

# **THE KERALA POLICE BILL**

## **Preamble**

A Bill to consolidate and amend the law for the regulation of the Police in Kerala State.

WHEREAS the nation's founding faith is the primacy of the Rule of Law and the police must be organized to promote a dynamic Rule of Law and to render impartial service to people;

AND WHEREAS the police has the paramount obligation and duty to function according to the requirements of the Constitution, law and the democratic aspirations of the people and to safeguard their Human Rights and protect their civil, political, social and economic and cultural rights;

AND WHEREAS it is necessary to bring in a new spirit of humanism and constitutional responsibility in every police person.

AND WHEREAS such functioning of the police requires it to be professional and service oriented, and free from extraneous influences and yet accountable to the people;

AND WHEREAS it is expedient to redefine the police role, duties and responsibilities;

AND WHEREAS it is necessary to provide the police with appropriate powers to ensure its functioning as an efficient and effective agency for the above purposes;

AND WHEREAS it is necessary to constitute State Security Commission, Police Complaints Authority, Police Establishment Board, Separation of investigation and law and order functions and provide a fixed minimum tenure for various police functionaries as directed by the Supreme Court.

AND WHEREAS it is necessary to consolidate and amend the law relating to the regulation of the police and exercise of powers and performance of functions by policemen for the investigation and prevention of crimes, maintenance of public order and security of State;

AND WHEREAS it is necessary to provide for certain other purposes, hereinafter appearing; it is hereby enacted as follows:-

## **CHAPTER I**

**PRELIMINARY**

- 1. Short title, extent and commencement.** -(1) This Act may be called the Kerala Police Act, \_\_\_\_\_
- (2) It extends to the whole of the State of Kerala.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, specify in this behalf.
- 2. Definitions.** - In this Act, unless the context otherwise requires:-
- (a) **Act** means the Kerala Police Act, \_\_\_\_\_
- (b) **‘Competent authority’**; when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means --
- (i) in relation to areas for which a Commissioner of Police is appointed under Section 9, the Commissioner or the Additional Commissioner when specially empowered in that behalf by the State Government.
- (ii) in relation to the areas other than those referred to in clause (i), the Superintendent or any other police officer specially empowered in that behalf by the State Government.
- (c) **“Cyber Crimes”** means and includes offences under the Information Technology Act, 2000.
- (d) **‘District’** means the territorial area declared under Section 10 to be a district.
- (e) **‘Place’** includes-
- (i) any building, tent, booth or other erection, whether permanent or temporary; and
- (ii) any area, whether enclosed or open.
- (f) **‘Police or Police Force’** means the police force referred to in section 3 and includes-
- (i) all persons appointed as special police officers under sub-section (1) of section 26 and additional police officers under section 27; and

(ii) all other persons; by whatever name known, who exercise any police function in any part of the State of Kerala.

(g) **‘Place of public amusement’** means any place where music, singing, dancing or game or any other amusement, diversion or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard or bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(h) **‘Place of public entertainment’** means a boarding and lodging house or residential hotel, and includes any eating house in which any kind of liquor or intoxicants is supplied (such as a tavern, a wine shop, a beer shop or a spirit, arrack, toddy, ganja, bhang or opium shop) to the public for consumption in or near such place;

(i) **‘Police officer’** means any member of the Kerala Police Service;

(j) **‘Prescribed’** means prescribed by rules enacted under this Act ;

(k) **‘Public place’** means any place to which the public have access, whether as of right or not, and includes-

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(l) **‘Regulations’** means regulations made under Sec.91 of this Act,

(m) **‘Rules’** means rules made under Sec.91 of this Act;

(n) **‘Street’** includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare;

(o) **‘Superintendence’** means superintendence for the purpose of ensuring that police performance is in strict accordance with law.

(p) **‘Subordinate ranks’** means the members of the police force of any below the rank of the Inspector;

(q) **‘Vehicle’** means any carriage, cart, van, dray, truck, handcart or other conveyance or any conveyance of any description and includes a bicycle, tricycle, a rickshaw, a motor vehicle, a vessel or an aeroplane;

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

## CHAPTER II

### ORGANISATION OF THE POLICE FORCE

**3. Constitution of Police Force.** - (1) There shall be one Police Force for the State of Kerala and all members of the police force shall be liable for posting to any branch of the force including the Armed Police/Armed Police Battalions.

(2) Subject to the provisions of this Act:-

- (a) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;
- (b) the present rank structure of the police is :
  - a. Police Constable
  - b. Police Head Constable
  - c. Assistant Sub-Inspector of Police
  - d. Sub-Inspector of Police
  - e. Inspector of Police
  - f. Deputy Superintendent of Police
  - g. Superintendent of Police
  - h. Deputy Inspector General of Police
  - i. Inspector General of Police
  - j. Additional Inspector General of Police
  - k. Special Inspector General of Police
  - l. Additional Director General of Police
  - m. Director General of Police
- (c) the composition of the Police Service shall, as far as possible, reflect adequate representation of all sections of society, including minorities and women and the Social Justice concerns of the State.

- (d) the pay, allowances and working conditions of Police personnel shall be as prescribed by rules, from time to time. These shall always be commensurate with the arduous nature of their duties.
- (e) Police personnel shall at all times remain accountable to the law and responsive to the lawful needs of the people and shall observe codes of ethical conduct and integrity, as prescribed.

Provided that nothing in clause (b) shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police Services.

(3) For the direction, control and supervision of the Police Force, the State Government shall in the manner prescribed, appoint a Director General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or rules made there under.

(4) The post of Director General of Police shall be the senior-most position in the hierarchy of the Police Service of the State and no other officer senior or equivalent in rank to the incumbent Director General of police shall be posted to any position within the police organization to ensure that the unity of command is maintained at all times.

(a) The State Government may appoint one or more Inspector General or one or more Special Inspector General, one or more Additional Inspector General and one or more Deputy Inspector General of Police.

(b) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Director General may be exercised, performed or discharged, as the case may be, by an Inspector general, a Special Inspector General or an Additional Inspector General or a Deputy Inspector General. Provided that no such order shall deprive the Director General of Police of his overall charge of any branch of the Police Force, so that the unity of command is not disrupted or disturbed.

(c) The State Government may also by a general or special order direct that an Inspector General/Special Inspector General or an Additional Inspector General or a Deputy Inspector General shall assist and aid the Director General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

#### **4. Director General of Police. - Selection and term of office of the Director General of Police**

- (1) The State Government shall appoint the Director General of Police from amongst three senior-most officers of the State Police Service, empanelled for the rank.

- (2) The empanelment for the rank of Director General of Police shall be done by the State Security Commission created under this Act, considering, inter alia, the following criteria:
- (a) Length of service and fitness of health standards as prescribed by the State Government;
  - (b) Assessment of the Performance Appraisal Reports of the previous 15 years of service by assigning weightages to different grading, namely, 'Outstanding', 'Very Good', 'Good', and 'Satisfactory';
  - (c) Range of relevant experience, including experience of work in Central Police Organizations, and training courses undergone;
  - (d) Indictment in any criminal or disciplinary proceedings or on the counts of corruption or moral turpitude; or charges having been framed by a court of law in such cases.
  - (e) Due weightage to award of medals for gallantry, distinguished and meritorious service.
- (3) The Director General of Police so appointed shall have a minimum tenure of two years irrespective of his normal date of superannuation:

Provided that the Director General of Police may be removed 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 or any other relevant rule; or
  - (c) Suspension from service in accordance with the provisions of the said rules; or
  - (d) Incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or
  - (e) Promotion to a higher post under either the State or the Central Government, subject to the officer's consent to such a posting.
- (4) An officer who has functioned as the Director General of Police, shall not be eligible for any employment under the Government of India or under the State Government or in

any public undertaking in which Government of India or the State Government have a financial interest after his retirement from service.

(5) The State Government may appoint a Personnel Adviser, a Financial Adviser and a Police Welfare Adviser to assist and aid the Director General of Police, and shall frame rules for the purpose.

**5. Commissioner of Police .**(1) The State Government may appoint a Police Officer to be the Commissioner of Police of any area comprising a city or town specified in a notification issued by the State Government in this behalf and published in the Official Gazette.

(2) The State Government may also appoint one or more Additional Commissioners of Police for the areas specified in clause (1). The State Government may also appoint sufficient numbers of Deputy Commissioners/Assistant Commissioners and Officers of other ranks as deemed necessary.

(3) 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 rules made there under.

Provided that any of the powers, functions, duties, responsibilities, or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Director General.

(4) The State Government may, by general or special order, empower an Additional Commissioner to exercise and perform in the areas for which a Commissioner is appointed under sub-section (1) all or any of the powers, functions or duties to be exercised or performed by a Commissioner under this Act or under any law for the time being in force.

**6. Declaration of area as District.-** (1) The State Government may by notification declare that as from such date as may be specified in the notification, any area in the State shall be a District for the purposes of this Act.

(2) The State Government may appoint for each District a Superintendent of Police and one or more Additional, Assistant and Deputy Superintendents of Police as it may think necessary.

(3) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the District for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a Superintendent under this Act or under any law for the time being in force.

(4) The Superintendent may, with the previous permission of the Director General of Police, delegate any of the powers (except the power to make regulations) and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

**7. Superintendent of Police:-** (1) The administration of the police throughout a District, or part thereof, shall be vested in the Superintendent of Police appointed under this Act. .

(2) For the purpose of efficiency in the general administration of the District it shall be lawful for the District Officer, known as District Collector in the State of Kerala, to coordinate the functioning of the police with other agencies of the District administration in respect of the following:-

- (a) in matters relating to the promotion of land reforms and the settlement of land disputes;
- (b) in matters related to extensive disturbance of the public peace and tranquility in the District,
- (c) in matters relating to the conduct of elections to any public body;
- (d) in matters relating to the handling of natural calamities, and the rehabilitation of the persons affected thereby;
- (e) in matters relating to situations arising out of any external aggression and
- (f) in any similar matter, not within the purview of any one department and affecting the general welfare of the people of the District.

(3) For the purpose of such coordination, the District Officer, may

- (a) call for information of a general or special nature, as and when required from the police, and any other agency connected with the general administration of the District;
- (b) call for a report regarding the steps taken by the police or other agency to deal with the situation; and
- (c) give such directions in respect of the matters, as are considered necessary by him to the police and the concerned agency.
- (d) For the purpose of coordination the District Officer shall ensure that all departments of the District, whose assistance are required for the efficient functioning of the police, render full assistance to the Superintendent of Police.

(4) The Superintendent of Police or the head of the police agency, shall render all assistance to the District Officer for the purpose of coordination, as specified above.

\*Explanation:

Coordination in this context means to combine or integrate harmoniously all the above functions.



**8. Technical and Support services.-** (1) The State Government shall create and maintain such ancillary technical agencies and services, under the overall control of the Director General of Police, and considered necessary or expedient for promoting efficiency of the police service.

(2) (a) The services so created shall include a full-fledged Forensic Science Laboratory at the State-level, a regional Forensic Science Laboratory for every Police Range and a Mobile Forensic Science Unit for every District, with appropriate equipment and scientific manpower, in keeping with the guidelines laid down by the Directorate of Forensic Science or the Bureau of Police Research and Development of the Government of India and the emergence of new forms of hi-tech crimes like Cyber crime, crimes using the gains of information and communications technology and paper less procedures employed by financial institutions.

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

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

(3) The State Government shall appoint for the whole State or any part thereof, one or more Directors of Police Telecommunications, not below the rank of Deputy Inspector General of Police and as many Superintendents of Police and Deputy Superintendents of Police as deemed necessary to assist them.

(4) The State Government shall similarly appoint for the whole State or any part thereof, one or more Directors of Police Transport, not below the rank of Deputy Inspectors General of Police, and as many Superintendents of Police and Deputy Superintendents of Police as deemed necessary to assist them.

(5) The State Government shall ensure regular maintenance of all the needed equipment and regular replenishment of consumables for the Police Tele-communications, the Police Transport Services and other units of the technical and Support services.

**9. Director of State Police Academy and Principals of Police Training College/Schools.** –(1) The State Government shall establish a full-fledged Police Training Academy at the State level and as many fully-equipped Police Training Colleges and Schools as are deemed necessary for ensuring efficient induction training of all directly recruited police personnel in various ranks, post-induction training, pre-promotion training for all those promoted to higher levels and such thematic and specialized in-service training courses for police personnel of different ranks and categories as deemed necessary from time to time.

(2) The State Government may appoint by prescribed rules, any police officer not below the rank of Inspector General of Police to be the Director of the State Police Academy,

and an officer not below the rank of Deputy Inspector General of Police to head each Police Training College and an officer not below the rank of Superintendent of Police as the Principal of each Police Training School.

(3) The State Government shall also provide for appointment, by rules prescribed, of appropriate number of officers from the Police service, in such Police Training Academy College(s) and Schools after careful selection having due regard to aptitude, academic qualifications, professional competence, experience and integrity. The State Government shall evolve a scheme of monetary and other incentives to attract and retain the best of the available talent in the Police service to the faculties of such Training institutions.

(4) The State shall also ensure appointment of persons with academic accomplishments in the fields of law, sociology, psychology, criminology, computer technology, communications, forensic science and other subjects relevant to police profession to the permanent faculty positions in these training institutions.

**10. Organization of Research.-** (1) The State Government may set up such bodies and take such other steps as considered necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police and incorporate the findings of such studies and research as inputs in developing Strategic Policing Plan/Annual Policing Plan for the State.

**11. State Intelligence and Criminal Investigation Departments.-** (1) There shall be a State Intelligence Department for collection, collation, analysis and dissemination of intelligence, and a Criminal Investigation Department for investigating inter-State, inter-district crimes and other specified offences, in accordance with the provisions of this Act.

(2) The State Government shall appoint police officers of appropriate rank to head each of the two Departments.

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

(2) The Government shall, by order, separate investigating police from the law and order police in towns/urban areas which have a population of ten lakhs or more and gradually extend to smaller towns/urban areas also in order to ensure speedier investigation, better expertise and improve rapport with the victims of crime, witnesses and other stake-holders.

(3) The State Intelligence Department shall have specialized wings, to deal with and coordinate specialized tasks such as measures for counter terrorism, counter militancy and VVIP Security. Districts shall have similar units to collect, and collate, intelligence, on crime as well as law and order.

- (4) The State Government shall appoint by rules prescribed under this Act, an appropriate number of officers from different ranks to serve in the Criminal Investigation Department, and the State Intelligence Department, as deemed appropriate with due regard to the volume and variety of tasks to be handled.

**12. Constitution of Police Divisions.-** (1) Subject to the control of the State Government, the Commissioner, for the area for which he is appointed and the Director-General of Police for other areas, shall,

- (a) constitute within the area under his charge, Police divisions, Sub-Divisions, Circles and Police Stations
- (b) define their limits and extent of such divisions , circles and sections

(2) Each sub division shall be under the charge of an officer of a rank not below that of an Assistant Commissioner or Deputy Superintendent of Police, as the case may be, and each circle shall be in charge of an officer of the rank not below that of an Inspector of Police and Police Stations in charge of a Sub-Inspector.

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

(2) Two or more Police Stations may be designated a Police Circle for the purpose of control and supervision

Provided that larger Police Stations may be placed under the supervision of officers of the rank of Inspector of Police and above.

(3) A police station shall be headed by a Station House Officer not below the rank of Sub-Inspector of Police. However the State Government may in consultation with the Director General of Police provide for multiple SHOs in a Police Station, each independently handling separate categories of offences.

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

(5) The State Government shall provide each Police Station with all essential amenities including a reception-cum-visitors room, separate toilets for men and women and separate lock-ups for men and women. The object should be to make the Police Station freely accessible to people, just like any other public office subject only to security restraints.

(6) Each Police Station shall have a Women and Child Protection Desk, staffed, as far as practicable by women police personnel, to record complaints of crimes against women and children and to deal with the tasks relating to administration of special legislations relating to women and children.

(7) Each Police Station shall prominently display all the relevant information required to be made public as well as the guidelines and directions issued by the Supreme Court regarding the persons arrested and held in lock-ups and other standing orders on arrests, bail, and other relevant information on legal aid and assistance available.

**14. Term of office of key Police functionaries.-** (1) An officer posted as a Station House Officer in a Police Station or as an officer in-charge of a Circle or Sub-Division or as a Superintendent of Police of a District or Deputy Inspector Generals in charge of Ranges, Inspector Generals in charge of zones shall have a minimum term of two years.

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

- (a) promotion to a higher post; or
- (b) conviction, or charges having been framed, by a court of law in a criminal offence; or
- (c) punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant Discipline & Appeal Rules; or
- (d) suspension from service in accordance with the provisions of the said Rules; or
- (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or
- (f) the need to fill up a vacancy caused by promotion, transfer, or retirement.

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

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

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

**15. Railway Police.** (1) The State Government may by notification in the Official Gazette, create one or more special police districts embracing such railway areas in the State as it may specify, and appoint a Superintendent of Police, one or more Assistant and Deputy Superintendent and such other police officers for each such special district as it may deem fit.

(2) Subject to the control of the Director General of Police, such police officers shall discharge police functions connected with the administration of railways situated within their respective charges, and such other functions as the State Government may from time to time assign to them.

(3) Any police officer whom the State Government may by general or special order empower to act under this sub-section, may, subject to any orders which that government may make in this behalf, exercise within the special district or any part thereof any of the powers of an officer-in-charge of a Police Station in that district. While exercising such powers he shall, subject to any such order as aforesaid, be deemed to be an officer-in-charge of the Police Station discharging the functions of such officer within the limits of his station

(4) Subject to any general or special orders which the State Government may make in this behalf, such police officers shall, in the discharge of their functions, be vested within every part of the State, with the powers and privileges and be subject to the liabilities of police officers under this Act or any other law for the time being in force.

(5) 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.

**16. Recruitment and Training.** (1) Recruitment to the Force should be made at the level of Constables, Sub Inspectors (both General Executive and Armed Police Reserve/Armed Police Battalion). In view of the special nature of the police profession, the need to evaluate physical, mental, psychological and attitudinal attributes of the candidates and to avoid piling up of vacancies for long, the State Government may by appropriate orders constitute a State Police Recruitment Board in the Kerala Public Service Commission and ensure that vacancies are filled up continuously. The minimum educational qualification for recruitment as a Constable should be a pass in twelfth standard or equivalent and that of Sub-Inspectors that of Graduation. The recruitment standards and the details of the procedure including written test, physical and medical test, interview etc shall be prescribed by the said Board. The recruitment should be made in such a way as to ensure that the reservation in employment given to different communities are safeguarded and the composition of the force truly represents the minorities, scheduled castes and scheduled tribes and women.

(2) The entry point for Constables should be the Armed Police Battalions from where after training and service for a minimum period prescribed by the State Government in consultation with Director General of Police, they are transferred to the District Armed Reserves and to the local police (District Local Police). This system aims to make available young and healthy personnel for arduous law and order duties and for specialized training. To the rank of Sub Inspectors in the General Executive and the Armed Police Battalions/District Armed Police recruitment may be made separately.

**17. Training.** - (1) Training for all ranks of the police force would be on the basis of a Training Manual approved by the Government and modified from time to time.

(2) Training given to the ranks directly recruited to the force at the Police Academy/Police Training College/School as well as in-service training should conform to the recommendations of the **Committee on Police Training (Gore Committee)** and should be periodically updated to incorporate the gains of science and technology and developments in law and social sciences.

(3) The training should not de-humanize the trainee, but should help to inculcate in him a spirit of service and commitment and develop character and a value system.

(1) Besides the initial training of new recruits it shall also be ensured that all ranks undergo Annual Refresher Training Programme, by rotation, over and above specialized training in different skills as needed by different categories. To achieve this, appropriate strengths of 'Training Reserves' will be created in each District Armed Reserve setup. Each Battalion will have one full Company earmarked as the 'Training Reserve', to provide for rotational training to all personnel.

(2) The annual refresher training course shall be treated as mandatory, and under no circumstance the personnel undergoing such training shall be withdrawn for deployment on law and order, or any other duty.

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

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

(5) The Director General of Police may issue orders on daily physical training, drill, teaching on police system and procedure, and briefing on intelligence, etc., for Police personnel working in Police Stations and other Units in small numbers.

**18. Oath by Police Officers.-** (1) Every member of the police force enrolled under this Act shall, on appointment, make and subscribe before the Superintendent of Police or Commissioner as the case may be or some person appointed in that behalf by him, an oath or affirmation in the form set out for the purpose.

(2) Every Police Officer of the grade of Inspectors or below shall on appointment receive a certificate in the prescribed form. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(3) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within such person is suspended from such force.

(4) The powers, functions and privileges vested in a police officer shall remain suspended while such Police Officer is under suspension from office:

Provided that notwithstanding such suspension the person shall not cease to be a Police Officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

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

(2) Every Special Police Officer so appointed shall:

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

(b) 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.

**20. Appointment of Additional Police**

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

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

- (a) receive a certificate in a form approved by the State Government in this behalf;
  - (b) be vested with all or such of the powers, privileges, duties and immunities of a police officer as are specially mentioned in the certificate; and
  - (c) be subject to the orders of the Superintendent of Police.
- (3) The deployment or deputation of such Additional Police Officer may be made at the request of any person requiring such police, and the cost of such deployment shall be recovered in such manner as is prescribed under this Act or any other law for the time being in force.

**21. Superintending power of Director General.-** The Director General, throughout the State and the Commissioner in the area for which he is appointed, shall have authority to investigate and regulate all matters connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and should conform to his orders consequent thereto.

**22. Service Conditions of Primary Ranks of the Police Service.-** (1) Three promotions should ordinarily be available to all meritorious officers. The Police Recruitment Board shall evolve and lay down merit cum-seniority criteria for promotion through a transparent process, for different ranks.

(2) Every promotion of police officers should be linked with screening examinations and intensive training, so as to ensure higher levels of professional competence and accountability.

(3) In order to provide a fast track for career progression for Constables and Head Constables who are academically qualified to be a Sub-Inspector, 50 per cent of direct recruitment to the posts of Sub-Inspectors in the General Executive shall be earmarked for those who have put in between seven and ten years of service including the period of probation, to be filled through a Limited Departmental Competitive Examination.

(4) The Government shall endeavor to introduce a shift system in the Police Stations to ensure proper working hours consistent with efficiency in performance.

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

**23. Duties of Local Police Officers (Police Stations)**



(1) The Duties of all officers of and the different ranks of the Local Police (Police Stations) shall include, *inter alia*, the following:

- (a) serving and protecting the citizens;
  - (b) engaging with the citizens and gaining their cooperation;
  - (c) policing the Beat;
  - (d) patrolling;
  - (e) Law and Order duties;
  - (f) collecting intelligence to support police work;
  - (g) traffic control duties;
  - (h) investigations, enquiries, maintaining Police Station records and registers; and
  - (i) auxiliary duties such as technology support, special skill support, staff support, out station duties, and such other tasks as assigned by senior officers from time to time.
  - (j) assisting and co-operating with local self government bodies/authorities on proper disposal of garbage, prevention of environmental degradation, littering and throwing of waste and garbage on roads, highways and public places and the control of noise pollution and proper use of public places, public services and facilities.
- (2) The Director General of Police with the approval of the Government may delegate some functions of investigation to the members of the Constabulary under the close supervision of the Head Constables/Assistant Sub Inspectors.
- (3) The Director General of Police may with the approval of the Government introduce measures like Community Policing to interact closely with the people and to transform the police to a people friendly, service oriented group of public servants.

## **Chapter III**

### **Armed Police Units**

#### **24. District Armed Reserves and State Armed Police Battalions.**

To assist the civil police promptly and efficiently in dealing with group protests and violent disturbances involving breaches of peace or law and order, and in disaster

management duties , as well as to discharge such duties which require the assistance of armed police, the State Government shall create Armed Police units with appropriate manpower strength in the form of an Armed Police Reserve for each Police District, and appropriate number of Armed Police Battalions for the Sate, including Women units.

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

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

**26. Organizational structure of District Armed Reserves**

(1) The District Armed Police Reserve shall be headed by an officer of the rank of either a Deputy Superintendent of Police (Armed Reserve) or an Additional Superintendent of Police (Armed Reserve), depending on the manpower strength of the Armed Reserve set-up of the District.

(2) The District Armed Reserve will be sub-divided into appropriate numbers of Platoons, each headed by a Reserve Sub-Inspector. The Platoons will be further subdivided into Sections, each of which will be headed by an Assistant Reserve Sub Inspector. Each Section shall have two Head Constables who could lead half-Sections when so deployed.

(3) The deployment of the District Armed Reserve for performing law and order duty with arms shall ordinarily not be in less than Section strength. Only when large-scale deployments have to be made, covering a wide area, and when firearms are not needed, the Armed Reserve set-up could be utilized in the strength of half-Sections.

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

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

**27. Organizational structure of the Armed Police Battalions.** - (1) A Commandant, equivalent in rank to Superintendent of Police, shall head each Armed Police Battalion. The Commandant shall be assisted by a Deputy Commandant, equivalent in rank to

Additional Superintendent of Police, who will also be the Second-in-Command of the Battalion. Each Battalion shall be divided into appropriate number of Service Companies and a Headquarters Company, each of which will be headed by an Assistant Commandant, equivalent in rank to Deputy Superintendent of Police.

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

(3) In fixing the strength of senior officers for the Armed Police Battalions, it shall be ensured that for supervising the functioning and preparedness of every 3-4 Battalions, a senior officer of the rank of Deputy Inspector General is provided, and if there are more than one such Deputy Inspectors General, the Armed Police Battalions set-up shall be headed by an officer of the rank of Inspector General or Additional Director General, as necessary.

(4) The duties of the head of the Armed Police Battalions set-up, the Deputy Inspector General, the Commandant, Deputy Commandants, Assistant Commandants, Reserve Inspectors of the Service and the Headquarters Companies shall be as prescribed by the State Government from time to time.

**28. Recruitment to Armed Police Battalions.** - (1) Direct recruitment to the Armed Police Battalions, other than in the ministerial and technical cadres, shall be limited to the ranks of Constable and Armed Police Sub-Inspectors and should, as far as possible, reflect adequate representation to all sections of society with due compliance of the policy of the State on reservation in employment and gender representation.

(2) The minimum qualification for recruitment as Constable shall be a pass in 12<sup>th</sup> standard or equivalent, and the age group shall be 18-21 years. For the recruitment to the rank of Reserve Sub-Inspectors, the minimum qualification shall be graduation and the age limit 21 to 24 years.

(3) The recruitment to the rank of Constables and Armed Police Sub-Inspectors shall be made through the Police Recruitment Board constituted under the Kerala State Public Service Commission.

**29. Training.** - (1) The initial training of new recruits would be in the Battalion or the Police Recruits School.

(2) The training period and curriculum should be based on the recommendations of the Report of the Committee on Police training (Gore Committee).

(3) Besides the initial training of new recruits it shall also be ensured that all ranks in these units undergo an Annual Refresher Training Programme, by rotation, over and above specialized training in different skills as needed by different categories. To achieve this, appropriate strengths of 'Training Reserves' will be created in each District Armed Reserve setup. Each Battalion will have one full Company earmarked as the 'Training Reserve', to provide for rotational training to all personnel.

(4) The Annual Refresher Training Course shall be treated as mandatory, and under no circumstances the personnel undergoing such training shall be withdrawn for deployment on law and order, or any other duty.

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

(6) The content and methodology of the Annual Refresher Training Courses as well as other specialized courses for the personnel of the District Armed Reserves and the State Armed Police Battalions shall be reviewed and revised from time to time by the officer in charge of the State Armed Police Battalion set-up, in consultation with the Training Wing of the State police, and under the overall guidance of the Director General of Police.

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

(2) The District Superintendent of Police shall carefully scrutinize each request for deployment of District Armed Reserves, received from the field officers. Similarly, the Director General shall closely scrutinize each request for deployment of any force from the State Armed Police Battalions, received from District Superintendents of Police, Deputy Inspector General of Police of a Range, or any other field officer, before ordering such deployment. The scrutiny will include a realistic determination of the quantum of force required as also the duration for which the deployment is required.

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

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

of the Reserve or a Battalion.

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

(6) Under no circumstance Armed Police Personnel either from the District Reserves or Battalions shall be attached to local Police Stations or distributed in small penny packets.

**31. Adequacy of Arms, Equipment and Accoutrement.** -The adequacy of arms, equipment and accoutrement for each Battalion as well as the District Armed Reserves shall be assessed regularly on an annual basis by the officer heading the State Armed Police Battalions set-up, in terms of the type, quality and quantities of each such item needed for each unit, in consultation with the Commandants and the District Superintendents of Police concerned.

## **Chapter IV**

### **Superintendence and Administration of Police**

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

(1) It shall be the responsibility of the State Government to ensure an efficient, effective, responsive and accountable Police Service for the entire State. For this purpose, the power of superintendence of the Police Service shall vest in and be exercised by the State Government in accordance with the provisions of this Act.

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

## Chapter-V

### State Security Commission

#### **33. Constitution of the State Security Commission**

(1) The State Government shall, within six months of the coming into force of this Act, establish a State Security Commission to exercise the functions assigned to it under this Chapter.

(2) The State Security Commission shall consist of the following members:-

(a) the Home Minister as its Chairperson;

(b) the Leader of the Opposition in the State Assembly;

(c) a retired High Court Judge, nominated by the Chief Justice of the High Court;

(d) the Chief Secretary;

(e) the Principal Secretary of the Home Department;

(f) the Director General of Police as its Member-Secretary; and

(g) five independent members who should be non-political persons of proven reputation for integrity and competence (hereinafter referred to as Independent Members”) from the fields of academia, law, public administration, media or NGOs, to be appointed on the recommendation of the Selection Panel constituted under section 34.1.

(3) The composition of the Commission shall reflect adequate gender and minority representation, and the Commission will have not less than two women, as members.

(4) No Government employee in service shall be appointed as an Independent Member.

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

#### **34.1. The Selection Panel for selection of Independent Members**

The panel for selection of Independent Members shall consist of;

(a) a retired Chief Justice of a High Court as its Chairperson to be nominated by the Chief Justice of the High Court.

- (b) the Chairperson of the State Human Rights Commission and
- (c) the Lok Ayukta/Upa Lok Ayukta of the State.

**34.2. Term of office of Independent Members.** A person shall be appointed as an Independent Member for a period of three years. The same person shall not be appointed for more than two consecutive terms.

**34.3. Grounds of ineligibility for Independent Members**

No person shall be appointed as an Independent Member of the State Police Board if he:

- (a) is not a citizen of India; or
- (b) has been convicted by a court of law or against whom charges have been framed in a court of law; or
- (c) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct; or
- (d) holds an elected office, including that of Member of Parliament or State Legislature or a local body, or is an office-bearer of any political party or any organization connected with a political party; or
- (e) is of unsound mind.

**34.4. Removal of Independent Members**

(1) An Independent Member may be removed from the State Security Commission by a two-thirds majority of members of the Board on any of the following grounds:

- (a) proven incompetence; or
- (b) proven misbehaviour; or
- (c) failure to attend three consecutive meetings of the State Police Board without sufficient cause; or
- (d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.

(2) In addition, an Independent Member shall be removed from the State Commission if he incurs any of the grounds of ineligibility specified under Section 34.3.

(3) The State Security Commission shall explicitly State in writing the grounds for such removal.

### **35. Functions of the State Security Commission**

The State Security Commission shall perform the following functions:

(a) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law;

(b) prepare panels of police for the rank of Director General of Police against prescribed criteria with the provisions of Section 4 of Chapter II;

(c) identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, *inter alia*, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilisation of resources, and observance of human rights standards; and

(d) in accordance with the provisions of Chapter XIII (Police Accountability), review and evaluate organizational performance of the Police Service in the State as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.

### **36. Meetings of the Commission.**

The Commission shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meeting as may be prescribed:

Provided that if, in the opinion of the Chairman , any business of an urgent nature is to be transacted , he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

### **37. Expenses of the State Security Commission**

The expenses on account of remuneration, allowances and travel in connection with official business of the State Security Commission, in respect of the Independent Members of the Board shall be borne by the State Government.

### **38. Annual Report of the State Security Commission**

(1) The Commission shall, at the end of each financial year, present to the State Government a report on its work during the preceding year as well on the evaluation of performance of the Police Service, as provided.



(2) The State Government shall lay the Annual Report before the State Legislature in the budget session. The Annual Report shall be made easily accessible to the public.

### **39. Strategic Policing Plan and Annual Policing Plan**

(1) The State Government shall:

(a) in accordance with the recommendations made by the State Security Commission draw up a Strategic Policing Plan for a such period and setting out an action plan for their implementation;

(b) place before the State Legislature, within three months of the coming into force of this Act, the Strategic Plan for the first year. The subsequent Strategic Plans shall, thereafter, be laid before the State Legislature every three years.

(c) place before the State Legislature, at the beginning of each financial year, a Progress Report on the implementation of the Strategic Plan as well as an Annual Policing Plan (Annual Plan for short) that prioritizes the goals of the Strategic Plan for the year in question.

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

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

### **40. Temporary Association of persons with Commission for particular purposes.**

(1) The Commission may associate with itself in such manner, and for such purposes, as may be prescribed any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Commission under sub-section (1) for any purpose shall have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

(3) A person associated with the Commission under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board, as may be prescribed.

### **41. Vacancy in the State Security Commission not to invalidate acts or proceedings**

No act or proceeding of the State Security Commission or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Commission or such committee, as the case may be.

## CHAPTER- VI

ADMINISTRATION OF POLICE SERVICE, POLICE ESTABLISHMENT BOARD**42. Administration of Police Service.**

(1) The administration of the Police Service throughout the State shall be vested in the Director General of Police and in such Additional Directors General, Inspectors General, Deputy Inspectors General and other officers appointed under this Act.

(2) The administration of the police in a District shall be vested in the District Superintendent of Police.

(3) Administration of the Police will mean the management of the Police Service, subject to law, rules and regulations under this Act; and will include framing of regulations, supervision of the functioning of the police at all levels; appointment to subordinate ranks of the Service, deployment of the police personnel, posting, transfers, and the requisite disciplinary action up to and including the rank of Inspector of Police; and advising the Government and the Police Establishment Board on the placement of officers of and above the rank of Assistant/Deputy Superintendent of Police:

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

**43. Police Establishment Board**

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

(2) The Police Establishment Board shall recommend names of suitable officers, below the rank of Deputy Superintendent of Police, to be transferred and to places to where they are to be posted at the time of appointment to the Government.

(3) The State Government shall pass appropriate orders in accordance with the recommendations suitable orders of transfer and posting. No deviation shall be made from the recommendations, unless the State Government is of the opinion that the order passed by the Board is unreasonable.

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

#### **44. Procedure for promotion of Police Officers**

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

#### **45. Training-cum-Education Policy for the Police**

(1) The State Government shall lay down a Training-cum-Education Policy covering all ranks and categories of police personnel. This Policy shall ensure that all police personnel are adequately trained to perform their job, taking due care of proper attitudinal development, and shall be linked to career development scheme of police personnel in different ranks and categories.

(2) The policy shall also aim to promote a service culture among police personnel acquiring appropriate educational and professional qualifications as they advance in their careers.

#### **46. Financial management**

(1) The Director General of Police shall be responsible for submitting the budgetary requirements of the Police Service as a whole to the State Government, sufficiently in advance in the preceding financial year.

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

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

(4) The budgetary allocations made by the Legislature shall be placed at the disposal of the Director General of Police who shall be vested with full powers to spend the amounts earmarked under each head of the Budget Account.

(5) In order to meet different kinds of contingency expenditure, sufficient imprest cash shall be provided to police stations and other police units, the amount of which shall be reviewed and revised from time to time, as per the exigencies of circumstances.

## **Chapter VII**

### **Role, Functions, Duties and Responsibilities of the Police**

#### **47. Powers and responsibilities of the Director General of Police**

As Head of the State Police Service, it shall be the responsibility of the Director General of Police to:

- (a) operationalise the policies, the Strategic Plan and the Annual Plan prepared by the State Government, referred to in Section 39 of this Act; and
- (b) administer, control and supervise the Police Service to ensure its efficiency, effectiveness, responsiveness and accountability.

**48. Functions and duties of the police.-**The role and functions of the police shall broadly be:

- (a) to uphold and enforce the law impartially, and to protect life, liberty, property, human rights, and dignity of the members of the public;
- (b) to promote and preserve public order;
- (c) to protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting Internal Security;
- (d) to protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;

(e) to prevent crimes, and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;

(f) to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means, and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;

(g) to register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report (FIR) to the complainant, and where appropriate, to apprehend the offenders, and extend requisite assistance in the prosecution of offenders;

(h) to create and maintain a feeling of security in the community, and counsel and as far as possible prevent conflicts and promote amity;

(i) to provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters, and to provide active assistance to other agencies in relief and rehabilitation measures;

(j) to aid individuals, who are in danger of physical harm to their person or property , and to provide necessary help and afford relief to people in distress situations;

(k) to facilitate orderly movement of people and vehicles, and to control and regulate traffic on roads and highways;

(l) to collect intelligence relating to matters affecting public peace, and all kinds of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security, and disseminate the same to all concerned agencies, besides acting, as appropriate on it themselves.

(m) to take charge, as a police officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the procedure prescribed.

(n) to co-operate with the local self government institutions/authorities as instructed by the Government from time to time.

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

Every police officer shall:

(a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;

(b) guide and assist members of the public, particularly senior citizens, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;

(c) provide all requisite assistance to victims of crime and of road accidents, and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilitate their compensation and other legal claims;

(d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;

(e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;

(f) render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organized group; and

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

(h) take all steps in conformity with the State policy to safe guard environment, natural resources, public assets and public facilities and services.

## **50. Duties in Emergency Situations**

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

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

## **51. Senior Police Officer Performing Duties of A Subordinate Officer.**

A senior police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and may aid, supplement, supercede 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.

## **Chapter VIII**

### **Policing Rural Areas**

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

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

(3) The jurisdictional area of a Police Station shall be divided into a suitable number of Beats, each covering a cluster of villages, to be kept under the direct charge of a Head Constable or a Assistant Sub Inspector to maintaining regular and close contact with the villages under his charge.

(4) The officer in charge of each Police Station (SHOs/SI of Police) shall ensure that every village in his jurisdiction is covered by a Beat Police Officer as per the minimum frequency prescribed by the Superintendent of Police by a general or special order.

**53. Duties and responsibilities of Police Officers on Beat Duty.**-(1) The duties and responsibilities of Police Officers on Beat Duty, shall, *inter alia*, be:

(a) to liase with community elders, members of the Community Liaison group, if any, the Village Defence Party, the Village Guard, and the residents of each village under his charge, and to review, during every visit, the crime prevention measures in the village;

(b) to collect information relating to crimes and criminals and activities of subversive, militant and anti-social nature, if any, in the village and communicate the same to the Station House Officer ;

(c) to maintain watch over history-sheeted criminals, if any, and others with criminal record or bad characters;

(d) to acquaint himself with local disputes having potential for violence or with caste or communal overtones, and inform the Station House Officer of the Police Station of the same with all available details;

(e) to carry out any other policing task in respect of the village assigned by the State Government, the Director General of Police, the District Superintendent of Police or by Station House Officer of the police station through a general or special order;

(f) to record any public grievances and complaints in relation to policing; and

(g) to maintain a record of aforesaid duties and responsibilities carried out by him during his visit and submit the same to the officer in charge of the Police Station.

**54. Village visits by Station House Officer and supervisory officers.-** The Station House Officer shall visit every village under his jurisdiction, as per the minimum frequency prescribed by the Superintendent of Police through a general or special order, and shall interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

**55. Community Liaison Group.-**(1) The District Superintendent of Police shall constitute a Community Liaison Group for each Police Station, comprising respectable local residents of the area with unimpeachable character and antecedents, including retired public servants and heads of teaching institutions, if any, as representatives of the community, to generally advise the police in their functioning. The Community Liaison Group shall have a fair representation of gender, and all other segments and professions, of the society in villages falling in the Police Station area. The Community Liaison Group shall have two representatives nominated by concerned local self government institution in the jurisdiction of the concerned Police Station from amongst its members:

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

*Provided further* that no person who is connected with any political party or an organisation allied to a political party, other than the nominated representatives of the concerned local self government institution, shall be eligible to be inducted into the Community Liaison Group.

(2) The Community Liaison Group will identify the existing and emerging policing needs of the area, which will be taken into consideration by the Station House Officer while preparing the annual policing strategy and action plan for his jurisdiction, for submission to the District superintendent of Police. The Community Liaison Group shall perform such other functions as prescribed. It will meet as frequently as necessary, and at least once in each quarter of a year. The meetings of the Community Liaison Group shall be



attended by the Sub-Divisional Police Officer as well as the officer in charge of the Police Station and the Circle Inspector. The meetings shall be open to public.

## **Chapter IX**

### **Constitution of Police for Metropolitan Cities**

**56. Constitution of Metropolitan Police.** -The State Government shall constitute for each of the metropolitan areas, other major urban areas with a population of 10 lakhs or more, and such other areas as notified for the purpose from time to time, a police system which is capable of handling the typically complex problems of crime, public order and internal security in urban 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, in accordance with the provisions of this Chapter.

**57. Commissioner of Metropolitan Police:** There shall be a Commissioner of Police in whom the administration of police is vested in such metropolitan area and he may be an officer of the rank of Deputy Inspector General of Police or above, depending on the population, and the magnitude and complexity of policing tasks in such area.

**58. Additional, Joint, Deputy and Assistant Commissioners of Police for Metropolitan area.** – The Government may divide the area specified in Section 12 into convenient territorial units and appropriate special units, and appoint one or more Additional, Joint, Deputy and Assistant Commissioners to assist the Commissioner of Police in the discharge of his duties.

**59. Powers, functions and duties of Metropolitan Police.**- The Commissioner and other officers under him shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority, as prescribed :

*Provided* that any of these powers, functions, or duties, exercised or performed by the Commissioner, shall be subject to the overall control and direction of the Director General of Police.

**60. Commissioner Metropolitan area will be District Magistrate.** - (1) Subject to such conditions and limitations as may be specified by the State Government:

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

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

**61. Appointment of Financial Advisor and Legal Advisor-** The Government shall appoint a Financial Advisor and one or more Legal Advisors to aid and assist the Commissioner of Police on financial and legal matters respectively.

**62. Constitution of police Districts, police sub-divisions and police stations:-**The State Government, in consultation with the Director General of Police, shall:-

- (a) constitute appropriate number of Police Districts within each Commissionerate;
- (b) divide such Police Districts into Police Sub-Divisions and specify the Police Stations comprised in each Sub-Divisions; and
- (c) define the limits and extent of such Police Districts, Police Sub-Divisions and Police Stations;

**63. Officers in charge of police districts, police sub-divisions and Police Stations.-(1)** Each Police District shall be under the charge of a Deputy Commissioner of Police, who may, if necessary, be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police.

(2) Each Police Sub-Division shall be under the charge of an Assistant Commissioner of Police and each Police Station shall be under the charge of an Inspector of Police.

**64. Preservation of order and regulation of traffic.** (1) The Commissioner of Police may, from time to time, make rules and regulations, not inconsistent with this Act, and subject to any Government orders, in respect of the following:

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

(d) regulating the entry or exit at any place of public amusement, public entertainment, or at any public meeting or assembly, and providing for the maintenance of public peace and prevention of disturbance at such places.

**65. Regulation of public assemblies and processions.** - (1) Any person intending to organise a procession, religious, social, political or otherwise, on any road, street, or thoroughfare, or convene an assembly in any public place, in an area specified in this Chapter, shall give intimation in writing to the officer in charge of the concerned Police Station.

(2) The Commissioner of Police or any officer not below the rank of Inspector, authorised by the Commissioner of Police, may, on receipt of such intimation or otherwise, give, from time to time, such orders not inconsistent with this Act, about the following, orally or in writing, as may be necessary:-

(a) the mode of any assembly or passing of any procession, or the conduct, behaviour or acts of members of such assembly or procession;

(b) prescribing the routes and the time at which such processions may or may not pass;

(c) preventing obstruction on the occasion of such a procession or assembly in the neighbourhood of any place of worship during the time of public worship, and in every case when any road, street or public place or any place of public resort may be thronged or is likely to be obstructed; or

(d) maintaining order on roads, streets, public places and all other places where public throng :

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

**66. Licence for the usage of loudspeakers.** – (1) No person shall use any loudspeaker or any noise amplifying device without the written permission from the concerned Deputy Superintendent of Police or Commissioner of Police of the concerned area.

(2) License shall be issued for the usage of loudspeakers only in accordance with the Noise Pollution (Regulation and Control ) Rules, 2000.

(3) The licence issued shall specify the place where it is to be used and no licence shall be issued for using it in any silent zone as specified in the Noise Pollution (Regulation and Control) Rules, 2000.

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

(a) carrying in any public place, or road, street or thoroughfare, fire arms, swords, spears, bludgeons, knives, other offensive weapons, or any explosive material;

(b) collection or carrying of stones or missiles, or any objects or means of casting missiles;

(c) keeping, carrying along or offering for exhibition any corpses or effigies or other provocative pictures, boards or placards with offensive slogans; and

(d) making a provocative speech, gesture, or any kind of public display which is indecent, offensive or explosive, or which is likely to create religious tension or hatred between different communities, groups or individuals, or which instigates disobedience of lawful authority.

(e) any attempt or act or preparation to damage/destroy public property and/or other property and take steps to realize the cost of every such damage from the perpetrators or organizers or who ever is found responsible for such damage/destruction.

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

**69. Security for keeping peace and order.** -(1) The Commissioner of Police or any officer of and above the rank of Assistant Commissioner, on receipt of information that a person:

(a) is likely to do any wrongful act that may lead to disturbance of public order; or

(b) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code (45 of 1860), or under section 489A, 489B, 489C or 489D of that Code; or

(c) habitually commits, or attempts to commit, or abets the commission of offences involving a breach of the peace; or

(d) is so dangerous as to render his being at large hazardous to the community;

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

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

**70. Removal of persons about to commit offences.** Whenever it appears to the Commissioner of Police-

(1) that the movements or acts of any person are causing or are likely to cause alarm, danger or harm to person or property, in the jurisdiction of the Commissionerate, or

(2) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapters XII, XVI, XVII or XXII of the Indian Penal Code, 1860 or under Sections 290 or Sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence; or

(3) that such person:

(a) is so dangerous as to render his being at large in the area of the Commissionerate hazardous to the community; or

(b) has been found habitually intimidating other persons by acts of violence or by show of force; or

(c) habitually commits affray or breach of peace or riot, or habitually makes forcible collection of money or threatens people for illegal pecuniary gain for himself or for others; or

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

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

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

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

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

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

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

**71. Establishment of Special Armed Police Units.** - The Government may establish such special armed police units, including special riot control squads, for the areas covered under this Chapter, for meeting diverse requirements of riot or mob control, disaster management and VIP security, as necessary, and provide for the requisite equipment, and training consistent with Human Rights standards, for such units.

**72. Prevention and Detection of Crime.** - For effective prevention of crime, and speedy and efficient investigation of criminal cases reported within the area notified under Section 87 the Government may, in consultation with the Director General of Police and the Commissioner of Police:

(a) create and maintain at every Police Station, a dedicated team of police personnel of different ranks exclusively for the purpose of investigation of crime, with a provision of an appropriate number of supervisory officers;

(b) constitute one or more Specialised Investigation Teams for dealing with major and complex crimes, including organised crime, cyber crime, and economic offences;

(c) establish a Special Criminal Intelligence Unit with adequate technical infrastructure and manpower support, capable of tackling the requirements of counter-intelligence work;

(d) constitute one or more Special Task Forces for prevention and control of activities of organised criminal groups and anti-social gangs;

(e) create a Special Desk in each Police Station, and one or more Specialised Units at the Commissionerate level, for dealing with crimes against women and children and the tasks relating to administration of special legislations on crimes involving women and children;

(f) create appropriate Cells to deal with crimes relating to senior citizens and tourists;

(g) provide one or more State-of-the-art Mobile Forensic Science Units, manned by well-trained scientific staff and police personnel, and adequate facilities for scientific interrogation; and

(h) establish a centralised facility for custody of those arrested, in accordance with established standards of human rights of persons in custody.

**73. Emergency Response System.** - The Government may establish for each area notified under Section 12, a well-equipped Control Room with adequate communication facilities, dedicated network of patrol vehicles and other necessary wherewithal. The Control Room should be in a State of preparedness to meet any emergency situation with utmost speed and highest efficiency.

**74. Constitution of comprehensive schemes for special conditions.-** The Commissioner of Police shall prepare, and regularly update, comprehensive schemes for Riot Control and Disaster Management, *inter alia*, in accordance with the directions, if any, of the Government and the Director General Police.

**75. Community participation in policing.** - (1) The Commissioner of Police shall ensure involvement of the community in policing by constituting a Citizens' Policing Committee, every two years, for each locality or a group of localities or colonies, including slums. These Citizens' Policing Committees, aimed at promoting people's participation in safeguarding their own life and property, should consist of an appropriate number of local residents of the area with unquestionable character, integrity and antecedents, and having commitment to public safety and security. The Citizens' Policing Committees shall have a fair representation from all strata and professions of the society in the area, as also due gender representation.

(2) The police will take the assistance of the Citizens Policing Committees in identifying the existing and emerging needs and priorities of policing in the area, besides involving them in working out and implementing policing strategies and action plans, and in the performance of such other functions as prescribed.

(3) The police will provide to the public, through the Citizens Policing Committees, at regular intervals, a feedback on the action taken on the identified policing needs, and will also endeavour to create public awareness on policing issues by promoting two-way communication through these Committees.

(4) The meetings of these Committees will be convened, as frequently as deemed necessary, but at least once in every three months. The concerned Assistant

Commissioner of Police, besides the officer in charge of the Police Station, shall attend the meetings of the Committee.

#### **76. Police to be associated in urban planning**

While planning for any major developmental activity including development of new colonies, in any area notified under Section 12, the concerned agency shall consult the Commissioner of Police to assess the likely impact of the proposed developmental activity on the safety and security needs of the citizens or any other policing requirements, and the suggestions based on such assessment shall be given due consideration in finalizing the plan.

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

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

## **Chapter X**

### **Policing in the Context of Public Order and Internal Security Challenges**

**78. Internal Security Schemes.-** (1) The Director General 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 under Section 12, to deal with problems of Public Order and Security of State, as specific to the area.

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

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

(4) The schemes will provide that officers deploying the police to deal with situations of conflict between communities, classes, castes, and political groups shall ensure that its



composition, as far as possible, reflects social diversity of the area including adequate representation of weaker sections and minorities.

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

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

(7) While preparing the Internal Security Scheme under Section 80, the police shall take into consideration the contingencies of specific law and order problems, and security requirements that may arise in such situations.

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

**79. Creation of Special Security Zones. (1)** If and when the security of State in an area is threatened by insurgency, any terrorist or militant activity, or activities of any organised crime group, the Union Government may, with the concurrence of the State Government, declare such area as a Special Security Zone:

*Provided that* any such notification shall be placed before the appropriate legislature for ratification, within a period of six months from the date of issue, or the first sitting of the legislature, whichever is earlier.

*Provided further that* the period of the notification shall not exceed two years unless it is ratified by the Parliament with the concurrence of the State Legislature.

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

(3) 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 will integrate administrative and developmental measures in the area with the police response to deal with the problems of public order and security.

(4) 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.

(5). The Union Government, at the request of the concerned State Governments, may declare areas falling in more than one State, as a Special Security Zone and provide for an appropriate integrated mechanism to be funded and resourced by the concerned State Government and the Union Government.

(6). The State Government may, on the recommendation of the Director General, 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, equipment, material, article or funds, is reasonably considered a threat to Internal Security or public order in the area, in any manner.

(7). The State Government, for any Special Security Zone falling within the State, may make rules to prevent and control the activities of persons or organisations, which may have an impact on Internal Security or Public Order.

(8). In cases where the Special Security Zone extends to more than one State, the Union Government shall, in consultation with the concerned State governments, make appropriate rules for the purpose (as contemplated in Section 118).

**80. Involvement of the Community.-(1)** To ensure the involvement of the community and civil society in effectively dealing with problems of Internal Security or Public Order, the State Government, in consultation with the Director General of Police, shall issue guidelines with regard to constitution of Citizens' Policing Committees to promote the Community's participation in prevention and control of problems, and for the protection of Human Rights.

**81. Constitution of Courts in Special Security Zones.-** To facilitate proper prosecution and speedy trial of cases, the State Government may create additional courts or benches in the Special Security Zone with appropriate infrastructure, and technological facilities.

## Chapter XI

### **Effective Investigation of Crime, Using Science and Technology**

**82. Special Investigation Unit.-** (1) The State Government shall ensure that in all urban Police Stations, and those in the crime-prone rural areas, a Special Crime Investigation Unit, headed by an officer not below the rank of Sub-Inspector of Police, is created with an appropriate strength of officers and staff, for the investigating economic and heinous crimes. The personnel posted to this unit shall not be diverted to any other duty, except

under very special circumstances with the written permission of the Director General of Police.

(2) The officers posted in Special Crime Investigation Units will be selected on the basis of their aptitude, professional competence and integrity. Their professional skills will be upgraded, from time to time, through specialised training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

(3) Officers posted to Special Crime Investigation Units will normally have a minimum tenure of three years and a maximum of five years, after which they will be rotated to law and order and other assignments.

(4) The officers posted to the special crime investigating units will investigate crimes such as murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences, as notified by the Director General of Police, besides any other cases specially entrusted to the unit by the District Superintendent of Police.

(5) All other crimes will be investigated by other staff posted in such Police Stations.

(6) Each Police Station shall be provided with an appropriate number of Crime Scene Technicians to promptly visit the scenes of crime along with the Investigating Officer concerned to spot and gather all available scientific clues. These Crime Scene Technicians will be Civil Police officers Grade II or Grade I, specially selected and adequately trained for the purpose.

**83. Assistance to Investigations.-** Necessary legal, forensic, technical and scientific advice will be made available to investigating officers during investigations.

**84. Supervision of Investigations.-** (1) The investigations of cases taken up by the Special Crime Investigation Unit personnel, over and above the supervision of the Station House Officer concerned, will be supervised at the district level by an officer not below the rank of Additional Superintendent of Police, who will report directly to the District Superintendent of Police. This supervisory officer may be assisted by an appropriate number of officers of the rank of Deputy Superintendent of Police, posted for the specific purpose of ensuring quality investigation on professional lines:

*Provided* that in smaller districts where the volume of work does not justify posting of an Additional Superintendent of Police, an officer of the rank of Deputy Superintendent of Police shall be posted for this purpose.

(2) At the headquarters of each Police District, one or more Special Investigation Cells will be created, with the requisite strength of officers and staff, to take up investigation of offences of a more serious nature and other complex crimes, including economic crimes.

These Cells will function under the direct control and supervision of the Additional Superintendent of Police.

(3) The officers and staff to be posted to this Cell shall also be selected and specially trained.

**85. Criminal Investigation Department.**- (1) The Criminal Investigation Department of the State, created under Section 11 of Chapter II, shall take up investigation of such crimes of inter-State, inter-district or of otherwise serious nature, as notified by the State Government from time to time, and as may be specifically entrusted to it by the Director General of Police in accordance with the prescribed procedures and norms.

(2) The Criminal Investigation Department will have specialised units for investigation of cyber crime, organised crime, homicide cases, economic offences, and any other category of offences, as notified by the State Government and which require specialised investigative skills.

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

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

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

(6). The Criminal Investigation Department shall be provided with adequate staff and funds. The head of this Department will be vested with financial powers of a head of the department.

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

**86. Cyber Patrol.** – (1) The Government shall constitute a Cyber Patrol Unit for the investigation of cyber crimes and other offences under the Information Technology Act, 2000.

(2) The Cyber Patrol shall consist of such expert persons who have undergone specialized course and training prescribed by the State Government.

## **Chapter XII**

### **Training Policy, Research and Development**

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

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

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

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

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

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

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

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

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

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

(a) preparation of five-year Perspective Plans to modernise and upgrade police infrastructure with the objective of enhancing the professional competence and efficient management of the Police Service. This Plan shall cover mobility, weaponry, communication, training, forensic infrastructure, equipments and protective gears, official and residential accommodation, and any other subject which may have a bearing on qualitative improvement in policing;

(b) keeping abreast of the latest equipment and innovative technologies successfully introduced by other police organisations within the country or abroad, and assessing the adaptability or otherwise of such equipment and technologies by the State police. These may include new products, arms and ammunition, riot control equipment, traffic control equipment, police transport, and various scientific and electronic equipments useful for scientific aids to investigation or other policing tasks;

(c) liaising and coordinating with the Bureau of Police Research and Development of Government of India, the academia, reputed scientific organisations, institutions and laboratories and private sector undertakings on relevant matters;

(d) studying specific and developing problems of policing in the State with the objective of evolving solutions and remedial measures;

(e) examining the prevalent system of policing and suggesting structural, institutional, and other changes that need to be introduced in the police to make its functioning more efficient and responsive; and

(f) concurrently evaluating and documenting the impact of modernization and training policies of the State police and reporting its findings to the Director General of Police and the State Government.

**89. Career planning.** The State Government shall formulate a policy for career progression of police personnel in a manner that will ensure avenues for at least three promotions to meritorious officers in their career, through a transparent process.

## **Chapter XIII**

### **Regulation, Control and Discipline**

**90. Framing of rules and regulations for administration of police.-** Subject to the approval of the State Government, the Director General of Police shall make rules, regulations or issue orders, not inconsistent with this Act or with any other enactment for the time being in force for:

- (a) prevention and investigation of crime;
- (b) maintenance of law and order;
- (c) regulation and inspection of the police organisation, and of the work performed by police officers;
- (d) determining the description and quantity of arms, accoutrements, clothing and other wherewithal to be provided to the Police Service;
- (e) prescribing the places of residence of members of the Police Service;
- (f) institution, management and regulation of any non-government fund for purposes connected with the police administration or welfare of police personnel;
- (g) regulation, deployment, movements and location of the police;
- (h) assigning duties to officers of all ranks and grades, and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties,
- (i) regulating the collection and communication of intelligence and information by the police;
- (j) prescribing the records registers and forms to be maintained and the returns to be submitted by different police units and officers; and

(k) generally, for the purpose of rendering the police more efficient, and preventing abuse of power and neglect of duties by them.

**91. Disciplinary Penalties.** -(1) Subject to the provisions of Article 311 of the Constitution and the Rules and Regulations made under this Act, an officer of the rank of Superintendent of Police or above may award any of the following punishment to a police officer of a rank for which he is the appointing authority:

- (a) reduction in rank;
- (b) compulsory retirement;
- (c) removal from service; or
- (d) dismissal

(2) Any police officer of the rank of Superintendent of Police or above, subject to the rules made in this behalf, may award any of the following punishments to any non-gazetted police officer subordinate to him:

- (a) reduction in pay;
- (b) withholding of increment
- (c) withholding of promotion;
- (d) fine not exceeding one month's pay; or
- (e) reprimand or censure.

(3) An Assistant Superintendent of Police or any officer of equivalent rank may award the punishment of reprimand or censure to an officer of or below the rank of Sub Inspector of Police.

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

(5) Any punishment mentioned in sub-Sections (1), (2), (3) or (4), awarded to an officer, will not affect his liability for prosecution for any criminal offence committed by him in the same transaction for which departmental action has led to award of punishment to him for any transgression of departmental rules.

**92. Suspension.**-(1) 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:

(a) where a disciplinary proceeding for award of punishment against him is contemplated or is pending;

(b) where in the opinion of the aforesaid authority, there is a *prima facie* case that such officer has engaged himself in activities prejudicial to the Security of State for which an enquiry is contemplated or pending; or



(c) where in the opinion of the aforesaid authority there is *prima facie* evidence in respect of any criminal offence under investigation, inquiry or trial.

(2) Every order of suspension passed under this section shall be in writing, giving briefly the reasons.

(3) Where an officer is placed under suspension, whether in connection with a disciplinary proceeding or otherwise, and another disciplinary proceeding is ordered against him during the currency of that suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the officer shall continue to be under suspension until the completion of all or any of such proceedings.

(4) An order of suspension so made may at any time be revoked or modified, or in any case be reviewed every six months or earlier, *suo moto* or on a representation made by the officer under suspension, by the authority which made the order or by any authority to which such authority is subordinate.

(5) In case the period of suspension exceeds two years, the case shall be referred to the State Police Board (State Security Commission) for appropriate directions.

(6) Suspension orders of officers of subordinate rank shall be made only by police officers above or of the equivalent rank of Superintendent of Police.

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

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

**94. Appeals against orders of punishment.** An appeal against any order of punishment passed against an officer under Section 149 (Please Check) or any rules made there under, shall lie:

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

**95. Separate set of rules for police personnel.** The State Government shall frame the Classification, Control and Appeals Rules for police personnel, which will, among other things, ensure timely disposal of disciplinary proceedings.

**96. Police officers always on duty** (1) Every officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the State.

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

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

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

(4) No police officer shall engage in any other employment or office of profit whatsoever, other than his duties under this Act. No police officer shall associate himself with individuals or organizations with doubtful reputation or questionable activities, likely to bring discredit to himself and the police organization

## **Chapter XIV**

### **State and District Police Complaints Authority**

**97. State Level Police Complaints Authority.-** (1) The State Government shall, within three months of the coming into effect of this Act, establish a State Level Police Complaints Authority to look into complaints against police officers above the rank of Deputy Superintendent of Police .

(2). The State Level Police Complaints Authority shall consist of three members, Chaired by a retired Judge of the High Court and two independent members appointed by the State Government from the panel of names proposed by the Chief Justice of the High Court.

(3).The State level Police Complaints Authority shall take cognizance of only allegations of serious misconduct by the police personnel, which would include incidents involving death, grievous hurt or rape in police custody.

**98. District Police Complaints Authority.-** (1) The State Government shall, within three months of the coming into effect of this Act, establish a District Police Complaints Authority to look into complaints against police officers below the rank of the Deputy Superintendent of Police .

(2).The District Level Complaints Authority shall consist of three members, Chaired by a retired District Judge and two independent members appointed by the State Government from the panel of names proposed by the Chief Justice of the High Court.

(3).The State Government is empowered to appoint more persons in the District Level Committee , depending on the volume of complaints from the panel prepared by the State Human Rights Commission, Lok Ayukta, and Kerala State Public Service Commission. The said panel may include members from among retired civil servants, police officers or officers from any other department or from civil society.

(4). The District Level Police Complaints Authority will inquire into all complaints against police officers, other than incidents involving death, grievous hurt or rape in police custody.

**99. Recommendations of the State and District Level Police Complaints Authority.** The recommendations of the State and District Level Police Complaints Authority shall be binding on the authority who is empowered to take disciplinary proceedings against such delinquent officer.

**100. Ineligibility for membership.** A person shall be ineligible to be a member of the Auhtority, if he

- (a) is not a citizen of India;
- (b) is serving in any police, military or allied organisation, or has so served in the twelve months preceding such appointment;
- (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 an 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 Sub-section 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

**101. Term of office and conditions of service of members and Chairperson.** (1) The term of office of a member, and the Chairperson, shall be three years unless:

(a) he resigns at any time before the expiry of his term; or

(b) he is removed from the office on any of the grounds mentioned in Section 102

(2) Members shall be eligible for reappointment on the expiry of term, provided that no member shall be eligible to hold office for more than two terms.

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

**102. Removal of members.** (1) Any member of the Authority may be removed from office, on the recommendation of the Authority, by an order of the State Government on the grounds of:

(a) proven misconduct or misbehaviour;

(b) persistent neglect to perform duties of the Commission;

(c) occurrence of any situation that would make a member ineligible for appointment to the Authority under Section 100; or

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

**103. The staff of the Authority.** (1) Members of the Commission shall be assisted by adequate staff with requisite skills, for efficient discharge of their functions of the Authority.

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

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

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

**104. Conduct of business.** The Authority shall frame its own regulations for the conduct of its business.

**105. Powers of the State and District Level Police Complaints Authority.-** (1) In the cases directly enquired by it, the State and District Level Police Complaints Authority shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters:

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

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

(2) The State and District Level Police Complaints 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 Commission, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 and 177 of the Indian Penal Code, 1860.

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

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

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

(6) The State and District Level Police Complaints Authority may visit any police station, lock-up, or any other place of detention used by the police and, if it thinks fit, it may be accompanied by a police officer.

**106. Statements made to the State and District Level Police Complaints Authority .**

No Statement made by a person in the course of giving evidence before the State and District Level Police Complaints Authority shall subject that person to a civil or criminal proceeding or be used against him in such proceeding, except a prosecution for giving false evidence:

*Provided that* the Statement

- (a) is made in reply to the question which he is required by the State and District Level Police Complaints Authority to answer; or
- (b) is relevant to the subject matter of the inquiry

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

**107. Persons likely to be prejudicially affected to be heard.** -If, at any stage of the inquiry, the State and District Level Police Complaints Authority considers it necessary to inquire into the conduct of any person, or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, it shall give that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his support :

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

**108. Decisions and Directions of the State and District Level Police Complaints Authority .** --(1) In the cases directly inquired by the State and District Level Police Complaints Authority , it may, upon completion of the inquiry, communicate its findings to the Director General of Police and the State Government with a direction to:-

- (a) register a First Information Report; and/or
- (b) initiate departmental action based on such findings, duly forwarding the evidence collected by it to the police. Such directions of the Commission shall be binding:

*Provided that* the State and District Level Police Complaints Authority , before finalising its own opinion in all such cases shall give the Director General of Police an opportunity to present the department’s view and additional facts, if any, not already in the notice of the State and District Level Police Complaints Authority ;

*Provided further that,* in such cases, the State and District Level Police Complaints Authority may review its findings upon receipt of additional information from the Director General of Police that may have a material bearing on the case.

(2) The State and District Level Police Complaints Authority may also recommend to the State Government payment of monetary compensation by the government to the victims of the subject matter of such an inquiry.

**109. Reports of the State and District Level Police Complaints Authority .** -(1) The State and District Level Police Complaints Authority shall prepare an annual report at the end of each calendar year, inter *alia*, containing:

- (a) the number and type of cases of “serious misconduct” inquired into by it;

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

(2) The annual report of the State and District Level Police Complaints Authority shall be laid before the State Legislature in the budget session and shall be a public document, made easily accessible to the public.

(3) The State and District Level Police Complaints Authority may also prepare special reports with respect to specific cases directly inquired into by it. These reports shall also be made easily accessible to the public.

**110. Interference with the functioning of the State and District Level Police Complaints Authority** . No person shall interfere with the functioning of the State and District Level Police Complaints Authority

(2).If any person interferes with the functioning of the authority such person shall be liable for punishment which may extend to a term of one year or with fine up to fifty thousand rupees or with both.

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

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

**112. Funding.** The State Government shall ensure that adequate funds are provided to the State Commission and the District Accountability Authorities for the effective performance of their functions and that the police shall not be required to provide any material or human resources to the Commission or the District Accountability Authorities for their smooth functioning.

## Chapter XV

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

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

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

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

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

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

(5) The Bureau shall interact with other government departments, public sector undertakings and other organisations to facilitate gainful employment for retired police



officers, and for the dependents of police personnel who have laid down their lives in due discharge of their duties.

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

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

**114. Insurance cover, allowances and medical facilities .** (1) The State Government shall provide adequate insurance coverage for all police personnel against any injury, disability, or death caused in the course of performance of their duty.

(2) Police officers posted in special wings, such as Counter-Terrorism Operations Units, Bomb Disposal Squads, Commando Groups etc. shall be paid risk allowance, commensurate with the risks involved in those duties.

(3) In addition to facilities as may be made available in police hospitals for general treatment and specialised services, police personnel shall also be provided with a medical insurance cover that would enable them to keep up the required standards of health and physical fitness.

(4) Facilities for stress management, including psychological counselling, to cope with professional stress, shall be given due attention in all police units and establishments.

**115. Grievance Redressal** (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 as outlined in Vol –I of the Report of the National Police Commission 1977-81, for looking into individual as well as collective grievances of police personnel, which shall be freely received and channelled upwards from all levels of the organisation.

(2) The grievances that cannot be redressed by the said mechanism shall be forwarded to the State Security Commission, which in turn, shall make appropriate recommendations to the State Government for remedial measures.

(3) An analysis of the grievances, their causes and their impact on the morale and efficiency of the Police Service shall be carried out annually. This analysis shall be included in the annual report of the State Security Commission .

**116. Working hours** -The State Government shall take effective steps to ensure that the average hours of duty of a police officer do not normally exceed eight hours a day.

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

## **Chapter XVI**

### General Offences, Penalties, and Responsibilities

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

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

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

(3) The District Superintendent or any officer not below the rank of Assistant/Deputy Superintendent of Police, on receipt of such intimation or otherwise, and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may prescribe necessary conditions including 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 should be given within 48 hours of receipt of intimation, as far as possible.

**118. Assemblies and processions violating prescribed conditions.--**(1) The District Superintendent of Police or any Police Officer not below the rank of Sub-Inspector, authorised in this behalf by the District Superintendent of Police, may stop any assembly or procession which violates the conditions set under sub-sections (1) and (3) of Section 117, and order such assembly or procession to disperse.

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

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

Any officer not below the rank of Deputy Superintendent of Police may regulate the time and the volume at which music and other sound systems are used in connection with any

performances and other activities in or near streets or any public place that cause annoyance to the residents of the neighbourhood in accordance with the provisions of Noise Pollution (Regulation and Control) Rules, 2000.

### **120. Directions to keep order on public roads**

- (1) The District Superintendent of Police or any other Police Officer duly authorized by him, through a general or special order, may take appropriate penal action against any one who refuses to comply with the directions to keep order on the public road, regulate the use of music or take out procession violating directions.
- (2) Such penal action includes simple imprisonment up to one year and fine up to fifty thousand rupees.
- (3) The above provision will be in addition to the penal action as contemplated under the Prevention of Damage to Public Property Act, 1984 and the disciplinary proceedings under the service conditions.

### **121. Damage to public property.-**

- (1) The District Superintendent of Police or any other Police Officer duly authorized by him, through a general or special order, may take appropriate penal action against any one who damages or attempts to damage public property.
- (2) Such penal action includes in a simple imprisonment up to one year and fine up to fifty thousand rupees.
- (3) The above provision will be in addition to penal action as contemplated under the Prevention of Damage to Public Property Act, 1984 and other enactments.

### **122. Power to reserve public places and erect barriers**

(1) The District Superintendent of Police may, by public notice, temporarily reserve for any public purpose any street or other public place, and prohibit the public from entering the area so reserved, except on such conditions as may be specified.

(2) (a) The District Superintendent of Police may authorize any police officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants there of for violation of any legal provisions by them.

(b) In making such order, the District Superintendent of Police shall prescribe the necessary steps for ensuring the safety of passers-by.

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

## CHAPTER-XVII

### OFFENCES AGAINST THE POLICE

**123. Obstructing the police work.** Any person, who obstructs the discharge of duties and functions of a police officer, shall, on conviction, be liable to simple imprisonment not exceeding three months or fine or both.

**124. Unauthorized use of police uniform.** Whoever, not being a member of the Police Service wears, without obtaining permission from an officer authorised in this behalf by the State Government by a general or special order, a police uniform or any dress having the appearance or bearing of any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or fine or both.

**125. False or misleading Statement made to the police.** Whoever makes a false Statement or a Statement which is misleading in material particulars to a police officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term which may extend to three months or a fine or both.

**126. Refusal to deliver up certificate etc. on ceasing to be police officers.-**Whoever, having ceased to be a police officer, does not forthwith deliver up his/her certificate of appointment, clothing, accoutrements and other wherewithal supplied to him for the execution of his duty, shall on conviction by a court of law, be liable to a fine.

## CHAPTER –XVIII

### OFFENCES BY THE POLICE

**127. Dereliction of duty by a police officer.-**

(1) Whoever, being a police officer:

(a) willfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Service; or

(b) without lawful reason, fails to register a First Information Report as required by Section 154 of the Code of Criminal Procedure, 1973; or

(c) is found in a state of intoxication, while on duty; or

(d) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or

(e) acts in any other manner unbecoming of a police officer; shall, on conviction, be punished with imprisonment for a term which may extend to three months or with a fine which may extent to five thousand rupees or both.

(2) Whoever, being a police officer:

(a) is guilty of cowardice; or

(b) abdicates duties, or withdraws from duties, or remains absent without authorisation from duty for more than 21 days; or

(c) uses criminal force against another police officer, or indulges in gross insubordination; or

(d) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything; or

(e) is guilty of sexual harassment in the course of duty, whether towards other police officers or any member of the public; shall, on conviction, be punished with imprisonment for a term which may extend to one year or with a fine which shall not be less than Rs.5,000 or both.

**128. Arrest, search, seizure and violence.-**Whoever, being a police officer:

(1) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or

(2) unlawfully and without reasonable cause seizes the property of any person; or

(3) unlawfully and without reasonable cause detains, searches, or arrests a person; or

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

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

(6) holds out any threat or promise not warranted by law; shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall be liable to fine.

**129. Offences by the public.-** (1) Any person who commits any of the following offences on any road, or street or thoroughfare, or any open place, within the limits of any area specially notified by the State Government or a Local Government for the purpose of this Section, to the inconvenience, annoyance or danger of the residents or passers-by shall, on conviction by a court, be liable to a fine:

(a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;

(b) being found intoxicated and riotous;

(c) neglecting to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession; or otherwise creating a hazardous situation in a public place;

(d) defacing, or affixing notices, or writing graffiti on walls, buildings or other structures without the prior permission of the custodian of the property;

(e) wilfully entering or remaining without sufficient cause in or upon any building belonging to the Government or land or ground attached thereto, or on any vehicle belonging to Government;;

(f) knowingly spreads rumours or causing a false alarm to mislead the police, fire brigade or any other essential service or;

(g) wilfully damaging or sabotaging any public alarm system;

(h) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;

(i) acting in contravention of a notice publicly displayed by the competent authority in any government building :

*Provided* that the police shall take cognizance of this offence only upon a complaint made by an authorised functionary of the concerned office.

(j) causing annoyance to a 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.

(2) The offences Stated above shall be cognizable and non-bailable;

(3) Whoever commits the above offences shall be liable to imprisonment for a term which may extend up to one year or with fine which may extend to Rs. 10,000 or with both;

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

**130. Procedure for posting directions and public notices.** -(1) All general directions, regulations, and public notices issued under this chapter shall be published by posting notices in the office of the District Officer, Taluk Office, Tehsil office and the concerned local self government institution and by affixing copies in conspicuous places near the building or place to which the notice specially relates, or by announcing it through media including in the web site and other media, or by any other means as the Superintendent of Police may deem fit :

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

(2) If any direction or regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye law of the local self government in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bye law.

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

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

**133. Summary disposal of certain cases.** -(1) A court taking cognizance of an offence punishable, the maximum punishment of which is less than five thousand rupees may state, upon the summons to be served to the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the court such sum as the court may specified therein.

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

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

*Provided* that notwithstanding anything contained in Section 65 of the Indian Penal Code, 1860, any person sentenced to fine under Section 133 of this Chapter may be imprisoned in default of payment of such fine, for any period not exceeding eight days.

**135. Limitation of cognizance.**

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

## **Chapter XIX**

### **SETTLEMENT OF DISPUTES THROUGH MEDIATION**

**136. Settlement of disputes through mediation.** – (1) The Director General of Police is empowered to settle disputes brought before him through mediation and pass appropriate order in agreement.

(2) Any police officer below the rank of Inspector General Police finds that the subject matter of complaint raised by the complainant and the proposed accused is of a civil nature and the parties agree for a settling of the dispute, he may refer the dispute to the Inspector General of Police and he shall pass an order accordingly.

(3) The decision taken by the Inspector General of Police shall be binding on the parties as if it is an agreement and is enforceable in any court of law.

## **Chapter XX**



## MISCELLANEOUS

**137. Powers of District Superintendent of Police to be exercised by Commissioner of Police.** All powers, functions and duties of the District Superintendent of Police described in this Act shall be exercised, in respect of areas notified under Section 56 of Chapter IX, by the Commissioner of Police or any other officer authorised in this behalf.

**138. Disposal of fees and rewards.** All fees paid for licences or written permission issued under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government:

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

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

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

**140. Register of tenants in the area.** (1) It shall be obligatory on the landlord of every building within the police station area to send a communication by registered post with acknowledgement due card to the nearest Police Station within whose jurisdiction the building let out is situated furnishing the full name, age, fathers' name, the address of the his employment, date of commencement of tenancy, the monthly rent, along with a photostat copy of the identify proof of the tenant.

(2).The said communication should be made within one month from the date of commencement of the tenancy.

Explanation. The identify proof means any document like Ration Card, Income Tax Pan Card, Driving Licence, Employment Identity Card in case of Government Employees.

(3) Each police station shall keep a register of the buildings which are occupied by tenants in their area.

(4) Any landlord who refuses to furnish such information shall be liable for punishment which may extend to fine up to ten thousand rupees in the first instance and on subsequent instances the punishment shall be simple imprisonment up to three months or with a minimum fine of ten thousand rupees.

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

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

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

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

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

(1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee than be charged there for as is prescribed by any rule under this Act in that behalf.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its 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 licence or permission relates.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a licence or written permission until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

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

**Explanation:** For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such licence or written permission has been granted.

**144. Public notices how to be given.** Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, r by advertising the same in two local newspapers which shall have wide circulation in the area in different languages

*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.

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

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

**146. Signature on notices may be stamped**

Every licence, written permission, notice, or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule there under, to bear the signature of the competent authority, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

**147. Power to make rules.** The Government may make rules for carrying out the purposes of this Act.

**148. Power to remove difficulties**

(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 appropriate legislature.

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

(a) Every rule and regulation made under this Act shall be made by notification in the Official Gazette.

(b) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

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

In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a representation to the State Government to annul, reverse, or alter the aforesaid rule or order.

**151. Repeal and saving**

(1) The Kerala Police Act, 1960 is hereby repealed.

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

(3) All references in any enactment to any of the provisions of the Act so repealed shall be construed as references to the corresponding provisions of this Act.

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