Official Gazette divide each police district into as many Sub-Divisions as deemed necessary, to be headed by an officer of the rank of Assistant or Deputy Superintendent of Police.

Police Stations.

12. (1) The State Government may, on recommendation of the Director General of Police and by notification in the Official Gazette, create as many police stations with as many outposts as may be 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) Each police station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police.

(3) There shall be a crime investigation unit of appropriate strength in each police station.

(4) The Superintendent of Police of a district may constitute a Community Liaison Group as may be prescribed for each Police station comprising respectable local residents of the area including the representatives of the weaker sections and women with unimpeachable character and antecedents and aptitude for community service to aid and advice the police in its functioning.

Terms of office of key
police functionaries.

13. (1) An officer posted as Inspector General of Police of a range or Superintendent of Police of a district shall have a minimum term of one year:

Provided that any such officer may be removed by the appointing authority from his post before the expiry of the minimum tenure prescribed 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 and Appeal Rules; or
- (d) suspension from the 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 transferred 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.

Coordination with
district administration

14. (1) For the purpose of efficiency in the general administration of the district, the Superintendent of Police of a district shall maintain proper coordination with the District Magistrate or Deputy Commissioner of the district. It shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and other relevant Acts, to coordinate and direct the functioning of the police with other agencies of district administration in respect of matters relating to the following:-

- (a) promotion of land reforms and the settlement of land disputes;
- (b) extensive disturbance of the public peace and tranquility in the district;
- (c) conducting elections to any public body;
- (d) handling of natural calamities and rehabilitation of the persons

affected thereby;

- (e) situation arising out of any external aggression or internal disturbances;
- (f) any similar matter, not within the purview of any one department and affecting the general welfare of the public; and
- (g) removal of any persistent public grievance.

(2) 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 orders and issue directions in writing, to achieve the objective of coordination.

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

Railway Police.

15. (1) The State Government may, by notification in the Official Gazette, create one or more special railway police districts with required number of Railway Police Sub-Divisions and railway police stations consisting of such railway lines and other railway areas in the State as it may notify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendents of Police and such other police officers for policing such district in the manner as may be prescribed or may notify one or more police stations in each police district to police the railway lines and other railway establishments within their area.

(2) The police stations as may be notified shall be responsible for prevention, detection and investigation of crime, enforcement of law and maintenance of order in trains passing through their area, in railway lines area and other railway area falling in their jurisdiction in the manner as may be prescribed.

State Intelligence and Criminal Investigation Wings.

16. The State Police shall have a State Intelligence Wing for collection, collation, analysis and dissemination of intelligence and a separate State Crime Investigation Wing for collection, collation and analysis of criminal intelligence and for investigating, heinous crime with inter-state, inter district ramifications, major economic offences, cyber crime and other cases of serious nature as may be prescribed.

Technical and Support Service.

17. (1) The State Government shall create and maintain such specialised and technical agencies and services, under the Director General of Police as considered necessary or expedient for promoting efficiency of police service.

(2) The services so created shall include a full fledged Forensic Science Laboratory at the State Level, and a Finger Print Bureau, the State Crime Record Bureau, Telecommunication Wing and such other establishments as may be required from time to time. The Director General of Police may hire or engage services of any person or body of persons qualified for this purpose on contractual basis.

(3) The State Police shall have a Research Wing to undertake specific studies relating to policing and crime in the State. The Director General of Police may hire or engage services of any person or body qualified for this purpose on contractual basis.

Police Training

18. (1) The State Government shall establish a Police Training Academy at the State Level and as many Police Training Colleges and Police Training 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 other general and specialized in-service training courses for police personnel of different ranks and categories as required from time to time.

(2) The State Government shall also provide for appointment, by rules, of appropriate number of officers from the police service, or paramilitary forces or armed forces or other professional organizations, in such Police Training Academy, College and School, after careful selection having due regard to

aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the service to the faculties of such training institutions.

(3) No police officer shall be deployed on duty without undergoing and passing any basic training as may be prescribed. No Police Officer shall be promoted to any higher rank without undergoing and passing pre-promotion training as may be prescribed.

Oath or affirmation by
Police personnel.

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

Certificate of
appointment.

20. (1) Every police officer of or below the rank of Inspector shall on appointment receive and insignia and a certificate in the form as may be prescribed. The certificate shall be issued under the hand and seal of such officer as the State Government may by general or special order direct.

(2) The certificate of appointment shall become null and void, and the insignia shall be deemed to be withdrawn whenever the person named therein ceases to belong to the service or shall remain inoperative during the period such person is suspended from the service.

Special Police Officers.

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

(2) Every special police officer so appointed -

(a) shall on appointment, undergo prescribed training and thereafter receive a certificate in a form approval by the State Government in this

behalf;

(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;

(c) shall be honorary nature. However the State Government, may be special order, prescribe the honorarium to be paid to such special police officers;

(d) who refuses to act as a special police officer or neglects his duties, shall be liable on conviction by a court to a fine of minimum of one thousand rupees.

Rank structure in civil and armed police.

22. The service shall have such ranks and posts as may be prescribed or as may be notified by the State Government. The recruitment, training, posting, deputation, promotion, code of conduct, discipline, punishment and appeal and other service conditions of various ranks of service shall be as per rules.

District Armed Reserves and State Armed Police Battalions.

23. To assist the civil police in enforcement of law and maintenance of order or in situations of likely breach of peace and in disaster management functions, in escort of prisoners, as well as to discharge such other duties which may require special weapons and tactical teams or presence of 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 appropriate number of Armed Police Battalions for the State. The constitution, recruitment, training, deployment and administration of such reserves and Battalions shall be as per rules made under this Act.

Chapter III

Superintendence and Administration of Police

Superintendence of State Police to vest in State Government

24. The Superintendence of State Police shall vest in and be exercised by the State Government in accordance with the provisions of this Act, and any

other law for the time being in force.

State Police Board. 25. The State Government shall, within three months of the coming into force of this Act, establish a State Police Board to exercise the functions assigned to it under the provisions of this Chapter.

Composition of Board. 26. (1) The State Police Board shall consist of following members:

- (a) the Chief Minister as its Chairperson;
- (b) the Home Minister as Vice-Chairperson;
- (c) the Leader of the Opposition in the State Assembly;
- (d) a retired High Court Judge or Advocate General, Haryana;
- (e) the Chief Secretary;
- (f) the Secretary in charge of the Home Department;
- (g) the Director General of Police as its Member- Secretary;
- (h) three non-political persons (hereinafter referred as 'Independent Members') of high integrity, expertise and competence in administration, law enforcement and security related matters shall be nominated by the State Government. Out of these, one shall be the retired officer of Indian Administrative Service and one retired Indian Police Service Officer. the third member shall be nominated by the State Government from the field of public service, legal profession or social organization with at least fifteen years experience in that field.

Note:- The Independent Members shall be honorary members.

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

(3) Any vacancy in the State Police Board shall be filled up as soon as practicable after the seat has fallen vacant:

Provided that if there is no Home Minister then the Chief Minister may nominate any other Minister as the Vice-Chairperson.

Eligibility of Independent Members. 27. The person to be appointed as Independent Member of the State Police Board shall-

- (a) be a citizen of India;
- (b) be at least a graduate of a recognized university;
- (c) have not been convicted by a court of law or against whom charges have been framed in a court of law;
- (d) not have been dismissed or removed from service or compulsory retired on the ground of corruption or misconduct; and
- (e) not be of unsound mind.

Term of office of Independent Members.

28. 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.

Removal of Independent Members.

29. (1) An Independent Member may be removed from the State Police Board by the State Government on any of the following grounds-

- (a) proven incompetence; or
- (b) proven misbehaviour; or
- (c) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.

(2) In addition to the grounds mentioned in sub-section (1), an Independent Member shall be removed from the State Police Board if he incurs any of the grounds of ineligibility specified under section 27.

Functions of State Police Board.

30. The State Police Board shall perform the following functions namely:-

- (a) aid and advise the State Government in discharge of its functions and responsibilities under this Act;
- (b) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law; and
- (c) review and evaluate organizational performance of the service in the State.

Expenses of State Police Board.

31. The expenses on account of allowances and travel of the Independent Member shall be borne by the State Government in the manner as may be prescribed.

Administration of State Police.

32. (1) The administrator of the State Police throughout the State shall be vested in the Director General of Police and in such Additional Directors General, Inspector General, Deputy Inspectors General of Police and other police officers as may be appointed under this Act.

(2) The administration of police in a district shall vest in the Superintendent of Police of a district:

Provided that the State Government may intervene in the exercise of the powers of administration by the Director General of Police, or any other authorized officer only in accordance with the prescribed rules, regulations or in exceptional circumstances involving urgent public interest.

Powers and responsibilities of Director General of Police.

33. As the head of the service, it shall be the responsibility of the Director General of Police to ---

(a) make operational the policies and any action plans approved by the State Government; and

(b) administer, control and supervise the service to ensure its efficiency, effectiveness, responsiveness and accountability.

Police Establishment Committee.

34. (1) The State Government may constitute a police establishment committee thereafter referred to as the "establishment committee") with the Director General of Police as its Chairperson and two other senior officers not below the rank of Inspector General of Police posted within the police organization of the State as members for administrative matters.

(2) The establishment committee may prepare an action plan for improving the infrastructure facilities, professionalism, general discipline in the service, modernisation, training, welfare of the police personnel and any other work assigned by the State Government.

Chapter IV

Policing in the context of public order and internal security challenges

Internal Security Scheme.

35. The Director General of Police shall, with the approval of the State Government, draw up an Internal Security Scheme for the entire State as well as for each of the districts and urban areas notified, to deal with problems of public order and security of State as specific to the area.

State and operating procedure.

36. The Internal Security Scheme shall incorporate regularly updated and comprehensive standard operating procedures for the action to be taken by the police, independently or in coordination with other concerned agencies in the period preceding, during, and in the aftermath of problems of each kind.

Creation of Special Security Zone.

37. If and when the security of the State in an area is threatened by insurgency, any terrorist or militant activity, or activities of any organised crime group, the State Government may, by notification in the Official Gazette, declare such area as a Special Security Zone:

Provided that any such notification shall be placed before the State Legislature, within a period a six months from the date of issue, or the first sitting of the Legislature, which is earlier.

Police structure.

38. The State Government shall create an appropriate police structure and a suitable command, control and response system, for each Special Security Zone.

Functioning of different wings.

39. The State Government, in order to ensure coordinated functioning of different wings of the administration, shall set up, in each Special Security Zone, a suitable administrative structure which shall integrate administrative and developmental measures in the area with the police response to deal with the problems of public order and security.

Standard operating procedures.

40. The Director General of Police shall, with the concurrence of the State Government, issue orders, laying down standard operating procedures to be followed by police in a Special Security Zone.

Banning and regulation of certain devices and substances.

41. The State Government may, on the recommendation of the Director General of Police, and for reasons to be recorded in writing, ban or regulate the production, sale, storage, possession or entry of any devices, or equipment, or

any explosive, poisonous, chemical, biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, if the use of such devices, or equipment, or any explosive, or poisonous, chemical, biological or radioactive articles or substances, or any inflow of funds, in a Special Security Zone, is reasonably considered a threat to internal security or public order in the area, in any manner.

Framing of rules.

42. The State Government, for any Special Security Zone falling within the State, may frame rules to prevent and control the activities of persons or organizations, which may have an impact on internal security or public order.

Chapter V

Effective Crime Investigation

Investigations by District Police.

43. The State Government shall, by notification in the Official Gazette, create in every district, a specialised crime investigation unit, headed by an officer not below the rank of Inspector with an appropriate strength of officers and staff, for 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 Director General of Police.

Selection of officers.

44. The officers posted in special crime investigation units shall be selected on the basis of their aptitude, professional competence and integrity. Their professional skills shall 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.

Investigation of crimes

45. The officers posted to the special crime investigation units may investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriating and other economic offences, as notified by the Director General of Police, besides any other cases specially entrusted to the unit by this Superintendent of Police of a district.

Legal and forensic advice.

46. Necessary legal and forensic aid may be made available to investigating officer during investigations.

Chapter VI

Role, Functions, Duties and Responsibilities of the Police

Role, functions, and duties.

47. The role and functions of the police shall broadly be,-
- (a) to prevent and detect crime;
 - (b) to protect life and property and maintain law and order;
 - (c) to preserve public order;
 - (d) to provide possible help to people in distress or in situations arising out of natural or man-made disasters;
 - (e) to facilitate orderly movement of people and vehicles;
 - (f) to collect intelligence relating to matters affecting public peace, crime, social harmony and security of State and take appropriate action;
 - (g) to take charge of all unclaimed property and take action as per rules;
 - (h) to prevent and control public nuisance;
 - (i) to enforce any other duty assigned by law.

Senior police officer performing duties of subordinate officer.

48. 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.

Police officers to kept diary.

49. (1) It shall be the duty of every officer in-charge of a police-station to keep a general diary in such form, as shall, from time to time be prescribed by the State Government and to record therein, all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that have been taken from their possession or otherwise, and the names of the witnesses who have been examined.

(2) Every police station shall keep such records registers, forms and returns as may be prescribed.

(3) The Director General of Police may specify such returns, reports and statements connected with prevention and detection of crime, maintenance of order, performance of duties, administration and management of the police service.

Chapter VII

Regulation, Control and Discipline

Regulations.

50. The Director General of Police shall be competent to make regulations or issue orders, not inconsistent with the provisions of this Act or the rule framed thereunder regarding.-

- (a) prevention and investigation of crime;
- (b) maintenance of law and order;
- (c) regulation and inspection of the police organization and of the work performed by the police officers;
- (d) regulating the issue and use of arms and ammunition;
- (e) wearing of uniform;
- (f) prescribed the places of residence of the members of the police service;
- (g) institution, management and regulation of any Non-Government fund for the purpose connected with the police administration or welfare of police personnel;
- (h) regulation, deployment, movements and location of the police;
- (i) assigning duties to officers of all ranks and grades, and prescribed the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties;
- (j) regulating the collection and communication of intelligence and information by the police;
- (k) prescribing the records registers and forms to be maintained and the

- returns to be submitted by different police units and officers;
- (l) community policing;
 - (m) functioning of police stations and other units;
 - (n) training of the police force and management of training institutions;
 - (o) generally, for the purpose of administering this Act and for rendering the police more efficient, and preventing abuse of power or neglect of duties by them;
 - (p) covering any aspect of police administration which is not covered under the provisions of this Act or rules framed thereunder.

Police officers to be always on duty.

51. Every police officer shall be considered to be always on duty and may at any time be deployed in any part of the State or outside the State.

Abdication of duties.

52. No police officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorization.

Explanation:- An officer who, being absent after expiry of authorized leave without reasonable cause shall be deemed within the meaning of this section to have withdrawn himself from the duties of his office.

Employment in office of profit.

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

Penalty for causing disaffection.

54. Whoever, intentionally causes or attempts to cause, or does any act which is likely to cause disaffection towards the Government establishment by law, amongst the members of a police force, or induces or attempts to induce or does any act which is likely to induce, any member of police force to withhold his services or to commit a breach of discipline, shall be punished with imprisonment which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

Explanation:- Expression of disapprobation of measures of the Government with a view to obtain their alteration by lawful means, or of disapprobation of the administrative or other action of the Government, do not

constitute an offence under this section unless they cause or are made for the purpose of causing or are likely to cause disaffection.

Restrictions Respecting right to form association, freedom of speech.

55. (1) No member of a police force shall, without the express sanction of the State Government-

- (a) be a member of, or be associated in any way with, any trade union, labour union, political association, or with any class of trade unions, labour unions or political associations;
- (b) be a member of, or be associated in any way with, any trade union, labour union, political association, or with any class of trade unions, labour unions or political associations;
- (c) communicate with the press or publish or cause to be published any book, letter or other documents except where such communication or publication is in the bona fide discharge of his duties or is of a purely literary, artistic, scientific character or is of a prescribed nature.

Explanation:- If any question arises as to whether any society, institution, association or organization is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the State Government, thereon, shall be final.

(2) No member of a police force shall participate in, or address, any meeting or take part in any demonstration organized by any body of persons for any political purpose or for such other purpose as may be prescribed.

Penalty.

56. Any person who contravenes the provisions of sections 41 and 55 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to two years, or with fine, which may extend to ten thousand rupees or with both.

Employment of police officer beyond the State to which they belong.

57. Subject to any orders which the Central Government may make in this behalf, a member of the police force of Haryana State may discharge the functions of a police-officer in any part of any other State and shall, while so

discharging such functions, be deemed to be a member of the police force of that State and be vested with the powers, functions and privileges and be subject to the liabilities of a police officer belonging to that State's police force.

Extension of disciplinary laws of State to member of service when serving outside State.

58. Where any detachment of the police force of Haryana State is serving in any part of any other State, whether independently or by being attached to the police force of that other State, then, every member of the said detachment, while discharging the functions of a police officer in that other State, shall continue to be subject to the same laws in respect of discipline as would have been applicable to him, if he had been discharging those functions within Haryana State.

Chapter VIII

Police Accountability

State Police Complaint Authority.

59. The State Government shall within six months of the commencement of this Act, establish at the State Level, a Police Complaint Authority, which shall be either a retired Judge or a retired civil servant, not below the rank of Secretary to the State or a lawyer well versed with criminal law and with an experience of at least twenty years in the relevant field, for inquiries and investigations into the complaints against the police officers and officials of the State.

Ineligibility.

60. A person shall be ineligible to be appointed as Authority, if he -

- (a) is not a citizen of India;
- (b) is above seventy years of age;
- (c) is employed as a public servant;
- (d) holds any elected office, including that of member of Parliament or State Legislature or any local body;
- (e) is a member of or is associated in any manner with, an organization declared as unlawful under any existing law;
- (f) is an office bearer or a member of any political party;

- (g) has been convicted for any criminal offence involving moral turpitude or for an offence punishable with imprisonment of one year or more;
- (h) is facing prosecution for any offence mentioned in clause (g) above and against whom charges have been framed by a court of law; or
- (i) is of unsound mind and has been so declared by a competent court.

Term of office and conditions of Authority.

61. (1) The term of office of the Authority shall be of 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 in section 62.

Provided that he may be appointed for a second term also if deemed appropriate by the State Government.

(2) The remuneration, allowances and other terms and conditions of service of the Authority shall be as such as may be notified by the State Government from time to time and shall not be varied to his disadvantage after appointment.

Removal of Authority.

62. The Authority may be removed by the State Government on the grounds of -
- (a) proven misconduct or misbehavior;
 - (b) persistence neglect to perform duties;
 - (c) occurrence of any situation that would make him ineligible for appointment under section 60; or
 - (d) engaging himself during his term of office in any paid employment outside the duties of his office.

Supporting staff of Authority.

63. The Authority shall be assisted by adequate number of officers well versed with the law, finances, in investigative techniques etc. and the requisite supporting staff with terms and conditions and allowances as may be prescribed for the efficient discharge of its functions.

Conduct of business.

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

Functions of Authority.

65. The Authority shall inquire into allegations of "serious misconduct" against police personnel as detailed below, either *suo motu* or on a complaint received from any of the following:-

- (a) a victim or any person on his behalf on a sworn affidavit;
- (b) the National or State Human Rights Commission.

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

- (a) death in police custody;
- (b) rape or attempt to commit rape;
- (c) grievous hurt in police custody;

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

Provided further that no anonymous, synonymous, and pseudonymous complaints shall be entertained.

Powers of Authority.

66. In the cases directly enquired by him, the Authority shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act 5 of 1908) and in particular in respect of the following matters:-

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

Decisions and directions of Authority.

67. (1) In the cases directly inquired by the Authority he may, upon completion of the inquiry, communicate its findings to the State Government.

(2) The State Government shall consider the findings and

recommendations of the Authority and take appropriate action.

District Police
Complaint Authority.

68. The State Government may notify and constitute a District Police Complaint Authority for each district as and when required.

Chapter IX

General Offences, Penalties and Responsibilities

Regulation of public
assemblies and
processions.

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

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

(3) The Superintendent of Police of a district or any officer not below the rank of Assistant/ Deputy Superintendent of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may take necessary steps including making provisions for satisfactory regulatory arrangements, on which alone such assembly or procession may take place. Under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest. All orders and directions shall be given within forty-eight hours of receipt of intimation, as far as possible.

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

70. The Superintendent of Police of a district or any officer not below the rank of Assistant or Deputy Superintendent of Police may regulate the time and

the volume at which music and other sound systems are used in connection with any performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighborhood.

Directions to keep order on public roads.

71. (1) The Superintendent of Police of a district or any police officer authorized by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, or annoyance to passers by.

(2) The Superintendent of Police of a district may issue general directions under sub-section (1), in respect of the whole district or any part thereof.

Penalty and composition of offences.

72. (1) Whoever contravenes of the provisions of sections 69, 70, 71 and 79 of this Act shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

(2) However, either before or after the institution of prosecution, these offences may be compounded by such officers or authorities, and for such amount, as the State Government may, by notification in the Official Gazette, specify in this behalf.

(3) Where an offence has been compounded under sub-section (2), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

Power to reserve public places and erect barriers

73. (1) The Superintendent of Police of a district 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 of a district may authorize any police officer to erect barriers and other necessary structures on public roads and

streets, to check vehicles or occupants thereof for violation of any legal provisions.

(3) In making such order the Superintendent of Police of a district shall specify the necessary steps ensuring the safety of passers-by.

(4) The temporary structures shall be removed once the purpose for which they were installed is over.

Obstruction in police work.

74. 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 not exceeding rupees five thousands or both.

Unauthorized use of police uniform.

75. Whoever, not being a member of the service wears, without obtaining permission from an officer authorized in this behalf by the State Government by a general or special order, a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or fine not exceeding rupees ten thousands or with both.

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

76. Whoever, having ceased to be a police officer, does not forthwith deliver up his certificate of appointment, clothing accouterment 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 not exceeding five thousand rupees.

False or misleading statements made to a police officer.

77. 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 six months or a fine not exceeding ten thousand rupees or with both.

Dereliction of duty by a police officer.

78. Whoever, being a police officer-

- (a) intentionally abdicates duties or withdraws from duties; or
- (b) uses criminal force against another police officer, or indulges in gross insubordination; or
- (c) 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 shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine not exceeding twenty thousand rupees or with both.

Offences by public.

79. (1) Any person who commits any of the following offences on any public road, or street or thoroughfare, or any municipal council or corporation or notified area 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 imprisonment not exceeding one month or fine of not less than one thousand rupees or both-

- (a) allowing intentionally 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 getting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public or uses the public road or thoroughfare or footpath for sale or storage of goods;
- (b) indulges in a drunken brawl or affray or assaults any person or indulges in any indecent exposure of the body;
- (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, road signs or other structures without the prior permission of the custodian of the property;
- (e) wilfully damaging or sabotaging any public alarm system;
- (f) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;
- (g) acting in contravention of a notice public displayed by the competent authority in any Government building;

Provided that the police shall take cognizance of this offence only upon a

complaint made by an authorized functionary of the concerned office;

(h) Causing annoyance to a woman 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, or any person authorized by her;

(i) releases any obnoxious gas or fluid which causes annoyance or inconvenience or likely injury to anyone.

(2) Whoever commits any offence under sub-section (1), on subsequent conviction shall be liable to enhanced punishment, including imprisonment not exceeding three months.

Prosecution of police officer.

80. 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 authorized by the State Government in this behalf.

Prosecution for offences under other laws.

81. Subject to the provisions as contained in section 300 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any other law for anything done or made punishable by this Act.

Limitation of actions.

82. No court shall take cognizance of any offence under this Chapter after the expiry of the period of limitation as provided for in section 468 of the Code of Criminal Procedure, 1973 (Act 2 of 1974). For computing the limitation period, provisions of Chapter XXXVI of the code of Criminal Procedure, 1973 (Act 2 of 1974), shall apply.

Chapter X

Miscellaneous

Powers of Superintendent of Police to be exercised by Commissioner.

83. All powers, functions and duties of the Superintendent of Police of a district described in this Act shall be exercised, in respect of areas notified under section 9 of this Act, by the Commissioner or any other officer authorized in this behalf.

Disposal of fees and rewards.

84. All fees paid for licenses 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 belongs under the provisions of any enactment in force to any local authority, be credited to the State Government:

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

Method of proving orders and notifications.

85. Any order or notification published or issued by the State Government or any 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 certified by him to be true of an original published or issued according to the provisions of the section of the Act applicable thereto.

Validity of rules and orders.

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

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

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

88. (1) Any license or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor, as may be prescribed.

(2) Any license or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of the conditions 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 to which such license or permission relates.

(3) When any such license 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 license 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) Every person to whom any such license or written permission has been granted, shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation. – For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the license 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 license or written permission has been granted.

89. 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 newspapers of English or regional language or Hindi as the said authority may deem fit, or by any two or

more of these means or by any other means as it may think suitable:

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

Consent of competent authority.

90. Whenever under this Act, the doing or the omission to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth, such consent, approval, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature on notices.

91. Every license, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule made thereunder, 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.

Power to make rules

92. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session. If the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule 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.

Power to remove difficulties.

93. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification in the Official Gazette, make such provisions, as it deems necessary or expedient for removing the difficulty.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the State Legislature.

Power to try cases
summarily

94. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974), all offences under this Act shall be bailable and non cognizable and be tried in a summary way by Judicial Magistrate of the first class specially empowered in this behalf.

Provisions of Code of
Criminal Procedure,
1973 to apply to this Act,

95. The provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974), shall apply, in so far as they are not inconsistent with the provisions of this Act.

Repeal and saving

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

(2) Notwithstanding such repeal, anything done or any action taken or any proceeding instituted under the Act so repealed and the rules made thereunder, shall be deemed to have been done or taken or instituted under this Act.

(3) All references in any enactments to any of the provisions of the Act so repealed shall be construed a reference to the provisions of this Act.

(4) The Punjab Police Rules framed under the Police Act, 1861 (Act 5 of 1861), as applicable to the State of Haryana, shall be deemed to have been framed under this Act till new rules are framed under this Act.

STATEMENT OF OBJECTS AND REASONS

To implement the directions of the Hon'ble Supreme Court of India in writ Petition (Civil) No.310 of 1996 -- Parkash Singh and other Vs. Union of India and others, it is necessary to replace to Police Act, 1861 and to enact a New State Police Law for the governing Police in the State, as the directions are to be complied by 31.03.2007. With the radical changes in the political, social and economic situation in the country after independence, a need has been felt to redefine the role, duties and responsibilities of the police to make it efficient, professional, effective, responsive, accountable and people friendly so as to meet the emerging challenges of policing, good governance of human rights. The present functioning of police is governed by the Police Act, 1861 and the Punjab Police Rules, 1934 and this setup of police is not up to the expectations of the people. Hence there is a need to replace to old Act to cater to the prevailing needs and expectations of the society. As the State Legislature is in session and it is necessary to make this provision, hence the introduction of the Haryana Police Bill 2007.

BHUPINDER SINGH HOODA,
Chief Minister, Haryana.

Chandigarh:
The 13th March, 2007

SUMIT KUMAR,
Secretary.